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HOUSE BILL 2575

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Farrell, Fitzgibbon, Peterson, Walkinshaw, Frame, McBride, Stanford, Jinkins, Ormsby, Gregerson, Senn, Pollet, and Tharinger

Read first time 01/15/16. Referred to Committee on Environment.

1 AN ACT Relating to continuing state efforts to increase oil  
2 transportation safety; adding new sections to chapter 90.56 RCW;  
3 creating new sections; and providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the system of  
6 crude oil transportation by boat, rail, pipeline, and motor vehicle  
7 in Washington has experienced significant changes in recent years. By  
8 enacting chapter 274, Laws of 2015 (the oil transportation safety  
9 act), the legislature took significant steps to address the risks of  
10 oil transportation. However, additional attention to this issue is  
11 warranted and the additional steps taken in this act will help  
12 continue to improve oil transportation safety. Oil transportation  
13 patterns are expected to continue to change in coming years,  
14 especially in light of the recent decision by the United States  
15 congress in December 2015 to remove the longstanding prohibition on  
16 the export of crude oil from the United States. This reversal of  
17 federal law presents a significant prospective change to the patterns  
18 of oil shipment through the state and may bring additional  
19 environmental and public safety risks that are not adequately  
20 addressed by existing plans and safety regulations. Therefore, in  
21 order to ensure that the state is adequately prepared to make

1 informed policy decisions that reflect the changing dynamics and  
2 risks of oil transportation through the state, it is the intent of  
3 the legislature to direct the department of ecology and other state  
4 agencies to update critical analytic and planning documents to  
5 reflect recent oil transportation developments and to better prepare  
6 for future changes.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.56  
8 RCW to read as follows:

9 (1) In order to address the changing patterns of oil  
10 transportation and associated changing environmental and public  
11 safety risks due to the recent decision by the United States congress  
12 to remove the federal ban on the export of crude oil, the department  
13 must update the study of oil shipment through the state that was  
14 conducted pursuant to the operating budget proviso in section  
15 302(14), chapter 221, Laws of 2014. In addition to updating the study  
16 to reflect the potential for changed oil shipment patterns in light  
17 of the lifted federal export ban, the study and associated  
18 recommendations for policy changes that were included in the study  
19 must be updated in light of the enactment of the 2015 oil  
20 transportation safety act, chapter 274, Laws of 2015. The study and  
21 associated policy recommendations must be updated and submitted to  
22 the appropriate policy and fiscal committees of the legislature by  
23 December 15, 2016.

24 (2) In updating this report to the legislature, the department  
25 must consult with the emergency management division of the state  
26 military department, the utilities and transportation commission, the  
27 department of transportation, and, as appropriate, other federal and  
28 state agencies, tribal governments and commissions, and public and  
29 private organizations. The department must only update the portions  
30 of the study where the data or analysis are significantly affected by  
31 the elimination of the federal ban on the export of crude oil or by  
32 the enactment of the oil transportation safety act, chapter 274, Laws  
33 of 2015. The department is not required to update data and analysis  
34 that remain largely unaffected by the enactment of the oil  
35 transportation safety act, chapter 274, Laws of 2015, or by the  
36 lifting of the federal ban on the export of crude oil.

37 (3) Prior to finalizing the update, the department must provide  
38 an opportunity for written and in-person public comment on the  
39 updated report to the legislature.

1 (4) This section expires June 30, 2019.

2 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.56  
3 RCW to read as follows:

4 (1) By December 15, 2016, the department must compile a master  
5 document that summarizes the anticipated cumulative environmental  
6 impacts associated with oil facility infrastructure development  
7 proposals that were active as of January 1, 2016.

8 (a) The cumulative environmental impacts summarized in the master  
9 document must include anticipated impacts associated with proposed  
10 expansions or infrastructure changes to existing facilities, proposed  
11 new facilities, and proposed changes to pipeline capacity and other  
12 oil facility infrastructure in the provinces of British Columbia and  
13 Alberta.

14 (b) The types of environmental impacts that must be summarized  
15 include the cumulative anticipated additional annual statewide:

16 (i) Number of tank cars of crude oil arriving at facilities;

17 (ii) Number of unit trains arriving at and departing from  
18 facilities;

19 (iii) Volume of crude oil arriving at and departing from  
20 facilities by unit train;

21 (iv) Volume of crude oil arriving at and departing from  
22 facilities by oil-bearing vessel;

23 (v) Number of oil-bearing vessels arriving at and departing from  
24 facilities by vessel; and

25 (vi) Number of oil-bearing vessels and volume of oil transiting  
26 through the Strait of Juan de Fuca, Greys Harbor, and the mouth of  
27 the Columbia river.

28 (c) The department must also summarize other impacts to the  
29 environment typically evaluated under chapter 43.21C RCW to the  
30 extent that this information is available and able to be  
31 quantitatively compared and tallied across multiple proposals.

32 (2) To the greatest extent practicable, in completing the master  
33 document summary of cumulative environmental impacts required by this  
34 section, the department must rely on existing analyses completed  
35 under the state environmental policy act, chapter 43.21C RCW, that  
36 are associated with proposed new and modified facilities. In order to  
37 summarize information related to facilities for which draft or final  
38 analysis under chapter 43.21C RCW has not yet been completed by a  
39 lead agency, the department must rely on pertinent documents

1 submitted to a state agency or a local government by project  
2 proponents, as well as any other pertinent sources of information.

3 (3) The master document summary of cumulative environmental  
4 impacts required by this section must be made available on the  
5 department's web site. The master document summary of cumulative  
6 environmental impacts required by this section must also be included  
7 as an addendum to the report completed pursuant to section 2 of this  
8 act.

9 (4) This section expires June 30, 2019.

10 NEW SECTION. **Sec. 4.** The department of ecology shall contract  
11 with an eligible independent third party to update the October 2006  
12 report to the state emergency response commission regarding statewide  
13 response to chemical, biological, radiological, nuclear, and  
14 explosive materials. The updated report must also include an update  
15 to appendix A of that report, which addresses the state's current  
16 hazardous materials response capabilities and that reviews the  
17 emergency response programs of other states. The contract for the  
18 updated report must give special emphasis to addressing recent  
19 changes to patterns of hazardous material transportation, including  
20 crude oil transportation, and the availability of resources to  
21 respond to incidents resulting from the transport of hazardous  
22 materials. The contract must require the updated report to be  
23 completed by June 30, 2017.

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