

WSR 24-24-032
INTERPRETIVE AND POLICY STATEMENT
BOARD OF
PILOTAGE COMMISSIONERS

[Filed November 25, 2024, 9:02 a.m.]

POLICY AND INTERPRETIVE STATEMENT

REGARDING: Definition of "oil" further defined.

It is the policy of the board of pilotage commissioners (board) to affirm the definition of oil as included in the interpretive statement of ESHB 1578 terms as follows:

It is the interpretation of the board that, as per RCW 90.56.010 (19)⁶, the definition of "oil" or "oils" means "oil of any kind that is liquid at twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils (see note 2 below) and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. 302 adopted August 14, 1989, under section 102(a) of the federal comprehensive 5 33 C.F.R. § 161.55 (2019) 6 Oil and Hazardous Substance Spill Prevention and Response, 90.56, R.C.W. § 010 (2015) Figure 1 Rosario Strait (red) and Connected Waterways East (blue) Adopted in regular session on September 17, 2020, by the State of Washington Board of Pilotage Commissioners. environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499." Notes: (1) The board considers diluted bitumen to be a part of this definition; (2) The board considers biological oils to include: "fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels" in alignment with Federal Regulations.

It is further the policy of the board that the definition of oil as it pertains to tug escort requirements pursuant to RCW 88.16.090 in the Puget Sound or Grays Harbor pilotage district does not include the following substances: Glycol, Polypropylene Tetramer, or *Nonene.

* Nonene doesn't show up on the CERCLA hazardous substance list, therefore it doesn't have a clear exclusion from the definition of oil. It would come down to how it is derived, and whether it met the "any fractionation thereof" requirement. If it was synthetically reduced from the alkane (nonane) it would be excluded and not an oil. If it were isolated through fractional distillation, then it could meet the "any fractionation thereof" requirement and be included as an oil.

⁶ Oil and Hazardous Substance Spill Prevention and Response, 90.56, R.C.W. § 010 (2015)