

**WAC 173-182-220 Binding agreement.** (1) Each plan shall contain a written statement binding the contingency plan submitter to its use. The person(s) signing the agreement shall be authorized to make expenditures to implement the requirements in subsection (2) of this section. The binding agreement shall be signed by:

(a) An authorized representative(s) of a nonprofit corporation established to provide oil spill contingency plan coverage;

(b) An authorized owner, or operator, or a designee with authority to bind the owners and operators of the facilities or vessels covered by the plan;

(c) An authorized resident agent of the vessel(s) submitting the plan;

(d) An authorized representative(s) of a company contracted to the vessel or facility and approved by ecology to provide containment and clean-up services.

(2) The binding agreement must be submitted with the plan. Form number ECY 070-612 may be used. If an alternative form is used, it must include the name, address, phone number, email address, and website of the submitting party. In the binding agreement the signatory shall:

(a) Verify acceptance of the plan and commit to a safe and immediate response to spills and to substantial threats of spills that occur in, or could impact Washington waters or Washington's natural, cultural and economic resources;

(b) Commit to having an incident commander in the state within six hours after notification of a spill;

(c) Commit to the implementation and use of the plan during a spill and substantial threat of a spill, and to the training of personnel to implement the plan;

(d) Verify authority and capability to make necessary and appropriate expenditures in order to implement plan provisions; and

(e) Commit to working in unified command within the incident command system to ensure that all personnel and equipment resources necessary to the response will be called out to cleanup the spill safely and to the maximum extent practicable.

[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), § 173-182-220, filed 12/18/19, effective 1/18/20. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-220, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-220, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-220, filed 9/25/06, effective 10/26/06.]