

prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6).

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty annual payments.

(b) Each prize that has a cash value of more than \$250,000 but less than \$500,000 shall, at the discretion of the director, be paid either in ten annual payments or twenty annual payments.

(c) Each prize that has a cash value of \$250,000 or less shall be paid in a single payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

[Statutory Authority: RCW 67.70.040. 93-03-008, § 315-34-040, filed 1/8/93, effective 2/8/93; 92-11-033, § 315-34-040, filed 5/15/92, effective 6/15/92; 92-07-014, § 315-34-040, filed 3/6/92, effective 4/6/92; 90-19-048, § 315-34-040, filed 9/14/90, effective 10/15/90.]

Title 317 WAC

MARINE SAFETY, OFFICE OF

Chapters

- 317-01** General information.
- 317-02** Public access to information and records.
- 317-03** Regional marine safety committees.
- 317-05** Definitions.
- 317-10** Vessel contingency plan and response contractor standards.
- 317-20** Oil spill prevention plans.
- 317-30** Cargo and passenger vessel screening rules.
- 317-100** SEPA procedures.

Chapter 317-01 WAC

GENERAL INFORMATION

WAC

- | | |
|------------|---------------------|
| 317-01-010 | Description. |
| 317-01-020 | Address of office. |
| 317-01-030 | Location of office. |

WAC 317-01-010 Description. The office of marine safety was established by the legislature in 1991 to promote marine safety and to protect this state's natural resources.

[Statutory Authority: Chapter 88.46 RCW. 93-11-004, § 317-01-010, filed 5/5/93, effective 6/5/93.]

WAC 317-01-020 Address of office. Persons wishing to obtain information or to make submissions or requests of any kind shall address their correspondence to:

Office of Marine Safety
P.O. Box 42407
Olympia, WA 98504-2407

[Statutory Authority: Chapter 88.46 RCW. 93-11-004, § 317-01-020, filed 5/5/93, effective 6/5/93.]

WAC 317-01-030 Location of office. Persons wishing to come to the office may come to:

Office of Marine Safety
Marina View Building
711 State Avenue NE, 2nd Floor
Olympia, WA 98506

[Statutory Authority: Chapter 88.46 RCW. 93-11-004, § 317-01-030, filed 5/5/93, effective 6/5/93.]

Chapter 317-02 WAC

PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC

- | | |
|------------|--|
| 317-02-010 | Public records. |
| 317-02-020 | Definitions. |
| 317-02-030 | Public records available. |
| 317-02-040 | Public records officer. |
| 317-02-050 | Requests for public records. |
| 317-02-060 | Availability for public inspection and copying of public records—Office hours. |
| 317-02-070 | Inspection and copying cost. |
| 317-02-080 | Exempted records. |
| 317-02-090 | Denial of request. |
| 317-02-100 | Review of denials of public record requests. |
| 317-02-110 | Records index. |
| 317-02-120 | Availability. |

WAC 317-02-010 Public records. The purpose of this chapter shall be to ensure compliance by the office of marine safety with the provisions of RCW 42.17.250 through 42.17.340 dealing with public records.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-010, filed 5/5/93, effective 6/5/93.]

WAC 317-02-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any govern-

mental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of fiscal form or characteristic.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films, magnetic punchcards, discs, drums, and other documents.

(3) "Office" means the office of marine safety.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-020, filed 5/5/93, effective 6/5/93.]

WAC 317-02-030 Public records available. All records of the office of marine safety as defined in WAC 317-02-020 are deemed available for public inspection and copying pursuant to these rules, except as provided in WAC 317-02-080.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-030, filed 5/5/93, effective 6/5/93.]

WAC 317-02-040 Public records officer. The office of marine safety shall designate a public records officer. The person so designated shall be officed in the Marina View Building, 711 State Avenue NE, 2nd Floor, Olympia, Washington. The public records officer shall be responsible for implementation of the office's rules and regulations regarding release of public records, coordinating staff efforts of the office in this regard and generally ensuring compliance of the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-040, filed 5/5/93, effective 6/5/93.]

WAC 317-02-050 Requests for public records. Subject to the provisions of subsection (3) of this section, public records are obtainable by members of the public when those members of the public comply with the following procedures.

(1) A written request shall be addressed to the public records officer. Such request shall include the following:

(a) The name of the person requesting the record.

(b) The time of day and calendar date on which the request was made.

(c) If the matter requested is referenced within the current index maintained by the office, a reference to the requested record as it is described in such current index.

(d) If the requested matter is not identifiable by reference to the office's current index, a statement that identifies the specific record requested.

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the member of the public making the written request whether the requested record is available for inspection and copying at Olympia, Washington.

(3) When it appears that a request for records is made by or on behalf of a party to a lawsuit or a controversy to which the office is also a party (or when such a request is made by or on behalf of an attorney for such a party) the

request shall be referred to the assistant attorney general assigned to the office for appropriate response.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-050, filed 5/5/93, effective 6/5/93.]

WAC 317-02-060 Availability for public inspection and copying of public records—Office hours. Public records shall be available for inspection and copying during the normal business hours of the office of marine safety. For the purposes of this chapter, the normal office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-060, filed 5/5/93, effective 6/5/93.]

WAC 317-02-070 Inspection and copying cost. (1) No fee shall be charged for inspection of public records.

(2) The office of marine safety shall impose a reasonable charge for providing copies of public records and for the use by any person of office equipment to copy records; such charges shall not exceed the amount necessary to reimburse the office for its actual costs incident to such copying. Actual costs shall include the labor costs of staff, machine cost, and paper cost necessary to provide copies of requested records.

(3) Copying of public documents will normally be done by the office of marine safety personnel.

(4) No document shall be physically removed by a member of the public from the area designated by the office of marine safety for the public inspection of documents for any reason whatsoever.

(5) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the office of marine safety shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by section 31, chapter 1, Laws of 1973, as amended, is contained therein, and the office shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-070, filed 5/5/93, effective 6/5/93.]

WAC 317-02-080 Exempted records. In accordance with RCW 42.17.310, the following personal and other records shall be exempt from public inspection and copying:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(4) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(5) Information revealing the identity of persons who file complaints with investigative law enforcement or penology agencies, except as the complainant may authorize.

(6) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(7) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(8) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(9) Preliminary drafts, notes, recommendations, and intra-office memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(10) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(11) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(12) The residential addresses and residential telephone numbers of the employees or volunteers of a public agency which are held by the office in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(13) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(14) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(15) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for:

(a) A ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; or

(b) Highway construction or improvement as required by RCW 47.28.070.

(16) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption

shall be construed to permit the nondisclosure of statistical information not descriptive of any readily unidentifiable person or persons.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-080, filed 5/5/93, effective 6/5/93.]

WAC 317-02-090 Denial of request. Each denial of a request for a public record shall be accompanied by a written statement to the person requesting the record clearly specifying the reasons for denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the director or his or her designee to review the denial in accordance with WAC 317-01-100.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-090, filed 5/5/93, effective 6/5/93.]

WAC 317-02-100 Review of denials of public record requests. (1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying a public record, if the public records officer determines to affirm the denial, then the written request shall immediately be referred to the assistant attorney general assigned to the office. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-100, filed 5/5/93, effective 6/5/93.]

WAC 317-02-110 Records index. (1) The office shall make available to all persons at its offices in Olympia, a current index which provides identifying information as to the following records issued, adopted, or promulgated by the office:

(a) Those statements of policy and interpretations of policy, statute, and the constitution which have been adopted by the office;

(b) Administrative staff manuals and instructions to staff that affect a member of the public;

(c) Planning policies and goals, and interim and final planning decisions;

(d) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others.

(2) A system of indexing for identification and location of the following records is hereby established by the office:

(a) Final orders entered after June 30, 1990, issued in adjudicative proceedings as defined in RCW 34.05.010(1) that contain an analysis or decision of substantial importance to the office in carrying out its duties.

(b) Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the office in carrying out its duties.

(c) Interpretive statements as defined in RCW 34.05.010(8).

(d) Policy statements entered after June 30, 1990, as defined in RCW 34.05.010(14).

