

Spills Prevention,
Preparedness and
Response Program

2009-2015

Strategic Plan

"Our waters, our citizens, ours to protect."

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Our Mindset Drives Improvements

“The challenges of change are always hard. It is important that we begin to unpack those challenges that confront us and realize that we each have a role that requires us to change and become more responsible for shaping our own future.” - Hillary Rodham Clinton



Challenges and change are often associated with troop rallying, end of the year messages and are part of every team building vocabulary. In today’s fast moving world, we too often fall victim to over usage of words that should be inspiring and transformational, and not just the buzz word of the day. I have been thinking about where this program has been and where it is heading. I know that there have been challenges, there has been change and there will continue to be opportunities to learn and improve our program.

In the last biennium, the state’s spills program took a major budget reduction of \$2 million that equated to eight positions being eliminated. These lost positions were critical to the work that we are doing to protect the safety and health of the public, environment, economy and way of life. This is by far the single largest reduction the program has taken since it was created in 1990.

In taking the cuts, we had to make difficult decisions on what activities we would no longer do and what activities we were going to change or maintain. Through this internal review, we asked ourselves – if we were to be fully restored to previous levels would we do business the same way? How should we do business differently? Where do we need to make changes in the system to help us and the entire response community come closer to our “zero spills goal?” There is no better time than now for us to talk about our preferred future, and begin the hard work to get there.

Twenty years ago, the Exxon Valdez oil spill in Alaska was a wakeup call for the country about the devastating effects of oil spills. The reaction to this catastrophic spill changed the nation’s attitude and ultimately the world’s attitude towards oil spills. It was this single event that resulted in a shift in the mindsets¹ of lawmakers, public and the oil industry to prevent such a spill from ever happening again. Every incident continues to be a learning opportunity to shift our mindset to improve and transform how we do business. In the case of the Exxon Valdez, the nation adopted significant laws and regulations for addressing oil spills including:

- Standardization and adoption of Incident Command System (ICS) to promote a rapid and coordinated response to oil spills.
- Improved industry spill prevention standards such as double hull design for oil tankers and barges.
- Higher regulatory standards at both the state and federal levels such as new requirements for non-tank vessel response plans.

¹ A mindset, in decision theory, refers to a set of assumptions held by individuals or groups of people. Mindsets can be so institutionalized that they create powerful incentives to continue existing behaviors, choices, or tools; even if they are not helping the person/organization succeed. This cognitive bias is also sometimes described as mental inertia, "groupthink", or a "paradigm", and it is often difficult to counteract its effects.

A catastrophic incident is not required to make changes to improve our program and over the past 20 years, we have looked for ways to prevent oil spills and improve our preparedness and response posture. Washington State is a national leader in oil spill prevention, preparedness and response because we have made significant investments that earned us that recognition including:

- Delivery of effective response capability 24/7 from 6 locations throughout the state.
- The most stringent, second only to Prince William Sound, planning standards for oil spills.
- The only coastal state to have a comprehensive vessel boarding and inspection program.
- Strong pre-booming standards that result in more high volume transfers pre-boomed here than anywhere else in the country.
- Groundbreaking Natural Resource Damage rules and guidelines that continue to be a model used by other states and federal governments.
- First ever state required industry funded response tug.

These are all significant achievements and accolades. You should all be proud of the work you've done. Over the last 20 years under a variety of leaders this program has made a mindset shift to position ourselves in this place today. We adapted and evolved with changing political and economic situations and we will continue to do so into the future. In an organization as dynamic as oil spill prevention, preparedness and response, we must react and change by learning and implementing lessons. But, we must also lead change.

This strategic plan addresses the prevention, preparedness and response posture we are in, want to be in and expect our partners to be in. As you read through the strategic plan, I encourage and challenge you to ask yourself – How can I help the program reach its goals of an improved spills program posture? Can I make the necessary shift in mindset? How can I continue to grow? And ultimately, will I be part of the change that must occur to improve our prevention, preparedness and response posture?

Our current and future success depends on all of us having a shared vision, a commitment to continuous improvement and mission of protecting Washington's environment, economy and way of life. After all, they are our waters, our citizens, and ours to protect.

Introduction

The Department of Ecology’s Spill Prevention, Preparedness and Response (Spills) Program works with industry, agencies and other partners to prevent and prepare for oil spills. Working with our partners, the program also responds to oil and hazardous material spills 24/7 from six field offices located throughout the state. It also works to restore environmental damage resulting from spill incidents. The program values and takes pride in being a results oriented, collaborative and adaptable organization.

The strategic plan assumes that additional Program resources will eventually become available. If this occurs, the next two to six years will be a transformational period when the spills program is able to fully encourage the broader community to shift to a mindset that will help all of the organizations reach a higher level of effectiveness in our collective work.

This plan adopts several shifts in mindset that must occur throughout the prevention, preparedness and response network, including government and industry. These mindset shifts are embedded in five major initiatives proposed in the plan. The major initiatives are:

- Obtain additional program funding necessary for the Program to meet legislative and public expectations. (While this is not a new initiative, it is the foundation for future success.)
- Fulfill the promise of a strong collaborative partnership with the U.S. Coast Guard (USCG).
- Improve maritime safety to continue progress toward the legislature’s zero spill goal.
- Ensure the response to significant spills and incidents is rapid, aggressive and well coordinated.
- Conduct twenty-four-hour oil spill recovery operations.

This plan² is organized in two sections in this document:

- **Strategic Initiatives** – This section describes the five major initiatives in a general way and uses tables to identify the mindset shifts required to achieve our preferred future for prevention, preparedness and response posture.
- **Strategic Activities** – This section contains a table that describes in detail the activities and action items required to implement the initiatives. The table also identifies the level of funding that is required to conduct the activity.

² Additional details and commitments may be found in the following documents:

- The 2009-2011 program plan describes the program’s routine activities.
- The Washington State/ U.S. Coast Guard Strategic Work Plan ([Strategic Plan](#)) adopted in June 2007.
- The Northwest Area Contingency Plan ([NWACP](#)).
- The Pacific States/British Columbia Oil Spill Task Force 2009-2011 work plan.
- Ecology’s project tracking documents derived from lessons learned from oil spill and drills.

