
HOUSE BILL 2964

State of Washington 61st Legislature 2010 Regular Session

By Representatives Van De Wege, Williams, Nelson, Simpson, and Hasegawa

Read first time 01/19/10. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to oil spill contingency plan requirements;
2 amending RCW 90.56.010, 90.56.280, 90.56.210, and 88.46.060; creating
3 a new section; repealing RCW 88.46.100; and providing an effective
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that in order to
7 ensure timely environmental protection through rapid oil spill
8 containment and cleanup, covered vessels and facilities should
9 immediately notify the state and implement their oil spill contingency
10 plans when they have emergencies that could result in an oil spill.

11 **Sec. 2.** RCW 90.56.010 and 2007 c 347 s 6 are each amended to read
12 as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Best achievable protection" means the highest level of
16 protection that can be achieved through the use of the best achievable
17 technology and those staffing levels, training procedures, and
18 operational methods that provide the greatest degree of protection

1 achievable. The director's determination of best achievable protection
2 shall be guided by the critical need to protect the state's natural
3 resources and waters, while considering (a) the additional protection
4 provided by the measures; (b) the technological achievability of the
5 measures; and (c) the cost of the measures.

6 (2) "Best achievable technology" means the technology that provides
7 the greatest degree of protection taking into consideration (a)
8 processes that are being developed, or could feasibly be developed,
9 given overall reasonable expenditures on research and development, and
10 (b) processes that are currently in use. In determining what is best
11 achievable technology, the director shall consider the effectiveness,
12 engineering feasibility, and commercial availability of the technology.

13 (3) "Board" means the pollution control hearings board.

14 (4) "Cargo vessel" means a self-propelled ship in commerce, other
15 than a tank vessel or a passenger vessel, three hundred or more gross
16 tons, including but not limited to, commercial fish processing vessels
17 and freighters.

18 (5) "Bulk" means material that is stored or transported in a loose,
19 unpackaged liquid, powder, or granular form capable of being conveyed
20 by a pipe, bucket, chute, or belt system.

21 (6) "Committee" means the preassessment screening committee
22 established under RCW 90.48.368.

23 (7) "Covered vessel" means a tank vessel, cargo vessel, or
24 passenger vessel.

25 (8) "Department" means the department of ecology.

26 (9) "Director" means the director of the department of ecology.

27 (10) "Discharge" means any spilling, leaking, pumping, pouring,
28 emitting, emptying, or dumping.

29 (11)(a) "Facility" means any structure, group of structures,
30 equipment, pipeline, or device, other than a vessel, located on or near
31 the navigable waters of the state that transfers oil in bulk to or from
32 a tank vessel or pipeline, that is used for producing, storing,
33 handling, transferring, processing, or transporting oil in bulk.

34 (b) A facility does not include any: (i) Railroad car, motor
35 vehicle, or other rolling stock while transporting oil over the
36 highways or rail lines of this state; (ii) underground storage tank
37 regulated by the department or a local government under chapter 90.76
38 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is

1 operated as part of an exempt agricultural activity as provided in RCW
2 82.04.330; or (v) marine fuel outlet that does not dispense more than
3 three thousand gallons of fuel to a ship that is not a covered vessel,
4 in a single transaction.

5 (12) "Fund" means the state coastal protection fund as provided in
6 RCW 90.48.390 and 90.48.400.

7 (13) "Having control over oil" shall include but not be limited to
8 any person using, storing, or transporting oil immediately prior to
9 entry of such oil into the waters of the state, and shall specifically
10 include carriers and bailees of such oil.

11 (14) "Marine facility" means any facility used for tank vessel
12 wharfage or anchorage, including any equipment used for the purpose of
13 handling or transferring oil in bulk to or from a tank vessel.

14 (15) "Navigable waters of the state" means those waters of the
15 state, and their adjoining shorelines, that are subject to the ebb and
16 flow of the tide and/or are presently used, have been used in the past,
17 or may be susceptible for use to transport intrastate, interstate, or
18 foreign commerce.

19 (16) "Necessary expenses" means the expenses incurred by the
20 department and assisting state agencies for (a) investigating the
21 source of the discharge; (b) investigating the extent of the
22 environmental damage caused by the discharge; (c) conducting actions
23 necessary to clean up the discharge; (d) conducting predamage and
24 damage assessment studies; and (e) enforcing the provisions of this
25 chapter and collecting for damages caused by a discharge.

