

SENATE BILL REPORT

SB 5747

As Reported by Senate Committee On:
Environment, Energy & Technology, January 27, 2022

Title: An act relating to the statewide master oil and hazardous substance spill prevention and contingency plan.

Brief Description: Concerning the statewide master oil and hazardous substance spill prevention and contingency plan.

Sponsors: Senators Stanford, Muzzall, Frockt, Nobles and Wilson, C.; by request of Department of Ecology.

Brief History:

Committee Activity: Environment, Energy & Technology: 1/18/22, 1/27/22 [DP].

Brief Summary of Bill

- Expands the entities the Department of Ecology (Ecology) must consult with when developing the statewide master oil and hazardous substance spill prevention and contingency plan (plan).
- Requires the plan to state the responsibilities of federally recognized tribes in the prevention, assessment, containment, and cleanup of a worst case spill of oil or hazardous substances.
- Adds statutory references related to Ecology's authority to conduct unannounced oil spill drills on covered vessels.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass.

Signed by Senators Carlyle, Chair; Lovelett, Vice Chair; Short, Ranking Member; Brown, Das, Fortunato, Liias, Lovick, Nguyen, Schoesler, Sheldon, Stanford and Wellman.

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

Staff: Ashley Trunnell (786-7278)

Background: In 1990, the Legislature required the Department of Ecology (Ecology) to develop and annually update a state wide oil spill masterplan. The following year, the Legislature expanded the plan to include oil spill prevention and response measures for marine transportation to protect state waters from oil spills. It was renamed the statewide master oil and hazardous substance spill prevention and contingency plan (Plan).

Consultation. Ecology must consult with an advisory committee representing diverse interests related to oil and hazardous substance spills to prepare and annually update the Plan. The committee membership includes representatives from relevant state and federal agencies, private facilities, private companies in the oil and shipping industries, containment and cleanup contractors, and hazardous substance manufacturers.

In 2004, the Legislature amended the statute to require notifications to tribes affected by any oil spill. There is no statutory requirement for tribes to be consulted in the development or annual updates of the Plan.

Vessels. Under federal oil spill legislation, the United States Coast Guard is responsible for marine safety and responding to oil spills on the navigable waters of the United States, in partnership with the United States Environmental Protection Agency. State agencies may also be consulted during oils spill responses and are responsible for ensuring prevention.

In 1997, the Washington State Office of Marine Safety was terminated and Ecology was designated as the state agency for vessel oil spill response and prevention. Covered vessels, including tank, cargo, and passenger vessels, are required to develop oil spill contingency plans and Ecology has the authority to conduct unannounced drills on these plans. Ecology's statutory authority to enforce oil spill prevention and containment, and unannounced drills is provided in different chapters of the Revised Code of Washington.

Summary of Bill: Consultation. The advisory committee consulted during the development and annual update of the Plan must be expanded to include representatives from:

- appropriate federal agencies;
- appropriate agencies from other states;
- interested federally recognized tribes; and
- contractors specializing in spill management, cleanup, and containment.

During preparation and annual updates of the Plan, Ecology must consult with the state of Idaho and invite consultation and engagement from federally recognized tribes.

The Plan must also state the responsibilities of federally recognized tribes in the prevention, assessment, containment, and cleanup of a worst case oil or hazardous substance spill.

Unannounced Vessel Drills. In addition to current statutory authority, Ecology must require or schedule unannounced oil spill drills under statutory authority on covered vessels oil spill contingency plans.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Planning for oil and hazardous substance spills has become more inclusive over time. The changes under this bill clarify the entities involved and reflect how far the planning and consultation process has come. This bill provides clarity to the owners and operators of covered vessels for unannounced drills on oil spill contingency plans.

Persons Testifying: PRO: Senator Derek Stanford, Prime Sponsor; Amber Carter, Columbia River Steamship Operators Association; Jase Brooks, Washington Department of Ecology.

Persons Signed In To Testify But Not Testifying: No one.