

ESSB 5579 - H AMD 601

By Representative Fitzgibbon

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) A facility constructed or permitted after January 1, 2019,
6 may not load or unload crude oil into or from a rail tank car unless
7 the oil has a vapor pressure of less than nine pounds per square
8 inch.

9 (b) A facility may not load or unload crude oil into or from a
10 rail tank car unless the oil has a vapor pressure of less than nine
11 pounds per square inch beginning two years after the volume of crude
12 oil transported by rail to the facility for a calendar year as
13 reported under RCW 90.56.565 has increased more than ten percent
14 above the volume reported for calendar year 2018.

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

20 (3) This section does not: (a) Prohibit a railroad car carrying
21 crude oil from entering Washington; (b) require a railroad car
22 carrying crude oil to stop before entering Washington; or (c) require
23 a railroad car carrying crude oil to be checked for vapor pressure
24 before entering Washington.

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

27 (1)(a) A facility that receives crude oil from a railroad car
28 must provide advance notice to the department that the facility will
29 receive crude oil from a railroad car, as provided in this section.
30 The advance notice must include the route taken to the facility
31 within the state, if known, and the scheduled time, location, volume,

1 region per bill of lading, type, vapor pressure, and gravity as
2 measured by standards developed by the American petroleum institute,
3 of crude oil received. Each week, a facility that provides advance
4 notice under this section must provide the required information
5 regarding the scheduled arrival of railroad cars carrying crude oil
6 to be received by the facility in the succeeding seven-day period. A
7 facility is not required to provide advance notice when there is no
8 receipt of crude oil from a railroad car scheduled for a seven-day
9 period.

10 (b) Twice per year, pipelines that transport crude oil must
11 report to the department the following information about the crude
12 oil transported by the pipeline through the state: The volume of
13 crude oil and the state or province of origin of the crude oil. This
14 report must be submitted each year by July 31st for the period
15 January 1st through June 30th and by January 31st for the period July
16 1st through December 31st.

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

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

31 (4) To further strengthen rail safety and the transportation of
32 crude oil, the department must provide to the utilities and
33 transportation commission data reported by facilities on the
34 characteristics, volatility, vapor pressure, and volume of crude oil
35 transported by rail, as required under subsection (1)(a) of this
36 section.

37 (5) A facility providing advance notice under this section is not
38 responsible for meeting advance notice time frame requirements under
39 subsection (1) of this section in the event that the schedule of

1 arrivals of railroad cars carrying crude oil changes during a seven-
2 day period.

3 ~~((+5))~~ (6) Consistent with the requirements of chapter 42.56
4 RCW, the department and any state, local, tribal, or public agency
5 that receives information provided under this section may not
6 disclose any such information to the public or to nongovernmental
7 entities that contains proprietary, commercial, or financial
8 information unless that information is aggregated. The requirement
9 for aggregating information does not apply when information is shared
10 by the department with emergency response agencies as provided in
11 subsection (2) of this section.

12 ~~((+6))~~ (7) The department shall adopt rules to implement this
13 section. The advance notice system required in this section must be
14 consistent with the oil transfer reporting system adopted by the
15 department pursuant to RCW 88.46.165.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 81.44
17 RCW to read as follows:

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

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

25 Correct the title.

EFFECT: Removes the intent section. Provides that the prohibition on the loading and unloading of certain crude oil at a facility does not take effect until two years after the volume of crude oil transported by rail received by the facility during a calendar year has increased by more than 10 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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