26 (17) "Oil" or "oils" means oil of any kind that is liquid at
27 atmospheric temperature and any fractionation thereof, including, but
28 not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil,
29 biological oils and blends, oil sludge, oil refuse, and oil mixed with
30 wastes other than dredged spoil. Oil does not include any substance
31 listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989,
32 under section 101(14) of the federal comprehensive environmental
33 response, compensation, and liability act of 1980, as amended by P.L.
34 99-499.

35 (18) "Offshore facility" means any facility located in, on, or
36 under any of the navigable waters of the state, but does not include a
37 facility any part of which is located in, on, or under any land of the
38 state, other than submerged land.

1 (19) "Onshore facility" means any facility any part of which is
2 located in, on, or under any land of the state, other than submerged
3 land, that because of its location, could reasonably be expected to
4 cause substantial harm to the environment by discharging oil into or on
5 the navigable waters of the state or the adjoining shorelines.

6 (20)(a) "Owner or operator" means (i) in the case of a vessel, any
7 person owning, operating, or chartering by demise, the vessel; (ii) in
8 the case of an onshore or offshore facility, any person owning or
9 operating the facility; and (iii) in the case of an abandoned vessel or
10 onshore or offshore facility, the person who owned or operated the
11 vessel or facility immediately before its abandonment.

12 (b) "Operator" does not include any person who owns the land
13 underlying a facility if the person is not involved in the operations
14 of the facility.

15 (21) "Passenger vessel" means a ship of three hundred or more gross
16 tons with a fuel capacity of at least six thousand gallons carrying
17 passengers for compensation.

18 (22) "Person" means any political subdivision, government agency,
19 municipality, industry, public or private corporation, copartnership,
20 association, firm, individual, or any other entity whatsoever.

21 (23) "Ship" means any boat, ship, vessel, barge, or other floating
22 craft of any kind.

23 (24) "Spill" means an unauthorized discharge of oil or hazardous
24 substances into the waters of the state.

25 (25) "Tank vessel" means a ship that is constructed or adapted to
26 carry, or that carries, oil in bulk as cargo or cargo residue, and
27 that:

28 (a) Operates on the waters of the state; or

29 (b) Transfers oil in a port or place subject to the jurisdiction of
30 this state.

31 (26) "Waters of the state" includes lakes, rivers, ponds, streams,
32 inland waters, underground water, salt waters, estuaries, tidal flats,
33 beaches and lands adjoining the seacoast of the state, sewers, and all
34 other surface waters and watercourses within the jurisdiction of the
35 state of Washington.

36 (27) "Worst case spill" means: (a) In the case of a vessel, a
37 spill of the entire cargo and fuel of the vessel complicated by adverse

1 weather conditions; and (b) in the case of an onshore or offshore
2 facility, the largest foreseeable spill in adverse weather conditions.

3 (28) "Facility emergency" means a substantial threat of pollution
4 originating from a facility, including failure or degradation of a
5 tank, pipeline, pump, valve, or an explosion, structural failure, fire,
6 reduction or loss of electrical power, reduction or loss of control
7 systems, or other impaired safe operation.

8 (29) "Substantial threat of pollution" means any incident or
9 condition that may create a risk of discharge of oil or hazardous
10 substances to the environment.

11 (30) "Vessel emergency" means a substantial threat of pollution
12 originating from a covered vessel, including loss or serious
13 degradation of propulsion, steering, means of navigation, primary
14 electrical generating capability, and seakeeping capability.

15 **Sec. 3.** RCW 90.56.280 and 1995 c 399 s 218 are each amended to
16 read as follows:

17 (1) It shall be the duty of any person discharging oil or hazardous
18 substances or otherwise causing, permitting, or allowing the same to
19 enter the waters of the state, unless the discharge or entry was
20 expressly authorized by the department prior thereto or authorized by
21 operation of law under RCW 90.48.200, to immediately notify the coast
22 guard and the division of emergency management. The notice to the
23 division of emergency management within the military department (~~of~~
24 community, trade, and economic development)) shall be made to the
25 division's twenty-four hour statewide toll-free number established for
26 reporting emergencies.

