
HOUSE BILL 3021

State of Washington

58th Legislature

2004 Regular Session

By Representatives Rockefeller, Cooper, Chase, Sullivan, Kagi, Simpson, G., Simpson, D., Lantz, Lovick and Upthegrove

Read first time 01/26/2004. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to oil spill prevention and response; amending RCW
2 90.56.005 and 90.71.050; and creating a new section.

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

4 **Sec. 1.** RCW 90.56.005 and 1991 c 200 s 101 are each amended to
5 read as follows:

6 (1) The legislature declares that the increasing reliance on water
7 borne transportation as a source of supply for oil and hazardous
8 substances poses special concern for the state of Washington. Each
9 year billions of gallons of crude oil and refined petroleum products
10 are transported by vessel on the navigable waters of the state. These
11 shipments are expected to increase in the coming years. Vessels
12 transporting oil into Washington travel on some of the most unique and
13 special marine environments in the United States. These marine
14 environments are a source of natural beauty, recreation, and economic
15 livelihood for many residents of this state. As a result, the state
16 has an obligation to assure the citizens of the state that the waters
17 of the state will be protected from oil spills.

18 (2) The legislature finds that prevention is the best method to
19 protect the unique and special marine environments in this state. The

1 technology for containing and cleaning up a spill of oil or hazardous
2 substances is in the early stages of development. Preventing spills is
3 more protective of the environment and more cost-effective when all the
4 costs associated with responding to a spill are considered. Therefore,
5 the legislature finds that the primary objective of the state is to
6 adopt a zero spills strategy to prevent any oil or hazardous substances
7 from entering marine waters.

8 (3) The legislature also finds that:

9 (a) Recent accidents in Washington, Alaska, southern California,
10 Texas, and other parts of the nation have shown that the
11 transportation, transfer, and storage of oil have caused significant
12 damage to the marine environment;

13 (b) Even with the best efforts, it is nearly impossible to remove
14 all oil that is spilled into the water;

15 (c) Washington's navigable waters are treasured environmental and
16 economic resources that the state cannot afford to place at undue risk
17 from an oil spill; and

18 (d) The state has a fundamental responsibility, as the trustee of
19 the state's natural resources and the protector of public health and
20 the environment to prevent the spill of oil.

21 (4) In order to establish a comprehensive prevention and response
22 program to protect Washington's waters and natural resources from
23 spills of oil, it is the purpose of this chapter:

24 (a) To establish state agency expertise in marine safety and to
25 centralize state activities in spill prevention and response
26 activities;

27 (b) To prevent spills of oil and to promote programs that reduce
28 the risk of both catastrophic and small chronic spills;

29 (c) To ensure that responsible parties are liable, and have the
30 resources and ability, to respond to spills and provide compensation
31 for all costs and damages;

32 (d) To provide for state spill response and wildlife rescue
33 planning and implementation;

34 (e) To support and complement the federal oil pollution act of 1990
35 and other federal law, especially those provisions relating to the
36 national contingency plan for cleanup of oil spills and discharges,
37 including provisions relating to the responsibilities of state agencies

1 designated as natural resource trustees. The legislature intends this
2 chapter to be interpreted and implemented in a manner consistent with
3 federal law;

4 (f) To provide broad powers of regulation to the department of
5 ecology relating to spill prevention and response;

6 (g) To provide for an independent oversight board to review the
7 adequacy of spill prevention and response activities in this state; and

8 (h) To provide an adequate funding source for state response and
9 prevention programs.

10 NEW SECTION. **Sec. 2.** (1) The legislature recognizes that while
11 the prevention of oil and hazardous substances spills and the goal of
12 zero spills are the primary objectives of the oil spill program, the
13 best available technologies for contingency planning and response must
14 also be in place in the event that a spill does occur. To ensure that
15 the state oil spill program is utilizing the most effective and up-to-
16 date methods and technologies, the department of ecology shall initiate
17 a review of current oil spill prevention and contingency plan
18 requirements to determine their effectiveness in preventing and
19 responding to oil and other hazardous substances spills.

