

SENATE BILL REPORT

SB 5288

As Reported By Senate Committee On:
Environmental Quality & Water Resources, February 12, 1999

Title: An act relating to describing waters prohibited from oil tanker passage.

Brief Description: Changing the description of waters from which oil tanker passage is prohibited.

Sponsors: Senators Fraser, Prentice, Patterson, Costa, Spanel, Eide, Jacobsen, Franklin, Gardner, Haugen, Thibaudeau, Kohl-Welles and Kline.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/4/99, 2/12/99 [DPS, DNPS].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

Minority Report: Do not pass substitute.

Signed by Senators Morton and Honeyford.

Staff: Richard Rodger (786-7461)

Background: Oil tankers of greater than 125,000 deadweight tons are prohibited from proceeding in state waters east of a line extending between Discovery Island (Canada) and New Dungeness (Sequim).

Oil tankers which weigh between 40,000 and 125,000 deadweight tons may proceed beyond the line if the tankers possess: a specified horsepower ratio; twin screws; a double bottom; two radar systems, one of which is a collision avoidance radar; and other prescribed navigational position location systems. These tankers may also proceed if they are "in ballast" or under the escort of a tug or tugs possessing an adequate horsepower ratio.

Summary of Substitute Bill: The line of prohibition for oil tankers is moved westward to Bonilla Point on Vancouver Island and Tatoosh Island. The line is located at the west end of the Strait of Juan de Fuca.

The statute is corrected and restructured to be consistent with the U.S. Supreme Court's decision in *Ray v. Atlantic Richfield Co.* (1978). The prohibition is eliminated against tankers over 125,000 deadweight tons.

The requirement dealing with horsepower ratios of both tugs and tankers is removed. Additional requirements are added (consistent with California's statutes) which allow the oil tankers to be exempt from the tug escort requirement. Those requirements include: a bow thruster; two rudders; independent electrical power sources; and dedicated power sources to independent components. A requirement is added that the fuel tank contain a double bottom.

Substitute Bill Compared to Original Bill: The statute is corrected and restructured. The requirement concerning horsepower ratios is removed. Additional vessel requirements are added which, when met, enable the tanker to proceed without a tug escort.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: We have 70 miles of unprotected waters west of Sequim. An oil spill in this area would have a devastating impact on birds, shellfish, salmon, whales, and tourism. We need to address the issues related to the low-risk/high-impact events such as the Exxon Valdez accident in Alaska.

Testimony Against: Escort tugs are not the best method of reducing risk in the area of Buoy J. The highest risk is the risk of collision and this bill may increase that risk. There are other ongoing projects and studies that will provide a better cost-benefit analysis of the available options. This issue should be decided in the federal/international arena, not on a state-by-state basis.

Testified: Kathy Fletcher, People for Puget Sound (pro); Joe Stohr, Department of Ecology; Terry Williams, Tulalip Tribe; Greg Hanon, Western States Petroleum Assn. (con); Brian Sullivan, Peter Coxin, Capt. Michael Dindio, ARCO (con); Dave Friboth, Stuart Downer (pro); Jon C. Smith, Kelley Balcomb-Bartor, Center for Water Research (pro); Helen Engle, National Audubon Society (pro); Cdr. Mike Moore, US Coast Guard Marine Safety Office Puget Sound (con); Lanny Carpenter, Puget Sound Gillnetters Assn. (pro).