
SUBSTITUTE SENATE BILL 6430

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators Fraser, Spanel, Eide, Fairley, Kline,
Jacobsen, McAuliffe and Kohl-Welles)

Read first time 02/04/2000.

1 AN ACT Relating to oil spill prevention measures for tank vessels;
2 amending RCW 88.16.190; adding new sections to chapter 88.46 RCW;
3 creating new sections; recodifying RCW 88.16.170, 88.16.190, 88.16.195,
4 and 88.16.200; providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the marine waters
7 located in and adjacent to the Strait of Juan de Fuca between the state
8 of Washington and Canada are some of the most pristine and diverse
9 marine waters in the United States and include irreplaceable natural
10 resources. The area includes such national treasures as the Olympic
11 Coast National Marine Sanctuary and the Olympic National Park, is home
12 to five federally recognized Indian reservations, holds one of the
13 largest sea bird colonies on the west coast, and is the habitat for
14 several threatened and endangered species.

15 The legislature also finds that the marine waters are of great
16 environmental and economic importance to not only the state of
17 Washington, but also to the people of Canada and the United States.
18 The legislature also recognizes that the marine vessel traffic on these

1 waters presents risks of accidents and oil spills which would be
2 devastating to the environment and to the economy.

3 The legislature recognizes that transits by commercial vessels
4 through the Strait of Juan de Fuca are projected by the United States
5 coast guard to increase by fifty percent from the year 2000 to the year
6 2025. Volumes of petroleum movement, including cargo and bunker oil,
7 are conservatively projected to increase by nearly four billion gallons
8 by the year 2025. The legislature also recognizes that this growth in
9 commercial vessel transits, including increased transits by high risk
10 or priority 1 cargo vessels, and petroleum movement constitute a
11 significant and growing increase in projected oil spill frequency.

12 The legislature finds that the 1975 legislative requirement of tug
13 escorts for all laden, single-hull tank vessels operating east of New
14 Dungeness, as augmented by federal law, has greatly improved
15 navigational safety in the eastern Strait of Juan de Fuca and Rosario
16 Strait. Extension of this proven safety measure to other vessel
17 traffic that impacts tank vessel navigational safety and westward to
18 the mouth of the strait by locating a dedicated oil spill prevention
19 tug or implementation of other effective safety measures will similarly
20 improve navigational safety and correct a growing safety gap in the
21 marine navigation system.

22 NEW SECTION. **Sec. 2.** The legislature recognizes the important
23 work currently underway by the north Puget Sound oil spill risk
24 management panel that has been convened by the department of ecology
25 and the United States coast guard. The panel is presently reviewing
26 options such as oil spill prevention tugs stationed at the mouth of the
27 Strait of Juan de Fuca, escort tugs for tank vessels, traffic
28 management options, and other measures designed to reduce the risk of
29 powered groundings, drift groundings, and collisions. One of the
30 options considered by the panel is the use of the international tug of
31 opportunity system, known as ITOS, however, the United States coast
32 guard study of this system indicates that the ITOS will only be
33 effective in reducing drift groundings, and will only reduce that risk
34 by approximately three percent in the year 2000 and six percent by
35 2025. The legislature finds that the ITOS, although it offers some
36 benefit, does not adequately reduce the risks of oil spills.

37 The legislature intends that the provisions contained in this act
38 supplement the panel's efforts and specifically accommodate that

1 process by providing additional data to the panel as provided in
2 section 3 of this act, by including rule-making authority for the
3 department of ecology to provide a method of implementing the panel's
4 recommendations and other safety measures, and by allowing the
5 department of ecology to waive the provisions of RCW 88.16.190 (1)
6 through (3) (as recodified by this act) for a portion of the Strait of
7 Juan de Fuca based upon a consensus decision by the panel.

8 NEW SECTION. **Sec. 3.** The department of ecology shall make, or
9 otherwise acquire, monetary estimates of the natural resource damages,
10 urban and rural economic impacts, and private property damages
11 associated with potential oil spills in the Strait of Juan de Fuca and
12 associated waterways included in the north Puget Sound oil spill risk
13 management panel's study area.

14 The estimates shall include multiple scenarios that include
15 variations of spill sites, volume of oil discharges, tidal movement,
16 and weather conditions. The study scenarios must include the following
17 variables: (1) Spill sites for the westward end of the Strait of Juan
18 de Fuca and the northern end of Haro Strait; and (2) crude oil or
19 bunker fuel oil volumes of ten thousand gallons, one hundred thousand
20 gallons, one million gallons, and ten million gallons. In establishing
21 the scenarios, the department shall consult with representatives of the
22 national oceanic and atmospheric administration and may consult with
23 other entities with scientific expertise.

24 The preliminary estimates shall be submitted to the governor, the
25 north Puget Sound oil spill risk management panel, and the legislature
26 by May 15, 2000. Final estimates shall be completed and submitted to
27 the governor and legislature by December 15, 2000.