(3) A system of indexing shall be as follows:

(a) The indexing system will be administered by the office's rules coordinator and located in the Marina View Building, Olympia, Washington.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The rules coordinator shall establish and maintain a separate index for each item contained in subsection (2)(a) through (d) of this section as follows:

(i) The index shall list all final orders and declaratory orders selected by the office that contain decisions of substantial importance to the office which orders shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the issue or issues and relevant citations of law.

(ii) Interpretive statements and policy statements shall be indexed by the applicable program administered by the office.

(d) The rules coordinator shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the office.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-110, filed 5/5/93, effective 6/5/93.]

WAC 317-02-120 Availability. The current index promulgated by the office shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-120, filed 5/5/93, effective 6/5/93.]

Chapter 317-03 WAC

REGIONAL MARINE SAFETY COMMITTEES

WAC

317-03-010 Regional marine safety committees.
317-03-020 Regional marine safety plans.

WAC 317-03-010 Regional marine safety committees. (1) There are hereby established four regional marine safety committees:

(a) Strait of Juan de Fuca/northern Puget Sound which includes all waters north of Tatoosh Island located at 48 degrees 23' north, and all waters in the Strait of Juan de Fuca from Tatoosh Island easterly to Pt. Partridge located at the entrance to Admiralty Inlet including Sequim Bay and Discovery Bay, and southerly through Admiralty Inlet to a

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line bearing due west true from Double Bluff Light to Olele Pt., and all Washington state waters to the north of Pt. Partridge including the eastern part of the Strait of Juan de Fuca and all state waters of the San Juan Islands including Haro Straits, Boundary Pass, Rosario Straits, Fidalgo Bay, Padilla Bay, Samish Bay, Bellingham Bay, Hale Pass, and Lummi Bay along with Washington state waters in the Straits of Georgia up to the International Border line between Canada and the United States at 49 degrees north latitude including Birch Bay, Semiahmoo Bay, and Drayton Harbor.

(b) Southern Puget Sound which includes all state waters south of a line drawn due west true from Double Bluff Light to Olele Pt., and all state waters inside of the entrance to Deception Pass located on the northwest tip of Whidbey Island at latitude 48 degrees 24' north longitude 122 degrees 40' west including Similk Bay and from the North entrance of the Swinomish Channel at the Highway Bridge south through Skagit Bay including Crescent Harbor and Penn Cove down through Saratoga Passage into Possession Sound to Possession Pt. including Port Susan and Everett Harbor.

(c) Grays Harbor/Pacific Coast which includes all coastal waters including all bays, harbors, and rivers navigable by seagoing vessels west of the northern extremity of Tatoosh Island at latitude 48 degrees 23' north and running southeasterly to the southern extremity of Cape Disappointment at latitude 46 degrees 16' north.

(d) Columbia River which includes all state navigable waters east of the Columbia River Demarcation Line. The Demarcation Line is a line drawn from the seaward extremity of the Columbia River North Jetty (above water) 155 true to the seaward extremity of the Columbia River South Jetty (above water). The eastern boundary shall extend upstream on the main tributary of the Columbia to the cities of Pasco, Kennewick, and Richland located in Washington, including the Port of Benton port facilities, inclusive of the north and south contiguous banks of Washington and Oregon respectively of the Columbia River (bank to bank). This boundary is inclusive of the Willamette River from the mouth of the Oregon City Falls but exclusive of the Snake River. This is a joint committee with the state of Oregon.

(2) Each committee shall be comprised of six persons appointed by the administrator for a term of three years. The Columbia River committee will be appointed jointly with the state of Oregon.

(3) Each committee shall be responsible for planning for the safe navigation and operation of tankers, barges, and other vessels within each region.

(4) The administrator or his or her designee shall chair each of the regional committees.

[Statutory Authority: RCW 88.46.110. 93-11-002, § 317-03-010, filed 5/5/93, effective 6/5/93.]

WAC 317-03-020 Regional marine safety plans. (1) Each committee shall prepare a regional marine safety plan encompassing all vessel traffic within the region. The plans shall consider:

(a) Requirements for tug escorts and speed limits for tankers and other commercial vessels;

(b) A review and evaluation of the adequacy of and any change in:

- (i) Anchorage designations and sounding checks;
- (ii) Communications systems;
- (iii) Commercial and recreational fishing, recreational boaters, and other small vessel congestion in shipping lanes; and

(iv) Placement and effectiveness of navigational aids, channel design plans, and traffic routings from port construction and dredging projects;

(c) Procedures for routing vessels during emergencies that impact navigation;

(d) Management requirements for vessel control bridges;

(e) Special protection for environmentally sensitive areas;

(f) Suggested mechanisms to ensure that the provisions of the plan are fully and regularly enforced; and

(g) A recommendation as to whether establishing or expanding vessel traffic safety systems within the regions is desirable.

(2) Each regional marine safety plan shall be submitted to the office for approval within one year after the regional marine safety committee is established.

(3) The office shall review the plans for consistency with the rules and guidelines and shall approve the plans or give reasons for their disapproval.

(4) Upon approval of a plan, the office shall implement those elements of the plan over which the state has authority. If federal authority or action is required, the office shall petition the appropriate agency or congress.

(5) The Coast Guard, the Federal Environmental Protection Agency, the Army Corps of Engineers, and the Navy shall be invited to attend the meetings of each regional marine safety committee.

(6) Each committee shall establish subcommittees to involve all interested parties in the development of the plans.

(7) The plan of each committee, when submitted to the administrator, shall include a summary of public comments as well as any minority reports and recommendations.

(8) Not later than July 1st of each even-numbered year, each regional marine safety committee shall report its findings and recommendations to both the marine oversight board established in RCW 90.56.450 and the office concerning vessel traffic safety in its region and any recommendations for improving tanker, barge, and other vessel safety in the region by amending the regional marine safety plan. The regional committees shall also provide technical assistance to the marine oversight board.

(9) The regional safety committees shall recommend to the office the need for, and the structure and design of, an emergency response system for the Strait of Juan de Fuca and the Pacific Coast.

(10) The regional marine safety committees shall study federal requirements for tow equipment for barges carrying oil in bulk. The committees shall review standards for: Wire rope specifications, catenary, the design of related on-board equipment, number of cables, back-up or barge retrieval systems in case of cable break, and the operation, maintenance, and inspection of cables and other tow equipment. The committees shall submit their report to the office within one year after the committees are established.

[Statutory Authority: RCW 88.46.110, 93-11-002, § 317-03-020, filed 5/5/93, effective 6/5/93.]

Chapter 317-05 WAC

DEFINITIONS

WAC

317-05-010	Application.
317-05-020	Definitions.
317-05-030	Computation of time.

WAC 317-05-010 Application. The definitions in this section apply throughout this Title unless it is expressly stated, or context clearly requires, otherwise.

[Statutory Authority: RCW 43.211.030, 88.46.010, 88.46.040 and 88.46.050, 93-07-004, § 317-05-010, filed 3/4/93, effective 4/4/93.]

WAC 317-05-020 Definitions. (1) "Administrator" means the administrator of the office of marine safety.

(2) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred gross tons or more, including but not limited to, commercial fish processing vessels and freighters.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(8)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Retail motor vehicle motor fuel outlet;

(iii) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330;

(iv) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or

(v) A stationary marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(9) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(10) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide, or are used presently, have been used in the past, or may be susceptible for use to

transport intrastate, interstate, or foreign commerce, or any of these factors.

(11) "Office" means the office of marine safety.

(12) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302 adopted August 14, 1989, under section 101(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility, as defined in subsection (8) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility as defined in subsection (9) of this section.

(14) "Onshore facility" means any facility, as defined in subsection (8) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means:

(i) In the case of a vessel, any person owning, operating, or chartering by demise (bareboat charter), the vessel;

(ii) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(iii) In the case of an abandoned vessel, onshore, or offshore facility, the person who owned or operated the vessel, anchor or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, ship, or any other entity whatsoever.

(18) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(19) "Spill" means an unauthorized discharge of oil into the waters of the state.

(20) "State waters" means the navigable waters of the state.

(21) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

A ship is constructed or adapted to carry oil in bulk as cargo or cargo residue if authorized to do so under the ship's certification. A vessel carries oil as cargo or cargo residue

if the oil is carried for dispensing to other vessels or equipment off the vessel, or for delivery from point to point, regardless of whether direct compensation for carriage is involved. A vessel being used to collect spilled oil from the water, and may have some recovered oil storage capacity, does not carry oil as cargo.

