

**WAC 173-187-120 Request for an alternative financial responsibility calculation.** (1) A facility may submit to ecology a request for an alternative calculation to determine financial responsibility required under this chapter.

(a) The request must demonstrate financial responsibility capable of covering the response costs and damages that could occur during a reasonable worst case spill of oil from that facility into the navigable waters of the state.

(b) The request must include a detailed report justifying the alternative calculation. The report should include, but is not limited to:

(i) The worst case amount of oil that could be spilled, as calculated in the applicant's oil spill contingency plan approved under chapter 90.56 RCW, or as defined in this chapter;

(ii) The cost of cleaning up the spilled oil;

(iii) The type and frequency of operations at the facility;

(iv) The damages that could result from the spill;

(v) The facility's proximity to navigable waters of the state and how a spill could be prevented from reaching such waters;

(vi) The spill prevention and preparedness measures for the facility including spill response procedures, response equipment, personnel, training, maintenance systems, contracted response resources, monitoring and shut down systems, pipeline drain times, tank conditions, secondary containment systems, and third-party inspection information.

(2) Requests for an alternative must be submitted no less than 65 calendar days prior to submitting an application for a Washington COFR. Ecology will approve or disapprove the request for an alternative financial responsibility calculation no later than 65 calendar days from the submittal date.

(3) Requests for an alternative shall be subject to a 30 calendar day public review and comment period which includes, but is not limited to, interested local and tribal governments and other stakeholders.

(4) Ecology may revoke an approved alternate financial responsibility calculation at any time in response to new information or after operational or engineering changes that alter the conditions of the approval.

(5) If an alternate financial responsibility calculation is revoked, a new Washington COFR will be required.

[Statutory Authority: Chapter 88.40 RCW. WSR 24-13-065 (Order 22-14), § 173-187-120, filed 6/14/24, effective 7/15/24.]