27 (2) When a vessel emergency occurs within three miles of the state
28 shoreline or within United States waters of the Strait of Juan de Fuca
29 or Puget Sound in which a discharge of oil is likely, the owner or
30 operator or their authorized representative shall notify the emergency
31 management division within the military department as soon as
32 practicable. When making such a notification, the owner, operator, or
33 authorized representative shall provide an estimate of the maximum most
34 probable volume of oil that is at risk of being spilled.

35 (3) When a facility emergency occurs in which a discharge of oil is
36 likely, the owner or operator or their authorized representative shall
37 notify the emergency management division within the military department

1 as soon as practicable. When making such a notification, the owner,
2 operator, or authorized representative shall provide an estimate of the
3 maximum most probable volume of oil that is at risk of being spilled.

4 **Sec. 4.** RCW 90.56.210 and 2005 c 78 s 1 are each amended to read
5 as follows:

6 (1) Each onshore and offshore facility shall have a contingency
7 plan for the containment and cleanup of oil spills from the facility
8 into the waters of the state and for the protection of fisheries and
9 wildlife, shellfish beds, natural resources, and public and private
10 property from such spills. Each onshore and offshore facility must
11 activate their contingency plan in the event of an oil spill. In the
12 event of a facility emergency, the facility must also activate their
13 contingency plan. In such cases, the facility must, as soon as
14 practicable, work with appropriate federal authorities and the
15 department to: (a) Assess damage to the facility and determine the
16 probability of a discharge of oil into the environment; (b) develop
17 appropriate source control plans; and (c) determine if it is necessary
18 to preposition oil spill response resources to protect sensitive areas
19 in case of an oil spill.

20 (2) The department shall by rule adopt and periodically revise
21 standards for the preparation of contingency plans. The department
22 shall require contingency plans, at a minimum, to meet the following
23 standards:

24 (a) Include full details of the method of response to spills of
25 various sizes from any facility which is covered by the plan;

26 (b) Be designed to be capable in terms of personnel, materials, and
27 equipment, of promptly and properly, to the maximum extent practicable,
28 as defined by the department removing oil and minimizing any damage to
29 the environment resulting from a worst case spill;

30 (c) Provide a clear, precise, and detailed description of how the
31 plan relates to and is integrated into relevant contingency plans which
32 have been prepared by cooperatives, ports, regional entities, the
33 state, and the federal government;

34 (d) Provide procedures for early detection of oil spills and timely
35 notification of such spills to appropriate federal, state, and local
36 authorities under applicable state and federal law;

1 (e) State the number, training preparedness, and fitness of all
2 dedicated, prepositioned personnel assigned to direct and implement the
3 plan;

4 (f) Incorporate periodic training and drill programs to evaluate
5 whether personnel and equipment provided under the plan are in a state
6 of operational readiness at all times;

7 (g) Describe important features of the surrounding environment,
8 including fish and wildlife habitat, shellfish beds, environmentally
9 and archaeologically sensitive areas, and public facilities. The
10 departments of ecology, fish and wildlife, and natural resources, and
11 the (~~office~~) department of archaeology and historic preservation,
12 upon request, shall provide information that they have available to
13 assist in preparing this description. The description of
14 archaeologically sensitive areas shall not be required to be included
15 in a contingency plan until it is reviewed and updated pursuant to
16 subsection (~~(+9)~~) (10) of this section;

17 (h) State the means of protecting and mitigating effects on the
18 environment, including fish, shellfish, marine mammals, and other
19 wildlife, and ensure that implementation of the plan does not pose
20 unacceptable risks to the public or the environment;

21 (i) Provide arrangements for the prepositioning of oil spill
22 containment and cleanup equipment and trained personnel at strategic
23 locations from which they can be deployed to the spill site to promptly
24 and properly remove the spilled oil;

25 (j) Provide arrangements for enlisting the use of qualified and
26 trained cleanup personnel to implement the plan;

27 (k) Provide for disposal of recovered spilled oil in accordance
28 with local, state, and federal laws;

29 (l) Until a spill prevention plan has been submitted pursuant to
30 RCW 90.56.200, state the measures that have been taken to reduce the
31 likelihood that a spill will occur, including but not limited to,
32 design and operation of a facility, training of personnel, number of
33 personnel, and backup systems designed to prevent a spill;

34 (m) State the amount and type of equipment available to respond to
35 a spill, where the equipment is located, and the extent to which other
36 contingency plans rely on the same equipment; and

37 (n) If the department has adopted rules permitting the use of

1 dispersants, the circumstances, if any, and the manner for the
2 application of the dispersants in conformance with the department's
3 rules.