Strategic Initiatives

The Spill Program’s Strategic Plan proposes and represents strategies and activities to achieve bolder environmental outcomes for spill prevention, preparedness and response in the state of Washington. The plan also calls upon the U.S. Coast Guard, Environmental Protection Agency and industry to support our efforts within the current state and federal legal framework.

Below is a list of major initiatives and the mindset shifts that Ecology believes must be adopted internally and externally. In most cases these initiatives will require additional funding and staff, and possibly new legislation or rulemaking. Some activities are already in our current work plan but will be enhanced or improved. Other activities are statements of the future level of effort that we would like to achieve.

■ Initiative 1: Obtain Full Program Funding

Funding for the state oil spill prevention, preparedness and response program has not kept up with legislative appropriations since the taxes were established in 1991. Revenue shortfalls have gotten worse in recent years and will require legislative action before July 2011. The 2009 legislature had to transfer \$6.5 million from the State General Fund and cut eight positions in the Spills Program to cover the program revenue shortfall. Looking forward, the program expects to face an additional \$4.2 million shortfall in the 2011-2013 biennium.

In July 2009, the program suspended some activities, reduced its level of effort in others and reassigned some resources to preserve its major advancements from the past two decades. In light of the cuts and high public expectations, the Program will continue to make finding adequate funding its top priority.

Mindset Shift – Obtain Full Program Funding

- The agency and the Governor fully support sustainable Program funding as one of the highest priorities.
- Program funding is consistent with the high ranking of program missions within the Priorities of Government (see Addendum 2).
- The Puget Sound Partnership acknowledges and fully supports the program activities as consistent and necessary for Puget Sound restoration goals.

■ Initiative 2: Fulfill the Promise of a Strong Collaborative Partnership with the U.S. Coast Guard

The Spills Program’s relationship with the United States Coast Guard (USCG) is unique due in part to the international maritime regulatory system and interstate commerce issues. In 1995, the state and the USCG signed the first Memorandum of Agreement (MOA). Recognizing the importance of this relationship and the synergy achievable between the two organizations, USCG Admiral Brown and Governor Gary Locke re-signed the MOA in 2001. The renewed MOA also included adopting operational protocols to reduce redundancy and improve both agencies’ efficiency and effectiveness. This agreement was reaffirmed by USCG Admiral Houck and Governor Gregoire in 2007. The renewed commitment also included further revisions to the operational protocols and the adoption of a shared strategic work plan. In order to fulfill the “promise” of a strong collaborative partnership, Ecology and the USCG must be more diligent in ensuring that these agreements are fully implemented.

The program will actively work at all levels to dramatically strengthen this important relationship over the next two years.

Mindset Shift – Fulfill the Promise of a Strong Collaborative Partnership with the U.S. Coast Guard

- The U.S. Coast Guard’s and Ecology’s primary customers are the public and the environment. Protecting the environment while preserving the economy remains an essential commitment that the public entrusted³ to these partnering agencies.
 - Commitment to ensure operating protocols and the strategic plan is kept up to date and fully implemented.
 - Immediate interagency notification of spill incidents, near misses and other threats are made.
 - Resolve issues through collaborative leadership and open communications at all levels of our respective organizations.
 - When policy issues need to be communicated or role disagreements arise during spills and incidents, the Regional Response Team (RRT) or key federal and state members are immediately notified and decisions communicated to agency representatives in the command post.
 - Significant policy issues and responses to spills and non-spill incidents will be reviewed by Ecology and the USCG at quarterly meetings. Additional follow up actions will be taken as appropriate.
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■ Initiative 3: Improve Marine Safety by Emphasizing a Risk Based Approach

The program’s enacting legislation directed Ecology to provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the state’s treasured waters. Significant progress has been made through traditional prevention activities that emphasize vessel inspections and technical assistance, and more recently to the regulation and inspection of high risk oil transfers. These activities must continue to fully meet the expectations of the legislature and the state’s citizens. Prevention must lead the way in further reducing the likelihood of an oil spill. This requires a more assertive and targeted approach where risks to marine safety exist.

Recent incidents on the Columbia River, Puget Sound, Grays Harbor and at the entrance to the Strait of Juan de Fuca have highlighted the continuing risk of oil being spilled into Washington waters by ships and towing vessels with barges operating upon these waters. In some cases vessel operators have shown a lack of situational awareness and situational assessment. Key issues, such as fatigue, inadequate manning requirements and poor company operating procedures and policies have also been prominent causal factors in these incidents. This and other local data verify that Ecology must continue to emphasize human factors as the key to spill prevention in Washington’s waters and be more targeted and assertive in doing so.

Prevention must emphasize risks posed by human factors by focusing on key issues with vessel operations and proactively respond to incidents and near misses. This effort will involve risk assessment, risk communication

³ The public trust doctrine is the principle that certain resources are preserved for public use, and that the government is required to maintain it for the public’s reasonable use. U.S. case law holds that the public right extends to the lands under navigable waters and to waters which are influenced by the tides, regardless of whether or not they are strictly navigable.

and risk management activities and being more direct in communicating and addressing issues of concern. The program expects these actions will include pursuing adoption of new voluntary actions and a heightened sense of diligence within industry, and possibly new regulations if challenges persist. Any proposed new actions will be developed in close coordination with harbor safety committees, the U.S. Coast Guard, industry, and other partners.

This plan describes several new or expanded risk assessment, risk management and assertive risk communication activities that would raise the level of environmental protection. In completing this work, Ecology will focus on benefits to their primary customers - the public and environment - as well as strive to meet legislative direction. With these “customers” in mind, agency personnel will continue to work with ships officers and crews, oil deliverers and industry representatives to heighten diligence and improve compliance with the international, federal and state regulatory regimes. Spill prevention personnel will also continue to emphasize the use of voluntary measures such as VBAP/ECOPRO and harbor safety committee standards of care. This stakeholder work has been instrumental in dramatically reducing the rate of major oil spills over the last 20 years.

