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**SENATE BILL 5747**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

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

Prefiled 01/07/22. Read first time 01/10/22. Referred to Committee on Environment, Energy & Technology.

1 AN ACT Relating to the statewide master oil and hazardous  
2 substance spill prevention and contingency plan; and amending RCW  
3 90.56.060.

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

5 **Sec. 1.** RCW 90.56.060 and 2010 1st sp.s. c 7 s 73 are each  
6 amended to read as follows:

7 (1) (a) The department shall prepare and annually update a  
8 statewide master oil and hazardous substance spill prevention and  
9 contingency plan. In preparing the plan, the department shall consult  
10 with an advisory committee representing diverse interests concerned  
11 with oil and hazardous substance spills, including the United States  
12 coast guard, the federal environmental protection agency, other  
13 appropriate federal agencies, appropriate agencies from other states,  
14 interested federally recognized tribes, state agencies, local  
15 governments, port districts, private facilities, environmental  
16 organizations, oil companies, shipping companies, ~~((containment and~~  
17 ~~cleanup contractors))~~ spill management, cleanup, and containment  
18 contractors, tow companies, and hazardous substance manufacturers.

19 (b) For the purposes of this subsection, "spill management" means  
20 managing:

1 (i) Some or all aspects of a response, containment, and cleanup  
2 of a spill and utilizing an incident command or unified command  
3 structure; or

4 (ii) Wildlife rehabilitation and recovery services for a spill  
5 response.

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

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

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

24 (c) State the respective responsibilities of the parties  
25 identified 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  
29 areas at particular risk to oil and hazardous substance spills;

30 (f) Establish an incident command system for responding to oil  
31 and 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  
35 department shall:

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

39 (b) Invite consultation and engagement from federally recognized  
40 tribes;

1        (c) Submit the draft plan to the public for review and comment;  
2        ~~((e))~~ (d) 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))~~ (e) Require or schedule unannounced oil spill drills as  
6 required by RCW 90.56.260 to test the sufficiency of oil spill  
7 contingency plans approved under RCW 90.56.210 and as required under  
8 RCW 88.46.068, 88.46.139, and 88.46.220 for plans approved under RCW  
9 88.46.060.

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

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