

Title 317 WAC

ECOLOGY, DEPARTMENT OF (MARINE SAFETY, OFFICE OF)

Chapters

- 317-05** Definitions.
317-31 Cargo and passenger vessels—Substantial risk.
317-40 Bunkering operations.
317-50 Financial responsibility for small tank barges and oil spill response barges.

- 317-02-110 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 Records index. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-110, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-120 Availability. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-120, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 317-01 GENERAL INFORMATION

- 317-01-010 Description. [Statutory Authority: Chapter 88.46 RCW. 93-11-004, § 317-01-010, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-01-020 Address of office. [Statutory Authority: Chapter 88.46 RCW. 93-11-004, § 317-01-020, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-01-030 Location of office. [Statutory Authority: Chapter 88.46 RCW. 93-11-004, § 317-01-030, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.

Chapter 317-02 PUBLIC ACCESS TO INFORMATION AND RECORDS

- 317-02-010 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.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-020 Definitions. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-020, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-030 Public records available. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-030, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-040 Public records officer. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-040, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-050 Requests for public records. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-050, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-060 Availability for public inspection and copying of public records—Office hours. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-060, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-070 Inspection and copying cost. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-070, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-080 Exempted records. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-080, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-090 Denial of request. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-090, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-02-100 Review of denials of public record requests. [Statutory Authority: RCW 42.17.250 - [42.17].340. 93-11-003, § 317-02-100, filed 5/5/93, effective 6/5/93.] Repealed by

Chapter 317-03 REGIONAL MARINE SAFETY COMMITTEES

- 317-03-010 Regional marine safety committees. [Statutory Authority: RCW 88.46.110. 93-11-002, § 317-03-010, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.
 317-03-020 Regional marine safety plans. [Statutory Authority: RCW 88.46.110. 93-11-002, § 317-03-020, filed 5/5/93, effective 6/5/93.] Repealed by 98-03-073 (Order 97-33), filed 1/21/98, effective 2/21/98.

Chapter 317-10 VESSEL CONTINGENCY PLAN AND RESPONSE CONTRACTOR STANDARDS

- 317-10-010 Purpose. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-010, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
 317-10-020 Authority. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-020, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
 317-10-030 Definitions. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-030, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
 317-10-035 Applicability. [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.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
 317-10-040 Plan preparation. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-040, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
 317-10-045 Plan format requirements. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-045, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
 317-10-050 Plan content requirements. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-050, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
 317-10-060 Plan submittal. [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.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.
 317-10-065 Plan review. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-065, filed 11/5/91, effective 1/1/92.]

	Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-055	Review process. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-055, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-10-070	Drills and inspections. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-070, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-060	Plan completeness. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-060, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-10-075	Plan maintenance and use. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-075, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-065	Verification of minimum compliance. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-065, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-10-080	Plan update timeline. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-080, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-066	Best achievable protection. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-066, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-10-085	Noncompliance with plan requirements. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-085, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-070	Plan approval. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-070, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-10-090	Contractor standards. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-090, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-080	Failure to comply—Plan disapproval. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-080, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-10-092	Contractor approval information required. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-092, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-090	Immediate administrative action. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-090, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-10-094	Submittal of contractor approval applications. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-094, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-100	Waivers. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-100, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-10-096	Contractor application review. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-096, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-110	Information protected from public disclosure. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-110, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-10-098	Severability. [Statutory Authority: ESHB 1027. 91-22-086, § 317-10-098, filed 11/5/91, effective 1/1/92.] Repealed by 07-22-118 (Order 07-13), filed 11/7/07, effective 12/8/07. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW.	317-20-120	Plan update. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-120, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
	Reviser's note: Later promulgation, see chapter 173-182 WAC.	317-20-130	Notice of entry. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-130, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
	Chapter 317-20 OIL SPILL PREVENTION PLANS	317-20-140	Standards for tank vessel operations. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-140, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-20-010	Purpose. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-010, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.	317-20-150	Plan format and contents. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-150, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-20-020	Application. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-020, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.	317-20-155	Units of measurement. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-155, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-20-025	Successive plans. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-025, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.	317-20-160	Submittal agreement. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-160, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-20-030	Duties. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-030, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.	317-20-165	Intrastate vessel operations schedule. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-165, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
317-20-040	Definitions. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-040, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.	317-20-170	Operational summary. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-170, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029,
317-20-050	Plan submission. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-050, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.		

- filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- 317-20-180 Definition of event. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-180, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- 317-20-190 Reporting events. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-190, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- 317-20-200 Personnel information. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-200, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- 317-20-210 Preventive maintenance program. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-210, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- 317-20-220 Spill prevention technology. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-220, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- 317-20-230 Regional marine safety committee plans. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-230, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- 317-20-240 Documentation. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-240, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- 317-20-900 Severability. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 93-07-005, § 317-20-900, filed 3/4/93, effective 4/4/93.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- 317-20-999 Interim prevention plans. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 92-24-024, § 317-20-999, filed 11/24/92, effective 12/24/92.] Repealed by 95-01-029, filed 12/9/94, effective 6/7/95. Statutory Authority: RCW 43.21I.030 and 88.46.040.
- Chapter 317-21**
OIL SPILL PREVENTION PLANS
- 317-21-010 Purpose. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-010, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-020 Application. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-020, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-020, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-030 Duties. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-030, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-030, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-040 Information protected from public disclosure. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-040, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-050 Language. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-050, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-060 Definitions. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-060, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-070 Plan submission. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-070, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-100 Format. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-100, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-110 Units of measure. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-110, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-120 Submittal agreement. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-120, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-120, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-130 Event reporting. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-130, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-140 Vessel specific information and documentation. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-140, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.21I.030.
- 317-21-200 Operating procedures—Watch practices. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-200, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-200, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-205 Operating procedures—Navigation. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-205, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-205, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-210 Operating procedures—Engineering. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-210, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-210, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-215 Operating procedures—Prearrival tests and inspections. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-215, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-215, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-220 Operating procedures—Emergency procedures. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-220, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-225 Operating procedures—Events. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-225, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-230 Personnel policies—Training. [Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-230, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-235 Personnel policies—Illicit drug and alcohol use. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-235, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.21I.030 and 88.46.040. 95-01-029, § 317-21-235, filed 12/9/94, effective 6/7/95.] Repealed by 00-

