

2 SSB 6461 - S AMD - 226.5

3 By Senators Spanel and Fraser

4 WITHDRAWN 2/15/94

5 "Sec. 2. RCW 88.46.040 and 1991 c 200 s 417 are each amended to
6 read as follows:

7 (1) The owner or operator for each tank vessel shall prepare and
8 submit to the office an oil spill prevention plan in conformance with
9 the requirements of this chapter. The plans shall be submitted to the
10 office in the time and manner directed by the office, but not later
11 than January 1, 1993. The spill prevention plan may be consolidated
12 with a spill contingency plan submitted pursuant to RCW 88.46.060. The
13 office may accept plans prepared to comply with other state or federal
14 law as spill prevention plans to the extent those plans comply with the
15 requirements of this chapter. The office, by rule, shall establish
16 standards for spill prevention plans. The rules shall be adopted not
17 later than July 1, 1992.

18 (2) The spill prevention plan for a tank vessel or a fleet of tank
19 vessels operated by the same operator shall:

20 (a) Establish compliance with the federal oil pollution act of 1990
21 and state and federal financial responsibility requirements, if
22 applicable;

23 (b) State all discharges of oil of more than twenty-five barrels
24 from the vessel within the prior five years and what measures have been
25 taken to prevent a reoccurrence;

26 (c) Describe all accidents, collisions, groundings, and near miss
27 incidents in which the vessel has been involved in the prior five
28 years, analyze the causes, and state the measures that have been taken
29 to prevent a reoccurrence;

30 (d) Describe the vessel operations with respect to staffing
31 standards;

32 (e) Describe the vessel inspection program carried out by the owner
33 or operator of the vessel;

34 (f) Describe the training given to vessel crews with respect to
35 spill prevention;

36 (g) Establish compliance with federal drug and alcohol programs;

1 (h) Describe all spill prevention technology that has been
2 incorporated into the vessel;

3 (i) Describe the procedures used by the vessel owner or operator to
4 ensure English language proficiency of at least one bridge officer
5 while on duty in waters of the state;

6 (j) Describe relevant prevention measures incorporated in any
7 applicable regional marine spill safety plan that have not been adopted
8 and the reasons for that decision; ((and))

9 (k) Include any other information reasonably necessary to carry out
10 the purposes of this chapter required by rules adopted by the office;
11 and

12 (l) Establish compliance with the escort requirements set forth in
13 RCW 88.16.190.

14 (3) The office shall only approve a prevention plan if it provides
15 the best achievable protection from damages caused by the discharge of
16 oil into the waters of the state and if it determines that the plan
17 meets the requirements of this section and rules adopted by the office.

18 (4) Upon approval of a prevention plan, the office shall provide to
19 the person submitting the plan a statement indicating that the plan has
20 been approved, the vessels covered by the plan, and other information
21 the office determines should be included.

22 (5) The approval of a prevention plan shall be valid for five
23 years. An owner or operator of a tank vessel shall notify the office
24 in writing immediately of any significant change of which it is aware
25 affecting its prevention plan, including changes in any factor set
26 forth in this section or in rules adopted by the office. The office
27 may require the owner or operator to update a prevention plan as a
28 result of these changes.

29 (6) The office by rule shall require prevention plans to be
30 reviewed, updated, if necessary, and resubmitted to the office at least
31 once every five years.

32 (7) Approval of a prevention plan by the office does not constitute
33 an express assurance regarding the adequacy of the plan nor constitute
34 a defense to liability imposed under this chapter or other state law.

35 (8) This section does not authorize the office to modify the terms
36 of a collective bargaining agreement."

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