[Statutory Authority: RCW 43.211.030, 88.46.010, 88.46.040 and 88.46.050. 93-07-004, § 317-05-020, filed 3/4/93, effective 4/4/93.]

WAC 317-05-030 Computation of time. In computing a period of time established by these rules, the day of the act, incident, or default which starts the period prescribed is not included. If the last day of the period falls on a Saturday, Sunday, or legal holiday, the period is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. Days run from midnight to midnight except for the last day of the period which ends at the close of business on that day.

[Statutory Authority: RCW 43.211.030, 88.46.010, 88.46.040 and 88.46.050. 93-07-004, § 317-05-030, filed 3/4/93, effective 4/4/93.]

Chapter 317-10 WAC

VESSEL CONTINGENCY PLAN AND RESPONSE CONTRACTOR STANDARDS

WAC

317-10-035	Applicability.
317-10-060	Plan submittal.

WAC 317-10-035 Applicability. (1) Oil spill response, cleanup, and disposal contingency plans must be prepared, submitted, and used, pursuant to requirements in this chapter, for:

(a) Tank vessels; and

(b) Cargo vessels and passenger vessels of three hundred or more gross tons operating on waters of the state.

(2) Federal plans required under 33 C.F.R. 154, 40 C.F.R. 109, 40 C.F.R. 110, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if the office deems that such federal requirements possess approval criteria which equal or exceed those of the office.

(3) Response contractors must be approved by the office before they may serve as primary response contractors for a vessel contingency plan.

(4) For those sections of contingency plans which address liquefied petroleum gases, the office may excuse plan holders from meeting requirements in this chapter that are not applicable to spill response for liquefied petroleum gases due to their physical properties.

[Statutory Authority: Chapter 43.211 RCW. 93-14-096, § 317-10-035, filed 7/1/93, effective 8/1/93. Statutory Authority: ESHB 1027. 91-22-086, § 317-10-035, filed 11/5/91, effective 1/1/92.]

WAC 317-10-060 Plan submittal. (1)(a) Plans for tank vessels of three thousand gross tons or more shall be submitted to the office within six months after adoption of this chapter.

(b) All other covered vessels shall submit plans to the office within eighteen months after adoption of this chapter.

(2)(a) Any covered vessel that first begins operating after the adoption of this chapter shall submit a plan to the office at least sixty-five calendar days prior to the beginning of operations in Washington waters, with the exception of covered vessels which fall under the jurisdiction of the Washington maritime commission pursuant to chapter 88.44 RCW, as amended by sections 901 through 907, chapter 200, Laws of 1991.

(b) Covered vessels which fall under the jurisdiction of the Washington maritime commission pursuant to chapter 88.44 RCW, as amended by sections 901 through 907, chapter 200, Laws of 1991, shall be incorporated into the maritime commission contingency plan pursuant to WAC 317-10-080.

(3) Three copies of the plan and appendices shall be delivered to:

Contingency Plan Review
Washington Office of Marine Safety
P.O. Box 42407
Olympia, WA 98504-2407

(4)(a) Tank vessel plans may be submitted by:

(i) The tank vessel owner or operator;
(ii) The owner or operator of a facility where the tank vessel unloads cargo, in conformance with requirements under WAC 317-10-050(1); or

(iii) A primary response contractor approved by the office pursuant to WAC 317-10-090, in conformance with requirements under WAC 317-10-050(1).

(b) Cargo and passenger vessel plans may be submitted by:

(i) The vessel owner or operator;
(ii) The agent for the vessel, in conformance with requirements under WAC 317-10-050(1); or
(iii) A response contractor approved by the office pursuant to WAC 317-10-090, in conformance with requirements under WAC 317-10-050(1).

(c) Plans for covered vessels which fall under the jurisdiction of the Washington maritime commission pursuant to chapter 88.44 RCW, as amended by sections 901 through 907, chapter 200, Laws of 1991, may be submitted by the Washington maritime commission, in conformance with requirements under WAC 317-10-050(1).

(5) A single plan may be submitted for multiple vessels of the same vessel type, provided that the plan contents meet the requirements in this chapter for each vessel listed.

(6) An owner, operator, or plan submitter may request information contained in an oil spill contingency plan be protected from public disclosure. The request must be made in a letter to the administrator and signed by the owner, operator, or plan submitter making the request. The information to be protected must be identified clearly by plan section, page number, paragraph, and, if possible, sentence. In addition to identifying the information to be protected, the request must also identify the legal basis justifying that request.

(7) The owner, operator, or plan submitter is solely responsible for all costs incurred, including reasonable attorney fees, in defending any action for public disclosure brought under chapter 42.17 RCW. In addition, the owner, operator, or plan submitter may bring an injunctive action pursuant to RCW 42.17.350.

(8) If the office receives a request for public disclosure of information that an owner, operator, or plan submitter has requested protection, the office will:

(a) Notify the owner, operator, or plan submitter when a request is made;

(b) Notify the owner, operator, or plan submitter of any proceedings initiated to compel disclosure; and

(c) Withhold the information until released by the owner, operator, or plan submitter or until a court order requires disclosure.

[Statutory Authority: Chapter 88.46 RCW. 93-11-001, § 317-10-060, filed 5/5/93, effective 6/5/93. Statutory Authority: ESHB 1027. 91-22-086, § 317-10-060, filed 11/5/91, effective 1/1/92.]

Chapter 317-20 WAC OIL SPILL PREVENTION PLANS

WAC

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WAC 317-20-010 Purpose. This chapter establishes oil spill prevention plan requirements for tank vessels to:

- (1) Improve marine safety in the state's waters;
- (2) Reduce the risk of an oil spill;
- (3) Provide the best achievable protection of the state's waters, and natural resources from oil spills; and
- (4) Encourage the development and use of new or improved technology and procedures designed to increase marine safety and protection of the state's natural resources.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-010, filed 3/4/93, effective 4/4/93.]

WAC 317-20-020 Application. (1) Other than vessels that meet the exception in RCW 88.46.080 (2)(c), a tank vessel may not operate in state waters unless the vessel's

owner or operator complies with this chapter and any order issued by the office in administering this chapter.

(2) An oil spill prevention plan approved by the office binds the owner, operator, or charterer by demise (bareboat charterer) of a tank vessel covered by the plan, and their successors, assigns, agents, and employees.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-020, filed 3/4/93, effective 4/4/93.]

WAC 317-20-025 Successive plans. An owner or operator may at any time submit a new complete plan for review and approval under this chapter that revokes the prior plan for that vessel.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-025, filed 3/4/93, effective 4/4/93.]

WAC 317-20-030 Duties. An owner or operator of a tank vessel shall:

(1) Ensure that an approved oil spill prevention plan remains current and accurately represents the owner's or operator's policies, procedures, and practices;

(2) Update the approved plan annually if necessary;

(3) Make the vessel available during its scheduled stay in port for inspection if requested by the office; and

(4) Supply information or documents requested by the office to complete a submitted plan, or to clarify or confirm information presented in the plan.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-030, filed 3/4/93, effective 4/4/93.]

WAC 317-20-040 Definitions. Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this chapter:

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection available. The administrator's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

(a) The additional protection provided by the measures;

(b) The technological achievability of the measures; and

(c) The cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration:

(a) Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; and

(b) Processes that are currently in use. In determining what is best achievable technology, the administrator shall consider the effectiveness, engineering, feasibility, and commercial availability of the technology.

(3) "Document" means a record including any printed or written paper, completed form, bound record book, log, photograph, film, sound recording, drawing, machine-readable material, or other recording device regardless of nature or characteristics.

(4) "Fleet" means more than one tank vessel operated by the same owner or operator.

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(5) "Human performance measures" mean an owner's or operator's policies, procedures, and practices that minimize the potential for human error in vessel maintenance and operation, and the handling of oil.

(6) "Proficient in English" means the ability to communicate in the English language to adequately interact with municipal, state, and federal authorities, and personnel from other vessels and facilities to safely complete a vessel operation.

