

**E2SHB 1186** - S AMD to WM COMM AMD (S-2644.1/11) **264**

By Senators Ranker, Kastama, Tom, Hargrove, Hatfield, Ericksen,  
Litzow, Hobbs, Swecker, Schoesler, Fain

ADOPTED 04/05/2011

1 Beginning on page 1, after line 2 of the amendment, strike all of  
2 section 1

3  
4 Renumber the remaining sections and correct any internal  
5 references accordingly.

6 Beginning on page 5, line 35 of the amendment, strike all of  
7 sections 3 through 15 and insert the following:

8  
9 "NEW SECTION. **Sec. 2.** A new section is added to chapter 88.46  
10 RCW to read as follows:

11 (1) The department shall evaluate and update planning standards  
12 for oil spill response equipment required under contingency plans  
13 required by this chapter, including aerial surveillance, in order to  
14 ensure access in the state to equipment that represents the best  
15 achievable protection to respond to a worst case spill and provide for  
16 continuous operation of oil spill response activities to the maximum  
17 extent practicable and without jeopardizing crew safety, as determined  
18 by the incident commander or the unified command.

19 (2) The department shall by rule update the planning standards at  
20 five-year intervals to ensure the maintenance of best available  
21 protection over time. Rule updates to covered non-tank vessels shall  
22 minimize potential impacts to discretionary cargo moved through the  
23 state.

24 (3) The department shall evaluate and update planning standards  
25 for tank vessels by December 31, 2012.

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1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 88.46 RCW  
2 to read as follows:

3        By December 31, 2012, the department shall complete rule making  
4 for purposes of improving the effectiveness of the vessels of  
5 opportunity system to participate in spill response.

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7        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 88.46 RCW  
8 to read as follows:

9        (1)    The department shall establish a volunteer coordination  
10 system.    The volunteer coordination system may be included as a part  
11 of the state's overall oil spill response strategy, and may be  
12 implemented by local emergency management organizations, in  
13 coordination with any analogous federal efforts, to supplement the  
14 state's timely and effective response to spills.

15        (2)    The department should consider how the volunteer coordination  
16 system will:

17        (a)    Coordinate with the incident commander or unified command of  
18 an oil spill and any affected local governments to receive, screen,  
19 and register volunteers who are not affiliated with the emergency  
20 management organization or a local nongovernmental organization;

21        (b)    Coordinate the management of volunteers with local  
22 nongovernmental organizations and their affiliated volunteers;

23        (c)    Coordinate appropriate response operations with different  
24 classes of volunteers, including pretrained volunteers and convergent  
25 volunteers, to fulfill requests by the department or an oil spill  
26 incident commander or unified command;

27        (d)    Coordinate public outreach regarding the need for and use of  
28 volunteers;

29        (e)    Determine minimum participation criteria for volunteers; and

30        (f)    Identify volunteer training requirements and, if applicable,  
31 provide training opportunities for volunteers prior to an oil spill  
32 response incident.

33        (3)    An act or omission by any volunteer participating in a spill  
34 response or training as part of a volunteer coordination system, while

1 engaged in such activities, does not impose any liability on any state  
2 agency, any participating local emergency management organization, or  
3 the volunteer for civil damages resulting from the act or omission.  
4 However, the immunity provided under this subsection does not apply to  
5 an act or omission that constitutes gross negligence or willful or  
6 wanton misconduct.

7 (4) The decisions to utilize volunteers in an oil spill response,  
8 which volunteers to utilize, and to determine which response  
9 activities are appropriate for volunteer participation in any given  
10 response are the sole responsibilities of the designated incident  
11 commander or unified command.

12

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 88.46 RCW  
14 to read as follows:

15 (1) The department is responsible for requiring joint large-scale,  
16 multiple plan equipment deployment drills of tank vessels to determine  
17 the adequacy of the owner's or operator's compliance with the  
18 contingency plan requirements of this chapter. The department must  
19 order at least one drill as outlined in this section every three  
20 years.

21 (2) Drills required under this section must focus on, at a  
22 minimum, the following:

23 (a) The functional ability for multiple contingency plans to be  
24 simultaneously activated with the purpose of testing the ability for  
25 dedicated equipment and trained personnel cited in multiple  
26 contingency plans to be activated in a large scale spill; and

27 (b) The operational readiness during both the first six hours of a  
28 spill and, at the department's discretion, over multiple operational  
29 periods of response.