20 (2) The department of ecology shall create an oil spill review
21 committee to implement this section. The committee shall include, but
22 is not limited to, representatives from the following entities: The
23 United States coast guard; treaty Indian tribes; regulated facilities;
24 regulated vessels; marine fueling facilities; the Puget Sound harbor
25 safety committee; the Puget Sound action team; the department of fish
26 and wildlife; environmental stakeholders; labor organizations; local
27 government; and ports.

28 (3) The oil spill review committee shall research and recommend:

29 (a) Methods to best achieve a zero spill strategy;

30 (b) Best management practices and regulations on oil spill
31 prevention during oil transfers including the use of automatic shutoff
32 devices, the number and training requirements of personnel, daylight-
33 only fuel transfers, illumination standards, and other oil transfer
34 prevention strategies; and

35 (c) Methods and data requirements for monitoring the effectiveness
36 of oil spill prevention strategies.

1 (4) The oil spill review committee shall report recommendations to
2 the appropriate committees of the legislature by December 1, 2004.

3 **Sec. 3.** RCW 90.71.050 and 1998 c 246 s 15 are each amended to read
4 as follows:

5 (1)(a) Each biennium, the action team shall prepare a Puget Sound
6 work plan and budget for inclusion in the governor's biennial budget.
7 The work plan shall prescribe the necessary federal, state, and local
8 actions to maintain and enhance Puget Sound water quality, including
9 but not limited to, enhancement of recreational opportunities, and
10 restoration of a balanced population of indigenous shellfish, fish, and
11 wildlife. The work plan and budget shall include specific actions and
12 projects pertaining to salmon recovery plans and the effectiveness of
13 strategies for preventing and responding to oil and other hazardous
14 substances spills.

15 (b) In developing a work plan, the action team shall meet the
16 following objectives:

17 (i) Use the plan elements of the Puget Sound management plan to
18 prioritize local and state actions necessary to restore and protect the
19 biological health and diversity of Puget Sound;

20 (ii) Consider the problems and priorities identified in local
21 plans; and

22 (iii) Coordinate the work plan activities with other relevant
23 activities, including but not limited to, agencies' activities that
24 have not been funded through the plan, local plans, and governmental
25 and nongovernmental watershed restoration activities.

26 (c) In developing a budget, the action team shall identify:

27 (i) The total funds to implement local projects originating from
28 the planning process developed for nonpoint pollution; and

29 (ii) The total funds to implement any other projects designed
30 primarily to restore salmon habitat.

31 (2) In addition to the requirements identified under RCW
32 90.71.020(2)(a), the work plan and budget shall:

33 (a) Identify and prioritize the local and state actions necessary
34 to address the water quality problems in the following locations:

35 (i) Area 1: Island and San Juan counties;

36 (ii) Area 2: Skagit and Whatcom counties;

37 (iii) Area 3: Clallam and Jefferson counties;

- 1 (iv) Area 4: Snohomish, King, and Pierce counties; and
2 (v) Area 5: Kitsap, Mason, and Thurston counties;
3 (b) Provide sufficient funding to characterize local watersheds,
4 provide technical assistance, and implement state responsibilities
5 identified in the work plan. The number and qualifications of staff
6 assigned to each region shall be determined by the types of problems
7 identified pursuant to (a) of this subsection;
8 (c) Provide sufficient funding to implement and coordinate the
9 Puget Sound ambient monitoring plan pursuant to RCW 90.71.060;
10 (d) Provide funds to assist local jurisdictions to implement
11 elements of the work plan assigned to local governments and to develop
12 and implement local plans;
13 (e) Provide sufficient funding to provide support staff for the
14 action team; and
15 (f) Describe any proposed amendments to the Puget Sound management
16 plan.
17 (3) The work plan shall be submitted to the appropriate policy and
18 fiscal committees of the legislature by December 20th of each even-
19 numbered year.
20 (4) The work plan shall be implemented consistent with the
21 legislative provisos of the biennial appropriation acts.

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