

SENATE BILL REPORT

SB 6430

As Reported By Senate Committee On:
Environmental Quality & Water Resources, February 4, 2000

Title: An act relating to oil spill prevention measures for oil tankers.

Brief Description: Changing oil tanker oil spill prevention measures.

Sponsors: Senators Fraser, Spanel, Eide, Fairley, Kline, Jacobsen, McAuliffe and Kohl-Welles.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 1/21/2000, 2/4/2000
[DPS, DNPS].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 6430 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 Honeyford, Morton and Swecker.

Staff: Richard Rodger (786-7461)

Background: Washington State statutes prohibit oil tankers of greater than 125,000 deadweight tons from proceeding in state waters east of a line extending between Discovery Island, near Victoria, Canada and New Dungeness, near Sequim, Washington. This line is referred to as the line of prohibition.— The blanket statutory prohibition was declared invalid under the Supremacy Clause by the U.S. Supreme Court in *Ray v. Atlantic Richfield Co.* (1978). The statute has not been updated to reflect the Supreme Court's decision.

The statute also provides that oil tankers weighing between 40,000 and 125,000 deadweight tons may proceed beyond the line of prohibition— if the oil tanker: (1) Possesses 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; (2) is in ballast—; or (3) is under the escort of a tug or tugs possessing an adequate horsepower ratio. The Supreme Court held that the alternative tug escort requirement is not preempted by the federal regulations.

Summary of Substitute Bill: The statute is corrected and restructured to be consistent with the U.S. Supreme Court's 1978 decision. The prohibition against tankers over 125,000 deadweight tons is eliminated. Oil tankers are referred to as tank vessels.—

The tug escort line of prohibition— requirement for tank vessels is moved westward to Bonilla Point on Vancouver Island across to Tatoosh Island, near Neah Bay, Washington.

The new line is located at the westward end of the Strait of Juan de Fuca. The tug escort requirement also applies to high risk cargo vessels.

The requirement dealing with horsepower ratios of both tugs and tankers is removed. Additional requirements are added which allow the tank vessels 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. The double bottom requirement is expanded to a double hull requirement and also includes the fuel tank.

The tug escort requirement does not apply from the mouth of the strait to Sequim if: (1) An oil spill prevention tug, of a size and capacity determined by the Department of Ecology, is in continuous operation at the westward end of the Strait of Juan de Fuca; (2) the department has waived the tug escort requirement following adoption of rules that substantially reduce the risks of drift groundings, powered groundings, and collisions; (3) the department has waived the conditions for an individual tank vessel based on the department's risk assessment; (4) the department has waived the conditions in an emergency, or (5) the north Puget Sound oil spill risk management panel has decided to eliminate the requirements, in which case, DOE would waive the conditions by rule.

The department shall quantify potential damages caused by an oil spill.

Substitute Bill Compared to Original Bill: The escort requirement is expanded to high risk cargo vessels. Additional provisions are added which allow DOE to waive the tug escort requirements.

Appropriation: None.

Fiscal Note: Requested on January 14, 2000.

Effective Date: The act takes effect on April 1, 2000.

Testimony For: The state should keep the tug escort from Sequim inland. The bill dovetails with DOE/Coast Guard panel's work. DOE's actions to improve safety are accommodated by the bill. The Makah's Tribal culture and livelihood are at stake if an oil spill occurs. This bill will provide the best achievable protections with the best technology for Puget Sound.

This bill provides a needed pro-active approach to protect Washington waters. We know how to prevent oil spills; it is only a question of money. Something must be done now because the current system will be overrun by expansion of trade. The cost of inaction is being externalized, meaning the public will pay for oil spills. The only protection in the risky area is a temporary, under powered tug paid for by the public. The USCG study indicates that ITOS will only reduce risk of grounding by 3 percent.

Testimony Against: The long-term risk management plan started by Governor Locke and the USDOT should be completed before the Legislature considers bills on this topic. The bill leverages decisions without the analysis of the L-T risk management panel. The bill gives too much discretion to the DOE. Focus should be for all of Washington - Grays

Harbor, Columbia River, Puget Sound, not just one small region. The bill should deal with real risks and solutions as opposed to perceived risks. We need a more complete analysis of the risks involved in Washington; don't wholesale, bring AK regulations here without the analysis.

Testified: PRO: Kathy Fletcher; Rhea Mitter, S.J. County Commissioner; Stewart Downer, Inland Boaters Union; Fred Fellerman, Ocean Advocates; Lanny Carpenter, P.S. Gillnetters Assn.; Doug Scott; CON: Greg Hanan, WSPA; Harry Hutchins, P.S. Steamship/Dry Cargo Vessels; Randy Ray, P.S. Steamship; Chris O'Brien, AK Tanker Co.