All of the marine safety proposals will require further discussion and partnerships with stakeholders, harbor safety committees, U.S. Coast Guard, the public, tribes and others.

Mindset Shift – Improve Marine Safety and Facility Spill Prevention by Emphasizing a Risk Based Approach

- Vessels that represent a high potential risk of causing oil spills are inspected and greater attention is placed on identifying and communicating key issues such as fatigue and lack of training, known to increase the risk of an incident or an oil spill.
 - Proactive risk analysis, risk management and assertive risk communication is used to substantiate and target efforts to reduce the risk of an oil spill.
 - Quick and aggressive follow-up on incidents and near misses with industry to reduce future risks by ensuring problems are identified, communicated and corrected.
 - Communication on all incidents and near misses is assertive and appropriate follow-up with U.S Coast Guard and industry representatives corrects problems, heightens diligence and reduces risks.
 - Oily waste-handling practices on vessels are reviewed and cases of illegal waste oil dumping are aggressively prosecuted.
 - Vessels are screened for substantial risk and the highest risk vessels are inspected for compliance with the accepted industry standards. Any violations will receive appropriate follow-up enforcement action to assure compliance and mitigate risk.
 - All regulated fishing vessels are inspected at least once every two years and non-regulated fishing vessels receive voluntary pollution control inspections.
 - Voluntary compliance initiatives and incentives are created to address issues of concern and reduce the risk of oil spills and where emerging challenges exist, new regulatory programs are explored.
 - All regulated towing vessels are inspected and non-regulated towing vessels involved in transporting oil receive voluntary pollution control inspections.
 - Ecology and the U.S. Coast Guard jointly and assertively address incidents and near misses involving towing
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vessels transporting oil.

- Develop Ecology’s Voluntary Best Achievable Protection (VBAP) and Exceptional Compliance (ECOPRO) programs to cover all classes of covered vessels.
 - Ecology provides active leadership within existing harbor safety committees and new harbor safety committees in Grays Harbor and the upper Columbia/Snake River are established to address marine safety challenges in those water bodies.
 - Ecology organizes and participates in specific waterway risk assessments where appropriate.⁴ Risk assessments lead to actions by industry, harbor safety committees, the U.S. Coast Guard and state agencies that are effective at changing unsafe practices and heightening diligence. Study recommendations can include voluntary, advisory and regulatory actions.
 - Ecology and the USCG have formal or informal delegation of some activities where the agencies have concurrent jurisdiction and program missions.
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■ Initiative 4: Ensure Responses to Spills and Incidents are Rapid, Aggressive and Well Coordinated

The public, elected officials and other customers expect the private sector and government agencies to carry out a rapid, aggressive and well coordinated response when significant incidents or threats of spills occur. Experience has shown that anything less than this will not protect the environment, economy or meet public expectations.

The Spills Program has made excellent progress over the last 20 years to improve its response capabilities. However, we are always looking to continuously improve and enhance our work, particularly in co-managing major spills and incidents. This plan commits our program to expanding its work with the broader response community through the Northwest Area Committee, during every spill in which an incident command is established, and in other venues to establish a mindset shift and deliver a new response posture described below.

The new rapid, aggressive and well coordinated response posture will require development of interagency agreements and expansion of the Northwest Area Contingency Plan policy and training to institutionalize the mindset shift. This shift establishes an overarching policy framework for oil spill preparedness and response. However, this policy does not change the Incident Command System’s response objectives for specific incidents. For example the first priority will always be the health and safety of the public and responders, usually followed by source control and environmental protection. A rapid and aggressive response must not be at the expense of safety.

Mindset Shift - Ensure Responses to Spills and Incidents are Rapid, Aggressive and Well Coordinated

- Agency personnel will take all actions necessary to assertively protect state interests and work with the Federal On-Scene Coordinator (FOSC), Responsible Party Incident Commander (RPIC) and others to achieve consensus within the Unified Command.

⁴ See current risk assessment studies either planned or being conducted by the State of Alaska with their partners in the Aleutian Islands, Cook Inlet, North Slope oil fields, and in the arctic.

- Within the Unified Command, the state is best positioned to represent the public's interest, through staffing the following positions through the Environmental Unit: Field Observer, Response Technology Specialist, Resources at Risk Specialist, Volunteer Coordination, Liaison and the Joint Information Center (JIC).
- All spill and incident notifications will occur in a timely and well coordinated manner.
- Aggressive response is expected and will focus on the incident's potential. This includes oil spill volume, potential volume, oil type, impacted resources at risk, socio-economic impacts and other public interest. Response actions cannot wait until field investigators confirm preliminary reports, when it may be too late for aggressive actions to be taken. Upon determining that excess resources have been mobilized, they will be demobilized by the Unified Command at the appropriate time.
- The SOSC, the FOSC and the RPIC are familiar with area plan policies and ensure an up to date plan is available and followed. All agency staff will be trained to the highest level to ensure rapid and aggressive response to reported spills and incident potential.
- A Unified Command is formed to co-manage non-spill incidents with significant threats for impacts to public health, safety and the environment. The state will actively participate in the salvage/source control assessment, surveys and plan development.
- Response community focuses on improving the balance between spill drills that manage the emergency phase of incidents and larger scale drills.
- Stakeholders and the public will be provided with timely and accurate information consistent with agreed upon protocols.
- Funding will be developed for tribal and non-governmental organization prevention and preparedness activities; i.e., safety and response training for activities in remote locations.
- Funding and resources are available for work towards a cost effective method related to a large derelict vessel program. Work to minimize impediments to this through NPDES permitting.
- Level of preparedness is enhanced by promoting the highest standards and the best model for use of umbrella plans in this state as well as compatibility between federal and state approved plans.

■ Initiative 5: Conduct Twenty Four-Hour Oil Recovery Operations Using Best Available Response Technology.

