

WAC 173-183-330 Resource damage assessment using the compensation schedule. The compensation schedule includes:

(1) A relative ranking for each of the classes of oil defined in this chapter as determined by their known chemical, physical, and mechanical properties, and other factors that may affect the severity and persistence of the spill on the receiving environment;

(2) A relative vulnerability ranking of receiving environments which takes into account location of the spill, habitat and public resource sensitivity to oil, seasonal distribution of public resources, areas of recreational use and aesthetic importance, the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law, and other areas of special ecological or recreational importance as determined by the department;

(3) A quantitative method for determining public resource damages resulting from an oil spill, based on the oil effects and vulnerability rankings designed to compensate the people of this state for those damages that cannot be quantified at a reasonable cost that result from oil spills; and

(4) A method for adjusting damages calculated under the compensation schedule based on recovery actions taken by the potentially liable party.

[Statutory Authority: RCW 90.48.366, 90.56.050, 90.48.035. WSR 13-01-055 (Order 11-05), § 173-183-330, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapter 90.48 RCW. WSR 92-10-005 (Order 91-13), § 173-183-330, filed 4/23/92, effective 5/24/92.]