- 16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-240 Personnel policies—Personnel evaluation. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-240, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-245 Personnel policies—Work hours. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-245, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-245, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-250 Personnel policies—Language. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-250, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-255 Personnel policies—Record keeping. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-255, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-260 Management. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-260, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-265 Technology. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-265, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-265, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-300 Operating procedures—Watch procedures. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-300, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-305 Operating procedures—Navigation procedures. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-305, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-310 Operating procedures—Emergency procedures. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-310, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-315 Personnel policies—Crewing. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-315, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-320 Personnel policies—Training. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-320, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-320, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-325 Personnel policies—Illicit drug and alcohol use. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-325, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-330 Personnel policies—Work hours. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-330, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-335 Personnel policies—Record keeping. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-335, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-340 Management. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-340, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-345 Technology. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-345, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-345, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-400 Review process. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-400, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-410 Plan approval. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-410, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-500 Administrative actions. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-500, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-500, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-510 Administrative review. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-510, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-520 Waivers. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-520, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-530 Plan updates. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-530, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-530, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-540 Advance notice of entry and safety reports. [Statutory Authority: RCW 88.46.040. 96-03-070, § 317-21-540, filed 1/17/96, effective 2/17/96. Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-540, filed 12/9/94, effective 6/7/95.] Repealed by 00-16-134 (Order 00-14), filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 34.05.354.
- 317-21-550 Inspections and investigations. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-550, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-560 Exceptional compliance. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-560, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-900 Severability. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-900, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.
- 317-21-910 Effective date. [Statutory Authority: RCW 43.211.030 and 88.46.040. 95-01-029, § 317-21-910, filed 12/9/94, effective 6/7/95.] Repealed by 01-05-036 (Order 00-23), filed 2/13/01, effective 3/16/01. Statutory Authority: RCW 34.05.354 and 43.211.030.

Chapter 317-30

CARGO AND PASSENGER VESSEL SCREENING RULES

- 317-30-010 Purpose. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-010, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-020 Application. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-020, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.

- 317-30-030 Screening for substantial risk. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-030, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-040 Substantial risk factors. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-040, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-050 Cargo and fuel characteristics. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-050, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-060 Operating characteristics. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-060, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-070 Operating environment. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-070, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-080 Notification of entry. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-080, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-090 Intrastate operation. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-090, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-100 Safety reports. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-100, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-110 Safety reports after notice or waiver. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-110, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-120 Waivers. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-120, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-130 Inspections. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-130, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-140 Vessels posing a substantial risk. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-140, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-150 Penalties. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-150, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-30-900 Severability. [Statutory Authority: RCW 43.211.030 and 88.46.050. 93-07-003, § 317-30-900, filed 3/4/93, effective 4/4/93.] Repealed by 96-12-077, filed 6/5/96, effective 7/6/96. Statutory Authority: RCW 88.46.050 and 43.211.030.
- 317-100-030 Purpose. [Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-030, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-040 Additional definitions. [Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-040, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-050 Designation of responsible official. [Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-050, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-060 EIS preparation. [Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-060, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-070 Coordination of combined state-federal action. [Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-070, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-080 Policies and procedures for conditioning or denying permits or other approvals. [Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-080, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-090 Severability. [Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-090, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.

Chapter 317-05 WAC DEFINITIONS

WAC

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| 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.

Chapter 317-100 SEPA PROCEDURES

- 317-100-010 Authority. [Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-010, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.
- 317-100-020 Adoption by reference. [Statutory Authority: RCW 43.211.020 and 43.21C.120. 93-14-097, § 317-100-020, filed 7/1/93, effective 8/1/93.] Repealed by 99-07-076 (Order 98-25), filed 3/17/99, effective 4/17/99. Statutory Authority: RCW 34.05.354, 43.211.030 and chapter 43.21A RCW.

(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 oil of any kind that is liquid at atmospheric temperature and pressure and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, biological oils and blends, 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: Chapters 90.56, 88.46, 90.48 RCW. 07-22-119 (Order 07-14), § 317-05-020, filed 11/7/07, effective 12/8/07. Statutory Authority: RCW 43.21I.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 43.21I.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 317-31 WAC

CARGO AND PASSENGER VESSELS— SUBSTANTIAL RISK

WAC

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WAC 317-31-010 Purpose. This chapter implements the cargo and passenger vessel screening and boarding program under 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 88.46.050 and 43.211.030. 96-12-077, § 317-31-010, filed 6/5/96, effective 7/6/96.]

WAC 317-31-020 Application. 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 88.46.050 and 43.211.030. 96-12-077, § 317-31-020, filed 6/5/96, effective 7/6/96.]

WAC 317-31-030 Definitions. Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this chapter.

- (1) "Boarding checklist" means a checklist used by vessel inspectors from the office as a guideline to determine the risk a vessel poses to the public health and safety and the environment.
- (2) "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, fishing vessels and freighters.
- (3) "Event" means a:
 - (a) Collision, allision or grounding;
 - (b) Near-miss incident in which a pilot, master, or other person in charge of navigating a vessel successfully takes action of a nonroutine nature to avoid a collision with another ship, structure, or aid to navigation, or grounding of the vessel, or damage to the environment;
 - (c) Marine casualties described in 46 C.F.R. sec. 4.05-1, except subsections (a)(5), (a)(6) and (b), regardless of vessel type, or nation of registry;
 - (d) Disabled vessel due to an accidental or intentional grounding, failure of the propulsion or primary steering systems, failure of a component or control system that reduces the vessel's maneuverability, or fire, flood, or other incident that affects the vessel's seaworthiness or fitness for service; or
 - (e) Spills of oil into state waters.

(2009 Ed.)

(4) "Fishing vessel" means a vessel engaged in the commercial catching, harvesting or processing of fish, or in tendering to or from vessels that catch, harvest or process fish.

(5) "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.

(6) "Potential risk" means the potential for harm to public health and welfare and the environment posed by a vessel as calculated through vessel screening.

(7) "Screening" means a process of determining a vessel's potential risk based on historical factors that are risk predictors.

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

(9) "Substantial risk" means a vessel falls below accepted industry standards to a degree that the vessel's continued operation seriously threatens the public health and safety and the environment.

[Statutory Authority: RCW 88.46.050 and 43.211.030. 96-12-077, § 317-31-030, filed 6/5/96, effective 7/6/96.]