(7) "Training" means instruction, materials, and procedures, formal and informal, beyond minimum applicable crew licensing and documentation requirements, including shipboard materials, practical exercises, drills, on-the-job training, and other measures to ensure a capable and knowledgeable staff.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-040, filed 3/4/93, effective 4/4/93.]

WAC 317-20-050 Plan submission. (1) An owner or operator shall submit three copies of an oil spill prevention plan to the office. Each copy must be in the format and contain the information required in WAC 317-20-150.

(2) An owner or operator may submit a combined oil spill contingency plan and oil spill prevention plan. Six copies of the combined plan must be submitted to the office. Information that fulfills both the requirements of this chapter and chapter 317-10 WAC need not be repeated but must be clearly cross referenced either in the body of the plan or in the cover letter required in subsection (5) of this section. Information that fulfills either the requirements of this chapter or the requirements of chapter 317-10 WAC, but not both, must be clearly distinguished.

(3) An owner or operator may submit a plan for a fleet of tank vessels. The plan must provide information unique to each class of vessel in separate appendices. A class of vessel is a class described in Table 2.01-7(a) of Title 46 of the Code of Federal Regulation, Part 1, and applicable to a tank vessel as defined in WAC 317-20-020.

(4) An owner or operator may submit a prevention plan prepared under federal law or the laws of another state if the plan contains the information required by this chapter. The information contained in the plan must be clearly cross referenced with the applicable provisions of this chapter in the cover letter required in subsection (5) of this section.

(5) Each plan submitted must contain a cover letter identifying:

(a) The owner or operator by name, principle place of business, mailing address, and telephone number;

(b) The vessel for which the plan is submitted; and

(c) The name, address, and telephone number of a person designated by the owner or operator to be contacted for matters concerning the plan.

(6) An owner or operator may request an extension of time to comply with a deadline imposed in this chapter or by the office. The office will grant extensions for good cause.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-050, filed 3/4/93, effective 4/4/93.]

WAC 317-20-055 Review process. The office's review of an oil spill prevention plan comprises three steps. The first step is to determine whether the plan is complete.

The second step is to determine whether a complete plan demonstrates minimum compliance. The third step is to approve a complete plan that demonstrates best achievable protection.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-055, filed 3/4/93, effective 4/4/93.]

WAC 317-20-060 Plan completeness. (1) When an oil spill prevention plan is received, the office will determine whether the plan is complete or incomplete. If the plan is incomplete, the owner or operator will be notified within sixty days from the date of receipt. If the plan is complete, the office will start its review for minimum compliance and approval under this chapter.

(2) If information required under this chapter is not applicable to the covered vessel, the owner or operator shall identify the specific provision requiring the information, state "not applicable," and provide a brief explanation of why the provision is not applicable.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-060, filed 3/4/93, effective 4/4/93.]

WAC 317-20-065 Verification of minimum compliance. (1) The office will issue a verification of minimum compliance for an oil spill prevention plan that demonstrates compliance with the minimum operating standards in WAC 317-20-140. The verification is valid until the plan is approved or disapproved.

(2) Once a verification of minimum compliance has been issued, the owner or operator, and the owner or operator's successors, assigns, agents, and employees are bound to comply with the standards for tank vessel operations under WAC 317-20-140.

(3) Other than the standards in WAC 317-20-140, an owner or operator, and the owner or operator's successors, assigns, agents, and employees are not bound to or by any other information contained in a plan for which a verification of compliance has been issued.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-065, filed 3/4/93, effective 4/4/93.]

WAC 317-20-066 Best achievable protection. (1) The office will review oil spill prevention plans submitted under this chapter to determine what measures comprise best achievable protection from oil spills. The office will amend this chapter to include those measures after public notice and providing interested parties an opportunity to be heard.

(2) After this chapter is amended, an owner or operator has six months to submit an amended plan or a new plan to conform to the office's determination of best achievable protection.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-066, filed 3/4/93, effective 4/4/93.]

WAC 317-20-070 Plan approval. (Reserved.)

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-070, filed 3/4/93, effective 4/4/93.]

WAC 317-20-080 Failure to comply—Plan disapproval. (1) An owner or operator of a tank vessel shall

comply with the requirements of this chapter, the approved oil spill prevention plan for the vessel, and any order issued by the office in administering this chapter. If an owner or operator fails to comply with an order, the office may take the following administrative actions:

- (a) Disapprove the plan;
- (b) Restrict the tank vessel's movements or operations in state waters, or both;
- (c) Assess civil and criminal penalties under RCW 88.46.080 and 88.46.090; or
- (d) Deny entry into state waters.

(2) An owner or operator subject to administrative action under this section may request reconsideration of the action in writing. The request must be received by the office no later than fourteen days after the office issues the notification of the action.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-080, filed 3/4/93, effective 4/4/93.]

WAC 317-20-090 Immediate administrative action. If the administrator believes that the condition or operation of a tank vessel requires immediate administrative action to accomplish the purposes of this chapter, the administrator may issue an emergency order under WAC 317-20-080(1) requiring immediate compliance.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-090, filed 3/4/93, effective 4/4/93.]

WAC 317-20-100 Waivers. (1) The office may waive specific requirements under this chapter if an owner or operator submits an application for waiver demonstrating that:

(a) Complying with a requirement would be unduly burdensome and there is an alternative to strict compliance that meets the purposes for which the requirement was adopted; or

(b) There is a legal basis to support the waiver.

(2) An owner or operator requesting a waiver under subsection (1)(b) of this section shall clearly identify:

(a) The provision of this chapter requiring the information;

(b) The legal basis to support the waiver; and

(c) A general description of the information and the location of the information.

(3) The office will waive application of this chapter to a vessel certificated as a tank vessel if the owner or operator submits a waiver application stating that the vessel:

(a) Is not used, and will not be used, to carry oil in bulk as cargo or cargo residue; or

(b) Is not carrying oil in bulk as cargo and is destined to a marine facility for repairs.

(4) A waiver granted under this section is valid until the vessel is used to carry oil in bulk as cargo or cargo residue but in no instance for more than five years unless an extension is granted by the office prior to its expiration date.

(5) The office may condition a waiver and a waiver extension to ensure the best achievable protection of the state's natural resources and marine safety.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-100, filed 3/4/93, effective 4/4/93.]

WAC 317-20-110 Information protected from public disclosure. (1) An owner or operator may request that information contained in an oil spill prevention plan be protected from public disclosure. The request must be made in writing to the administrator and identify the legal basis to support the request. The information to be protected must be identified clearly by plan section, page number, paragraph, and, if possible, sentence.

(2) The owner or operator is solely responsible for all costs incurred, including reasonable attorney fees, in defending against any action for public disclosure brought under chapter 42.17 RCW. The owner or operator may seek injunctive relief under RCW 42.17.350. If the office receives a request for public disclosure of information for which an owner or operator has requested protection, the office will:

(a) Notify the owner or operator when a request is made;

(b) Notify the owner or operator of any proceedings initiated to compel disclosure; and

(c) Withhold the information until released by the owner or operator or until a court order requires disclosure.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-110, filed 3/4/93, effective 4/4/93.]

WAC 317-20-120 Plan update. (1) If there is a significant change affecting an oil spill prevention plan, the vessel's owner or operator shall notify the office in writing immediately on request by the office. If no request is made, the owner or operator shall notify the office in writing no later than sixty days after the significant change occurs. The notice must briefly summarize the significant change or changes.

(2) A significant change occurs when there is a change in the following that renders information provided in the plan inaccurate:

(a) Manning levels;

(b) Crew training and qualifications beyond those required by the vessel's flag nation;

(c) The configuration of navigation and cargo systems described in WAC 317-20-220 (1)(a) and (b);

(d) Preventive maintenance inspections under WAC 317-20-210(1);

(e) The flag nation of a vessel;

(f) The vessel's name;

(g) The vessel's owner, operator, or representative;

(h) The checklists provided under WAC 317-20-240; or

(i) The cargo or grade of cargo the vessel is authorized to carry by its flag nation.

(3) Each year after a plan is approved, owners and operators shall submit a plan update in the form of an amendment if necessary to make the plan current and accurate.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-120, filed 3/4/93, effective 4/4/93.]