30 (3) Drills required under this section may be incorporated into  
31 other drill requirements under this chapter to avoid increasing the  
32 number of drills and equipment deployments otherwise required.

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1 (4) Each successful drill conducted under this section may be  
2 considered by the department as a drill of the underlying contingency  
3 plan and credit may be awarded to the plan holder accordingly.

4 (5) The department shall, when practicable, coordinate with  
5 applicable federal agencies, the state of Oregon, and the province of  
6 British Columbia to establish a drill incident command and to help  
7 ensure that lessons learned from the drills are evaluated with the  
8 goal of improving the underlying contingency plans.

9  
10 **Sec. 6.** RCW 88.46.060 and 2005 c 78 s 2 are each amended to read  
11 as follows:

12 (1) Each covered vessel shall have a contingency plan for the  
13 containment and cleanup of oil spills from the covered vessel into the  
14 waters of the state and for the protection of fisheries and wildlife,  
15 shellfish beds, natural resources, and public and private property  
16 from such spills. The department shall by rule adopt and periodically  
17 revise standards for the preparation of contingency plans. The  
18 department shall require contingency plans, at a minimum, to meet the  
19 following standards:

20 (a) Include full details of the method of response to spills of  
21 various sizes from any vessel which is covered by the plan;

22 (b) Be designed to be capable in terms of personnel, materials,  
23 and equipment, of promptly and properly, to the maximum extent  
24 practicable, as defined by the department, removing oil and minimizing  
25 any damage to the environment resulting from a worst case spill;

26 (c) Provide a clear, precise, and detailed description of how the  
27 plan relates to and is integrated into relevant contingency plans  
28 which have been prepared by cooperatives, ports, regional entities,  
29 the state, and the federal government;

30 (d) Provide procedures for early detection of spills and timely  
31 notification of such spills to appropriate federal, state, and local  
32 authorities under applicable state and federal law;

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1 (e) State the number, training preparedness, and fitness of all  
2 dedicated, prepositioned personnel assigned to direct and implement  
3 the plan;

4 (f) Incorporate periodic training and drill programs consistent  
5 with this chapter to evaluate whether personnel and equipment provided  
6 under the plan are in a state of operational readiness at all times;

7 (g) Describe important features of the surrounding environment,  
8 including fish and wildlife habitat, shellfish beds, environmentally  
9 and archaeologically sensitive areas, and public facilities. The  
10 departments of ecology, fish and wildlife, (~~and~~) natural resources,  
11 and (~~the office of~~) archaeology and historic preservation, upon  
12 request, shall provide information that they have available to assist  
13 in preparing this description. The description of archaeologically  
14 sensitive areas shall not be required to be included in a contingency  
15 plan until it is reviewed and updated pursuant to subsection (9) of  
16 this section;

17 (h) State the means of protecting and mitigating effects on the  
18 environment, including fish, shellfish, marine mammals, and other  
19 wildlife, and ensure that implementation of the plan does not pose  
20 unacceptable risks to the public or the environment;

21 (i) Establish guidelines for the use of equipment by the crew of a  
22 vessel to minimize vessel damage, stop or reduce any spilling from the  
23 vessel, and, only when appropriate and only when vessel safety is  
24 assured, contain and clean up the spilled oil;

25 (j) Provide arrangements for the prepositioning of spill  
26 containment and cleanup equipment and trained personnel at strategic  
27 locations from which they can be deployed to the spill site to  
28 promptly and properly remove the spilled oil;

29 (k) Provide arrangements for enlisting the use of qualified and  
30 trained cleanup personnel to implement the plan;

31 (l) Provide for disposal of recovered spilled oil in accordance  
32 with local, state, and federal laws;

33 (m) Until a spill prevention plan has been submitted pursuant to  
34 RCW 88.46.040, state the measures that have been taken to reduce the

1 likelihood that a spill will occur, including but not limited to,  
2 design and operation of a vessel, training of personnel, number of  
3 personnel, and backup systems designed to prevent a spill;

4 (n) State the amount and type of equipment available to respond to  
5 a spill, where the equipment is located, and the extent to which other  
6 contingency plans rely on the same equipment; ~~((and))~~

7 (o) If the department has adopted rules permitting the use of  
8 dispersants, the circumstances, if any, and the manner for the  
9 application of the dispersants in conformance with the department's  
10 rules;

11 (p) Compliance with section 7 of this act if the contingency plan  
12 is submitted by an umbrella plan holder; and

13 (q) Include any additional elements of contingency plans as  
14 required by this chapter.

