
Ecology & Parks Committee

HB 1409

Brief Description: Providing an emergency response system for the Strait of Juan de Fuca.

Sponsors: Representatives Van De Wege, Kessler, Upthegrove, Rolfes, Blake, Dunshee, Campbell, Jacks, Orwall, Seaquist, Appleton, Nelson, Roberts, Morris, Takko, Cody, Carlyle, McCoy, Goodman, Quall, Sullivan, Liias, Chase, Pedersen, Williams, Kagi, Kenney, Simpson, Conway and Moeller.

Brief Summary of Bill

- Requires certain vessels entering the Strait of Juan de Fuca west of Port Angeles to include a catastrophic event response provision in their oil spill contingency plan that includes a contract with a rescue tug.

Hearing Date: 1/27/09

Staff: Jason Callahan (786-7117)

Background:

Certain vessels are required to have a contingency plan on file with the Department of Ecology (Department) that outlines how potential oil spills from the vessel will be contained and remediated. The vessels that are required to file contingency plans with the Department are those ships that are designed to carry oil as cargo, passenger vessels over 300 gross tons with a fuel capacity of at least 6,000 gallons, and cargo vessels over 300 gross tons.

Operating without an approved contingency plan, or in violation of the plan's provisions, can give cause for both criminal and civil penalties. Criminal sanctions can include gross misdemeanors and class C felonies. Civil penalties can range up to \$1,000 for each day that a vessel is in state waters without a valid contingency plan.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The contingency plan requirements for vessels entering any portion of the Strait of Juan de Fuca west of Port Angeles are expanded to include a catastrophic event response provision. Under this provision, all applicable vessels are required to contract with a multi-mission tug that is stationed in Neah Bay and available for response any hour of any day that the vessel is located in the western Strait of Juan de Fuca.

The requirement to have a valid contract in place is applicable as of July 1, 2010. A vessel may satisfy the requirement by directly contracting with a tug operator or by entering into a cooperative umbrella organization that provides tug contracts for multiple vessels.

Contracted tugs are required to meet certain minimum functionality requirements. These requirements include the ability to maneuver a ship of a certain weight in severe weather, deploy a high seas boom, store oil, and serve as a salvage platform. Contracted tugs also must be equipped with a specific type of hook and line, and, after five years, must be equipped with a specified integrated fire fighting system.

Vessels that have previously submitted a contingency plan to the Department are allowed to file a free-standing addendum to the submitted plan. For other vessels, evidence of a valid contract with a qualifying tug must be submitted with the other requirements of the contingency plans.

The Department is required to initiate practice drills for tugs that contract with vessels to fulfill the contingency plan requirements of the vessel. The drills must place an emphasis on the tug's ability to respond to a potentially worst case scenario.

The requirement to contract with a tug does not apply if the federal government implements similar tug escort requirements. If the federal government does adopt regulations, the Department is directed to recommend legislation repealing the requirement for contingency plans to have a catastrophic event response provision.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.