

WAC 173-184-105 Equivalent compliance plan. (1) Any owner or operator may submit a proposal for equivalent compliance for the alternative measures required in WAC 173-184-115 and 173-184-120. Any owner or operator who submits a proposal must preboom or meet the alternative measures until the equivalent compliance plan is approved.

(a) Rate A (see WAC 173-184-110) deliverers may only submit an equivalent compliance plan proposal for alternative measures found in WAC 173-184-115(7).

(b) Rate B deliverers may only submit an equivalent compliance plan proposal for alternative measures found in WAC 173-184-120(2).

(2) The proposal must contain the following and in the order presented:

(a) Cover sheet with name of company seeking equivalent compliance and point of contact information;

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

(c) Executive summary of the equivalent proposal;

(d) A detailed description of the equivalent proposal that includes, when appropriate, the equipment, personnel, operating procedures, and maintenance systems and any other alternatives that are being proposed;

(e) A detailed analysis of how the proposal offers equivalent or greater level of protection as compared to the requirements in this chapter. This includes:

(i) Methodology of the analysis;

(ii) Detailed results with supporting data, references, graphs, tables, pictures, and other relevant information; and

(iii) Technical feasibility of proposal versus current requirements.

(3) Submission timeline of proposed equivalent compliance plan. The owner or operator must submit the equivalent compliance proposal to ecology at least one hundred twenty calendar days before planned operation under this section.

(a) Ecology will make the proposal available for a thirty-calendar-day public review and comment period;

(b) Ecology may request additional information regarding any aspect of the proposal such as site-specific meteorological, water current velocity, and other monitoring data to support the proposal;

(c) Ecology will respond to the owner or operator within ninety calendar days of receipt of the proposal with a letter approving, conditionally approving, or disapproving the proposal; and

(d) The approval will be valid for no more than five years from the date on the approval letter.

(4) Approval of proposed equivalent compliance plan. Ecology may approve the equivalent compliance proposal if, based upon the documents submitted and other information available to the agency, it finds that:

(a) The equivalent compliance proposal is complete and accurate; and

(b) The equivalent compliance proposal would provide an equivalent or greater level of environmental protection as the alternative measures required in WAC 173-184-115 and 173-184-120.

(5) Ecology may reconsider an approval, or conditional approval, at any time after a response to a significant oil spill by the company.

(6) The owner or operator must submit one paper copy and one electronic copy of the proposal to ecology:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Equivalent Compliance Review
P.O. Box 47600
Olympia, WA 98504-7600
Or

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Equivalent Compliance Review
300 Desmond Drive
Lacey, WA 98503

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW.
WSR 06-20-034 (Order 06-02), § 173-184-105, filed 9/25/06, effective
10/26/06.]