On-water oil spill containment and recovery operations are largely limited to daylight hours and periods of good visibility. The Program will work closely with its private and public sector partners to expand oil recovery operations to continuous 24-hour operations, to include foggy weather and night operations.

Mindset Shift – Conduct Twenty-Four Hour Oil Recovery Operations Using Best Available Response Technology.

- Best available skimming technologies are used in conjunction with enhanced skimming systems. These technologies maximize encounter rates, and provide an opportunity for continuous skimming operations.
- On-water oil recovery and boom tending operations occur continuously through both day and night shifts.
- Fishing vessel of opportunity programs exist and provide platforms for cascading equipment and provide the ability to have sustained response operations.
- Remote sensing is rapidly available to support effective 24-hour operations to determine oil impacts and

direct skimmers into thick recoverable oil.

- Unified command representatives are within communications range 24 hours a day to the command post.
 - Shoreline cleanup is conducted when it is safe and practicable. Certain tide cycles may require cleanup during darkness.
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Strategic Activities

The following table is a list of activities that describe the necessary actions to accomplish the Program strategic goals. The table also identifies the level of funding that would be required for each of the activities. The level of funding is indicated as follows:

Existing funding	Activities that can be accomplished with existing 2009-2011 resources.
Restored 07-09 funding level	Activities that can be accomplished if program resources are restored to the 2007-2009 funding level.
New funding	Activities that would require new funding beyond the 2007-2009 level to accomplish.

Activity Title	Description	Funding Level
Restore state Spills Program to 2007-2009 funding levels.	<p>The 4 cent per barrel Oil Spill Administration and 1 cent per barrel Response Taxes were established in 1991. The overall tax rate has never been increased. Revenues have not kept pace with the Oil Spill Prevention Account (OSPA) funded agency appropriations, resulting in a large shortfall in the OSPA. The program eliminated 8 positions prior to July 2009 to make up for the shortfall.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Pursue legislative remedies to restore the 8 positions lost as a result of 2009-2011 budget reductions. • Incorporate an inflation adjustment mechanism to ensure continued sustainable funding into the future. • The Spills Program will work closely with the Puget Sound Partnership, legislators and stakeholders to develop a long term funding fix during either the 2010 or 2011 legislative session. 	Existing funding
Ensure adequate funding for state spill response actions.	<p>The Oil Spill Response Account (OSRA) was initially capped at \$25million. The cap has been reduced to \$9million. The statutory structure must enable the state to mount a rapid and aggressive well coordinated response to all oil spills whether minor or major or catastrophic.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Evaluate whether the \$50thousand Oil Spill Response Account threshold for state access to the account should be eliminated. 	Existing funding

Activity Title	Description	Funding Level
	<ul style="list-style-type: none"> Evaluate whether the \$9million cap is adequate or should be raised. 	
Establish and monitor an emergency response tug at Neah Bay.	<p>The 2009 legislature passed Senate Bill 5344 requiring the maritime industry to establish an emergency response tug at Neah Bay beginning on July 1, 2010.</p> <p>Actions:</p> <ul style="list-style-type: none"> Manage the existing state-funded tug contract until June 30, 2010. Support industry efforts to comply with SB 5344, including the review and approval of the plan to be submitted on December 1, 2009. Encourage the vigorous use of the tug to rapidly and effectively respond to vessel incidents. Continue close coordination with the USCG in the application of this key element of the maritime safety net. Continue to track vessel incidents and Captain of the Port orders to disabled ships in the tug’s area of operation. Maintain an annual summary on uses of the tug as provided by deployment reports submitted to the Department. Seek funding for tug from vessels bound for Canada. 	Existing Funding
Improve the effectiveness of USCG/Ecology protocols and strategic work plan.	<p>Implementing the USCG and Ecology protocols and strategic plan are critical to marine safety and one of our highest priorities. Ecology will address implementation challenges by working proactively with the USCG to strengthen commitments and resolve issues that affect joint goals and current priorities.</p> <p>Actions:</p> <ul style="list-style-type: none"> Evaluate protocols and work plan to determine what activities have been implemented and if any corrective actions are required. Work proactively with the USCG to make changes necessary to ensure implementation of these agreements. Implement new changes and follow-up through regular interaction and standing quarterly meetings with the USCG. 	Existing funding

Activity Title	Description	Funding Level
	<ul style="list-style-type: none"> Report meeting summaries of the quarterly meetings on the web page. 	
Obtain federal support through congressional action.	<p>There are important issues where the state does not have either the authority or funding to protect our waters. We would work with federal agencies and the state's congressional delegation to develop or influence federal legislation.</p> <p>Actions:</p> <ul style="list-style-type: none"> Anticipate, track and analyze federal legislation. Work to influence legislation to support successful program actions to protect public health/safety and the environment. 	Existing funding
Obtain rapid access to the federal Oil Spill Liability Trust Fund.	<p>Pollution Removal Funding Authorization (PRFA) would provide rapid access to the federal Oil Spill Liability Trust Fund in the event of a spill, rather than the uncertainty and workload associated with post-incident access through the State claims process.</p> <p>Actions:</p> <ul style="list-style-type: none"> Pursue federal funding document. Seek improved communication with USCG Sector Commanders concerning use of PRFA. 	Existing funding
Improve co-management of transboundary spill incidents .	<p>Transboundary spills are difficult to co-manage with issues such as different ICS structure, public communications, and financial liability implications. Transboundary spills require an additional level of attention that is critical to successful management of the response.</p> <p>Actions:</p> <ul style="list-style-type: none"> Provide leadership to the Pacific States/British Columbia Oil Spill Task Force's Transboundary Workgroup. Implement workgroup recommendations. Participate in Canada/US Pacific States (CANUSPAC) and Canada/US Western States (CANUSWEST) planning efforts. 	Existing funding