4 ~~((+2))~~ (3)(a) The following shall submit contingency plans to the
5 department within six months after the department adopts rules
6 establishing standards for contingency plans under subsection ~~((+1))~~
7 (2) of this section:

8 (i) Onshore facilities capable of storing one million gallons or
9 more of oil; and

10 (ii) Offshore facilities.

11 (b) Contingency plans for all other onshore and offshore facilities
12 shall be submitted to the department within eighteen months after the
13 department has adopted rules under subsection ~~((+1))~~ (2) of this
14 section. The department may adopt a schedule for submission of plans
15 within the eighteen-month period.

16 ~~((+3))~~ (4)(a) The owner or operator of a facility shall submit the
17 contingency plan for the facility.

18 (b) A person who has contracted with a facility to provide
19 containment and cleanup services and who meets the standards
20 established pursuant to RCW 90.56.240, may submit the plan for any
21 facility for which the person is contractually obligated to provide
22 services. Subject to conditions imposed by the department, the person
23 may submit a single plan for more than one facility.

24 ~~((+4))~~ (5) A contingency plan prepared for an agency of the
25 federal government or another state that satisfies the requirements of
26 this section and rules adopted by the department may be accepted by the
27 department as a contingency plan under this section. The department
28 shall ensure that to the greatest extent possible, requirements for
29 contingency plans under this section are consistent with the
30 requirements for contingency plans under federal law.

31 ~~((+5))~~ (6) In reviewing the contingency plans required by this
32 section, the department shall consider at least the following factors:

33 (a) The adequacy of containment and cleanup equipment, personnel,
34 communications equipment, notification procedures and call down lists,
35 response time, and logistical arrangements for coordination and
36 implementation of response efforts to remove oil spills promptly and
37 properly and to protect the environment;

- 1 (b) The nature and amount of vessel traffic within the area covered
2 by the plan;
- 3 (c) The volume and type of oil being transported within the area
4 covered by the plan;
- 5 (d) The existence of navigational hazards within the area covered
6 by the plan;
- 7 (e) The history and circumstances surrounding prior spills of oil
8 within the area covered by the plan;
- 9 (f) The sensitivity of fisheries, shellfish beds, and wildlife and
10 other natural resources within the area covered by the plan;
- 11 (g) Relevant information on previous spills contained in on-scene
12 coordinator reports prepared by the department; and
- 13 (h) The extent to which reasonable, cost-effective measures to
14 prevent a likelihood that a spill will occur have been incorporated
15 into the plan.
- 16 ((+6+)) (7) The department shall approve a contingency plan only if
17 it determines that the plan meets the requirements of this section and
18 that, if implemented, the plan is capable, in terms of personnel,
19 materials, and equipment, of removing oil promptly and properly and
20 minimizing any damage to the environment.
- 21 ((+7+)) (8) The approval of the contingency plan shall be valid for
22 five years. Upon approval of a contingency plan, the department shall
23 provide to the person submitting the plan a statement indicating that
24 the plan has been approved, the facilities or vessels covered by the
25 plan, and other information the department determines should be
26 included.
- 27 ((+8+)) (9) An owner or operator of a facility shall notify the
28 department in writing immediately of any significant change of which it
29 is aware affecting its contingency plan, including changes in any
30 factor set forth in this section or in rules adopted by the department.
31 The department may require the owner or operator to update a
32 contingency plan as a result of these changes.
- 33 ((+9+)) (10) The department by rule shall require contingency plans
34 to be reviewed, updated, if necessary, and resubmitted to the
35 department at least once every five years.
- 36 ((+10+)) (11) Approval of a contingency plan by the department does
37 not constitute an express assurance regarding the adequacy of the plan

1 nor constitute a defense to liability imposed under this chapter or
2 other state law.