PART 1
VESSEL SCREENING

WAC 317-31-100 Vessel screening. (1) The office may screen any cargo or passenger vessel, except fishing vessels and vessels subject to chapter 317-21 WAC, entering or operating in state waters to determine a vessel's potential risk 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. A vessel's potential risk is based on vessel information relating to factors that are risk predictors and that include, but are not limited to:

- (a) Vessel age;
- (b) Vessel type;
- (c) Redundancy of mechanical, navigational, and electrical generation systems;
- (d) Country of registry (flag);
- (e) Classification society;
- (f) Owner;
- (g) Presence of a state-licensed pilot while in state waters;
- (h) Changes in ownership, country of registry, or classification society;
- (i) History of violations of international, federal, and state laws and regulations;
- (j) History of marine casualties; and
- (k) Key personnel history.

(2) The risk factors are arranged in a matrix and assigned a risk weight according to a factor's impact on safe marine transportation. The greater impact a factor has results in a higher risk weight. Risk weights are based on opinions of expert mariners experienced in marine transportation in state waters and data supplied by the office's vessel boarding program. Vessel information is evaluated through the matrix to calculate a vessel's potential risk.

[Statutory Authority: RCW 88.46.050 and 43.211.030. 96-12-077, § 317-31-100, filed 6/5/96, effective 7/6/96.]

WAC 317-31-110 Advance notice of entry. (1) 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. An owner or operator of a vessel in intrastate operation is exempt from this provision if in compliance with WAC 317-31-120.

(2) The advance notice of entry must provide:

- (a) The vessel's name, country of registry, gross tonnage, call sign, and official number of the vessel;
- (b) The name and telephone number of the vessel's local representative or agent;
- (c) The estimated date, time, and point of entry into state waters by the vessel;
- (d) Intended berths or anchorages in Washington;
- (e) Last and next port of call;
- (f) The amount and type of bunkers, if any, that will be transferred;
- (g) The type of cargo, if any, that will be transferred;
- (h) A safety report if required under WAC 317-31-130; 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. section 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 containing all the information required under subsections (2) and (3) of this section to the U.S. Coast Guard, directly or through the Canada/United States Cooperative Vessel Traffic Service (CVTS), need not provide the notice to the office otherwise required by subsection (1) of this section. However, safety reports required by WAC 317-31-130 or 317-31-140 must be submitted to the office.

[Statutory Authority: RCW 88.46.050 and 43.211.030. 96-12-077, § 317-31-110, filed 6/5/96, effective 7/6/96.]

WAC 317-31-120 Intrastate operation. (1) If a cargo or passenger vessel is underway more than fifty percent of the time in state waters in a calendar year, 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;

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(c) Vessel's maximum fuel oil capacity in barrels, 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) An owner or operator providing a schedule under this section is excused from notice requirements under WAC 317-31-110.

[Statutory Authority: RCW 88.46.050 and 43.211.030. 96-12-077, § 317-31-120, filed 6/5/96, effective 7/6/96.]

WAC 317-31-130 Safety reports. (1) The owners or operators of cargo and passenger vessels shall submit a safety report to the office that indicates the existence of any of the following vessel conditions:

(a) Any abnormality or malfunction of any steering, propulsion or safety systems, or navigation systems required by federal or international law or regulation;

(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 the steps taken, being taken, or planned to correct or compensate for the condition.

(3) Safety reports should be submitted to the office at least twenty-four hours before the vessel enters state waters, or immediately on request by the office.

[Statutory Authority: RCW 88.46.050 and 43.211.030. 96-12-077, § 317-31-130, filed 6/5/96, effective 7/6/96.]

WAC 317-31-140 Safety reports after notice of entry. If a condition described in WAC 317-31-130(1) arises after a notice of entry or notice of intrastate operation is submitted, 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 317-31-130 must be submitted to the office no later than forty-eight hours after notice of the condition is made.

[Statutory Authority: RCW 88.46.050 and 43.211.030. 96-12-077, § 317-31-140, filed 6/5/96, effective 7/6/96.]

PART 2 VESSEL BOARDING

WAC 317-31-200 Accepted industry standards. Accepted industry standards are those standards established under WAC 317-31-220 for cargo and passenger vessels, or WAC 317-31-230 for fishing vessels, and applicable requirements of the following international conventions and federal regulations:

(1) The International Convention for the Safety of Life at Sea, 1974 (SOLAS);

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(2) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW);

(3) The International Convention for Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);

(4) The International Labor Organization, Convention Concerning Minimum Standards in Merchant Ships, convention number 147 (ILO 147);

(5) Provisions of chapter 33 of the Code of Federal Regulations including:

(a) Part 26 (Vessel bridge-to-bridge radiotelephone regulations);

(b) Part 70 (Interference with or damage to aids to navigation);

(c) Subchapter D (International Navigation Rules);

(d) Subchapter E (Inland Navigation Rules);

(e) Part 95 (Operating a vessel while intoxicated);

(f) [CFR] Subchapter M (Marine Pollution Financial Responsibility and Compensation);

(g) Subchapter O (Pollution);

(h) Subchapter P (Ports and Waterways Safety); and

(6) Provisions of chapter 46 of the Code of Federal Regulations including:

(a) Part 4 (Marine Casualties and Investigations);

(b) Subchapter B (Merchant Marine Officers and Seamen);

(c) Subchapter C (Uninspected Vessels);

(d) Subchapter D (Tank Vessels);

(e) Subchapter E (Load Lines);

(f) Subchapter F (Marine Engineering);

(g) Subchapter G (Documentation and Measurement of Vessels);

(h) Subchapter H (Passenger Vessels);

(i) Subchapter I (Cargo and Miscellaneous Vessels);

(j) Subchapter J (Electrical Engineering);

(k) Subchapter N (Dangerous Cargoes);

(l) Subchapter O (Certain Bulk Dangerous Cargoes);

(m) Subchapter Q (Equipment, Construction and Materials: Specification[s] and Approval);

(n) Subchapter S (Subdivision and Stability); and

(o) Part 197, subpart C (Benzene).

[Statutory Authority: RCW 43.211.030. 97-10-097, § 317-31-200, filed 5/7/97, effective 6/7/97. Statutory Authority: RCW 88.46.050 and 43.211-030. 96-12-077, § 317-31-200, filed 6/5/96, effective 7/6/96.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 317-31-210 Determination of substantial risk.

(1) The office shall determine whether a vessel poses a substantial risk after boarding and inspecting the vessel during its scheduled stay in port, or upon notice of any condition on board that poses a substantial risk of harm to the public health and safety and the environment. The office shall determine substantial risk based on the condition of the vessel and crew, and the professional judgment of its inspectors.