15 (2)~~((a))~~ The owner or operator of a ~~((tank))~~ covered vessel ~~((of~~  
16 ~~three thousand gross tons or more shall))~~ must submit ~~((a))~~ any  
17 required contingency plan updates to the department within ~~((six~~  
18 ~~months after))~~ the timelines established by the department ~~((adopts~~  
19 ~~rules establishing standards for contingency plans under subsection~~  
20 ~~(1) of this section.~~

21 ~~— (b) Contingency plans for all other covered vessels shall be~~  
22 ~~submitted to the department within eighteen months after the~~  
23 ~~department has adopted rules under subsection (1) of this section.~~  
24 ~~The department may adopt a schedule for submission of plans within the~~  
25 ~~eighteen month period)).~~

26 (3)(a) The owner or operator of a tank vessel or of the facilities  
27 at which the vessel will be unloading its cargo, or a ~~((Washington~~  
28 ~~state))~~ nonprofit corporation established for the purpose of oil spill  
29 response and contingency plan coverage and of which the owner or  
30 operator is a member, shall submit the contingency plan for the tank  
31 vessel. Subject to conditions imposed by the department, the owner or  
32 operator of a facility may submit a single contingency plan for tank  
33 vessels of a particular class that will be unloading cargo at the  
34 facility.

1 (b) The contingency plan for a cargo vessel or passenger vessel  
2 may be submitted by the owner or operator of the cargo vessel or  
3 passenger vessel, by the agent for the vessel resident in this state,  
4 or by a ((Washington state)) nonprofit corporation established for the  
5 purpose of oil spill response and contingency plan coverage and of  
6 which the owner or operator is a member. Subject to conditions  
7 imposed by the department, the owner, operator, or agent may submit a  
8 single contingency plan for cargo vessels or passenger vessels of a  
9 particular class.

10 (c) A person who has contracted with a covered vessel to provide  
11 containment and cleanup services and who meets the standards  
12 established pursuant to RCW 90.56.240, may submit the plan for any  
13 covered vessel for which the person is contractually obligated to  
14 provide services. Subject to conditions imposed by the department,  
15 the person may submit a single plan for more than one covered vessel.

16 (4) A contingency plan prepared for an agency of the federal  
17 government or another state that satisfies the requirements of this  
18 section and rules adopted by the department may be accepted by the  
19 department as a contingency plan under this section. The department  
20 shall ensure that to the greatest extent possible, requirements for  
21 contingency plans under this section are consistent with the  
22 requirements for contingency plans under federal law.

23 (5) In reviewing the contingency plans required by this section,  
24 the department shall consider at least the following factors:

25 (a) The adequacy of containment and cleanup equipment, personnel,  
26 communications equipment, notification procedures and call down lists,  
27 response time, and logistical arrangements for coordination and  
28 implementation of response efforts to remove oil spills promptly and  
29 properly and to protect the environment;

30 (b) The nature and amount of vessel traffic within the area  
31 covered by the plan;

32 (c) The volume and type of oil being transported within the area  
33 covered by the plan;

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1 (d) The existence of navigational hazards within the area covered  
2 by the plan;

3 (e) The history and circumstances surrounding prior spills of oil  
4 within the area covered by the plan;

5 (f) The sensitivity of fisheries and wildlife, shellfish beds, and  
6 other natural resources within the area covered by the plan;

7 (g) Relevant information on previous spills contained in on-scene  
8 coordinator reports prepared by the director; and

9 (h) The extent to which reasonable, cost-effective measures to  
10 prevent a likelihood that a spill will occur have been incorporated  
11 into the plan.

12 (6)(a) The department shall approve a contingency plan only if it  
13 determines that the plan meets the requirements of this section and  
14 that, if implemented, the plan is capable, in terms of personnel,  
15 materials, and equipment, of removing oil promptly and properly and  
16 minimizing any damage to the environment.

17 (b) The department must notify the plan holder in writing within  
18 sixty-five days of an initial or amended plan's submittal to the  
19 department as to whether the plan is disapproved, approved, or  
20 conditionally approved. If a plan is conditionally approved, the  
21 department must clearly describe each condition and specify a schedule  
22 for plan holders to submit required updates.

23 (7) The approval of the contingency plan shall be valid for five  
24 years. Upon approval of a contingency plan, the department shall  
25 provide to the person submitting the plan a statement indicating that  
26 the plan has been approved, the vessels covered by the plan, and other  
27 information the department determines should be included.

