

SENATE BILL REPORT

2SHB 2593

As Reported By Senate Committee On:
Water, Energy & Environment, February 22, 2006

Title: An act relating to oil spill prevention, preparedness, and response.

Brief Description: Changing provisions relating to oil spill prevention, preparedness, and response.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Appleton, B. Sullivan, Jarrett, Morris, Hankins, Chase, McIntire, Dickerson, McCoy, Conway, Green, Darneille, Schual-Berke, Lovick, Pettigrew, Sommers, Ericks, Lantz, Hasegawa, Morrell, Kenney, Haler, Springer, Roberts, P. Sullivan, Strow, Miloscia, Wallace, Cody, Sells, Moeller, Dunshee, Williams, O'Brien, McDermott, Kessler, Woods, Kilmer, Eickmeyer, Hunt, Flannigan, Takko, Nixon, Rodne, Simpson, Linville and Kagi; by request of Department of Ecology).

Brief History: Passed House: 2/13/06, 94-4.

Committee Activity: Water, Energy & Environment: 2/21/06, 2/22/06 [DPA, DNP, w/oRec].

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Morton, Ranking Minority Member and Delvin.

Minority Report: That it be referred without recommendation.

Signed by Senator Mulliken.

Staff: Richard Rodger (786-7461)

Background: The primary objective of the Department of Ecology's (DOE) Oil Spill Program is to adopt a zero spills strategy and prevent the release of oil or hazardous substances from entering marine waters. The oil spill program requires oil spill prevention plans, contingency response plans, and documentation of financial responsibility for vessels and facilities that may discharge oil into navigable waters.

Persons or facilities conducting ship refueling and bunkering, or lightering of petroleum products, are required to have containment and recovery equipment readily available according to standards adopted by DOE. In addition, any person or facility transferring oil between an onshore or offshore facility and a tank vessel must have containment and recovery

equipment readily available. DOE must adopt rules for directing when a boom should be deployed during oil transfers by June 30, 2006.

Owners and operators of onshore and offshore facilities must prepare and submit oil spill contingency and prevention plans. DOE may issue orders or directives to any person who violates provisions of the oil spill prevention and response statutes.

DOE's explicit authority to issue regulatory orders to vessel operators for violations of rules was omitted in the 1991 legislative rewrite of the oil pollution prevention statutes.

Summary of Amended Bill: DOE is given additional direction in regards to its current rulemaking covering transfers of oil. The department must scale its rules to the risk posed to people and to the environment, and categorize the rules by type of transfer, volume of oil, frequency of transfer, and other risk factors it identifies.

Prior notice of an oil transfer is not generally required for a marine fuel outlet transferring less than three thousand gallons of oil in a single transaction to a ship that is not a covered vessel when scheduled less than four hours in advance. DOE can establish criteria in rules that may require notice of small oil transfers at an individual marine fuel outlet that poses an elevated risk. DOE may require semiannual reporting of volumes of oil transferred to ships by a marine fuel outlet.

DOE's authority over ship refueling and bunkering, or lightering of petroleum products, is expanded to include motor vehicles which are conducting those same activities.

DOE's standards for deployment of containment equipment during oil transfers may require, in addition to alternative measures, additional measures as deemed necessary to enhance safety. These additional measures must be scaled to the risk posed by the oil transfer. DOE may also require a person or facility to provide notice of the time, location, and volume of future intended oil transfers in situations which the department defines as posing a higher risk.

DOE is authorized to conduct inspections of covering regulated transfers of oil over state waters. DOE may require vessel contingency plan holders to conduct drills, as they currently require for regulated facilities. DOE's explicit authority to issue regulatory orders to vessel operators for violations of rules is restored.

Amended Bill Compared to Original Bill: DOE can establish criteria in rules that may require notice of small oil transfers at an individual marine fuel outlet that poses an elevated risk.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: There is only one difference between the House and Senate versions of this bill and the Department of Ecology can live with either version. The NW Marine Trade

Association negotiated the language regarding the notice provisions for marine fuel outlets and likes how it is structured in this bill.

Testimony Against: None.

Who Testified: PRO: Dale Jensen, Department of Ecology, Spills Program; Cliff Webster, NW Marine Trade Association.

Signed in, Unable to Testify & Submitted Written Testimony: PRO: Eric Johnson, Washington Public Posts Association.