Activity Title	Description	Funding Level
<p>Improve IMAT structure, policy, roster and training.</p>	<p>Strengthen the IMAT roster, policy, credentials, adequate training and staffing to achieve adequate staffing and active management of significant incidents.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Develop IMAT policy that will facilitate that staffing is adequate for both medium and large sized spills. • Include new positions and responsibility for pre-designated SOSC's and Deputy SOSC's, ICS Coaches, and Policy Coaches (for the purpose of issue resolution and senior management liaison.) This will require development of position descriptions, qualifications, job aids and training. 	<p>Restored 07-09 funding level</p>
<p>Ensure an aggressive response to significant incidents.</p>	<p>Recent responses have demonstrated that there is a lack of a shared vision and policy framework regarding aggressive response to significant incidents or threats of spills. In order to resolve this issue we intend to modify our actions to achieve a better outcome.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Ensure that all actions are customer service oriented. Ecology's customers are the public and environment. • Document interagency policy and roles in the NWACP and ensure that it will be followed during response to all incidents. • Modify the NWACP to call out a rapid, aggressive and well coordinated response to incidents that threaten to spill oil or cause other environmental and economic damage. • Test policy interpretation and use during drills, spill threats and other opportunities. 	<p>Restored 07-09 funding level</p>
<p>Increase availability of early assessment and operational support tools.</p>	<p>Early assessment of a spill is critical to deliver a rapid, aggressive and well coordinated response. In order to achieve this goal, aerial platforms and on water reconnaissance platforms need to be immediately available. These assets will also support 24 hour response operations.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Develop additional retainer agreements, letters of 	<p>New funding</p>

Activity Title	Description	Funding Level
	<p>intent and other tools to obtain resources quickly.</p> <ul style="list-style-type: none"> Enhance technology to support this initiative to include use of satellites and Side Looking Infrared (SLIR) sensors, Forward Looking Infrared (FLIR) and other technology. 	
<p>Enhance capability of local and tribal response personnel to support Unified Command operations.</p>	<p>Enhance the current equipment cache program and develop a link with all local and tribal first responders to help with assessment and early containment.</p> <p>Actions:</p> <ul style="list-style-type: none"> Further develop and deliver a training program for potential first responders and cache recipients. Apply the local response community mutual aid model, such as the Columbia River/Snake River initiative training process, for 1st responders in other locations. Expand this training to include knowledge of the NWACP. 	<p>New funding for additional equipment cache</p> <p>Training conducted with existing funding</p>
<p>Build oil spill volunteer planning and management capability.</p>	<p>The COSCO BUSAN oil spill in San Francisco Bay demonstrated the importance of having a strong pre-established system to manage oil spill volunteers.</p> <p>Actions:</p> <ul style="list-style-type: none"> Develop a volunteer framework within the Northwest Area Contingency Plan. Prioritize already trained volunteers over those who would require training during a response. Work with local government and volunteer organizations to establish the framework for intake and management of volunteers. Take advantage of drill opportunities to practice and improve the framework. 	<p>New funding</p>
<p>Expand multi-agency derelict vessel inspection effort.</p>	<p>There is not adequate funding for a well coordinated multi-agency vessel pollution prevention effort to address the issue of vessels that have problems and owners not positioned to pay for improvements and removal of substandard vessels.</p> <p>Actions:</p> <ul style="list-style-type: none"> Coordinate with Department of Natural Resources (DNR), USCG, public ports and affected tribes to 	<p>Restored 07-09 funding level</p>

Activity Title	Description	Funding Level
	<p>identify at-risk marinas/moorages.</p> <ul style="list-style-type: none"> • Perform targeted inspections of at-risk vessels. • Prevention activities include oil and hazardous material removal, and /or vessel impoundment. • Develop incentives for marinas to not accept boats that are substandard. 	
<p>Develop strategies, standards and facilities to deconstruct large derelict vessels.</p>	<p>There have been several recent examples of large end-of-service vessels (100 to 250 feet in length) being neglected or left derelict. They are expensive and difficult to remove and deconstruct in ship yards and graving docks that are big enough to accept these sizes of vessels.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Work with Water Quality Program and other stakeholders to evaluate permitting alternatives to meet environmental goals for disposal of derelict vessels. • Continue the initial coordination among state agencies (Ecology, DNR), Federal agencies (USCG, EPA) and private sector to develop strategies, best management practices and standards, and funding mechanisms to break these ships in an environmentally and cost effective manner. • Evaluate and develop strategies for working with federal military agencies to address the ways in which military vessels are surplus and transferred to private ownership. The objective would be to assure that surplus military vessels do not become neglected and derelict. 	<p>New funding</p>
<p>Obtain federal authority through cooperative implementation or formal delegation.</p>	<p>Cooperative implementation or formal delegation would provide opportunities to improve safety, better coordinate programs and improve customer service.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Continue efforts to strengthen partnership with the USCG by working on tasks in the shared strategic work plan. • Solicit an agreement to develop rulemaking allowing the delegation of USCG inspection authority to Ecology inspectors. Ensure the approach is fully compatible 	<p>Existing funding</p>

Activity Title	Description	Funding Level
	<p>with, and does not threaten, USCG authority.</p> <ul style="list-style-type: none"> Utilize the Puget Sound Partnership priorities and momentum to drive progress where applicable. 	
<p>Reestablish rule development.</p>	<p>Many of the Spills Program regulations have not been updated since their initial promulgation in the early 1990's. Funding for rule development activities was eliminated in the 2009-2011 biennium budget.</p> <p>Actions:</p> <ul style="list-style-type: none"> Continue to develop a rule plan that ensures program rules reflect legislatively required best achievable practices and standards. Eliminate unnecessary definitions; eliminate or redirect the Vessel Response Account, and make other non-controversial changes to current law. (RCW 90.56, 90.48 and 88.46.) 	<p>Restored 07-09 funding level</p>
<p>Expand Regulatory Definition for "Facility" to include rail yards.</p>	<p>Rail car transfer yards (where train fueling occurs) have been a source of large spills in Washington, impacting ground water. This industry sector should be required to plan for spills and retain spill response contractors.</p> <p>Actions:</p> <ul style="list-style-type: none"> Seek an expanded definition of "facility" for the purpose of oil spill preparedness to include rail car fueling yards. This action would require a legislative change. Evaluate the need for additional prevention measures. 	<p>Restored 07-09 funding level</p>
<p>Evaluate and re-tool program database systems to maintain current and ensure future capacity for Spills program technical applications.</p>	<p>Ecology is committed to continual improvement of program technology systems to meet business needs and to use in performance measure reporting and data analysis.</p> <p>Actions:</p> <ul style="list-style-type: none"> Evaluate the current database system software and determine if it meets our needs, has capacity for improvement or requires new system development. Develop software to produce reports and graphs that can be run each month on MIS and ERTS to reflect Office of Financial Management (OFM) and internal measures. Establish an electronic "Dashboard" on Spills Program 	<p>Existing funding</p> <p>New funding if new systems are needed</p>

