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**Agriculture & Natural Resources  
Committee**

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**SB 5552**

**Brief Description:** Changing compensation and penalties for oil spills.

**Sponsors:** Senators Rockefeller, Spanel, Regala, Kohl-Welles, Kline and Oemig.

**Brief Summary of Bill**

- Increases the maximum amount of certain penalties and fees charged to individuals who unlawfully discharge oil into the waters of the state.
- Changes the suggested membership of a preassessment screening committee by removing the Departments of Social and Health Services and Emergency Management, and adding the Department of Health.

**Hearing Date:** 3/26/07

**Staff:** Jason Callahan (786-7117).

**Background:**

Persons discharging oil into state waters are potentially subject to penalties imposed by the state. For every violation and for each day a spill poses risks to the environment, as determined by the Department of Ecology (DOE), persons negligently discharging oil incur a penalty of up to \$20,000, and persons intentionally or recklessly discharging oil incur a penalty of up to \$100,000.

DOE determines penalty amounts after considering the gravity of the violation, previous compliance with the state Water Pollution Control Act, speed and thoroughness of oil collection and removal, and other considerations deemed appropriate.

Persons discharging oil into state waters must also potentially pay compensation for cleanup and damage costs. Compensation under an oil spill compensation schedule is limited to \$50 per gallon of oil spilled.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Damage assessment after oil spills is conducted by a resource damage assessment committee that is statutorily made up of representatives of DOE and the Departments of Fish and Wildlife, Natural Resources, Social and Health Services (DSHS), Archaeology and Historic Preservation, the Emergency Management Division, and the Parks and Recreation Commission.

**Summary of Bill:**

Certain penalties and fees charged to individuals who unlawfully discharge oil into the waters of the state are increased as follows:

- The maximum compensation amount required to be paid for the unlawful discharge of oil is increased from \$50 per gallon of oil spilled to \$100 per gallon of oil spilled.
- The maximum additional penalty for the negligent discharge of oil is increased from \$20,000 per violation to \$100,000 per violation.
- The maximum additional penalty for the intentional discharge of oil is increased from \$100,000 per violation to \$500,000 per violation.

In addition, the DOE is directed to take into consideration the size of the business operated by the violator when determining the additional penalty for negligent or intentional oil releases.

The suggested membership of a preassessment screening committee is changed to remove the DSHS and the Emergency Management Division, and add the Department of Health.

Technical changes in the bill include the updating of outdated names for state agencies and the deletion of language tied to past time deadlines.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.