3 **Sec. 5.** RCW 88.46.060 and 2005 c 78 s 2 are each amended to read
4 as follows:

5 (1) Each covered vessel shall have a contingency plan for the
6 containment and cleanup of oil spills from the covered vessel into the
7 waters of the state and for the protection of fisheries and wildlife,
8 shellfish beds, natural resources, and public and private property from
9 such spills. The department shall by rule adopt and periodically
10 revise standards for the preparation of contingency plans. Each vessel
11 must activate their contingency plan in the event of an oil spill. In
12 the event of a vessel emergency, the vessel must also activate their
13 contingency plan. In such cases, the vessel must, as soon as
14 practicable, work with appropriate federal authorities and the
15 department to: (a) Assess damage to the vessel and determine the
16 probability of a discharge of oil into the environment; (b) develop
17 appropriate salvage and source control plans; and (c) determine if it
18 is necessary to preposition oil spill response resources to protect
19 sensitive areas in case of an oil spill.

20 (2) The department shall require contingency plans, at a minimum,
21 to meet the following standards:

22 (a) Include full details of the method of response to spills of
23 various sizes from any vessel which is covered by the plan;

24 (b) Be designed to be capable in terms of personnel, materials, and
25 equipment, of promptly and properly, to the maximum extent practicable,
26 as defined by the department, removing oil and minimizing any damage to
27 the environment resulting from a worst case spill;

28 (c) Provide a clear, precise, and detailed description of how the
29 plan relates to and is integrated into relevant contingency plans which
30 have been prepared by cooperatives, ports, regional entities, the
31 state, and the federal government;

32 (d) Provide procedures for early detection of spills and timely
33 notification of such spills to appropriate federal, state, and local
34 authorities under applicable state and federal law;

35 (e) State the number, training preparedness, and fitness of all
36 dedicated, prepositioned personnel assigned to direct and implement the
37 plan;

1 (f) Incorporate periodic training and drill programs to evaluate
2 whether personnel and equipment provided under the plan are in a state
3 of operational readiness at all times;

4 (g) Describe important features of the surrounding environment,
5 including fish and wildlife habitat, shellfish beds, environmentally
6 and archaeologically sensitive areas, and public facilities. The
7 departments of ecology, fish and wildlife, and natural resources, and
8 the ((office)) department of archaeology and historic preservation,
9 upon request, shall provide information that they have available to
10 assist in preparing this description. The description of
11 archaeologically sensitive areas shall not be required to be included
12 in a contingency plan until it is reviewed and updated pursuant to
13 subsection ((+9)) (10) of this section;

14 (h) State the means of protecting and mitigating effects on the
15 environment, including fish, shellfish, marine mammals, and other
16 wildlife, and ensure that implementation of the plan does not pose
17 unacceptable risks to the public or the environment;

18 (i) Establish guidelines for the use of equipment by the crew of a
19 vessel to minimize vessel damage, stop or reduce any spilling from the
20 vessel, and, only when appropriate and only when vessel safety is
21 assured, contain and clean up the spilled oil;

22 (j) Provide arrangements for the prepositioning of spill
23 containment and cleanup equipment and trained personnel at strategic
24 locations from which they can be deployed to the spill site to promptly
25 and properly remove the spilled oil;

26 (k) Provide arrangements for enlisting the use of qualified and
27 trained cleanup personnel to implement the plan;

28 (l) Provide for disposal of recovered spilled oil in accordance
29 with local, state, and federal laws;

30 (m) Until a spill prevention plan has been submitted pursuant to
31 RCW 88.46.040, state the measures that have been taken to reduce the
32 likelihood that a spill will occur, including but not limited to,
33 design and operation of a vessel, training of personnel, number of
34 personnel, and backup systems designed to prevent a spill;

35 (n) State the amount and type of equipment available to respond to
36 a spill, where the equipment is located, and the extent to which other
37 contingency plans rely on the same equipment; and

1 (o) If the department has adopted rules permitting the use of
2 dispersants, the circumstances, if any, and the manner for the
3 application of the dispersants in conformance with the department's
4 rules.

5 (~~(+2)~~) (3)(a) The owner or operator of a tank vessel of three
6 thousand gross tons or more shall submit a contingency plan to the
7 department within six months after the department adopts rules
8 establishing standards for contingency plans under subsection (1) of
9 this section.

10 (b) Contingency plans for all other covered vessels shall be
11 submitted to the department within eighteen months after the department
12 has adopted rules under subsection (1) of this section. The department
13 may adopt a schedule for submission of plans within the eighteen-month
14 period.

