

WAC 173-184-130 Safe and effective threshold determination report. This section applies to delivering vessels conducting Rate A transfers at locations other than Class 1 facilities. The owner or operator of a delivering vessel conducting Rate A transfers must prepare a safe and effective threshold determination report that meets the requirements of this chapter. This report provides the threshold values that delivering vessels will use to determine when prebooming an oil transfer is safe for personnel and when the boom is likely to be effective at containing a spill.

(1) Format requirements. The report must include the following:

(a) Cover sheet with name of company submitting the report and point of contact information; and

(b) Table of contents including supporting documents and appendices.

(2) Content requirements. The report must include the following, at a minimum:

(a) Summary of safe and effective threshold values that includes each location at which a Rate A transfer occurs;

(b) Information used to support these values must be based on on-site environmental monitoring data recorded at specific times, dates, and locations;

(c) These values and the supporting data must address, at a minimum, the following site-specific information:

(i) Personnel safety;

(ii) Sea state values in feet including typical wave periods;

(iii) Water current velocity such as peak currents, sustained currents in hourly increments, and direction of flow, during typical oil transfer operations;

(iv) Wind speed in knots, and prevailing directions;

(v) Other conditions such as vessel traffic, fishing activities, and other factors that influence the oil transfer operation; and

(vi) Types of oil transfer operations including fueling, cargo, lightering, and others (e.g., lube oil transfers, hydraulic oil transfers); and the transfer rates involved.

(d) The owner or operators must provide a detailed analysis of the proposed threshold values for the transfer location including:

(i) Methodology of the analysis;

(ii) Equipment used to collect data; and

(iii) Supporting data, references, graphs, tables, pictures, and other relevant information. Supporting data must cover multiple years, including data recent enough to reflect existing conditions and collected no more than 10 years from the date of the safe and effective threshold determination report.

(e) Boom specifications for preboomed transfers:

(i) Type of boom (e.g., internal flotation, fence, inflatable) and total height; and

(ii) Accepted industry standards regarding the performance of boom and associated deployment equipment in various operating environments.

(f) Description of the deliverer's ability to safely deploy and retrieve boom at all transfer locations in all conditions up to and including the upper limits of the approved safe and effective thresholds;

(g) Description of how the safe and effective determination will be made for each transfer based on the conditions at the transfer location, including:

The equipment or technology used to measure on-site environmental monitoring data before and during transfers, including weather and water current conditions. Include weather stations, buoys, and other instruments used.

(h) Description of how the safe and effective threshold determination will consider whether to preboom when it is safe to do so, even if the boom is less than fully effective;

(i) Description of how the safe and effective threshold determination will be reevaluated based on changes in environmental conditions; and

(j) Description of how alternative measures will be met in the event of a spill if conditions exceed safe and effective values, including transit to the transfer location and deployment.

(3) Submittal requirements. The owner or operator of a Rate A deliverer must submit a safe and effective threshold determination report to ecology at least 120 calendar days prior to their planned date for conducting an oil transfer operation in Washington state.

One electronic copy of the report and appendices must be submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

(4) Review and approval process.

The owner or operator of a Rate A deliverer must submit the report to ecology for reapproval at least 120 calendar days prior to the report's expiration date. The owner or operator may request ecology review the report currently on file at ecology.

(a) If the report is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of report approval.

(b) Upon receipt of the report, ecology will determine whether the report is complete. If ecology determines that the report is not complete, the owner or operator will be notified of any deficiencies.

Ecology may request additional information for the report such as site specific meteorological, weather current velocity, and other monitoring data to support the report.

(c) Once the report is determined complete, ecology will make the report available for a 30 calendar day public review and comment period, which will occur within ecology's 120 calendar day review period. Ecology will accept comments on the report no later than 30 calendar days after the report has been made publicly available.

(d) Before the report's expiration date, ecology will respond with a letter approving, conditionally approving, or disapproving the report.

(e) If the report receives approval, the letter will describe the terms of approval, including expiration date. Report approval expires five years from the date on the approval letter.

(f) If the report is conditionally approved, ecology may require the delivering vessel to operate with specific restrictions until acceptable components of the report are revised, resubmitted, and approved.

(i) In the conditional approval, ecology will describe:

(A) Each specific restriction and the duration for which they apply; and

(B) Each required item to bring the report into compliance.

(ii) Restrictions may include, but are not limited to:

(A) Reducing oil transfer rates;

(B) Increasing personnel levels;

(C) Restricting operations to daylight hours or favorable weather conditions; or

(D) Additional requirements to ensure availability of response equipment.

(iii) The owner or operator has 30 calendar days after notification of conditional approval to submit revisions and implement required changes. An extension may be issued at ecology's discretion. Conditional approval expires no later than 18 months from date of notification.

(iv) Owners or operators who fail to meet conditional requirements or provide required changes in the time allowed may lose conditional approval status. Ecology may revoke its conditional approval prior to the expiration date if the owner or operator fails to meet the terms of the conditional approval.

(g) If the report is disapproved, the owner or operator must receive an explanation of the factors for disapproval. The delivering vessel must not engage in Rate A transfers until the report has been approved or conditionally approved.

(5) Report updates. Ecology may review and require changes to the report following any spill, inspection, or drill, or if ecology determines that the deliverer has frequent transfers at a location not covered by their approved report.

[Statutory Authority: RCW 88.46.160, 88.46.165, 90.56.005, 90.56.050, 90.56.200, 90.56.220, 90.56.230, and chapter 90.56 RCW. WSR 23-12-077 (Order 21-03), § 173-184-130, filed 6/6/23, effective 7/7/23. Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-184-130, filed 9/25/06, effective 10/26/06.]