WAC 317-20-130 Notice of entry. (1) A tank vessel owner or operator shall submit a notice of entry to the office by telephone or telefax at least twenty-four hours before the vessel enters state waters. The owner or operator who submits an advanced notice of arrival to the United States

Coast Guard, Thirteenth District, that contains the information required by subsections (2) and (3) of this section need not provide the advance notice of entry to the office required by subsection (1) of this section.

(2) An owner or operator shall submit the following information in the notice of entry;

(a) The vessel's name, country of registry, type, call sign, and official number of the vessel;

(b) The name, mailing address, telefax number, and telephone number for immediate contact of the owner or operator, or representative;

(c) The name of the person submitting the notice of entry;

(d) The estimated date, time, and point of entry into state waters by the vessel;

(e) Intended berths or anchorages in Washington;

(f) Last and next port of call;

(g) The amount and type of bunker or cargo, or both, that will be transferred;

(h) Expected pilotage, tug escort, lightering, or other assistance beyond that required by federal or state law;

(i) The operational deficiencies of the vessel's primary and auxiliary navigation, propulsion, or cargo containment and transfer systems; and

(j) Identification of the contingency plan covering the vessel under Washington law.

(3) If an owner or operator is unable to provide notice twenty-four hours prior to arrival as required by subsection (1) of this section, the owner or operator shall give notice to the office as soon as practicable and shall include an explanation for the delay.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-130, filed 3/4/93, effective 4/4/93.]

WAC 317-20-140 Standards for tank vessel operations. An oil spill prevention plan must demonstrate that the owner or operator complies with the following minimum operating standards:

(1) The owner or operator has policies, procedures, and practices that ensure compliance with applicable working hour restrictions under federal law or rule and international convention;

(2) Procedures exist for usual and emergency bridge operations, cargo handling, and bunkering that assign operational tasks, allow crew responsible for each operation to perform their primary duty and, if duties overlap, that designate available backup crew;

(3) A licensed deck officer, other than a state-licensed pilot, who speaks English proficiently is always on the bridge while the vessel is underway in state waters;

(4) A qualified crew member who speaks English proficiently is always in charge of bunkering and cargo transfer while the vessel is in state waters;

(5) Multinational crews are capable of communicating proficiently among themselves;

(6) Crew training is required for the technology present in the systems that the crew must operate;

(7) Written policies exist prohibiting persons from being under the influence of alcohol or illegal drugs while aboard or subject to the call of the vessel in state waters;

(8) Before using a facility, the vessel's crew responsible for any oil transfer operation will ensure, through a pretransfer conference or other appropriate means, that the facility's requirements for the vessel's equipment and procedures are met;

(9) The vessel complies with applicable United States Coast Guard and other federal, international, and flag nation requirements;

(10) The owner or operator has implemented remedial policies, procedures, and practices to prevent a reoccurrence of a vessel's past events, defined in WAC 317-20-180.

(11) For a tank barge, the owner or operator has policies, procedures, and practices to ensure that a vessel supplying propulsion to the tank barge meets the standards in subsections (1) through (10) of this section, where applicable.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-140, filed 3/4/93, effective 4/4/93.]

WAC 317-20-150 Plan format and contents. Each oil spill prevention plan submitted must be divided into a system of numbered chapters, sections, and appendices, and bound and tabbed in loose-leaf binders. Except for plans prepared under federal law or the laws of another state, each plan must contain the chapters described in this section in the following order:

(1) **PREFACE.** Include the submittal agreement required under WAC 317-20-160, a copy of the cover letter submitted with the plan under WAC 317-20-050, any letter addressed to the administrator identifying protected information under WAC 317-20-110, and a statement by the owner or operator that the vessel complies with the financial responsibility requirements of chapter 88.40 RCW.

(2) **AMENDMENT LOG.** Include a log to record amendments to the plan and indicate the section amended, the date of amendment, and the name of the person making the amendment.

(3) **TABLE OF CONTENTS.** The table of contents must show the chapter, section, and appendix titles and page numbers, and the page numbers for tables, figures, and other graphics. In addition, the table of contents must be in outline form and indicate by page number the information provided in the plan for each part, section, and subsection of this chapter.

(a) **CHAPTER I: OPERATIONAL SUMMARY.** Include the operational summary required under WAC 317-20-170.

(b) **CHAPTER II: EVENT REPORTS.** Include the event summary required under WAC 317-20-190.

(c) **CHAPTER III: PERSONNEL.** Include the personnel information required under WAC 317-20-200.

(d) **CHAPTER IV: PREVENTIVE MAINTENANCE.** Include the description of the vessel's preventive maintenance program required under WAC 317-20-210.

(e) **CHAPTER V: SPILL PREVENTION TECHNOLOGY.** Include the description of spill prevention technology required under WAC 317-20-220.

(f) **CHAPTER VI: REGIONAL MARINE SAFETY COMMITTEES.** Reserved.

(g) **(OPTIONAL) CHAPTER VII: EFFECTIVENESS ASSESSMENT.** If desirable, include the owner's or operator's assessment of the level of oil spill prevention demonstrated

by the plan and identify the key elements leading to the assessment's conclusion.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-150, filed 3/4/93, effective 4/4/93.]

WAC 317-20-155 Units of measurement. Owners or operators shall indicate units of measure as follows: All volumetric measurements shall be in barrels (petroleum); linear measurements shall be in feet and decimal feet; weight measurements shall be in long tons; velocity shall be expressed in knots; propulsive power shall be expressed in horsepower.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-155, filed 3/4/93, effective 4/4/93.]

WAC 317-20-160 Submittal agreement. Each oil spill prevention plan must include a submittal agreement containing:

(1) A statement of the plan's purpose and scope, including personnel, vessels, and operations covered by the plan;

(2) The vessel's (a) name and exnames, (b) country of registry, official number, and call sign, (c) oil carrying capacity, (d) length overall, maximum beam, gross tonnage, deadweight tonnage, number of screws, shaft horsepower, and type of propulsion, (e) a simple diagram of the vessel's general arrangement and cargo piping arrangements, and (f) for tank barges, the minimum shaft horsepower, number and type of screws, and number of persons manning vessels that will be used to tow the barge; and

(3) The highest grade of oil the vessel is certificated to carry.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-160, filed 3/4/93, effective 4/4/93.]

WAC 317-20-165 Intrastate vessel operations schedule. (1) An owner or operator of a tank vessel that operates entirely in state waters shall submit to the office a written schedule of the vessel's typical operations before operating the vessel in state waters.

(2) The written schedule must identify the:

(a) Vessel's maximum bunker and cargo capacity in United States gallons, average quantity of bunker and cargo carried, and usual place and schedule for oil transfer operations;

(b) Typical routes served by the vessel;

(c) Typical schedule of the vessel;

(d) Expected pilotage, tug escort, lightering, or other assistance beyond that required by federal or state law;

(e) The operational condition of the vessel's primary and auxiliary navigation, propulsion, and cargo containment and transfer systems; and

(f) Identify the contingency plan covering the vessel under Washington law.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-165, filed 3/4/93, effective 4/4/93.]

WAC 317-20-170 Operational summary. (1) Each oil spill prevention plan must contain a brief summary of

each vessel's operations in state waters. The outline must clearly indicate:

(a) Frequency and duration of typical ports of call in state waters;

(b) Vessel crew assignments, lookout, station bills, or other measures used on the vessel beyond that required by federal or state law for safe transit along routes through areas that present navigational hazards such as narrow or shallow passages, difficult anchorages, congested harbors and traffic lanes, and other known hazards;

(c) The total vessel manning complement required for compliance with company policy, collective bargaining agreements, insurance and underwriters, or other agreement; and

(d) The rating and assigned duties of any licensed or documented seamen who are brought aboard to temporarily relieve or supplement the vessel's manning complement, if any, while the vessel is in port.

(2) Vessel operations include open water navigation, close quarter or restricted waterway maneuvering, mooring (single point), docking, anchoring, taking or releasing tows, taking or releasing auxiliary assistance, cargo transfer, bunkering, and lightering.

(3) An operational summary for a tank barge must also include a summary of information requested under subsection (1) of this section that is applicable to a typical vessel supplying propulsion to the tank barge.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-170, filed 3/4/93, effective 4/4/93.]