(2) The office shall board each fishing vessel at least once every two years.

(3) The office may not board vessels subject to chapter 317-21 WAC for purposes of making a substantial risk determination.

(4) Vessel inspections involve evaluation of the following:

(a) Documented compliance with applicable federal laws and regulations, and international maritime conventions;

(b) Vessel crewing and personnel policies and practices that ensure compliance with the vessel's Safe Manning Certificate or Certificate of Inspection, and that address language capabilities, work hours, health, and training;

(c) Safety and environmental management policies and practices that address vessel and personnel safety, pollution prevention, management oversight, preventive maintenance, and inspections and surveys;

(d) Vessel operating policies and practices for bridge operations and navigation, ground tackle procedures, emergency preparedness;

(e) Engineering policies and practices for maintaining machinery, organization, and operating procedures; and

(f) Condition of engineering and deck spaces including safety and lifesaving equipment.

(5) Vessel inspectors use a boarding checklist that incorporates accepted industry standards to gather information to guide vessel inspectors in making determinations of substantial risk. Vessel owners and operators may receive a copy of a boarding checklist prior to their vessel entering state waters by submitting a request by mail or telefax to the following address:

Washington State Office of Marine Safety
PO Box 42407
Olympia, Washington 98504-2407
USA
Telefax: 1-800-664-9184

[Statutory Authority: RCW 88.46.050 and 43.211.030. 96-12-077, § 317-31-210, filed 6/5/96, effective 7/6/96.]

WAC 317-31-220 Modification of accepted industry standards. (1) This section establishes a process for modifying accepted industry standards as established by the advisory group on cargo and passenger vessel substantial risk criteria and noticed in the *Washington State Register*, No. 96-03-082. The purpose of this section is to establish a process that results in enforceable standards while affording vessel owners and operators substantial input and notice.

(2) The vessel inspection advisory council is hereby established. The council's mission is to make recommendations to the office every two years, if necessary, concerning accepted industry standards for cargo and passenger vessels. The office shall review the council's recommendations and publish in the state register proposed standards. After the date of publication, the office shall allow thirty days for public comment. After consideration of council recommendations and public comment, the office shall adopt the proposed industry standards by publication of a notice of adoption and availability of the standards in the state register.

(3) Council members and their replacements shall be appointed by the office and serve a term of two years. The council chair shall be appointed by the office. Each council member may designate one alternate who may exercise that

member's vote. The office shall invite the U.S. Coast Guard to participate as a nonvoting advisor to the council. The council shall comprise at least fifteen members who represent the following interests:

- (a) Classification societies;
- (b) Commercial fishing vessels;
- (c) Environmental organizations;
- (d) Maritime labor organizations;
- (e) Maritime trade associations;
- (f) Oregon state department of environmental quality;
- (g) Native American tribes;
- (h) Cargo vessel owners;
- (i) Cargo vessel operators;
- (j) Cruise ship owners;
- (k) Cruise ship operators;
- (l) Washington state ferry system;
- (m) Washington state department of ecology;
- (n) Washington state office of marine safety;
- (o) Washington state pilots;
- (p) Oregon state pilots;
- (q) Washington state public ports;
- (r) Public agencies responsible for regulating natural resources;
- (s) Marine education and training; and
- (t) The public at large.

(4) A meeting of the council may be held fourteen days after the notice of the meeting is published in the state register. The meeting notice shall state the date, time, and place of the meeting, and the names of the organizations represented. Meetings of the council may be convened either by the office or the council's chair. At the first meeting of the council, the office shall present a compilation of boarding results under the boarding checklist for the council's review.

(5) The office shall provide staff and administrative support for the council. The office shall also maintain minutes, public comments, boarding results, and other council records in a file available to the public.

[Statutory Authority: RCW 43.211.030, 97-10-097, § 317-31-220, filed 5/7/97, effective 6/7/97. Statutory Authority: RCW 88.46.050 and 43.211-030, 96-12-077, § 317-31-220, filed 6/5/96, effective 7/6/96.]

WAC 317-31-230 Modification of accepted industry standards for fishing vessels. (1) This provision establishes a process for establishing and modifying accepted industry standards for fishing vessels. The purpose of this section is to establish a process that results in enforceable standards while affording vessels owners and operators substantial input and notice.

(2) The fishing vessel inspection advisory council is hereby established. The council shall make recommendations based on international and federal laws and regulations applicable to fishing vessels, and on the actual practices of the Washington-based fishing industry as revealed in the boarding results presented by the office. The council may recommend higher standards than the actual practices of the Washington-based fishing industry and those in applicable international and federal laws and regulations only where reasonably necessary to protect public health and safety, and the environment. The office shall review the council's recommendations and publish in the state register proposed standards. After the date of publication, the office shall allow

thirty days for public comment. After consideration of council recommendations and public comment, the office shall adopt the proposed industry standards by publication of a notice of adoption and availability of the standards in the state register.

(3) Council members and their replacements shall be appointed by the office and serve a term of two years. The council chair shall be appointed by the office. Each council member may designate one alternate who may exercise that member's vote. The office shall invite the U.S. Coast Guard to participate as a nonvoting advisor to the council. The council shall comprise at least six members who represent the following interests:

- (a) Commercial fishing vessels;
- (b) Commercial fish processing vessels;
- (c) Environmental organizations;
- (d) Native American tribes;
- (e) Washington state department of ecology;
- (f) Washington state office of marine safety; and
- (g) The public at large.

(4) A meeting of the council may be held fourteen days after the notice of the meeting is published in the state register. The meeting notice shall state the date, time, and place of the meeting, and the names of the organizations represented. Meetings of the council may be convened either by the office or the council's chair. At the first meeting of the council, the office shall present a compilation of boarding results under the boarding checklist for the council's review.

(5) The office shall provide staff and administrative support for the council. The office shall also maintain council minutes, public comment, boarding results, and other council records in a file available to the public.

(6) Until the council has established accepted industry standards under this section, the office shall use an interim standard to determine substantial risk for fishing vessels under WAC 317-31-210. The office will board fishing vessels as provided in WAC 317-31-210(2) using a boarding checklist developed through agreement with a representative of the fishing industry as published in the *Washington State Register*, No. 95-06-063.

[Statutory Authority: RCW 43.211.030, 97-10-097, § 317-31-230, filed 5/7/97, effective 6/7/97. Statutory Authority: RCW 88.46.050 and 43.211-030, 96-12-077, § 317-31-230, filed 6/5/96, effective 7/6/96.]