28 **Sec. 4.** RCW 88.16.190 and 1994 c 52 s 1 are each amended to read
29 as follows:

30 (1) Any (~~oil tanker, whether enrolled or registered,~~) tank vessel
31 of greater than (~~one hundred and twenty-five~~) forty thousand
32 deadweight tons shall (~~be prohibited from proceeding~~) not proceed
33 beyond a point, within the internal waters of the state of Washington
34 and the United States, east of a line extending from (~~Discovery Island~~
35 light south to New Dungeness light) Bonilla Point light on Vancouver
36 Island to Cape Flattery light on Tatoosh Island, unless the conditions
37 set in subsection (2) of this section are met.

1 (2) (~~An oil tanker, whether enrolled or registered,~~) A tank
2 vessel of greater than forty (~~to one hundred and twenty five~~)
3 thousand deadweight tons may proceed beyond the points enumerated in
4 subsection (1) of this section if (~~such tanker~~) the tank vessel is in
5 ballast or under the escort of a tug or tugs with the ability to
6 control the movement of or stop the tank vessel. A tank vessel is
7 exempt from this section if it possesses all of the following standard
8 safety features:

9 (a) (~~Shaft horsepower in the ratio of one horsepower to each two~~
10 ~~and one half deadweight tons; and~~) A bow thruster with an independent
11 power source;

12 (b) Two rudders with separate steering systems;

13 (c) An independent source of electrical power for each rudder and
14 screw combination;

15 (d) Twin screws with an independent power source to each; (~~and~~
16 ~~e~~) Double (~~bottoms, underneath~~) hulls for all oil, fuel,
17 and liquid cargo compartments; and

18 (~~d~~) Two radars in working order and operating, one of which must
19 be collision avoidance radar; and

20 (~~e~~) Such other navigational position location systems as may
21 be prescribed from time to time by the (~~board of pilotage~~
22 ~~commissioners:~~

23 PROVIDED, That, ~~if such forty to one hundred and twenty five~~
24 ~~thousand deadweight ton tanker is in ballast or is under escort of a~~
25 ~~tug or tugs with an aggregate shaft horsepower equivalent to five~~
26 ~~percent of the deadweight tons of that tanker, subsection (2) of this~~
27 ~~section shall not apply: PROVIDED FURTHER, That additional tug shaft~~
28 ~~horsepower equivalencies may be required under certain conditions as~~
29 ~~established by rule and regulation of the Washington utilities and~~
30 ~~transportation commission pursuant to chapter 34.05 RCW: PROVIDED~~
31 ~~FURTHER, That tanker)~~ department.

32 (3) High risk or priority 1 covered vessels, as evaluated by the
33 United States coast guard or the department, shall not proceed beyond
34 a point, within the internal waters of the state of Washington and the
35 United States, east of a line extending from Bonilla Point light on
36 Vancouver Island to Cape Flattery light on Tatoosh Island, unless the
37 covered vessel is under the escort of a tug or tugs with the ability to
38 control the movement of or stop the covered vessel.

1 (4) The provisions of subsections (1) through (3) of this section
2 do not apply west of a line extending from Discovery Island light south
3 to New Dungeness light if:

4 (a) An oil spill prevention tug, of size and capacity as determined
5 by the department, is in continuous operation at or near the westward
6 end of the Strait of Juan de Fuca. The oil spill prevention tug shall,
7 to the extent the department determines feasible, include among its
8 operations the escorting of laden tank vessels through the traffic
9 convergence zone where tank vessels must cross the paths of other
10 vessels entering or exiting established vessel traffic lanes;

11 (b) The provisions are waived by the department following adoption
12 of rules that substantially reduce the risks of drift grounding,
13 powered grounding, and collision, for tank vessels and covered vessels;

14 (c) The department has waived provisions for an individual tank
15 vessel that has additional safety features that supersede the features
16 in subsection (2) of this section, based on the department's own risk
17 assessment; or

18 (d) The department has waived the provisions in an emergency
19 situation.

20 (5) A tank vessel assigned a deadweight of less than forty thousand
21 deadweight tons at the time of construction or reconstruction as
22 reported in Lloyd's Register of Ships is not subject to the provisions
23 of RCW 88.16.170 through 88.16.190 (as recodified by this act).

24 NEW SECTION. Sec. 5. A new section is added to chapter 88.46 RCW
25 to read as follows:

26 The department shall adopt a rule waiving the provisions of RCW
27 88.16.190 (1) through (3) (as recodified by this act) for the area west
28 of a line extending from Discovery Island light south to New Dungeness
29 light if there is a consensus decision made on or before June 30, 2000,
30 by the north Puget Sound oil spill risk management panel, that the
31 provisions are not necessary. For the purposes of this section,
32 "consensus decision" means not more than two votes less than unanimous.

33 NEW SECTION. Sec. 6. The following sections are each recodified
34 as new sections in chapter 88.46 RCW:

35 RCW 88.16.170

36 RCW 88.16.190

37 RCW 88.16.195

1 RCW 88.16.200

2 NEW SECTION. **Sec. 7.** Sections 4 through 6 of this act take effect
3 September 30, 2000.

4 NEW SECTION. **Sec. 8.** Sections 1 through 3 of this act are
5 necessary for the immediate preservation of the public peace, health,
6 or safety, or support of the state government and its existing public
7 institutions, and take effect immediately.

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