WAC 317-20-180 Definition of event. (1) For the purposes of WAC 317-20-140 and 317-20-190 "event" means:

(a) A collision, near-miss incident, marine casualty, or a disabled vessel; or

(b) Oil spills of over twenty-five barrels from a tank vessel.

(2) "Near-miss incident" means a pilot, master, or other person in charge of navigating a tank vessel successfully takes action of a nonroutine nature to avoid:

(a) Collision with another ship, structure, or aid to navigation;

(b) Grounding of the vessel; or

(c) Damage to the environment. A near-miss incident also includes a vessel leaving a moored position to avoid damage from other vessels, fire, or other potential hazards.

(3) "Marine casualties" mean those occurrences described in Title 46 of the Code of Federal Regulations, section 4.05-1, except parts (d) and (e) of that section, but regardless of the vessel's nature or nation of registry and regardless of the geographic location of the occurrences.

(4) "Disabled" means:

(a) An accidental or intentional grounding;

(b) Failure of the main propulsion or primary steering, or a component or control system that causes a reduction in the vessel's maneuvering capabilities;

(c) An occurrence adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flood, or collision with another vessel;

(d) Any occurrence that creates the serious possibility of an oil spill or that results in a spill; or

(e) For a tank barge, damaged towing gear.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-180, filed 3/4/93, effective 4/4/93.]

WAC 317-20-190 Reporting events. (1) Each oil spill prevention plan must contain a summary of each event involving the vessel during the past five years, or during the time the vessel has been under the control of the owner or operator, if less than five years. The summary must include, if available:

(a) The date, time, and location of each event;

(b) The weather conditions at the time of the event;

(c) The vessel operations underway at the time;

(d) The identity of any facilities and other vessels involved in the event;

(e) The type and amount of any oil spilled, and the estimated amount recovered;

(f) A list of any government agencies to which the event was reported;

(g) A brief analysis of any known causes and contributing factors for each event that considers, at a minimum, human error, equipment or technology failure, and maintenance or inspection deficiencies;

(h) A description of measures taken to prevent a reoccurrence of each event, including changes to the operating or maintenance procedures, personnel policies, vessel crew and organization, and the vessel's technology.

(2) The owner or operator shall submit to the office reports of events that occur after a plan is submitted. Each report must contain the information required by subsection (1) of this section. The owner or operator shall submit the report immediately on request by the office. If the office makes no request, the owner or operator shall submit a report no later than sixty days after the date of the event.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-190, filed 3/4/93, effective 4/4/93.]

WAC 317-20-200 Personnel information. (1) Each oil spill prevention plan must contain an organizational diagram depicting the allocation and transfer of responsibilities outlined in the plan among the owner's or operator's personnel.

(2) Each plan must describe in detail the owner or operator's spill prevention training, including the extent and duration of training, the standards for successful completion, and the amount of training provided in the classroom, in practical exercises, and on the job. Spill prevention training includes the following areas:

(a) Vessel operations;

(b) Human performance measures as defined under WAC 317-20-040; and

(c) Prevention of and response to situations that may result in an event as defined in WAC 317-20-180.

(3) Each plan must identify human performance measures used by the owner or operator. Human performance measures include, but are not limited to, policies, procedures, and practices that:

(a) Encourage crew compliance with the minimum tank vessel operation standards described in WAC 317-20-140;

(b) Provide for the replacement of or otherwise accommodate for crew members who are ill, injured, or unavailable;

(c) Identify and replace or retrain crew members who are negligent, impaired, or incompetent;

(d) Provide incentives for the crew to perform safe and pollution-free operations;

(e) Ensure that personnel are capable of perceiving threats of accidents or spills in time to take effective preventive action; and

(f) Plan for foreseeable emergencies and provide understandable assignments to the crew in the event of a particular emergency.

(4) For tank barges, each plan must also include information requested under subsections (1) through (3) of this section that is applicable to a typical vessel supplying propulsion to the tank barge.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-200, filed 3/4/93, effective 4/4/93.]

WAC 317-20-210 Preventive maintenance program.

Each oil spill prevention plan must contain a description of the preventive maintenance program for vessels covered by the plan. The description must include, but is not limited to:

(1) An outline of the program, such as inspections, drydocking, equipment and engine replacement and overhaul schedules;

(2) Whether thickness gaging of hull and oil tank plating occurs, and if so, the scope and frequency of the gaging; and

(3) A timeline for the preventive maintenance program.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-210, filed 3/4/93, effective 4/4/93.]

WAC 317-20-220 Spill prevention technology. (1)

Each oil spill prevention plan must contain:

(a) A description of spill prevention technology incorporated into the vessel beyond applicable requirements for certification and classification; and

(b) A list of waivers of state, federal, or international requirements for spill prevention technology and the authority issuing the waiver.

(2) The description of spill prevention technology must at least include:

(a) The manufacturer, builder, or developer of the technology;

(b) The purpose of the technology;

(c) A brief description of the function and, if applicable, installed location of the technology; and

(d) Crew training on the use or implementation of the technology.

(3) Spill prevention technology includes equipment and techniques designed to reduce the likelihood or magnitude of an oil spill. The technology includes, but is not limited to, oil transfer and containment equipment and techniques (including hydrostatic loading), and communication and navigation equipment and techniques. Spill prevention technology does not include oil spill response equipment or techniques.

(4) For tank barges, each plan must also include information requested in subsection (1) of this section that is

applicable to a typical vessel supplying propulsion to a tank barge.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-220, filed 3/4/93, effective 4/4/93.]

WAC 317-20-230 Regional marine safety committee plans. (Reserved.)

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-230, filed 3/4/93, effective 4/4/93.]

WAC 317-20-240 Documentation. (1) The owner or operator shall include in an appendix to the oil spill prevention plan submitted to the office:

(a) Copies of operation checklists used on the tank vessel covered by the plan;

(b) Copies of certificates of inspection and other authorizing documents issued by the United States Coast Guard in effect at time of submission of the plan;

(c) Copies of tank vessel examination letters, safe manning certificates, and certification by foreign classification societies in effect at time of submission of the plan, if applicable; and

(d) Copies of certificates of financial responsibility issued either by the state of Washington, or issued by another government but which meet the financial responsibility requirements of chapter 88.40 RCW.

(2) For tank barges, the owner or operator shall also include:

(a) Copies of operations checklists used on a typical vessel supplying propulsion to a tank barge; and

(b) A list of any certification or other authorizing documentation required by the tank barge owner or operator for a typical vessel supplying propulsion to the tank barge.

(3) Fourteen days after receipt of a written notice from the office, the owner or operator shall make available to the office at a place within the state of Washington copies of documents carried aboard the vessel and other documents that tend to confirm or clarify information presented in the plan.

(4) The office may allow for good cause a reasonable extension of time so that the owner or operator may identify and collect the documents requested. However, the office may request documents on board a vessel with less than seven days notice if necessary to do so during the vessel's stay in port.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-240, filed 3/4/93, effective 4/4/93.]

WAC 317-20-900 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 43.211.030 and 88.46.040. 93-07-005, § 317-20-900, filed 3/4/93, effective 4/4/93.]

Chapter 317-30 WAC
CARGO AND PASSENGER VESSEL SCREENING
RULES

WAC

317-30-010	Purpose.
317-30-020	Application.
317-30-030	Screening for substantial risk.
317-30-040	Substantial risk factors.
317-30-050	Cargo and fuel characteristics.
317-30-060	Operating characteristics.
317-30-070	Operating environment.
317-30-080	Notification of entry.
317-30-090	Intrastate operation.
317-30-100	Safety reports.
317-30-110	Safety reports after notice or waiver.
317-30-120	Waivers.
317-30-130	Inspections.
317-30-140	Vessels posing a substantial risk.
317-30-150	Penalties.
317-30-900	Severability.

WAC 317-30-010 Purpose. This chapter implements the cargo and passenger vessel screening program established in RCW 88.46.050 to:

- (1) Protect the state's natural resources;
- (2) Provide for safe marine transportation in state waters; and
- (3) Determine whether cargo and passenger vessels entering or operating in state waters pose a substantial risk of harm to the public health and safety and to the environment.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-010, filed 3/4/93, effective 4/4/93.]

WAC 317-30-020 Application. (1) The definitions in chapter 317-05 WAC apply to this chapter unless otherwise indicated.

