

**WAC 173-182-621 Oil spill contingency plan best achievable protection five-year review cycle.** (1) Ecology will review the planning standards at five-year intervals to ensure the maintenance of best achievable protection to respond to a worst case spill and provide for continuous operation of oil spill response activities to the maximum extent practicable and without jeopardizing crew safety.

(2) Ecology will adopt a five-year review cycle to ensure that the planning standards are updated to include proven new response technologies and response processes. In addition plan holders and other interested parties will be provided an opportunity to present information and proposals regarding spill prevention credits to support an alternative worst case discharge volume for the contingency plan. The review cycle is designed to evaluate BAP by assessing contributing elements including:

- (a) Best achievable technology;
- (b) Staffing levels;
- (c) Training procedures; and
- (d) Operational methods.

(3) The review cycle will be used to evaluate a variety of spill operations, tools, and technologies including, but not limited to, the following:

(a) Advancing systems for the removal of oil from the surface of the water;

(b) Improving the performance of existing skimmer/boom and storage systems technology;

(c) Improving the performance of in situ burn and dispersants technology;

(d) Broadening the environmental conditions under which oil spill cleanup can take place;

(e) Ensuring that the technology is deployable and effective in a real world spill environment;

(f) Considering tools or technology that are designed, produced, and manufactured in an energy-efficient process and products are reusable, recyclable, and reduce waste; and

(g) Improving equipment, training, and techniques associated with oiled wildlife response.

(4) Ecology may use the following processes to inform and update the use of BAP in the planning standards by:

(a) Convening an advisory committee(s) to assist ecology during the five-year review cycle and promote BAP.

(b) Evaluating the recovery systems identified in the technical manual during the five-year cycle to determine best achievable technology, and inform the development of future planning standards.

(c) Sponsoring a technology conference during the five-year cycle in cooperation with persons, organizations, and groups with interests and expertise in relevant technologies; or

(d) Conducting or reviewing studies, inquiries, surveys, or analyses appropriate to the consideration of new technologies, plan evaluation methods including EDRC, or best operational practices.

(5) Ecology may prepare reports following either of the actions described in subsection (4) of this section. These reports will identify the new technologies, processes, techniques or operational practices that ecology considers to represent BAP.

(6) Ecology will provide an opportunity for a thirty-day public review and comment period on any draft reports.

(7) Ecology will use the developed reports to update the contingency planning rule as necessary every five years.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-621, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-621, filed 12/14/12, effective 1/14/13.]