28 (8) An owner or operator of a covered vessel shall notify the  
29 department in writing immediately of any significant change of which  
30 it is aware affecting its contingency plan, including changes in any  
31 factor set forth in this section or in rules adopted by the  
32 department. The department may require the owner or operator to  
33 update a contingency plan as a result of these changes.

34



1 (9) The department by rule shall require contingency plans to be  
2 reviewed, updated, if necessary, and resubmitted to the department at  
3 least once every five years.

4 (10) Approval of a contingency plan by the department does not  
5 constitute an express assurance regarding the adequacy of the plan nor  
6 constitute a defense to liability imposed under this chapter or other  
7 state law.

8  
9 NEW SECTION. **Sec. 7.** A new section is added to chapter 88.46 RCW  
10 to read as follows:

11 (1) When submitting a contingency plan to the department under RCW  
12 88.46.060, any umbrella plan holder that enrolls both tank vessels and  
13 covered vessels that are not tank vessels must, in addition to  
14 satisfying the other requirements of this chapter, specify:

15 (a) The maximum worst case discharge volume from covered vessels  
16 that are not tank vessels to be covered by the umbrella plan holder's  
17 contingency plan; and

18 (b) The maximum worst case discharge volume from tank vessels to be  
19 covered by the umbrella plan holder's contingency plan.

20 (2) Any owner or operator of a covered vessel having a worst case  
21 discharge volume that exceeds the maximum volume covered by an  
22 approved

23 umbrella plan holder may enroll with the umbrella plan holder if the  
24 owner or operator of the covered vessel maintains an agreement with  
25 another entity to provide supplemental equipment sufficient to meet  
26 the requirements of this chapter.

27 (3) The department must approve an umbrella plan holder that covers  
28 vessels having a worst case discharge volume that exceeds the maximum  
29 volume if:

30 (a) The department determines that the umbrella plan holder should be  
31 approved for a lower discharge volume;

32 (b) The vessel owner or operator provides documentation to the  
33 umbrella plan holder authorizing the umbrella plan holder to activate  
34 additional resources sufficient to meet the worst case discharge

1 volume of the vessel; and

2 (c) The department has previously approved a plan that provides access  
3 to the same resources identified in (3)(b) to meet the requirements of  
4 this chapter for worst case discharge volumes equal to or greater than  
5 the worst case discharge volume of the vessel.

6 (4) The umbrella plan holder must describe in the plan how the  
7 activation of additional resources will be implemented and provide the  
8 department the ability to review and inspect any documentation that  
9 the umbrella plan holder relies on to enroll a vessel with a worst  
10 case discharge that exceeds the plan's maximum volume.

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13 **Sec. 8.** RCW 88.46.100 and 2000 c 69 s 10 are each amended to read  
14 as follows:

15 ~~((1)) In ((order to assist the state in identifying areas of the~~  
16 ~~navigable waters of the state needing special attention, the owner or~~  
17 ~~operator of a covered vessel shall notify the)) addition to any  
18 notifications that the owner or operator of a covered vessel must  
19 provide to the United States coast guard ((within one hour:~~

20 ~~— (a) Of the disability of the covered vessel if the disabled vessel~~  
21 ~~is within twelve miles of the shore of the state; and~~

22 ~~— (b) Of a collision or a near miss incident within twelve miles of~~  
23 ~~the shore of the state.~~

24 ~~— (2) The state military department and the department shall request~~  
25 ~~the coast guard to notify the state military department as soon as~~  
26 ~~possible after the coast guard receives notice of a disabled covered~~  
27 ~~vessel or of a collision or near miss incident within twelve miles of~~  
28 ~~the shore of the state. The department shall negotiate an agreement~~  
29 ~~with the coast guard governing procedures for coast guard notification~~  
30 ~~to the state regarding disabled covered vessels and collisions and~~  
31 ~~near miss incidents.~~

32 ~~— (3) The department shall prepare a summary of the information~~  
33 ~~collected under this section and provide the summary to the regional~~  
34 ~~marine safety committees, the coast guard, and others in order to~~