(2) Owners and operators of cargo and passenger vessels entering or operating in state waters shall comply with the provisions of this chapter.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-020, filed 3/4/93, effective 4/4/93.]

WAC 317-30-030 Screening for substantial risk. (1) The office may screen any cargo or passenger vessel entering or operating in state waters. Screening a cargo or passenger vessel involves a determination of whether the vessel poses a substantial risk of harm to the public health and safety and to the environment based on vessel information collected by the office. The office may collect information from any source, including the owner and operator, other public agencies, or by inspection.

(2) A vessel poses a substantial risk if:

- (a) The vessel is not covered by, or fails to comply with, a contingency plan on file with the office; or
- (b) The office determines that the vessel is reasonably considered to pose a hazard or danger to the state's marine environment, to the public health and safety of its citizens, or to marine transportation.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-030, filed 3/4/93, effective 4/4/93.]

WAC 317-30-040 Substantial risk factors. Based on information available, the office will consider a vessel's operating characteristics, cargo and fuel characteristics, and the operating environment in determining whether the vessel poses a substantial risk while operating in state waters.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-040, filed 3/4/93, effective 4/4/93.]

WAC 317-30-050 Cargo and fuel characteristics. The vessel's cargo and fuel characteristics include such factors as the quantity and type of cargo, and the quantity and type of fuel oil carried.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-050, filed 3/4/93, effective 4/4/93.]

WAC 317-30-060 Operating characteristics. The vessel's operating characteristics include such factors as:

- (1) Casualty and spill history;
- (2) Intended oil transfer operations, and hazardous bulk cargo operations, in state waters;
- (3) Dimensions;
- (4) Age and condition;
- (5) Maneuvering capabilities, including type, age, capacities, and condition of all propulsion and navigation systems, turning radius, and emergency stopping abilities;
- (6) Outstanding deficiencies documented by flag and port state control;
- (7) Ownership and classification;
- (8) Safety reports under WAC 317-30-100;
- (9) Frequency and duration of vessel operations in state waters;
- (10) The ability of the crew to communicate among themselves and with others; and
- (11) Licensing and documentation information of vessel officers and crew.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-060, filed 3/4/93, effective 4/4/93.]

WAC 317-30-070 Operating environment. The vessel's operating environment includes such factors as:

- (1) External circumstances including adverse weather, tides, current, actual visibility, and traffic; and
- (2) Environmental sensitivity of areas along the vessel's route of travel as identified by the state's geographic area planning maps or sensitive area maps coupled with Washington's oil spill compensation schedule.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-070, filed 3/4/93, effective 4/4/93.]

WAC 317-30-080 Notification of entry. (1) Except for a vessel subject to WAC 317-30-090, and except as provided in subsection (5) of this section, a cargo or passenger vessel owner or operator shall submit a notice of entry to the office by telefax or telephone at least twenty-four hours before the vessel enters state waters.

(2) An owner or operator shall submit the following information in the notice of entry:

- (a) The vessel's name, country of registry, type, call sign, and official number of the vessel;

(b) The name, mailing address, telefax number, and telephone number for immediate contact of the owner or operator, or representative;

(c) The name of the person submitting the notice of entry, if other than the owner or operator;

(d) The estimated date, time, and point of entry into state waters by the vessel;

(e) Intended berths or anchorages in Washington;

(f) Last and next port of call;

(g) The amount and type of bunker or cargo, or both, that will be transferred;

(h) A safety report required under WAC 317-30-100; and

(i) Identification of the contingency plan covering the vessel under Washington law and chapter 317-10 WAC.

(3) In addition to providing the information in subsection (2) of this section, an owner or operator of a cargo or passenger vessel carrying dangerous cargo in bulk, defined in 33 C.F.R. §160.203, shall submit with its notice of entry the following information:

(a) The name and quantity of the dangerous cargo carried in bulk;

(b) The location of the vessel at the time the report is submitted; and

(c) The stowage location of the dangerous cargo.

(4) If an owner or operator is unable to provide notice at least twenty-four hours prior to arrival as required by subsection (1) of this section, the owner or operator shall give notice to the office as soon as practicable and shall include an explanation for the delay in notifying the office.

(5) Vessels that submit an advance notice of arrival to the United States Coast Guard, Thirteenth District, that contains the information required by subsections (2) and (3) of this section and any information required by WAC 317-30-100 need not provide the notice to the office of marine safety otherwise required by subsection (1) of this section.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-080, filed 3/4/93, effective 4/4/93.]

WAC 317-30-090 Intrastate operation. (1) If a cargo or passenger vessel operates more than fifty percent of the time in state waters, the vessel's owner or operator shall submit to the office a written schedule of the vessel's typical operations before operating the vessel in state waters.

(2) The written schedule must identify the:

(a) Vessel's name, size (including gross tonnage, length overall, beam, and maximum anticipated draft), type, call sign, and official number;

(b) Name, mailing address, telefax number, and telephone number for immediate contact of the owner or operator;

(c) Vessel's maximum fuel oil capacity in United States gallons, average quantity of fuel oil carried, type of fuel oil carried, usual place and schedule for bunkering;

(d) Typical routes served by the vessel;

(e) Usual or typical schedule of the vessel; and

(f) Cargo(s) carried and capacity.

(3) Vessels providing a schedule under this section are excused from notice requirements under WAC 317-30-080.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-090, filed 3/4/93, effective 4/4/93.]

WAC 317-30-100 Safety reports. (1) The owners or operators of cargo and passenger vessels shall submit a safety report to the office with each notice of entry that indicates the existence of any of the following vessel conditions:

(a) Any abnormality or malfunction of any steering, navigation, propulsion or safety systems;

(b) A breach of the hull or the integrity of a cargo or bunker tank that causes or that may reasonably be expected to cause an oil spill or loss of stability;

(c) Damage from a fire or explosion;

(d) An incomplete engineering or deck complement under United States law or regulation or under the requirements of the vessel's country of registry; or

(e) Any condition that could adversely affect the safety of a vessel, bridge, structure, shore area, or the environment.

(2) The safety report must describe the condition and state what steps were taken to correct or compensate for the condition.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-100, filed 3/4/93, effective 4/4/93.]

WAC 317-30-110 Safety reports after notice or waiver. If a condition described in WAC 317-30-100(1) arises after a notice of entry or notice of intrastate operation is submitted, or after a waiver is granted, then the owner or operator shall immediately notify the office of the condition by telefax or telephone. A written safety report meeting the requirements of WAC 317-30-100 must be submitted to the office no later than forty-eight hours after notice of the condition is made.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-110, filed 3/4/93, effective 4/4/93.]

WAC 317-30-120 Waivers. (1) The office may, in its discretion, waive the requirement for notice under WAC 317-30-080 or 317-30-090 for vessels routinely scheduled to enter state waters. To apply for a waiver, the owner or operator of a cargo or passenger vessel shall submit a written application that contains:

(a) The vessel's name, size (including tonnage, length overall, beam, and maximum draft), country of registry, vessel type, call sign, and official number of the vessel;

(b) The name, mailing address, telefax number, and telephone number for immediate contact of the owner or operator, or representative;

(c) The anticipated schedule of the vessel's operations in state waters; and

(d) A statement by the owner or operator, or authorized agent, describing the vessel's safety record for the last two years.

(2) The office may grant a waiver if the vessel's owner or operator demonstrates a history of safe operations in state waters for the past two years. The office may grant the waiver in whole or in part, and with conditions, including time limitations, as the office deems appropriate.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-120, filed 3/4/93, effective 4/4/93.]

WAC 317-30-130 Inspections. (1) Office personnel may board and inspect a cargo or passenger vessel during

the vessel's scheduled stay in port if the office determines that the vessel poses a substantial risk, if the office has reason to believe that a vessel may pose a substantial risk, or if the office does not have sufficient information to make a substantial risk determination under WAC 317-30-030. The owner or operator shall make the vessel available for inspection on request by the office.

(2) When timely and feasible, the office will seek more information concerning the vessel from the United States Coast Guard or the owner or operator of the vessel, prior to or in lieu of performing an inspection of the vessel.

