
SENATE BILL 5676

State of Washington

59th Legislature

2005 Regular Session

By Senators Poulsen, Kline, Shin, Spanel, Fraser and Kohl-Welles

Read first time 02/02/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to oil spill management; and amending RCW
2 90.56.210.

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

4 **Sec. 1.** RCW 90.56.210 and 2000 c 69 s 20 are each amended to read
5 as follows:

6 (1) Each onshore and offshore facility shall have a contingency
7 plan for the containment and cleanup of oil spills from the facility
8 into the waters of the state and for the protection of fisheries and
9 wildlife, shellfish beds, natural resources, and public and private
10 property from such spills. The department shall by rule adopt and
11 periodically revise standards for the preparation of contingency plans.
12 The department shall require contingency plans, at a minimum, to meet
13 the following standards:

14 (a) Include full details of the method of response to spills of
15 various sizes from any facility which is covered by the plan;

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

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

5 (d) Provide procedures for early detection of oil spills and timely
6 notification of such spills to appropriate federal, state, and local
7 authorities under applicable state and federal law;

8 (e) State the number, training preparedness, and fitness of all
9 dedicated, prepositioned personnel assigned to direct and implement the
10 plan;

11 (f) Incorporate periodic training and drill programs to evaluate
12 whether personnel and equipment provided under the plan are in a state
13 of operational readiness at all times;

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

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

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

32 (j) Provide arrangements for enlisting the use of qualified and
33 trained cleanup personnel to implement the plan;

34 (k) Provide for disposal of recovered spilled oil in accordance
35 with local, state, and federal laws;

36 (l) Until a spill prevention plan has been submitted pursuant to
37 RCW 90.56.200, 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 facility, training of personnel, number of
3 personnel, and backup systems designed to prevent a spill;

4 (m) 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 (n) 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 (2)(a) The following shall submit contingency plans to the
12 department within six months after the department adopts rules
13 establishing standards for contingency plans under subsection (1) of
14 this section:

15 (i) Onshore facilities capable of storing one million gallons or
16 more of oil; and

17 (ii) Offshore facilities.

18 (b) Contingency plans for all other onshore and offshore facilities
19 shall be submitted to the department within eighteen months after the
20 department has adopted rules under subsection (1) of this section. The
21 department may adopt a schedule for submission of plans within the
22 eighteen-month period.

23 (3)(a) The owner or operator of a facility shall submit the
24 contingency plan for the facility.

25 (b) A person who has contracted with a facility to provide
26 containment and cleanup services and who meets the standards
27 established pursuant to RCW 90.56.240, may submit the plan for any
28 facility for which the person is contractually obligated to provide
29 services. Subject to conditions imposed by the department, the person
30 may submit a single plan for more than one facility.

31 (4) A contingency plan prepared for an agency of the federal
32 government or another state that satisfies the requirements of this
33 section and rules adopted by the department may be accepted by the
34 department as a contingency plan under this section. The department
35 shall ((~~assure~~)) ensure that to the greatest extent possible,
36 requirements for contingency plans under this section are consistent
37 with the requirements for contingency plans under federal law.

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

3 (a) The adequacy of containment and cleanup equipment, personnel,
4 communications equipment, notification procedures and call down lists,
5 response time, and logistical arrangements for coordination and
6 implementation of response efforts to remove oil spills promptly and
7 properly and to protect the environment;

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

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

12 (d) The existence of navigational hazards within the area covered
13 by the plan;

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

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

18 (g) Relevant information on previous spills contained in on-scene
19 coordinator reports prepared by the department; and

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

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

28 (7) The approval of the contingency plan shall be valid for five
29 years. Upon approval of a contingency plan, the department shall
30 provide to the person submitting the plan a statement indicating that
31 the plan has been approved, the facilities or vessels covered by the
32 plan, and other information the department determines should be
33 included.

34 (8) An owner or operator of a facility shall notify the department
35 in writing immediately of any significant change of which it is aware
36 affecting its contingency plan, including changes in any factor set
37 forth in this section or in rules adopted by the department. The

1 department may require the owner or operator to update a contingency
2 plan as a result of these changes.

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

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

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