Activity Title	Description	Funding Level
	website.	
Establish capacity to address vessel National Pollutant Discharge Elimination System (NPDES) permits.	<p>As a result of federal court action, EPA is imposing a vessel NPDES permit requirement which also includes ballast water discharge regulations upon commercial ship operations. The Water Quality Program has the policy lead on this issue but would benefit from the expertise of ship inspectors in the Spills Program.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Seek coordinated vessel NPDES permit authority with Water Quality Program. • Seek coordination with Department of Fish and Wildlife on ballast water discharge issues. 	New funding
Expand fishing vessel inspections.	<p>Fishing vessel incidents are higher than acceptable levels and pose a disproportionate risk of incidents and spills.</p> <p>Action:</p> <ul style="list-style-type: none"> • Ensure regulated fishing vessels are inspected at least once every two years. • Complete an analysis of non-regulated fishing vessel spills and incident data, develop recommendations for action. • If appropriate, seek authority to develop spill prevention regulations for vessels less than 300 gross tons. • In the absence of rulemaking, pursue a voluntary pollution prevention examination program in coordination with USCG fishing vessel safety program efforts. 	<p>Bullet 1 and 2 with existing funding</p> <p>Bullet 3 and 4 with restored 07-09 funding level</p>
Work to eliminate oily bilge water discharges by vessels.	<p>Puget Sound and other state waters are contaminated by small vessel fuel, oil and antifreeze contaminated bilge water discharges.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Work with the West Coast Pacific Oil Spill Prevention Education Team and the representative of the Sea Grant Program to identify social marketing opportunities that will address pollution caused by recreational boaters and commercial fisherman. 	Restored 07-09 funding level

Activity Title	Description	Funding Level
	<ul style="list-style-type: none"> • Aid in the development of outreach materials that will raise awareness of the pollution problems associated with boating and marinas and distribute as needed. • Work with port authorities and marinas to expand small boat pump out capabilities to include waste oily water pump outs. • In the absence of authority for rule making to modify the definition of “covered vessels,” pursue a voluntary pollution prevention examination program for all vessels less than 300 gross tons in coordination with the USCG. • Encourage Puget Sound Partnership and Water Quality Program to help the Spills Program explore options to provide cost-effective oil reception facilities for large ships in Washington ports. • Place greater attention on inspecting oily waste-handling practices on vessels and support the USCG to aggressively prosecute illegal waste oil dumping at sea and in state waters. 	
<p>Improve safety of vessel operations and reduce risk of spills in Washington waters.</p>	<p>Continue to be proactive in improving vessels safety and taking actions to reduce the risk of oil spills in Washington waters.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Establish Ecology as a voting member who actively participates on both the Washington Board of Pilotage Commissioners and Oregon Board of Maritime Pilots to initiate advancements in maritime safety and environmental protection. • Place greater attention during vessel inspections on key issues that are known to increase the risk of an incident or an oil spill. • Increase awareness of significant non-spill incidents by assessing potential impact of each event and preparing a timely synopsis for stakeholders, press and legislators to enhance awareness of marine safety issues and preventative actions. • Improve communications of key issues, findings and recommendations to the USCG, company and class society. 	Existing funding

Activity Title	Description	Funding Level
<p>Improve safety of towing vessels.</p>	<p>Over the last several years there have been incidents related to towing vessel operations, including groundings, collisions and broken tow wires.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Complete an analysis of Coast Guard and Ecology tug/oil barge incident data. • Work proactively with the USCG and industry representatives to assess incidents and near misses when they occur. • Work with industry, the USCG, harbor safety committees and other stakeholders to review industry's towing practices on rivers, in Puget Sound and offshore traffic routing, particularly in the Olympic Coast National Marine Sanctuary (OCNMS). • Develop Best Practice Standards of Care to be followed or consider potential regulatory standards for towing vessels if incidents persist. 	<p>Bullet 1 to 3 with existing funding</p> <p>Bullet 4 with restored 07-09 funding level</p>
<p>Enhance Ecology's role on harbor safety committees.</p>	<p>Assert Ecology's leadership on the harbor safety committees in the Puget Sound, Columbia River, Grays Harbor and upper Columbia/Snake River to address marine safety challenges resulting in increased environmental safety.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Set clear objectives for existing harbor safety committees. • Seek establishment of harbor safety committees or other mechanism in Grays Harbor and Upper Columbia/Snake River. • Establish ecology as a voting member on all Washington harbor safety committees. • Bring key incidents and inspection findings to harbor safety committee meetings for discussion. 	<p>Existing funding</p>
<p>Ensure best industry practices for regulated vessel operations and oil handling facilities.</p>	<p>There are a number of outstanding spill prevention issues and actions that were agreed upon by industry, the USCG and Ecology in the Oil Spill Task Force Best Industry Practices project workgroup. Some of these important recommendations remain unimplemented.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Review the Oil Spill Task Force project report. 	<p>Bullet 1 and 2 are within existing funding</p> <p>Bullet 3 and 4 with restored 07-09 funding level</p>

