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SENATE BILL 5876

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Amondson, Snyder, Anderson, Conner, Metcalf, Vognild, Nelson, Sutherland, Oke and Bauer.

Read first time February 28, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to oil spill response; and adding a new section to  
2 chapter 90.48 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.48 RCW  
5 to read as follows:

6 (1)(a) Notwithstanding any other provision of law, a person is not  
7 liable for removal costs or damages that result from actions taken or  
8 omitted to be taken in the course of rendering care, assistance, or  
9 advice consistent with the national contingency plan or as otherwise  
10 directed by the federal on-scene coordinator or by the official within  
11 the department with responsibility for oil spill response. This  
12 subsection (1)(a) does not apply:

13 (i) To a responsible party;

14 (ii) With respect to personal injury or wrongful death; or

1 (iii) If the person is grossly negligent or engages in willful  
2 misconduct.

3 (b) A responsible party is liable for any removal costs and damages  
4 that another person is relieved of under (a) of this subsection.

5 (c) Nothing in this section affects the liability of a responsible  
6 party for oil spill response under state law.

7 (2) For the purposes of this section:

8 (a) "Damages" means damages of any kind for which liability may  
9 exist under the laws of this state resulting from, arising out of, or  
10 related to the discharge or threatened discharge of oil.

11 (b) "Discharge" means any emission other than natural seepage,  
12 intentional or unintentional, and includes, but is not limited to,  
13 spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

14 (c) "Federal on-scene coordinator" means the federal official  
15 predesignated by the United States environmental protection agency or  
16 the United States coast guard to coordinate and direct federal  
17 responses under subpart D, or the official designated by the lead  
18 agency to coordinate and direct removal under subpart E, of the  
19 national contingency plan.

20 (d) "National contingency plan" means the national contingency plan  
21 prepared and published under section 311(d) of the federal water  
22 pollution control act (33 U.S.C. Sec. 1321(d)), as amended by the oil  
23 pollution act of 1990, (P.L. 101-380, 104 Stat. 484 (1990)).

24 (e) "Oil" means oil of any kind or in any form, including, but not  
25 limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with  
26 wastes other than dredged spoil.

27 (f) "Person" means an individual, corporation, partnership,  
28 association, state, municipality, commission, or political subdivision  
29 of a state, or any interstate body.

1 (g) "Removal costs" means the costs of removal that are incurred  
2 after a discharge of oil has occurred or, in any case in which there is  
3 a substantial threat of a discharge of oil, the costs to prevent,  
4 minimize, or mitigate oil pollution from such an incident.

5 (h) "Responsible party" means a responsible party as defined under  
6 section 1001 of the oil pollution act of 1990 (P.L. 101-380, 104 Stat.  
7 484 (1990)).