WAC 317-31-240 Event reports. (1) The owner or operator of a cargo, passenger, or fishing vessel that experiences an event in state waters shall submit a report to the office immediately on request or, if not requested, no later than thirty days after the date of the event. Each report must contain:

- (a) The date, time, and location of the 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 or other vessels involved, or both;
- (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; and

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

(2) A copy of the report submitted to the U.S. Coast Guard under 46 CFR subpart 4.05 will satisfy the requirements of subsection (1) of this section if subsection (1)(a) through (h) of this section are addressed.

(3) The office may investigate reported events for the purpose of identifying policies, procedures, or practices that may pose a substantial risk.

[Statutory Authority: RCW 88.46.050 and 43.21I.030. 96-12-077, § 317-31-240, filed 6/5/96, effective 7/6/96.]

WAC 317-31-250 Inspections. (1) Vessel inspectors may board and inspect a cargo or passenger vessel during the vessel's scheduled stay in port that poses a high potential risk under WAC 317-31-100. Vessel inspectors may also board and inspect cargo or passenger vessels the office has reason to believe may pose a substantial risk, or if the office does not have sufficient information to determine potential risk under WAC 317-30-100. The owner or operator shall make the vessel available for inspection on request by the office.

(2) The office may seek more information concerning the vessel from the U.S. Coast Guard or the owner or operator of the vessel, prior to or in lieu of performing an inspection of the vessel.

(3) Any violations of federal or international rules observed will be reported to the U.S. Coast Guard. Inspections will be coordinated with the U.S. Coast Guard to avoid duplication.

[Statutory Authority: RCW 88.46.050 and 43.21I.030. 96-12-077, § 317-31-250, filed 6/5/96, effective 7/6/96.]

PART 3 ENFORCEMENT

WAC 317-31-300 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 U.S. Coast Guard deny entry; or
- (2) Issue an order under RCW 88.46.070 (2) or (3) that allows the vessel to enter or operate in state waters subject to conditions the office determines necessary to 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) Restricting the vessel's route, or area of operation;
 - (e) Restricting operations in adverse weather, tidal, or current conditions;
 - (f) Restricting bunkering or cargo transfer operations;
 - (g) Placing navigation, communications, or other special equipment on board; and
 - (h) Other conditions, restrictions, or requirements deemed appropriate under the circumstances.

[Statutory Authority: RCW 88.46.050 and 43.21I.030. 96-12-077, § 317-31-300, filed 6/5/96, effective 7/6/96.]

(2009 Ed.)

WAC 317-31-310 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 88.46.050 and 43.21I.030. 96-12-077, § 317-31-310, filed 6/5/96, effective 7/6/96.]

WAC 317-31-900 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 88.46.050 and 43.21I.030. 96-12-077, § 317-31-900, filed 6/5/96, effective 7/6/96.]

Chapter 317-40 WAC BUNKERING OPERATIONS

WAC

317-40-010	Purpose.
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317-40-030	Definitions.
317-40-040	Compliance with federal law and regulations.
317-40-050	Receiving vessel procedures.
317-40-060	Bunkering by a facility.
317-40-065	Emergency shut down procedures.
317-40-070	Pretransfer conference.
317-40-080	Delivering vessel procedures.
317-40-085	Work hours.
317-40-090	Record keeping.
317-40-100	Owner and operator responsibilities.
317-40-110	Location of bunkering (reserved).
317-40-120	Best achievable technology (reserved).
317-40-130	Oil spills.
317-40-140	Compliance.
317-40-150	Enforcement.
317-40-900	Effective date.
317-40-910	Severability.

WAC 317-40-010 Purpose. This chapter establishes minimum standards for safe bunkering operations to reduce the likelihood of an oil spill by:

- (1) Emphasizing the importance of proper procedures, communication and monitoring before, during and after a bunkering operation;
- (2) Ensuring that the duties of each person involved in a bunkering operation are clearly defined; and
- (3) Requiring vessel owners and operators to adopt company policies that improve the safety of bunkering.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-010, filed 7/29/94, effective 10/29/94.]

WAC 317-40-020 Application. This chapter applies to all bunkering operations to refuel a self-propelled covered vessel 300 gross tons or more, and to all owners, operators, persons-in-charge, and other personnel involved in bunkering in state waters.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-020, filed 7/29/94, effective 10/29/94.]

WAC 317-40-030 Definitions. Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this chapter:

- (1) "Bunkering" means an oil transfer operation to replenish a self-propelled covered vessel 300 gross tons or more with fuel or bunkers used to propel the vessel.

(2) "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.

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

(4) "Innage" means the difference from the surface of the liquid to a fixed datum plate or to the tank bottom.

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

(6) "Oil transfer procedure" means the document required under 33 C.F.R. Sec. 155.720 that contains information required under 33 C.F.R. Sec. 155.750 including bunkering procedures.

(7) "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.

(8) "Person in charge" means, for vessels, the person designated under 33 C.F.R. Sec. 155.700 who meets the qualifications under 33 C.F.R. Sec. 155.710. For facilities, it is the person designated under 33 C.F.R. Sec. 154.700 who meets the qualifications of 33 C.F.R. Sec. 154.710.

(9) "Proficient in English" means the ability to clearly speak the English language so personnel from other vessels and facilities understand and may safely complete a vessel operation.

(10) "Tank vessel" means a ship 300 gross tons or more 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 the 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.

(11) "Training" means instructional, materials, and procedures, including shipboard materials, practical exercises, and drills.

(12) "Topping off" means the receipt of bunker oil into the last ten percent of available tank capacity in any bunker tank.

(13) "Ullage" or "outage" means the depth of space above the free surface of the fluid to the tank top.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-030, filed 7/29/94, effective 10/29/94.]

WAC 317-40-040 Compliance with federal law and regulations. (1) All bunkering and personnel involved in bunkering must comply with applicable provisions of federal law and regulations governing licensing, documentation, and oil transfer operations under 33 C.F.R. Sec. 155 and 156, and 46 C.F.R. Sec. 12, 15, and 35.

(2) Federal law and regulations applicable to bunkering on the effective date of these rules are hereby incorporated. Any amendment or recodification of an applicable federal

law or regulation is also hereby incorporated unless expressly stated otherwise.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-040, filed 7/29/94, effective 10/29/94.]

WAC 317-40-050 Receiving vessel procedures.

Receiving vessel personnel on a covered vessel being refueled in state waters shall comply with the requirements of this section.

