
Ecology & Parks Committee

ESSB 5344

Brief Description: Concerning emergency response towing vessels.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Swecker, Rockefeller, Marr, Hargrove, Pridemore, Fraser, Shin, McDermott and Kilmer).

Brief Summary of Engrossed Substitute Bill

- Requires all vessels required to file an oil spill contingency plan with the Department of Ecology to also file evidence of participation in an emergency response system for the waters of the Strait of Juan de Fuca that includes the stationing of an emergency response towing vessel at Neah Bay.
- Requires any non-profit cooperative formed to satisfy the emergency response system requirements to equitably apportion costs.
- Requires the Director of the Department of Ecology to initiate discussions with an official of similar capacity in British Columbia to explore options for sharing the cost of marine response assets in the Strait of Juan de Fuca.

Hearing Date: 3/13/09

Staff: Jason Callahan (786-7117)

Background:

Contingency Plans.

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.

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.

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.

Neah Bay Tug.

The state has provided funding for an emergency response tugboat to be stationed at Neah Bay since 1999. The original mission of the Neah Bay tug was limited to the winter storm season. However, the tug has been stationed at Neah Bay year round for the past biennium. State funding for the current contract is set to expire on June 30 of this year.

Summary of Bill:

Strait of Juan de Fuca Emergency Response System.

All vessels operating west of Dungeness Spit in the Strait of Juan de Fuca (Strait) after July 1, 2010, must have evidence of the establishment of an emergency response system for the waters of the Strait and the Washington portion of the Pacific Ocean on file with the Department. The emergency response system must include provisions for the management and operation of an emergency response towing vessel stationed at Neah Bay that is capable and available to respond to any emergency from vessels operating under contingency plans.

The emergency response towing vessel must satisfy certain minimum planning standards. These minimum standards include the ability to deploy at any time for up to 48 hours within 20 minutes of the decision to deploy, secure a disabled vessel that weighs up to 180,000 metric tons, employ a ship anchor chain recovery hook and line, and be capable of a bollard pull of at least 70 short tons. The Director of the Department (Director) may suspend the requirements for an emergency response towing vessel if it is determined by the Director that no vessel is available that meets the minimum requirements.

Vessels with a current contingency plan on file with the Department must submit an addendum to their plan by January 1, 2010, for review. Vessels required to submit an initial contingency plan after January 1, 2010, must submit evidence of compliance concurrent with the new contingency plan.

The contract providing for the emergency response towing vessel must provide flexibility for the towing vessel to be deployed by the Department and by other vessels not required to file a contingency plan with the Department. Instances of the Department deploying the emergency response towing vessel must be paid for by the Department.

If the emergency response towing vessel is deployed by a vessel operator, then the operator must return a report to the Department as soon as practicable after the incident. The report must detail the incident and provide photographic documentation.

The ability of the emergency response towing vessel to respond adequately must be determined by the Department through practice drills that emphasize potential worst-case scenarios. Any deployments of the emergency response towing vessel may be counted as a successful drill.

Multiple vessel owners and operators may form a non-profit cooperative organization to provide umbrella coverage satisfying the emergency response system requirements. If an organization is formed, then that organization is required to equitably apportion costs among its member vessels based on risk, navigational and structural characteristics, and the number of transits.

The Department is required to monitor the formation of any organization and report to the Legislature on progress being made towards an equitable cost apportionment scheme by October 1, 2009, and again on December 1, 2009. The report must provide information relating to the anticipated annual cost of the emergency response system, the methodology developed to determine cost sharing, and any impediments to equitable cost sharing.

Talks with Canada.

The Director is required to initiate talks with his counterpart in British Columbia. The talks are to explore options for Washington and British Columbia to share in the marine response assets available in the Strait. Progress or outcomes from the discussions must be reported to the Legislature by January 1, 2011.

Appropriation: None.

Fiscal Note: Available.

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