

ESSB 5579 - H COMM AMD

By Committee on Environment & Energy

NOT ADOPTED 04/12/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.56
4 RCW to read as follows:

5 (1) A facility may not load or unload crude oil into or from a
6 rail tank car unless the oil has a vapor pressure of less than nine
7 pounds per square inch.

8 (2) The director may impose a penalty of up to twenty-five
9 hundred dollars per day per rail tank car or the equivalent volume of
10 oil for violations of this section. Any penalty recovered pursuant to
11 this section must be credited to the coastal protection fund created
12 in RCW 90.48.390.

13 (3) This section does not: (a) Prohibit a railroad car carrying
14 crude oil from entering Washington; (b) require a railroad car
15 carrying crude oil to stop before entering Washington; or (c) require
16 a railroad car carrying crude oil to be checked for vapor pressure
17 before entering Washington.

18 **Sec. 2.** RCW 90.56.565 and 2015 c 274 s 8 are each amended to
19 read as follows:

20 (1)(a) A facility that receives crude oil from a railroad car
21 must provide advance notice to the department that the facility will
22 receive crude oil from a railroad car, as provided in this section.
23 The advance notice must include the route taken to the facility
24 within the state, if known, and the scheduled time, location, volume,
25 region per bill of lading, type, vapor pressure, and gravity as
26 measured by standards developed by the American petroleum institute,
27 of crude oil received. Each week, a facility that provides advance
28 notice under this section must provide the required information
29 regarding the scheduled arrival of railroad cars carrying crude oil
30 to be received by the facility in the succeeding seven-day period. A
31 facility is not required to provide advance notice when there is no

1 receipt of crude oil from a railroad car scheduled for a seven-day
2 period.

3 (b) Twice per year, pipelines that transport crude oil must
4 report to the department the following information about the crude
5 oil transported by the pipeline through the state: The volume of
6 crude oil and the state or province of origin of the crude oil. This
7 report must be submitted each year by July 31st for the period
8 January 1st through June 30th and by January 31st for the period July
9 1st through December 31st.

10 (2) The department may share information provided by a facility
11 through the advance notice system established in this section with
12 the state emergency management division and any county, city, tribal,
13 port, or local government emergency response agency upon request.

14 (3) The department must publish information collected under this
15 section on a quarterly basis on the department's internet web site.
16 With respect to the information reported under subsection (1)(a) of
17 this section, the information published by the department must be
18 aggregated on a statewide basis by route through the state, by week,
19 and by type of crude oil. The report may also include other
20 information available to the department including, but not limited
21 to, place of origin, modes of transport, number of railroad cars
22 delivering crude oil, and number and volume of spills during
23 transport and delivery.

24 (4) To further strengthen rail safety and the transportation of
25 crude oil, the department must provide to the utilities and
26 transportation commission data reported by facilities on the
27 characteristics, volatility, vapor pressure, and volume of crude oil
28 transported by rail, as required under subsection (1)(a) of this
29 section.

30 (5) A facility providing advance notice under this section is not
31 responsible for meeting advance notice time frame requirements under
32 subsection (1) of this section in the event that the schedule of
33 arrivals of railroad cars carrying crude oil changes during a seven-
34 day period.

35 ((+5)) (6) Consistent with the requirements of chapter 42.56
36 RCW, the department and any state, local, tribal, or public agency
37 that receives information provided under this section may not
38 disclose any such information to the public or to nongovernmental
39 entities that contains proprietary, commercial, or financial
40 information unless that information is aggregated. The requirement

1 for aggregating information does not apply when information is shared
2 by the department with emergency response agencies as provided in
3 subsection (2) of this section.

4 ~~((+6))~~ (7) The department shall adopt rules to implement this
5 section. The advance notice system required in this section must be
6 consistent with the oil transfer reporting system adopted by the
7 department pursuant to RCW 88.46.165.

8 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect two
9 years after the department of ecology provides notification that the
10 volume of crude oil transported by rail in a calendar year as
11 reported under RCW 90.56.565 has increased more than five percent
12 above the volume reported in 2018. The department of ecology must
13 provide written notice of the effective date of section 1 of this act
14 to affected parties, the chief clerk of the house of representatives,
15 the secretary of the senate, the office of the code reviser, and
16 others as deemed appropriate by the department of ecology.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 81.44
18 RCW to read as follows:

19 (1) The commission shall, for the purposes of targeting high-risk
20 inspections, incorporate data received from the department of ecology
21 as required under RCW 90.56.565(4) in the development of its annual
22 work plan and inspection activity.

23 (2) Nothing in this section is intended to interfere with or
24 prevent the participation of the commission in the federal railroad
25 administration's state rail safety participation program."

26 Correct the title.

EFFECT: Removes the intent section. Provides that the prohibition on the loading and unloading of certain crude oil does not take effect until two years after the Department of Ecology (Ecology) provides notice that the volume of crude oil transported by rail during a calendar year has increased by more than 5 percent relative to the volume transported in 2018. Removes the prohibition related to the storage of certain crude oil. Requires the Department of Ecology to provide to the Utilities and Transportation Commission (UTC) data reported by facilities on the characteristics, volatility, vapor pressure, and volume of crude oil transported by rail. Requires the

UTC to incorporate into its annual work plan the data received from Ecology related to the transport of crude oil.

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