(1) **Training.** Except for a receiving vessel subject to subsection (2) of this section, a receiving vessel's person in charge shall conduct a training session for all personnel with duties under the vessel's oil transfer procedure within 48 hours before a vessel's scheduled bunkering. If personnel not assigned bunkering duties in the oil transfer procedure are assigned such duties, the person in charge shall train such personnel before they assume bunkering responsibilities. Training shall be conducted in a language common to both the person in charge and personnel being trained. The training shall include, but is not limited to, a review of the:

(a) Vessel's preloading plan as described in subsection (3) of this section;

(b) Civil and criminal penalties and liabilities for not complying with federal and state regulations, and for spilling oil in Washington waters;

(c) Vessel's oil transfer procedure, including each person's responsibilities and station;

(d) English phrases and hand signals to communicate the instructions listed in subsection (8)(b) of this section; and

(e) Emergency shutdown procedures described under WAC 317-40-065.

(2) **Intrastate operation.** A receiving vessel underway in state waters more than 50 percent of the time in a calendar year and that bunkers three or more times in a month shall conduct the training session described in subsection (1) of this section at least once every month.

(a) The receiving vessel's owner or operator shall submit a written schedule of the vessel's operations to the office stating:

(i) The vessel's name, call sign, and official number;

(ii) The typical routes served by the vessel; and

(iii) The typical number of bunkering operations performed in any 30 days.

(b) The receiving vessel's owner or operator shall notify the office in writing within 30 days of making a change in the vessel's typical operations

(3) **Preloading plan.** The receiving vessel's person in charge shall prepare a preloading plan prior to conducting the training session required under subsection (1) of this section. The person in charge shall ensure that a copy of the plan is posted at a place where the plan is easily seen by, and in a language common to, vessel personnel engaged in bunkering. The preloading plan must include the:

(a) Identification, location and capacity of the vessel's bunker tanks receiving oil;

(b) Level and type of liquid in each bunker tank prior to the scheduled time for bunkering;

(c) Final ullage or innage, and percent of each bunker tank to be filled;

(d) Sequence in which the bunker tanks are to be filled; and

(e) Procedures to regularly monitor all bunker tank levels and valve alignments.

(4) **Watchstanders.** The vessel's oil transfer procedure must designate a point-of-transfer watch and a deck-rover watch. Each watch must be equipped with two-way communications to communicate with the person in charge and vessel master or officer in charge.

(a) A point-of-transfer watch must remain at the point of connection with the delivering vessel during bunkering.

(b) The primary duty of the deck-rover is to monitor for oil spills on deck or over the side during bunkering. The deck-rover may perform other duties not in conflict with his or her primary duty. The deck-rover shall:

(i) Visually inspect the deck and water near or opposite all bunker tanks and each tank's sounding tube and vent, if accessible; and

(ii) Remain in a position during changing over of tanks or topping off to view any spillage on deck or in the water.

(5) **Personnel duties.** Except for the deck-rover watch, personnel assigned bunkering responsibilities may perform only those duties assigned while the vessel is bunkering. All personnel assigned to bunkering shall comply with their assigned duties under the vessel's oil transfer procedure and remain at their work stations during topping off.

(6) **Vessel access.** A receiving vessel must have an accommodation ladder in place to use for access between the receiving and delivering vessels, or between the receiving vessel and facility. If the vessel's master determines that the ladder is inaccessible from the delivering vessel another means of access must be provided that meets the standards established in the International Convention for the Safety of Life at Sea, 1974, as consolidated in 1986 (SOLAS). If the vessel master determines access is not safe due to weather or seastate, the master may allow communication by radio or by means set forth in subsection 8 of this section.

(7) **Soundings.** The receiving vessel's person in charge shall ensure that he or she receives sounding reports on tank levels according to the monitoring procedure established in the vessel's preloading plan.

(8) **Communication.**

(a) The receiving vessel's person in charge shall ensure that communication between the receiving and delivering vessel or facility is accomplished either visually and by voice, sound-powered phones, radio, or air horn as required under 33 C.F.R. Sec. 155.785. The receiving vessel's person in charge shall notify the delivering vessel's or facility's person in charge immediately before topping off begins.

(b) The person in charge shall ensure that bunkering personnel know and use English phrases and hand signals to communicate the following instructions during bunkering: "stop," "hold," "okay," "wait," "fast," "slow," and "finish."

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-050, filed 7/29/94, effective 10/29/94.]

WAC 317-40-060 Bunkering by a facility. During the pretransfer conference, the person in charge for a receiving vessel being refueled by a facility shall ensure that the receiving vessel's personnel comply with these rules and with the facility's operations manual as required under chapter 173-180B WAC.

(2009 Ed.)

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-060, filed 7/29/94, effective 10/29/94.]

WAC 317-40-065 Emergency shut down procedures.

(1) If any of the receiving vessel's personnel discovers an oil spill either on deck outside fixed containment, or on the water, or believes an oil spill is likely, he or she shall request immediate shutdown of the bunkering operation.

(2) The delivering vessel's personnel shall immediately activate the emergency shutdown device at the request of any person on the receiving vessel.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-065, filed 7/29/94, effective 10/29/94.]

WAC 317-40-070 Pretransfer conference. (1) Before any oil is transferred during bunkering, the receiving vessel's person in charge and the delivering vessel's or facility's person in charge shall hold a pretransfer conference as required under 33 C.F.R. Sec. 156.120. The persons in charge shall meet in person onboard either vessel or at the facility unless the receiving vessel's master determines it is unsafe under WAC 317-40-050(6). The persons in charge shall:

(a) State and discuss the contents of the declaration of inspection required under 33 C.F.R. Sec. 156.150;

(b) Discuss procedures for informing the delivering vessel's or facility's person in charge before the receiving vessel changes over tanks or begins topping off; and

(c) Discuss emergency shutdown procedures and identify each vessel's means to shut down the transfer in an emergency.

(2) The receiving vessel's person in charge shall identify for the delivering vessel's or facility's person in charge those personnel designated as point-of-transfer watch and deck-rover watch.

(3) A receiving vessel may not receive bunkers unless a person proficient in English and a language common to the vessel's officers and crew is present at the pretransfer conference. The receiving vessel's owner or operator shall provide an interpreter proficient in English and a language common to the vessel's officers and crew at the request of the office, the delivering vessel's or facility's person in charge, or the U.S. Coast Guard.

