

SENATE BILL REPORT

SHB 3020

As Reported By Senate Committee On:
Natural Resources, Energy & Water, February 26, 2004

Title: An act relating to oil spill management.

Brief Description: Reducing the risk of oil spills and spill damage.

Sponsors: House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Rockefeller, Kagi, Sullivan, Chase, G. Simpson, D. Simpson, Lantz, Dickerson, Lovick and Upthegrove).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/25/04, 2/26/04 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

Staff: Richard Rodger (786-7461)

Background: The Legislature enacted oil spill prevention and response measures in 1991 to promote the safety of marine transportation and protect state waters from oil spills. The director of the Department of Ecology (DOE) has the primary authority to oversee prevention, abatement, response, containment, and cleanup efforts for oil spills in state waters. The oil spill program requires oil spill prevention plans, contingency response plans, and documentation of financial responsibility for vessels and facilities that may discharge oil into navigable waters.

Owners and operators of onshore and offshore facilities must prepare and submit oil spill contingency and prevention plans. The plans are valid for five years and may be combined into a single document. Facilities may opt to submit contingency plans for tank vessels unloading at the facility.

Persons or facilities conducting ship refueling and bunkering, or lightering of petroleum products, are required to have containment and recovery equipment readily available according to standards adopted by DOE. In addition, any person or facility transferring oil between an onshore or offshore facility and a tank vessel are also required to have containment and recovery equipment readily available. DOE has rule-making authority to adopt standards for the circumstances under which containment equipment should be deployed.

Summary of Amended Bill: The primary objective of the state oil spill program is to adopt a zero spills strategy and prevent the release of oil or hazardous substances from entering marine waters.

The department's statewide plan must include a process for notifying tribes of any oil spill. Facility contingency plans must include measures for the protection of shellfish beds.

The department must, by June 30, 2006, adopt rules for directing when a boom should be deployed. DOE's rules will not require booming of a vessel that refuels from a truck driven aboard the vessel. The rules must be suitable to the environmental and operational conditions of the facilities. The US Coast Guard must be consulted when the rules are developed. The rules apply to any person or facility conducting ship refueling and bunkering, or the lightering of petroleum products. The department may require additional alternative oil prevention methods such as: automatic shutoff devices and alarms, extra personnel or additional containment equipment.

Amended Bill Compared to Original Bill: DOE's rules will not require booming of a vessel that refuels from a truck driven aboard the vessel. The rules must be suitable to the environmental and operational conditions of the facilities. The US Coast Guard must be consulted when the rules are developed.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill comes to you as a result of a recent spill at Wells Point in Puget Sound that caused great damage to beaches and shellfish. This bill will allow DOE to adopt rules that will direct when booming of vessels should occur during refueling.

Testimony Against: The fueling of ferries by tanker truck is safe, efficient, and economical. The ferry system conducts about 1,500 fuel transfers per year, with about half from trucks and half from facilities. These transfers occur under regulations of both the USCG and DOE. The bill will have a fiscal impact on the ferry system if booming of ferries is required while refueling. We could work with this bill with a minor modifications.

Testified: Representative Mike Cooper, prime sponsor; Bruce Wishart, People for Puget Sound, Western States Petroleum Association, Shellfish Growers Association (pro); Dale Jensen, DOE (pro); Bill Greene, Washington State Ferries.