(3) Inspections will focus on those factors needed or used to make a substantial risk determination. Any violations of federal or international rules observed will be reported to the United States Coast Guard. In addition, inspections will be coordinated with the United States Coast Guard.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-130, filed 3/4/93, effective 4/4/93.]

WAC 317-30-140 Vessels posing a substantial risk.

If the office determines that a cargo or passenger vessel poses a substantial risk, the office may:

(1) Request that the United States Coast Guard deny entry; or

(2) Issue an order allowing the vessel to enter or operate in state waters subject to conditions the office determines will minimize the risk the vessel poses. The conditions may include:

(a) Submission of specified information or written material about the vessel and its operations;

(b) Tug or spill response vessel escorts;

(c) The addition of officers, crew, or licensed pilots;

(d) Limiting the vessel's speed along an intended route;

(e) Restricting the vessel's route, or area of operation;

(f) Restricting operations in adverse weather, tidal, or current conditions;

(g) Restricting bunkering or cargo transfer operations;

(h) Placing navigation, communications, or other special equipment on board; and

(i) Other conditions, restrictions, or requirements deemed appropriate under the circumstances.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-140, filed 3/4/93, effective 4/4/93.]

WAC 317-30-150 Penalties. A person who violates the provisions of this chapter or orders issued under this chapter, is subject to civil and criminal penalties and procedures under RCW 88.46.080 and 88.46.090.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-150, filed 3/4/93, effective 4/4/93.]

WAC 317-30-900 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-900, filed 3/4/93, effective 4/4/93.]

Chapter 317-100 WAC SEPA PROCEDURES

WAC

317-100-010	Authority.
317-100-020	Adoption by reference.
317-100-030	Purpose.
317-100-040	Additional definitions.
317-100-050	Designation of responsible official.
317-100-060	EIS preparation.
317-100-070	Coordination of combined state-federal action.
317-100-080	Policies and procedures for conditioning or denying permits or other approvals.
317-100-090	Severability.

WAC 317-100-010 Authority. These rules are adopted under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC.

[Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-010, filed 7/1/93, effective 8/1/93.]

WAC 317-100-020 Adoption by reference. The office of marine safety adopts the following sections of chapter 197-11 WAC by reference:

WAC

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
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197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
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197-11-425	Style and size.
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197-11-448	Relationship of EIS to other considerations.	197-11-760	License.
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197-11-508	SEPA register.	197-11-774	Nonproject.
197-11-535	Public hearings and meetings.	197-11-776	Phased review.
197-11-545	Effect of no comment.	197-11-778	Preparation.
197-11-550	Specificity of comments.	197-11-780	Private project.
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197-11-610	Use of NEPA documents.	197-11-788	Responsible official.
197-11-620	Supplemental environmental impact statement—Procedures.	197-11-790	SEPA.
197-11-625	Addenda—Procedures.	197-11-792	Scope.
197-11-630	Adoption—Procedures.	197-11-794	Scoping.
197-11-635	Incorporation by reference—Procedures.	197-11-796	State agency.
197-11-640	Combining documents.	197-11-797	Threshold determination.
197-11-650	Purpose of this part.	197-11-799	Underlying governmental action.
197-11-655	Implementation.	197-11-800	Categorical exemptions.
197-11-660	Substantive authority and mitigation.	197-11-810	Exemptions and nonexemptions applicable to specific state agencies.
197-11-680	Appeals.	197-11-855	Department of ecology.
197-11-700	Definitions.	197-11-880	Emergencies.
197-11-702	Act.	197-11-890	Petitioning DOE to change exemptions.
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197-11-706	Addendum.	197-11-908	Environmentally sensitive areas.
197-11-708	Adoption.	197-11-912	Procedures on consulted agencies.
197-11-710	Affected tribe.	197-11-916	Application to ongoing actions.
197-11-712	Affecting.	197-11-917	Relationship to chapter 197-10 WAC.
197-11-714	Agency.	197-11-920	Agencies with environmental expertise.
197-11-716	Applicant.	197-11-922	Lead agency rules.
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197-11-722	Consolidated appeal.	197-11-928	Lead agency for public and private proposals.
197-11-724	Consulted agency.	197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-726	Cost-benefit analysis.	197-11-932	Lead agency for private projects requiring licenses from more than one agency.
197-11-728	County/city.	197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-730	Decision maker.	197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-732	Department.	197-11-938	Lead agencies for specific proposals.
197-11-734	Determination of nonsignificance (DNS).	197-11-940	Transfer of lead agency status to a state agency.
197-11-736	Determination of significance (DS).	197-11-942	Agreements on lead agency status.
197-11-738	EIS.	197-11-944	Agreements on division of lead agency duties.
197-11-740	Environment.	197-11-946	DOE resolution of lead agency disputes.
197-11-742	Environmental checklist.	197-11-948	Assumption of lead agency status.
197-11-744	Environmental document.	197-11-960	Environmental checklist.
197-11-746	Environmental review.		
197-11-748	Environmentally sensitive area.		
197-11-750	Expanded scoping.		
197-11-752	Impacts.		
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197-11-758	Lead agency.		

197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

[Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-020, filed 7/1/93, effective 8/1/93.]

WAC 317-100-030 Purpose. This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the office of marine safety.

[Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-030, filed 7/1/93, effective 8/1/93.]

WAC 317-100-040 Additional definitions. (1) "Administrator" means the administrator of the office of marine safety.

(2) "Division" means the functional divisions of the office of marine safety's organization.

(3) "Office" means the office of marine safety unless otherwise indicated.

(4) "Program director" means the person responsible for a particular agency division.

[Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-040, filed 7/1/93, effective 8/1/93.]

WAC 317-100-050 Designation of responsible official. Within the office the ultimate responsible official is the administrator. The responsible official for a specific proposal shall be the program director of the division that generates the proposal and whose name shall be published in the *SEPA Register* under WAC 197-11-508 adopted by reference in WAC 317-100-020.

[Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-050, filed 7/1/93, effective 8/1/93.]

WAC 317-100-060 EIS preparation. (1) Preparation of draft and final EISs and SEISs is the responsibility of the program director of the division that generates the proposal or the director's designee. The responsible official shall be satisfied that all EISs and SEISs issued by the office are in compliance with this chapter.

(2) Any draft or final EIS or SEIS shall be prepared by the office, the applicant, or by a consultant mutually agreed upon by the office and applicant.

(3) Whenever a person other than the office prepares a draft or final EIS or SEIS, the responsible official shall:

(a) Coordinate scoping to ensure that the person preparing the document receives all substantive information submitted by any agency or person;

(b) Direct the areas of research and study to be undertaken and the content and organization of the document;

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the document; and

(d) Allow the person preparing the document access to the office's records relating to the document, as prescribed in chapter 317-02 WAC.

(4) This section may not be construed to prohibit the office from charging any fee of an applicant that the office is otherwise authorized to charge (see WAC 197-11-914). A performance bond in an amount specified by the office may be required of the applicant to ensure payment of the office's expenses in preparing, in whole or in part, a draft or final EIS or SEIS.

[Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-060, filed 7/1/93, effective 8/1/93.]

WAC 317-100-070 Coordination of combined state-federal action. When the office considers actions that also involve federal actions, the office shall coordinate with the federal agency involved so that one EIS, or other environmental document, needs to be prepared.

[Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-070, filed 7/1/93, effective 8/1/93.]

WAC 317-100-080 Policies and procedures for conditioning or denying permits or other approvals. (1) The policy and goals in this section are supplemental to other authorities of the office.

(2) It is the policy of the office to avoid or mitigate adverse environmental impacts that may result from the office's decisions.

(3) The office shall ensure that presently unquantified environmental amenities and values are given appropriate consideration in decision-making along with economic and technical considerations.

(4) When an environmental document for a proposal identifies significant adverse impacts, the responsible official shall consider whether:

(a) The environmental document identifies mitigation measures that are reasonable and capable of being accomplished;

(b) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(c) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(5) When an environmental document for a proposal identifies significant adverse impacts, and the statements in subsection (4)(a), (b), and (c) of this section are true, the responsible party may condition approval of the proposal. If the statements are false, the responsible party may deny the proposal.

[Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-080, filed 7/1/93, effective 8/1/93.]

WAC 317-100-090 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-090, filed 7/1/93, effective 8/1/93.]