Activity Title	Description	Funding Level
	<ul style="list-style-type: none"> Evaluate accepted industry standards and consider whether an update is necessary to reflect progress in maritime related technology, rules and procedures. If called for, reconvene the Cargo and Passenger Vessel Inspection Advisory Council to make recommendations concerning Accepted Industry Standards. Likewise, reconvene Ecology’s Fishing Vessel Inspection Advisory Council as necessary to consider amendments to Accepted Industry Standards. 	
<p>Ensure tug escorts for laden tankers are protective of Puget Sound.</p>	<p>The retirement of many single-hulled tankers has resulted in federal tug escort standards becoming moot. Federal legislation may be proposed to change the tug escort system. Ecology’s previous study was completed but not the phase 2 human factors work.</p> <p>Actions:</p> <ul style="list-style-type: none"> Work with the USCG, industry, Pilotage Commission, Harbor Safety Committee and other stakeholders to complete the “human factors” component of the Tug Escort Study. Based on such study, make appropriate recommendations to the USCG, legislature and/or Washington’s congressional delegation for changes to the escort system. 	<p>Restored 07-09 funding level</p>
<p>Expand Voluntary VBAP and ECOPRO Standards to nontank Vessels.</p>	<p>A large proportion of vessel traffic in Washington is composed of cargo and passenger vessels. These vessels can carry significant amounts of oil for their own use and pose spill risks. The state has limited authority to impose requirements upon ship design, operation and maintenance. Developing Voluntary Best Achievable Protection (VBAP) and ECOPRO standards for non tank vessels could prove to be an effective model for improving marine safety.</p> <p>Actions:</p> <ul style="list-style-type: none"> Develop VBAP and ECOPRO standards for non-tank vessels. Develop a marketing plan to reach out to non-tank vessel community. Involve the Puget Sound Partnership, the harbor safety 	<p>Restored 07-09 funding level</p>

Activity Title	Description	Funding Level
	committees and other stakeholders.	
Continue to enhance Geographic Response Plans (GRPs) Development.	<p>Challenges still exist to thoroughly identify electronic data on resources at risk, collect lessons learned and manage continuous updates to geographic response plans.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Develop a common data system for all Northwest area plan participants to create GRPs. • Continue to seek data from local communities on the resources that are prioritized for inclusion in GRPs. 	New funding
Improve oil spill readiness.	<p>Oil spill preparedness requires a continuous cycle of planning, testing and improving our response systems and policies from lessons learned.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Develop an improved in-situ burn policy including decanting checklist and response tools for the area plan. • Enhance cooperation between private and public response organizations through mutual aid agreements and training. • Broaden the scope and scale of the fishing vessel of opportunity programs to include funding and training. • Monitor the development of the federal non-tank contingency plan regulations and look for opportunities for compatibility with Washington’s non-tank framework. • Look for rule or legislative updates that may be needed to improve this framework. • Reach the goal of testing and verifying 100% of all response equipment over six years. 	<p>Bullet 1 and 2 with restored 07-09 funding level</p> <p>Bullet 3 to 6 with new Funding</p>
Evolve the state’s drill program.	<p>It is important to challenge our assumptions and work hard to avoid complacency as we implement a robust drill program.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Continue to enhance the scope and scale of drills in a manner that balances the costs to industry. 	<p>Bullet 1,3, and 4 with restored 07-09 funding level</p> <p>Bullet 2 with new funding</p>

Activity Title	Description	Funding Level
	<ul style="list-style-type: none"> • Test equipment in all operating environments and under differing conditions in order to gain lessons learned on efficacy. • Recognize that readiness is not a static state, look for fluctuations and address them. • Reach the goal of testing and verifying 100% of all response equipment over six years. 	
Improve Natural Resource Damages Assessment (NRDA) coordination and capacity.	<p>Improve industry and government wide readiness for NRDA activities: such as training, ephemeral data plans, equipment, and coordination.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Work with NOAA Office of Response and Restoration to establish a collaborative NRDA initiative using the most comprehensive model to build greater depth and capacity. May require federal funding. • Work with the Joint Assessment Team (JAT) to improve coordination between NRDA activities and the response ICS. 	<p>Bullet 1 with restored 07-09 funding level</p> <p>Bullet 2 with new funding</p>

Table of Commonly Used Acronyms

AIS = Automatic Identification System
ANS = Aquatic Nuisance Species
AWO = American Waterways Operator
BAP = Best Achievable Protection
BIP = Best Industry Practices
BC = British Columbia
BP = British Petroleum
CBRNE = Chemical Biological Radiological Nuclear and Explosives
CPF = Coastal Protection Fund
CRHSC = Columbia River Harbor Safety Committee
DRILLTRAC = Drill Training and Competency Program
EAT = Early Assessment Team
ECOPRO = Exceptional Compliance Program
EPA = US Environmental Protection Agency
EIS = Environmental Impact Statement
ERS = Emergency Response System
ERTS = Environmental Response Tracking System
GRP = Geographic Response Plan
HAZMAT = Hazardous Material
ICS = Incident Command System
IMAT = Incident Management Assist Team
JIC = Joint Information Center
JRT = Joint Response Team
LEPC = Local Emergency Planning Committee
MIS = Marine Information System
MOA = Memorandum of Agreement
NRDA = Natural Resource Damage Assessment
NWAC = Northwest Area Committee
NWACP = Northwest Area Contingency Plan
POSPET = Pacific Oil Spill Prevention Education Team
PPE = Personal Protective Equipment
PRC = Primary Response Contractor
PREP = Preparedness for Response Exercise Program
PSHSC = Puget Sound Harbor Safety Committee
PSWQAT = Puget Sound Water Quality Action Team
PWSC = Ports and Waterways Safety Committee
QA = Quality Assurance
RCP = Responsible Carrier Program
RRT = Regional Response Team

SAFETRAC = Safety Training and Competency Program
SERC = State Emergency Response Commission
SOC = Standards of Care
SOP = Standard Operating Procedure
USACE = United State Army Corps of Engineers
USCG = U.S. Coast Guard
UTC = State Utilities and Transportation Commission
VEAT = Vessel Entries and Transits
WA = Washington
WCOVTRM = West Coast Offshore Vessel Traffic Risk Management
WDFW = Washington Department of Fish & Wildlife
WDNR = Washington Department of Natural Resources