(4) If the delivering vessel's person-in-charge is not satisfied with the receiving vessel's representative's English proficiency, he or she shall request an interpreter.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-070, filed 7/29/94, effective 10/29/94.]

WAC 317-40-080 Delivering vessel procedures. Delivering vessel personnel may not begin bunkering unless:

(1) The tanker man meets the certification requirements under 46 C.F.R. Subpart 12.20 and has undergone annual training to become familiar with the requirements of this chapter.

(2) Access is provided to and from the receiving vessel that meets WAC 317-40-050(5).

(3) A pretransfer conference was held that met the requirements of WAC 317-40-070;

(4) A declaration of inspection was discussed in the pretransfer conference and signed by both persons in charge as required under 33 C.F.R. Sec. 156.120;

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(5) The delivering vessel's person in charge ensures that communication between the receiving and delivering vessel is accomplished either visually and by voice, sound-powered telephone, radio, or air horn, as required under 33 C.F.R. Sec. 155.785; and

(6) The receiving vessel's person in charge has discussed procedures for informing the delivering vessel's person in charge before changing over tanks and beginning topping off.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-080, filed 7/29/94, effective 10/29/94.]

WAC 317-40-085 Work hours. Receiving and delivering vessel personnel involved in bunkering may not work more than 15 hours in any 24-hour period nor more than 36 hours in any 72-hour period except in an emergency or spill response operation. For purposes of this section, "emergency" means an unforeseen situation that poses an imminent threat to human safety, or the environment, or substantial loss of property.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-085, filed 7/29/94, effective 10/29/94.]

WAC 317-40-090 Record keeping. (1) The master of a receiving vessel or his designee shall record in the vessel's official or deck log the date and time of the receiving vessel training session required under WAC 317-40-060(1), and the name and rating of who attended, immediately upon completion of the session.

(2) The master or officer in charge shall record in the receiving vessel's official or deck log that a pretransfer conference was held prior to bunkering that complied with the requirements of WAC 317-40-070.

(3) The receiving vessel's preloading plan and declaration of inspection shall be retained on the vessel for 30 days from the date of bunkering.

(4) The receiving and delivering vessels' owner or operator shall maintain records, such as log book entries, maintenance records or payroll records, demonstrating compliance with work hour restrictions in WAC 317-40-085 and shall, upon request, provide that information to the office of marine safety.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-090, filed 7/29/94, effective 10/29/94.]

WAC 317-40-100 Owner and operator responsibilities. (1) Owners and operators of receiving and delivering vessels must ensure that the procedures required under this chapter are implemented and followed on their vessels.

(2) Owners and operators shall ensure that records are kept as required by this chapter and federal regulations.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-100, filed 7/29/94, effective 10/29/94.]

WAC 317-40-110 Location of bunkering (reserved).

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-110, filed 7/29/94, effective 10/29/94.]

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WAC 317-40-120 Best achievable technology (reserved).

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-120, filed 7/29/94, effective 10/29/94.]

WAC 317-40-130 Oil spills. (1) In the event oil is spilled into the water, or discharged onto either the receiving or delivering vessel's deck outside fixed containment, the vessel's persons in charge shall immediately shut down the bunkering operation.

(2) Bunkering may not resume until:

(a) Notification is made as required in RCW 90.56.280; and

(b) The persons in charge determine that there is no threat of subsequent oil spills.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-130, filed 7/29/94, effective 10/29/94.]

WAC 317-40-140 Compliance. (1) Upon request by the office, an owner or operator of a receiving or delivering vessel involved in bunkering in state waters shall demonstrate compliance with this chapter. The owner or operator shall make available to the office any or all of the following: (a) The receiving vessel's official and engineering logs; (b) written company policies; (c) standing orders; (d) the receiving vessel's preloading plan; (e) each vessel's declaration of inspection form; (f) the vessel's oil transfer procedures; and (g) training materials.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-140, filed 7/29/94, effective 10/29/94.]

WAC 317-40-150 Enforcement. (1) Failure to comply with the requirements of chapter 88.46 RCW, the provisions of this chapter, or any order or administrative action issued by the office under this chapter, the office may:

(1) Order an immediate shutdown of the bunkering procedure;

(2) Require additional personnel;

(3) Refer the violations for criminal prosecution pursuant to RCW 88.46.080; or

(4) Take other appropriate actions to address the violation.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-150, filed 7/29/94, effective 10/29/94.]

WAC 317-40-900 Effective date. This chapter shall take effect 90 days after the order adopting these rules is filed with the office of the code reviser.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-900, filed 7/29/94, effective 10/29/94.]

WAC 317-40-910 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 88.46.170 and 43.211.030. 94-16-076, § 317-40-910, filed 7/29/94, effective 10/29/94.]

Chapter 317-50 WAC

FINANCIAL RESPONSIBILITY FOR SMALL TANK BARGES AND OIL SPILL RESPONSE BARGES

WAC

317-50-010	Purpose.
317-50-020	Application.
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317-50-040	Financial responsibility for small tank barges.
317-50-050	Evidence of financial responsibility for small tank barges.
317-50-060	Submitting evidence of financial responsibility.
317-50-070	Enforcement.
317-50-080	Financial responsibility for oil spill response barges.
317-50-900	Severability.

WAC 317-50-010 Purpose. This chapter allows owners and operators of small tank barges to reduce their financial responsibility under RCW 88.40.020 (2)(b) without compromising protection of the state's marine environments and public health and safety. This chapter also exempts tank barges dedicated solely to oil spill response activities from the requirement to possess financial responsibility under RCW 88.40.020.

[Statutory Authority: RCW 88.40.020 (2)(b), 88.40.020(5) and 88.40.030. 97-10-096, § 317-50-010, filed 5/7/97, effective 6/7/97.]

WAC 317-50-020 Application. This chapter applies to any tank barge in state waters that is 300 gross tons or less or that is an oil spill response barge.

[Statutory Authority: RCW 88.40.020 (2)(b), 88.40.020(5) and 88.40.030. 97-10-096, § 317-50-020, filed 5/7/97, effective 6/7/97.]

WAC 317-50-030 Definitions. Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this section:

(1) "Financial responsibility" means demonstrated capability to meet state and federal financial liability requirements for actual costs of oil spill removal, natural resource damages, and necessary expenses.

(2) "Oil spill response barge" means a barge dedicated solely to oil spill response activities.

