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FILED

DATE: January 21, 2026
TIME: 8:10 AM

WSR 26-03-094

PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Ecology AO #25-07

Subject of possible rule making: The Washington State Department of Ecology is announcing a rulemaking to amend two chapters of the Washington Administrative Code (WAC): Chapter 173-182 WAC, Oil Spill Contingency Plan and Chapter 173-186 WAC, Oil Spill Contingency Plan – Railroad.

This rulemaking will update both chapters to:

- Consider the following recommendations from the 2025 Best Achievable Protection (BAP) workgroups:
  - Amend existing requirements for technical manuals to include equipment and tactics for non-floating oil (NFO) response and to ensure responders can quickly evaluate the potential behavior and environmental impacts of NFO while maintaining safety.
  - Strengthen existing drill requirements for NFO responses.
  - Strengthen existing drill requirements for Southern Resident killer whale (SRKW) deterrence tactics.
  - Incorporate Shoreline Cleanup Assessment Technique (SCAT) into current planning standards for shoreline cleanup.
  - Update aerial surveillance requirements to
    - incorporate Uncrewed Aerial Systems (UAS) as an optional response tool in low visibility environments;
    - improve alignment between facility and covered vessel planning standards; and
    - focus rules on desired outcomes and mission objectives rather than specific equipment or sensors.
- Incorporate updates to align with modern agency practices and recent updates to related rules.
- Make minor administrative updates to correct grammatical issues, outdated references, and improve readability of rule language.

This rulemaking will update Chapter 173-182 WAC to:

- Consider new equipment planning standards for vessels operating in the Middle Columbia River to address changes in spill risks in that area.
- Clarify existing requirements to eliminate ambiguity and improve consistent application of the rule.

Statutes authorizing the agency to adopt rules on this subject: chapter 88.46 RCW, Vessel Oil Spill Prevention and Response, and chapter 90.56 RCW, Oil and Hazardous Substance Spill Prevention and Response

Reasons why rules on this subject may be needed and what they might accomplish: This rulemaking is necessary to strengthen the state's oil spill contingency planning requirements for vessels, facilities, pipelines, and railroads and ensure they continue to maximize the effectiveness and timeliness of oil spill preparedness and response. These updates will help protect Washington's waters, natural and cultural resources, and significant economic assets by minimizing the impact of oil spills and ensuring the highest level of protection achievable through current technology, staffing, and operational practices.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Coordinating federal and state agencies include the United States Coast Guard, Environmental Protection Agency, National Oceanic and Atmospheric Administration, Washington Utilities and Transportation Commission, Washington Department of Fish and Wildlife, and the Puget Sound Partnership.

Process for developing new rule (check all that apply):

☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedures Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

		(If necessary)
Name: Megan Hillyard		Name:
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Web site: https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-182-186-oil-spill-contingency-plans		Web site:
Other: Sign up to receive email notices at https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_381		Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Ecology will conduct an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.

Date: January 21, 2026

Name: Carlos Clements

Title: Spill Prevention, Preparedness, and Response Program Manager

Signature: