

WAC 173-187-300 Significant changes to Washington COFRs require notification.

(1) If the owner or operator of a vessel or facility becomes aware of a significant change after ecology has issued a Washington COFR, they must notify ecology of the change within seven calendar days after becoming aware of the significant change. Ecology may suspend or terminate a Washington COFR if the owner or operator can no longer demonstrate financial responsibility based on the significant change. Significant changes include, but are not limited to:

- (a) A change in ownership or operational control;
- (b) A method of demonstrating financial responsibility will be terminated or any coverage thereunder will cease;
- (c) Any financial responsibility coverage amount that will be changed or adjusted.

(2) If there is a change in applicant name, vessel or facility name change, if the Washington COFR expires, or there is any change in the financial responsibility coverage amount, a new Washington COFR will be necessary.

(3) The holder of a Washington COFR under this chapter must notify ecology of an oil spill or discharge in state waters consistent with chapters 90.48 and 90.56 RCW.

(a) The holder of a Washington COFR must also notify ecology within 10 calendar days if it experiences a spill in Washington or in another jurisdiction for which it may be liable and which may incur damages that exceed 15 percent of the financial resources reflected by the Washington COFR.

(b) Upon notification of an oil spill or discharge or other potential liability by the owner or operator of a vessel or facility that holds a Washington COFR under (a) of this subsection, ecology may reevaluate the validity of the Washington COFR under this chapter. Ecology must reevaluate the validity of a Washington COFR under this chapter upon notification of a spill for which the Washington COFR holder may be liable and which may incur damages that exceed 25 percent of the financial resources reflected by the Washington COFR. Ecology may suspend or revoke a Washington COFR if ecology determines that, because of a spill, discharge, or other action or potential liability, the holder of the Washington COFR is likely to no longer have the financial resources to both pay damages for the oil spill or discharge or other action or potential liability and have resources remaining available in an amount sufficient to meet the requirements of this chapter, effective 10 calendar days after its determination.

(c) Ecology may request the owner or operator of a vessel that has been verified to be a member of a P&I club to provide evidence that it is able to maintain required levels of financial responsibility required under this chapter if it has an oil spill.

[Statutory Authority: Chapter 88.40 RCW. WSR 24-13-065 (Order 22-14), § 173-187-300, filed 6/14/24, effective 7/15/24.]