1 ~~identify problems with the marine transportation system.~~  
2 ~~—— (4) For the purposes of this section:~~  
3 ~~—— (a) A tank vessel or cargo vessel is considered disabled if any of~~  
4 ~~the following occur:~~  
5 ~~—— (i) Any accidental or intentional grounding;~~  
6 ~~—— (ii) The total or partial failure of the main propulsion or~~  
7 ~~primary steering or any component or control system that causes a~~  
8 ~~reduction in the maneuvering capabilities of the vessel;~~  
9 ~~—— (iii) An occurrence materially and adversely affecting the~~  
10 ~~vessel's seaworthiness or fitness for service, including but not~~  
11 ~~limited to, fire, flooding, or collision with another vessel;~~  
12 ~~—— (iv) Any other occurrence that creates the serious possibility of~~  
13 ~~an oil spill or an occurrence that may result in such a spill.~~  
14 ~~—— (b) A barge is considered disabled if any of the following occur:~~  
15 ~~—— (i) The towing mechanism becomes disabled;~~  
16 ~~—— (ii) The towboat towing the barge becomes disabled through~~  
17 ~~occurrences defined in (a) of this subsection.~~  
18 ~~—— (c) A near miss incident is an incident that requires the pilot or~~  
19 ~~master of a covered vessel to take evasive actions or make significant~~  
20 ~~course corrections in order to avoid a collision with another ship or~~  
21 ~~to avoid a grounding as required by the international rules of the~~  
22 ~~road.~~  
23 ~~—— (5) Failure of any person to make a report under this section~~  
24 ~~shall not be used as the basis for the imposition of any fine or~~  
25 ~~penalty)) regarding a vessel emergency, the owner or operator of a~~  
26 ~~covered vessel must notify the state of any vessel emergency that~~  
27 ~~results in the discharge or substantial threat of discharge of oil to~~  
28 ~~state waters or that may affect the natural resources of the state~~  
29 ~~within one hour of the onset of that emergency. The purpose of this~~  
30 ~~notification is to enable the department to coordinate with the vessel~~  
31 ~~operator, contingency plan holder, and the United States coast guard~~  
32 ~~to protect the public health, welfare, and natural resources of the~~  
33 ~~state and to ensure all reasonable spill preparedness and response~~  
34 ~~measures are in place prior to a spill occurring.~~

1       **Sec. 9.** RCW 90.48.366 and 2007 c 347 s 1 are each amended to read  
2 as follows:

3 (1) The department, in consultation with the departments of fish and  
4 wildlife and natural resources, and the parks and recreation  
5 commission, shall adopt rules establishing a compensation schedule for  
6 the discharge of oil in violation of this chapter and chapter 90.56  
7 RCW. The amount of compensation assessed under this schedule shall  
8 be:

9       (a) For spills totaling one thousand gallons or more in any one  
10 event, no less than (~~one dollar~~) three dollars per gallon of oil  
11 spilled and no greater than (~~one~~) three hundred dollars per gallon  
12 of oil spilled; and

13       (b) For spills totaling less than one thousand gallons in any one  
14 event, no less than one dollar per gallon of oil spilled and no  
15 greater than one hundred dollars per gallon of oil spilled.

16 (2) Persistent oil recovered from the surface of the water within  
17 forty-eight hours of a discharge must be deducted from the total spill  
18 volume for purposes of determining the amount of compensation assessed  
19 under the compensation schedule.

20       (3) The compensation schedule adopted under this section shall  
21 reflect adequate compensation for unquantifiable damages or for  
22 damages not quantifiable at reasonable cost for any adverse  
23 environmental, recreational, aesthetic, or other effects caused by the  
24 spill and shall take into account:

25       ~~((1))~~ (a) Characteristics of any oil spilled, such as toxicity,  
26 dispersibility, solubility, and persistence, that may affect the  
27 severity of the effects on the receiving environment, living  
28 organisms, and recreational and aesthetic resources;

29       ~~((2))~~ (b) The sensitivity of the affected area as determined by  
30 such factors as:

31       ~~((a))~~ (i) The location of the spill;

32       ~~((b))~~ (ii) Habitat and living resource sensitivity;

33       ~~((c))~~ (iii) Seasonal distribution or sensitivity of living  
34 resources;

- 1       ~~((d))~~ (iv) Areas of recreational use or aesthetic importance;
- 2       ~~((e))~~ (v) The proximity of the spill to important habitats for
- 3 birds, aquatic mammals, fish, or to species listed as threatened or
- 4 endangered under state or federal law;
- 5       ~~((f))~~ (vi) Significant archaeological resources as determined by
- 6 the department of archaeology and historic preservation; and
- 7       ~~((g))~~ (vii) Other areas of special ecological or recreational
- 8 importance, as determined by the department; and
- 9       ~~((3))~~ (c) Actions taken by the party who spilled oil or any
- 10 party liable for the spill that:
- 11       ~~((a))~~ (i) Demonstrate a recognition and affirmative acceptance
- 12 of responsibility for the spill, such as the immediate removal of oil
- 13 and the amount of oil removed from the environment; or
- 14       ~~((b))~~ (ii) Enhance or impede the detection of the spill, the
- 15 determination of the quantity of oil spilled, or the extent of damage,
- 16 including the unauthorized removal of evidence such as injured fish or
- 17 wildlife.

