

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6244

Chapter 316, Laws of 2006

59th Legislature
2006 Regular Session

OIL SPILL PREVENTION AND RESPONSE

EFFECTIVE DATE: 6/7/06

Passed by the Senate March 6, 2006
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2006
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2006.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6244** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 29, 2006 - 4:20 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6244

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rockefeller, Morton, Poulsen, Fairley, Kline, Shin, Kohl-Welles and Spanel; by request of Department of Ecology)

READ FIRST TIME 01/27/06.

1 AN ACT Relating to oil spill prevention, preparedness, and
2 response; and adding new sections to chapter 88.46 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 88.46 RCW
5 to read as follows:

6 (1) The department's rules authorized under RCW 88.46.160 and this
7 section shall be scaled to the risk posed to people and to the
8 environment, and be categorized by type of transfer, volume of oil,
9 frequency of transfers, and such other risk factors as identified by
10 the department.

11 (2) The rules may require prior notice be provided before an oil
12 transfer, regulated under this chapter, occurs in situations defined by
13 the department as posing a higher risk. The notice may include the
14 time, location, and volume of the oil transfer. The rules may not
15 require prior notice when marine fuel outlets are transferring less
16 than three thousand gallons of oil in a single transaction to a ship
17 that is not a covered vessel and the transfers are scheduled less than
18 four hours in advance.

1 (3) The department may require semiannual reporting of volumes of
2 oil transferred to ships by a marine fuel outlet.

3 (4) The rules may require additional measures to be taken in
4 conjunction with the deployment of containment equipment or with the
5 alternatives to deploying containment equipment. However, these
6 measures must be scaled appropriately to the risks posed by the oil
7 transfer.

8 (5) The rules shall include regulations to enhance the safety of
9 oil transfers over water originating from vehicles transporting oil
10 over private roads or highways of the state.

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

13 In addition to other inspection authority provided for in this
14 chapter and chapter 90.56 RCW, the department may conduct inspections
15 of oil transfer operations regulated under RCW 88.46.160 or section 1
16 of this act.

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

19 If the director believes a person has violated or is violating or
20 creates a substantial potential to violate the provisions of any rules
21 adopted under this chapter, the director may institute such actions as
22 authorized under RCW 88.46.070 (2) and (3).

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

25 The department shall by rule adopt procedures to determine the
26 adequacy of contingency plans approved under RCW 88.46.060. The rules
27 shall require random practice drills without prior notice that will
28 test the adequacy of the responding entities. The rules may provide
29 for unannounced practice drills of individual contingency plans. The
30 department shall review and publish a report on the drills, including
31 an assessment of response time and available equipment and personnel
32 compared to those listed in the contingency plans relying on the
33 responding entities, and requirements, if any, for changes in the plans
34 or their implementation. The department may require additional drills

1 and changes in arrangements for implementing approved plans which are
2 necessary to ensure their effective implementation.

3 NEW SECTION. **Sec. 5.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

Passed by the Senate March 6, 2006.

Passed by the House March 3, 2006.

Approved by the Governor March 29, 2006.

Filed in Office of Secretary of State March 29, 2006.