15 (~~(+3)~~) (4)(a) The owner or operator of a tank vessel or of the
16 facilities at which the vessel will be unloading its cargo, or a
17 Washington state nonprofit corporation established for the purpose of
18 oil spill response and contingency plan coverage and of which the owner
19 or operator is a member, shall submit the contingency plan for the tank
20 vessel. Subject to conditions imposed by the department, the owner or
21 operator of a facility may submit a single contingency plan for tank
22 vessels of a particular class that will be unloading cargo at the
23 facility.

24 (b) The contingency plan for a cargo vessel or passenger vessel may
25 be submitted by the owner or operator of the cargo vessel or passenger
26 vessel, by the agent for the vessel resident in this state, or by a
27 Washington state nonprofit corporation established for the purpose of
28 oil spill response and contingency plan coverage and of which the owner
29 or operator is a member. Subject to conditions imposed by the
30 department, the owner, operator, or agent may submit a single
31 contingency plan for cargo vessels or passenger vessels of a particular
32 class.

33 (c) A person who has contracted with a covered vessel to provide
34 containment and cleanup services and who meets the standards
35 established pursuant to RCW 90.56.240, may submit the plan for any
36 covered vessel for which the person is contractually obligated to
37 provide services. Subject to conditions imposed by the department, the
38 person may submit a single plan for more than one covered vessel.

1 (~~(4)~~) (5) A contingency plan prepared for an agency of the
2 federal government or another state that satisfies the requirements of
3 this section and rules adopted by the department may be accepted by the
4 department as a contingency plan under this section. The department
5 shall ensure that to the greatest extent possible, requirements for
6 contingency plans under this section are consistent with the
7 requirements for contingency plans under federal law.

8 (~~(5)~~) (6) In reviewing the contingency plans required by this
9 section, the department shall consider at least the following factors:

10 (a) The adequacy of containment and cleanup equipment, personnel,
11 communications equipment, notification procedures and call down lists,
12 response time, and logistical arrangements for coordination and
13 implementation of response efforts to remove oil spills promptly and
14 properly and to protect the environment;

15 (b) The nature and amount of vessel traffic within the area covered
16 by the plan;

17 (c) The volume and type of oil being transported within the area
18 covered by the plan;

19 (d) The existence of navigational hazards within the area covered
20 by the plan;

21 (e) The history and circumstances surrounding prior spills of oil
22 within the area covered by the plan;

23 (f) The sensitivity of fisheries and wildlife, shellfish beds, and
24 other natural resources within the area covered by the plan;

25 (g) Relevant information on previous spills contained in on-scene
26 coordinator reports prepared by the director; and

27 (h) The extent to which reasonable, cost-effective measures to
28 prevent a likelihood that a spill will occur have been incorporated
29 into the plan.

30 (~~(6)~~) (7) The department shall approve a contingency plan only if
31 it determines that the plan meets the requirements of this section and
32 that, if implemented, the plan is capable, in terms of personnel,
33 materials, and equipment, of removing oil promptly and properly and
34 minimizing any damage to the environment.

35 (~~(7)~~) (8) The approval of the contingency plan shall be valid for
36 five years. Upon approval of a contingency plan, the department shall
37 provide to the person submitting the plan a statement indicating that

1 the plan has been approved, the vessels covered by the plan, and other
2 information the department determines should be included.

3 ~~((+8+))~~ (9) An owner or operator of a covered vessel shall notify
4 the department in writing immediately of any significant change of
5 which it is aware affecting its contingency plan, including changes in
6 any factor set forth in this section or in rules adopted by the
7 department. The department may require the owner or operator to update
8 a contingency plan as a result of these changes.

9 ~~((+9+))~~ (10) The department by rule shall require contingency plans
10 to be reviewed, updated, if necessary, and resubmitted to the
11 department at least once every five years.

12 ~~((+10+))~~ (11) Approval of a contingency plan by the department does
13 not constitute an express assurance regarding the adequacy of the plan
14 nor constitute a defense to liability imposed under this chapter or
15 other state law.

16 NEW SECTION. **Sec. 6.** RCW 88.46.100 (Notification of accidents and
17 near miss incidents) and 2000 c 69 s 10, 1995 c 391 s 9, & 1991 c 200
18 s 423 are each repealed.

19 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2010.

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