
HOUSE BILL 2372

State of Washington 61st Legislature 2009 Regular Session

By Representatives Hunt and Lias

Read first time 04/16/09. Referred to Committee on Ways & Means.

1 AN ACT Relating to eliminating the oil spill advisory council;
2 amending RCW 90.56.005 and 90.56.060; and repealing RCW 90.56.120 and
3 90.56.130.

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

5 NEW SECTION. **Sec. 1.** The following acts or parts of acts are each
6 repealed:

7 (1) RCW 90.56.120 (Oil spill advisory council--Meetings--Travel
8 expenses and compensation) and 2006 c 372 s 907 & 2005 c 304 s 2; and

9 (2) RCW 90.56.130 (Council--Duties--Work plan--Reports) and 2005 c
10 304 s 3.

11 **Sec. 2.** RCW 90.56.005 and 2005 c 304 s 1 are each amended to read
12 as follows:

13 (1) The legislature declares that water borne transportation as a
14 source of supply for oil and hazardous substances poses special concern
15 for the state of Washington. Each year billions of gallons of crude
16 oil and refined petroleum products are transported as cargo and fuel by
17 vessels on the navigable waters of the state. These shipments are
18 expected to increase in the coming years. Vessels transporting oil

1 into Washington travel on some of the most unique and special marine
2 environments in the United States. These marine environments are a
3 source of natural beauty, recreation, and economic livelihood for many
4 residents of this state. As a result, the state has an obligation to
5 ensure the citizens of the state that the waters of the state will be
6 protected from oil spills.

7 (2) The legislature finds that prevention is the best method to
8 protect the unique and special marine environments in this state. The
9 technology for containing and cleaning up a spill of oil or hazardous
10 substances is at best only partially effective. Preventing spills is
11 more protective of the environment and more cost-effective when all the
12 response and damage costs associated with responding to a spill are
13 considered. Therefore, the legislature finds that the primary
14 objective of the state is to achieve a zero spills strategy to prevent
15 any oil or hazardous substances from entering waters of the state.

16 (3) The legislature also finds that:

17 (a) Recent accidents in Washington, Alaska, southern California,
18 Texas, Pennsylvania, and other parts of the nation have shown that the
19 transportation, transfer, and storage of oil have caused significant
20 damage to the marine environment;

21 (b) Even with the best efforts, it is nearly impossible to remove
22 all oil that is spilled into the water, and average removal rates are
23 only fourteen percent;

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

27 (d) The state has a fundamental responsibility, as the trustee of
28 the state's natural resources and the protector of public health and
29 the environment to prevent the spill of oil; and

30 (e) In section 5002 of the federal oil pollution act of 1990, the
31 United States congress found that many people believed that complacency
32 on the part of industry and government was one of the contributing
33 factors to the Exxon Valdez spill and, further, that one method to
34 combat this complacency is to involve local citizens in the monitoring
35 and oversight of oil spill plans. Congress also found that a mechanism
36 should be established that fosters the long-term partnership of
37 industry, government, and local communities in overseeing compliance
38 with environmental concerns in the operation of crude oil terminals.

1 Moreover, congress concluded that, in addition to Alaska, a program of
2 citizen monitoring and oversight should be established in other major
3 crude oil terminals in the United States because recent oil spills
4 indicate that the safe transportation of oil is a national problem.

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

8 (a) To establish state agency expertise in marine safety and to
9 centralize state activities in spill prevention and response
10 activities;

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

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

16 (d) To provide for state spill response and wildlife rescue
17 planning and implementation;

18 (e) To support and complement the federal oil pollution act of 1990
19 and other federal law, especially those provisions relating to the
20 national contingency plan for cleanup of oil spills and discharges,
21 including provisions relating to the responsibilities of state agencies
22 designated as natural resource trustees. The legislature intends this
23 chapter to be interpreted and implemented in a manner consistent with
24 federal law;

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

27 (g) To provide for ~~((an))~~ independent ~~((oil spill advisory council~~
28 ~~to))~~ review, on an ongoing basis, of the adequacy of oil spill
29 prevention, preparedness, and response activities in this state; and

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

32 **Sec. 3.** RCW 90.56.060 and 2005 c 304 s 4 are each amended to read
33 as follows:

34 (1) The department shall prepare and annually update a statewide
35 master oil and hazardous substance spill prevention and contingency
36 plan. In preparing the plan, the department shall consult with an
37 advisory committee representing diverse interests concerned with oil

1 and hazardous substance spills, including the United States coast
2 guard, the federal environmental protection agency, state agencies,
3 local governments, port districts, private facilities, environmental
4 organizations, oil companies, shipping companies, containment and
5 cleanup contractors, tow companies, and hazardous substance
6 manufacturers(~~(, and with the oil spill advisory council)~~).

7 (2) The state master plan prepared under this section shall at a
8 minimum:

9 (a) Take into consideration the elements of oil spill prevention
10 and contingency plans approved or submitted for approval pursuant to
11 this chapter and chapter 88.46 RCW and oil and hazardous substance
12 spill contingency plans prepared pursuant to other state or federal law
13 or prepared by federal agencies and regional entities;

14 (b) State the respective responsibilities as established by
15 relevant statutes and rules of each of the following in the prevention
16 of and the assessment, containment, and cleanup of a worst case spill
17 of oil or hazardous substances into the environment of the state: (i)
18 State agencies; (ii) local governments; (iii) appropriate federal
19 agencies; (iv) facility operators; (v) property owners whose land or
20 other property may be affected by the oil or hazardous substance spill;
21 and (vi) other parties identified by the department as having an
22 interest in or the resources to assist in the containment and cleanup
23 of an oil or hazardous substance spill;

24 (c) State the respective responsibilities of the parties identified
25 in (b) of this subsection in an emergency response;

26 (d) Identify actions necessary to reduce the likelihood of spills
27 of oil and hazardous substances;

28 (e) Identify and obtain mapping of environmentally sensitive areas
29 at particular risk to oil and hazardous substance spills;

30 (f) Establish an incident command system for responding to oil and
31 hazardous substances spills; and

32 (g) Establish a process for immediately notifying affected tribes
33 of any oil spill.

34 (3) In preparing and updating the state master plan, the department
35 shall:

36 (a) Consult with federal, provincial, municipal, and community
37 officials, other state agencies, the state of Oregon, and with
38 representatives of affected regional organizations;

1 (b) Submit the draft plan to the public for review and comment;

2 (c) Submit to the appropriate standing committees of the
3 legislature for review, not later than November 1st of each year, the
4 plan and any annual revision of the plan; and

5 (d) Require or schedule unannounced oil spill drills as required by
6 RCW 90.56.260 to test the sufficiency of oil spill contingency plans
7 approved under RCW 90.56.210.

8 (4) The department shall evaluate the functions of advisory
9 committees created by the department regarding oil spill prevention,
10 preparedness, and response programs, and shall revise or eliminate
11 those functions which are no longer necessary.

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