H-3477.2

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**HOUSE BILL 2575**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Farrell, Fitzgibbon, Peterson, Walkinshaw, Frame, McBride, Stanford, Jinkins, Ormsby, Gregerson, Senn, Pollet, and Tharinger

AN ACT Relating to continuing state efforts to increase oil transportation safety; adding new sections to chapter 90.56 RCW; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec.**  The legislature finds that the system of crude oil transportation by boat, rail, pipeline, and motor vehicle in Washington has experienced significant changes in recent years. By enacting chapter 274, Laws of 2015 (the oil transportation safety act), the legislature took significant steps to address the risks of oil transportation. However, additional attention to this issue is warranted and the additional steps taken in this act will help continue to improve oil transportation safety. Oil transportation patterns are expected to continue to change in coming years, especially in light of the recent decision by the United States congress in December 2015 to remove the longstanding prohibition on the export of crude oil from the United States. This reversal of federal law presents a significant prospective change to the patterns of oil shipment through the state and may bring additional environmental and public safety risks that are not adequately addressed by existing plans and safety regulations. Therefore, in order to ensure that the state is adequately prepared to make informed policy decisions that reflect the changing dynamics and risks of oil transportation through the state, it is the intent of the legislature to direct the department of ecology and other state agencies to update critical analytic and planning documents to reflect recent oil transportation developments and to better prepare for future changes.

NEW SECTION. **Sec.**  A new section is added to chapter 90.56 RCW to read as follows:

(1) In order to address the changing patterns of oil transportation and associated changing environmental and public safety risks due to the recent decision by the United States congress to remove the federal ban on the export of crude oil, the department must update the study of oil shipment through the state that was conducted pursuant to the operating budget proviso in section 302(14), chapter 221, Laws of 2014. In addition to updating the study to reflect the potential for changed oil shipment patterns in light of the lifted federal export ban, the study and associated recommendations for policy changes that were included in the study must be updated in light of the enactment of the 2015 oil transportation safety act, chapter 274, Laws of 2015. The study and associated policy recommendations must be updated and submitted to the appropriate policy and fiscal committees of the legislature by December 15, 2016.

(2) In updating this report to the legislature, the department must consult with the emergency management division of the state military department, the utilities and transportation commission, the department of transportation, and, as appropriate, other federal and state agencies, tribal governments and commissions, and public and private organizations. The department must only update the portions of the study where the data or analysis are significantly affected by the elimination of the federal ban on the export of crude oil or by the enactment of the oil transportation safety act, chapter 274, Laws of 2015. The department is not required to update data and analysis that remain largely unaffected by the enactment of the oil transportation safety act, chapter 274, Laws of 2015, or by the lifting of the federal ban on the export of crude oil.

(3) Prior to finalizing the update, the department must provide an opportunity for written and in-person public comment on the updated report to the legislature.

(4) This section expires June 30, 2019.

NEW SECTION. **Sec.**  A new section is added to chapter 90.56 RCW to read as follows:

(1) By December 15, 2016, the department must compile a master document that summarizes the anticipated cumulative environmental impacts associated with oil facility infrastructure development proposals that were active as of January 1, 2016.

(a) The cumulative environmental impacts summarized in the master document must include anticipated impacts associated with proposed expansions or infrastructure changes to existing facilities, proposed new facilities, and proposed changes to pipeline capacity and other oil facility infrastructure in the provinces of British Columbia and Alberta.

(b) The types of environmental impacts that must be summarized include the cumulative anticipated additional annual statewide:

(i) Number of tank cars of crude oil arriving at facilities;

(ii) Number of unit trains arriving at and departing from facilities;

(iii) Volume of crude oil arriving at and departing from facilities by unit train;

(iv) Volume of crude oil arriving at and departing from facilities by oil-bearing vessel;

(v) Number of oil-bearing vessels arriving at and departing from facilities by vessel; and

(vi) Number of oil-bearing vessels and volume of oil transiting through the Strait of Juan de Fuca, Greys Harbor, and the mouth of the Columbia river.

(c) The department must also summarize other impacts to the environment typically evaluated under chapter 43.21C RCW to the extent that this information is available and able to be quantitatively compared and tallied across multiple proposals.

(2) To the greatest extent practicable, in completing the master document summary of cumulative environmental impacts required by this section, the department must rely on existing analyses completed under the state environmental policy act, chapter 43.21C RCW, that are associated with proposed new and modified facilities. In order to summarize information related to facilities for which draft or final analysis under chapter 43.21C RCW has not yet been completed by a lead agency, the department must rely on pertinent documents submitted to a state agency or a local government by project proponents, as well as any other pertinent sources of information.

(3) The master document summary of cumulative environmental impacts required by this section must be made available on the department's web site. The master document summary of cumulative environmental impacts required by this section must also be included as an addendum to the report completed pursuant to section 2 of this act.

(4) This section expires June 30, 2019.

NEW SECTION. **Sec.**  The department of ecology shall contract with an eligible independent third party to update the October 2006 report to the state emergency response commission regarding statewide response to chemical, biological, radiological, nuclear, and explosive materials. The updated report must also include an update to appendix A of that report, which addresses the state's current hazardous materials response capabilities and that reviews the emergency response programs of other states. The contract for the updated report must give special emphasis to addressing recent changes to patterns of hazardous material transportation, including crude oil transportation, and the availability of resources to respond to incidents resulting from the transport of hazardous materials. The contract must require the updated report to be completed by June 30, 2017.

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