

SENATE BILL REPORT

SB 5907

As of March 3, 2003

Title: An act relating to the establishment of the Washington maritime safety and improvement act.

Brief Description: Enhancing maritime safety.

Sponsors: Senators Horn, Reardon, Doumit and Morton.

Brief History:

Committee Activity: Highways & Transportation: 3/4/03.

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Staff: Michael Groesch (786-7434)

Background: Public policy and laws regarding oil spill prevention and response were developed in the late 1980s and early 1990s in response to several large vessel accidents and spills. The Federal Oil Pollution Act (OPA) of 1990 provided authority for the Environmental Protection Agency (EPA) to prevent and respond to oil spills. A trust fund financed by a tax on oil was established to clean up spills when the responsible party is incapable or unwilling to do so. The OPA requires oil storage facilities and vessels to submit to the federal government plans detailing how they will respond to large discharges. EPA has published regulations for aboveground storage facilities; the Coast Guard has done so for oil tankers. The OPA also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale.

The Washington State Legislature established oil spill prevention and response programs in the 1990 and 1991 sessions. The Oil Spill Prevention Account and the Oil Spill Response Account provide funds relating to oil and hazardous substance spill prevention and response. Each receives revenue from a five cent per barrel tax on first possession of petroleum imported into and consumed in Washington State. The programs require oil spill prevention plans and contingency response plans for vessels and facilities. The Washington State Maritime Cooperative (WSMC) is a nonprofit corporation that provides oil spill contingency plan coverage and an emergency response system to vessels in Washington waters (except the waters of the Columbia and Snake rivers) that are not otherwise covered by their own state approved contingency plan. In the event of an oil spill or threatened spill, the system provides a response that may include, but is not limited to, response vessels, boom equipment, skimmers, a qualified incident commander and response personnel. WSMC utilizes the services of a primary contractor, Foss Environmental Services Company, to maintain a response network of equipment and personnel. Communications and administrative services are provided under contract by the Marine Exchange of Puget Sound. The International Tug of Opportunity System (ITOS) is a voluntary industry effort of U.S. and Canadian interests formed as a response system for vessels in distress operating in the waters of the Olympic Coast National Marine Sanctuary and the Strait of Juan de Fuca. ITOS

was initiated in 1997 and monitors the location, identification, activity and performance capability of the tugs in and around the Strait of Juan de Fuca through radio transponders and Differential GPS (DGPS). In the case of an incident, the system provides information on the availability of tugs in the vicinity. Due to concerns that the Coast Guard's vessel traffic radar system does not cover most of the outer coast and, that ocean conditions sometime limit the use and effectiveness of oil spill containment and recovery systems, the state of Washington provides additional response capability at the western entrance to the Strait of Juan de Fuca. The Department of Ecology has contracted with Foss Maritime Services for commercial tug services. A tug has been stationed at Neah Bay each winter since 1999-2000 for a season that extends approximately 200 days. Funding for the initial service was provided primarily from federal resources and the Tenyo Maru trust. Subsequent support has been provided by the state of Washington through the general fund and the water quality account.

Summary of Bill: A tug safety net system is established to reduce risks and advance safety related to drift groundings in Washington waters that carry commercial vessel traffic. The system is based on a tug matrix developed by a third party contractor with input from industry and government officials with appropriate expertise. The Department of Ecology establishes contracts with tug companies to implement the system plan when appropriate. The department must produce reports on drift groundings, funding priorities for tug mitigation, uses of OPA funds for tug mitigation, and past uses of state funding for the Neah Bay tug in incidents when salvage claims awards may have occurred. The department must also develop protocols for reporting when the system is used. The maritime safety and improvement account is created to retain all state and federal resources for tug use and maritime safety and mitigation. Funds in the account may only be expended for purposes of sections 2 and 3 of this act. If federal funds are provided for purposes similar to those described in this act, the state tug safety net plan terminates.

Appropriation: None.

Fiscal Note: Requested on February 20, 2003.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2003.