Addendum I: Legal Citations Related to the Strategic Initiatives

1. Well Coordinated, Rapid and Aggressive Response Posture to Spills and Incidents

- **Both RCW 90.56.010 and RCW 88.46.010** define "Worst case spill" as: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.
- **RCW 90.56.210** requires facility contingency plans to "at a minimum, to meet the following standards:"
 - "(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department removing oil and minimizing any damage to the environment resulting from a worst case spill"
- **RCW 88.46.060** requires "Each covered vessel shall have a contingency plan for the containment and cleanup of oil spills from the covered vessel into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills. The department shall by rule adopt and periodically revise standards for the preparation of contingency plans. The department shall require contingency plans, at a minimum, to meet the following standards..:"
 - (b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department, removing oil and minimizing any damage to the environment resulting from a worst case spill;
- **RCW 90.56.060** requires the "The state master plan prepared under this section shall at a minimum:
 - State the respective responsibilities as established by relevant statutes and rules of each of the following in the prevention of and the assessment, containment, and cleanup of a worst case spill of oil or hazardous substances into the environment of the state."
- **RCW 88.46.100** requires industry to provide notification of accidents and near miss incidents. A tank vessel or cargo vessel is considered disabled if any of the following occur:
 - (a) "Any accidental or intentional grounding;
 - i. The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;
 - ii. An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;
 - iii. Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.
 - (b) A barge is considered disabled if any of the following occur:
 - i. The towing mechanism becomes disabled;
 - ii. The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.

- (c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.”

2. Expanded Vessel Oil Spill Prevention Program

- **RCW 90.56.050 (2)** “The legislature finds that prevention is the best method to protect the unique and special marine environments in this state.... Therefore, the legislature finds that the primary objective of the state is to achieve a zero spills strategy to prevent any oil or hazardous substances from entering waters of the state.”
- **RCW 88.46.010** provides defines:
 - **Tank vessel** as” a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue,...”
 - **Ship** as “any boat, ship, vessel, barge, or other floating craft of any kind.”
 - **Best achievable protection** as “the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.
 - **Best achievable technology** as “the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.”
- **RCW 88.46.030** requires the establishment of tank vessel inspection program including:
 - “(2) The department shall review the tank vessel inspection programs conducted by the United States coast guard... to determine if the programs as actually operated by those agencies provide the **best achievable protection** to the waters of the state. If the department determines that the tank vessel inspection programs conducted by these agencies are not adequate to protect the state's waters, it shall adopt rules for a state tank vessel inspection program...”
- **RCW 88.46.040** requires the establishment of rules requiring “Prevention plans” be prepared for tank vessels. The law further provides that:
 - “(3) The department shall only approve a prevention plan if it provides the **best achievable protection** from damages caused by the discharge of oil into the waters of the state...”

The state adopted implementing rules under these two laws. The rules were subsequently withdrawn after the US Supreme Court decision in *United States v. Locke* found certain provisions to be federally preempted. However, legislative direction in the statute remains in effect and continues to guide the program’s efforts.

Addendum II: Spills Program Priorities of Government (POG)

* Ranking out of 216 Natural Resource Activities

POG Ranking	Activity Title	Detailed Description
3	Prepare for Aggressive Response to Oil and Hazardous Material Incidents	Operators of large commercial vessels and oil handling facilities are required to maintain state-approved oil spill contingency plans to ensure they can rapidly and effectively respond to major oil spills. State planning standards ensure equipment and response personnel are strategically staged on water bodies around the state for immediate deployment. Agency staff review and approve the contingency plans and ensure that plan holders and spill response contractors maintain their readiness through scheduled and unannounced drills. The agency also partners with other agencies to maintain a single contingency plan that guides how spills are managed in the Northwest. Geographic-based response plans (GRPs) are developed by staff working in consultation with other experts. The plans identify and prioritize region-specific response strategies that protect natural resources and other valuable assets during significant oil spills.
4	Rapidly Respond to and Clean Up Oil and Hazardous Material Spills	Oil and hazardous materials spills present a danger to human health and the environment. The agency is responsible for rapidly responding to and overseeing the cleanup of oil spills, hazardous material incidents, methamphetamine drug labs, and assisting other "first response" organizations during Weapons of Mass Destruction (WMD) incidents. This requires 24-hour-a-day, statewide response capability from five field offices. Other activities include coordination with local, state, and federal law enforcement agencies for methamphetamine drug lab cleanup and compliance actions for violations related to oil and hazardous material spills.
42	Prevent Oil Spills from Vessels and Oil Handling Facilities	The Department of Ecology works with the regulated community and others to minimize the environmental threat of oil and chemical spills from vessels and oil handling facilities by focusing on human and organizational factors. This work is carried out through the following core activities: vessel inspections; oversight of oil transfer operations; regulating oil handling facilities; dispatching the Neah Bay Response Tug; and incident investigations. This involves monitoring arrivals of 2,600 large cargo and passenger vessels; conducting 1,000 vessel inspections per year; oversight of refueling operations to reduce spill frequency; review and approval of 35 oil handling facility spill prevention plans and operation manuals; implementing innovative approaches to ensure tank vessels use systems that provide "best achievable protection"; managing the rescue tug operations to control disabled tank vessels and cargo ships drifting off of our rugged coast; and

		investigating near-miss and actual accidents to identify new prevention strategies.
60	Restore Public Natural Resources Damaged by Oil Spills	When an oil spill causes significant damage to publicly owned natural resources, Ecology chairs and directs a multi-state trustee committee to complete an assessment of the monetary value of the natural resources that were damaged. Once the assessment is complete, Ecology seeks fair compensation from the responsible parties. Ecology chairs the Coastal Protection Committee to ensure that the money collected is used for projects to restore the environmental damage.

In addition to the on-going activities ranked by the POG process, only four new natural resource agency requests received high ratings. The Spills Program’s Standby Emergency Response Tug was one of the four requests.