18  
19       **Sec. 10.** RCW 90.56.370 and 2000 c 69 s 21 are each amended to  
20 read as follows:

21       (1) Any person owning oil or having control over oil that enters  
22 the waters of the state in violation of RCW 90.56.320 shall be  
23 strictly liable, without regard to fault, for the damages to persons  
24 or property, public or private, caused by such entry.

25       (2) Damages for which responsible parties are liable under this  
26 section include loss of income, net revenue, the means of producing  
27 income or revenue, or an economic benefit resulting from an injury to  
28 or loss of real or personal property or natural resources.

29       (3) Damages for which responsible parties are liable under this  
30 section include damages provided in subsections (1) and (2) of this  
31 section resulting from the use and deployment of chemical dispersants  
32 or from in situ burning in response to a violation of RCW 90.56.320.

33       (4) In any action to recover damages resulting from the discharge  
34 of oil in violation of RCW 90.56.320, the owner or person having

1 control over the oil shall be relieved from strict liability, without  
2 regard to fault, if that person can prove that the discharge was  
3 caused solely by:

- 4 (a) An act of war or sabotage;
- 5 (b) An act of God;
- 6 (c) Negligence on the part of the United States government; or
- 7 (d) Negligence on the part of the state of Washington.

8 ~~((3))~~ (5) The liability established in this section shall in no  
9 way affect the rights which: (a) The owner or other person having  
10 control over the oil may have against any person whose acts may in any  
11 way have caused or contributed to the discharge of oil, or (b) the  
12 state of Washington may have against any person whose actions may have  
13 caused or contributed to the discharge of oil.

14  
15 NEW SECTION. **Sec. 11.** (1) The director of the department of  
16 ecology must formally request that the federal government contribute  
17 to the establishment of regional oil spill response equipment caches  
18 in Washington to ensure adequate response capabilities during a  
19 multiple spill event.

20 (2) This section expires December 31, 2014."

22 **E2SHB 1186** - S COMM AMD TO WM COMM AMD (S-2644.1/11)

23 By Senators Ranker, Kastama, Tom, Hargrove, Hatfield, Ericksen,  
24 Litzow, Hobbs, Swecker, Schoesler, Fain

ADOPTED 04/05/2011

25 On page 23, beginning on line 2 of the title amendment, after  
26 "insert" strike the remainder of the title amendment and insert  
27 "amending RCW 88.46.060, 88.46.100, 90.48.366, and 90.56.370;  
28 reenacting and amending RCW 88.46.010; adding new sections to chapter  
29 88.46 RCW; creating a new section; prescribing penalties; and  
30 providing an expiration date."

31  
32 Effect of Amendment:  
33 • Replaces specific response equipment requirements for tank vessels contingency plans with  
34 direction that DOE evaluate and update contingency planning standards for response

1 equipment, including aerial surveillance. DOE must update planning standards at five year  
2 intervals. Planning standards for tank vessels must be updated by December 31, 2012.

- 3 • Replaces specific vessels of opportunity requirements for tank vessels with direction that DOE  
4 adopt rules to improve the effectiveness of the vessels of opportunity system. The rules must be  
5 completed by December 31, 2012.
- 6 • Specifies that a covered vessel with a worst case discharge volume exceeding the maximum  
7 volume covered by an umbrella plan may utilize the umbrella plan if the vessel maintains an  
8 agreement with another entity to provide supplemental equipment.
- 9 • Specifies that only persistent oil recovered in the first 48 hours of a spill is deducted from the  
10 natural resources damage assessment calculation.
- 11 • Provides that economic damages for which a responsible party is strictly liable includes lost net  
12 revenue instead of lost revenue.
- 13 • Narrows the scope of damages for which a response party is strictly liable from damages  
14 resulting from "any action conducted in response to a violation" to damages resulting from "the  
15 use and deployment of chemical dispersants or from in situ burning".
- Removes a DOE reporting requirement to include recommendations for changes in the state's  
oil spill preparation and response policies.
- Removes caps on implementation costs for the vessels of opportunity and response equipment  
requirements.
- Removes the intent section.
- Makes technical changes.

--- END ---

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