(3) "Nonpersistent oil" means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions where:

(a) At least 50 percent by volume distill at a temperature of 340 degrees Celsius (645 degrees Fahrenheit); and

(b) At least 95 percent by volume distill at a temperature of 370 degrees Celsius (700 degrees Fahrenheit).

(4) "Persistent oil" means a petroleum-based oil that does not meet the distillation criteria for nonpersistent oil.

(5) "Small tank barge" means a tank barge three hundred gross tons or less.

(6) "State waters" means the navigable waters of the state as defined in WAC 317-05-020(10).

(7) "Tank barge" means a tank vessel without a means of self-propulsion or a self-propelled tank vessel less than forty meters (one hundred and thirty feet) in overall length.

(8) "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.

(2009 Ed.)

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 or classification. 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 that may have some recovered oil storage capacity, does not carry oil as cargo.

[Statutory Authority: RCW 88.40.020 (2)(b), 88.40.020(5) and 88.40.030. 97-10-096, § 317-50-030, filed 5/7/97, effective 6/7/97.]

WAC 317-50-040 Financial responsibility for small tank barges. (1) An owner or operator of a small tank barge covered by an oil spill prevention plan on file with the office in compliance with chapter 317-21 WAC shall possess financial responsibility in the amount determined under subsection (2) of this section. If the owner's or operator's oil spill prevention plan is disapproved by the office or voluntarily withdrawn, the owner or operator shall possess financial responsibility in the amount of at least five hundred million dollars (\$500,000,000).

(2) Financial responsibility for a small tank barge is the greater of two million dollars (\$2,000,000) or:

(a) For tank barges certified to carry persistent oil, \$3000 per barrel of the barge's total capacity, or if assigned a load line under 46 CFR Parts 42 or 44, per barrel of allowed capacity; or

(b) For tank barges certified to carry nonpersistent oil, \$1,500 per barrel of the barge's total capacity, or if assigned a load line under 46 CFR Parts 42 or 44, per barrel of allowed capacity.

[Statutory Authority: RCW 88.40.020 (2)(b), 88.40.020(5) and 88.40.030. 97-10-096, § 317-50-040, filed 5/7/97, effective 6/7/97.]

WAC 317-50-050 Evidence of financial responsibility for small tank barges. Evidence of financial responsibility for a small tank barge may be one or a combination of the following:

(1) A current and valid certificate of enrollment in a Protection and Indemnity Mutual Association.

(2) A current and valid Master Certificate of Financial Responsibility issued by the US Coast Guard under 33 CFR §138.110 and a copy of the letter of insurance, enrollment or other summary of coverage provided by the guarantor for which the Master Certificate is issued.

(3) A copy of a policy issued by the Water Quality Insurance Syndicate (WQIS) or a certificate of insurance evidencing placement with WQIS issued by a licensed broker that includes at a minimum:

(a) The term of the policy;

(b) The amount of deductible or similar retention of liability; and

(c) A description of the coverage limits in relation to a vessel oil spill.

(4) The office may consider other evidence of financial responsibility if the owner or operator demonstrates the financial ability to meet state and federal financial liability for the actual costs for removal of oil spills, for natural resource damages, and necessary expenses. Acceptable evidence is a written opinion, based on Generally Accepted

Accounting Principles in the United States (GAAP), signed by an independent certified public accountant licensed to practice in the United States that the coverage meets the standards of 33 CFR §138.80 for the amount required by WAC 317-50-040(2).

[Statutory Authority: RCW 88.40.020 (2)(b), 88.40.020(5) and 88.40.030. 97-10-096, § 317-50-050, filed 5/7/97, effective 6/7/97.]

WAC 317-50-060 Submitting evidence of financial responsibility. (1) A small tank barge owner or operator shall submit evidence that demonstrates financial responsibility under WAC 317-50-040 for each barge entering or operating in Washington waters. The evidence must be included in the oil spill prevention plan submitted under chapter 317-21 WAC and on file with the office twenty-four hours before the barge enters Washington waters.

(2) The following are considered significant changes for the purpose of updating a barge's oil spill prevention plan under WAC 317-21-530:

- (a) A change in the term or amount of coverage;
- (b) A change in the type of coverage;
- (c) Termination of coverage;
- (d) A new coverage provider; and
- (e) A change that may affect the opinion of the independent certified public accountant submitted to the office under WAC 317-50-050(4).

[Statutory Authority: RCW 88.40.020 (2)(b), 88.40.020(5) and 88.40.030. 97-10-096, § 317-50-060, filed 5/7/97, effective 6/7/97.]

WAC 317-50-070 Enforcement. A small tank barge owner or operator who fails to comply with the provisions of this chapter and any order or directive issued by the office requiring compliance with this chapter may be subject to any or all of the following:

- (1) Assessment of a civil penalty of up to \$100,000 per day for each day the owner or operator's barge is found without evidence of financial responsibility required under this chapter;
- (2) Disapproval of the owner's or operator's oil spill prevention plan under chapter 317-21 WAC;
- (3) Referral for prosecution under RCW 88.46.080;
- (4) Denial of entry into state waters.

[Statutory Authority: RCW 88.40.020 (2)(b), 88.40.020(5) and 88.40.030. 97-10-096, § 317-50-070, filed 5/7/97, effective 6/7/97.]

WAC 317-50-080 Financial responsibility for oil spill response barges. (1) A tank barge used solely as an oil spill response barge is not required to possess evidence of financial responsibility under RCW 88.40.020 if the owner or operator submits to the office a letter certifying that:

- (a) The barge is used exclusively for oil spill response activities and will not be used to carry oil in bulk as cargo;
- (b) The owner or operator is an approved response contractor under WAC 317-10-090; and
- (c) The owner or operator is indemnified by plan holders for whom the owner or operator is a primary response contractor for liabilities that may arise under state and federal law.

(2) The letter must be in writing, on letterhead and signed by the chief executive officer of the owner or operator,

or authorized representative. Identifying information for each tank barge covered by the letter must be provided and include at least the vessel's name, Lloyd's number or official number, country of registry, and gross tonnage.

(3) Any change in status of ownership, charter arrangement, classification, or use must be reported to the office within 10 working days of the change.

[Statutory Authority: RCW 88.40.020 (2)(b), 88.40.020(5) and 88.40.030. 97-10-096, § 317-50-080, filed 5/7/97, effective 6/7/97.]

WAC 317-50-900 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 88.40.020 (2)(b), 88.40.020(5) and 88.40.030. 97-10-096, § 317-50-900, filed 5/7/97, effective 6/7/97.]