

# SENATE BILL REPORT

## SSB 6641

---

As Passed Senate, February 13, 2004

**Title:** An act relating to oil spill management.

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

**Sponsors:** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators B. Sheldon, Oke, Spanel, Carlson, Fraser, Shin, Regala, Winsley, Kohl-Welles, Poulsen, Kline, Fairley, Jacobsen, Prentice, Haugen, Berkey, Brown, McAuliffe, Franklin, Rasmussen and Keiser).

**Brief History:**

**Committee Activity:** Natural Resources, Energy & Water: 2/6/04 [DPS].

Passed Senate: 2/13/04, 49-0.

---

### SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

**Majority Report:** That Substitute Senate Bill No. 6641 be substituted therefor, and the substitute bill do pass.

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

**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 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. 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.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The recent spill in Puget Sound caused great damage to beaches and shellfish. We need more than a zero spill strategy, but this measure is needed as an interim measure until additional research can be completed and further recommendations implemented. Booming can be an effective measure and DOE is the best agency to determine the circumstances under which they should be used.

**Testimony Against:** These are very technical issues, especially booming requirements, for example you should never boom gasoline. The bill should not mandate the circumstances under which booming should be used. DOE should develop those rules.

**Testified:** Betty Sheldon, prime sponsor; Chris Endresen, Kitsap Co. Commissioner (pro); Leonard Forsman, Suquamish Tribe spokesman (pro); Dale Jensen, DOE; Bruce Wishart, People for Puget Sound (pro); Frank Holmes, WSPA (pro on sub); Randy Ray, POSSA (pro on sub); Ed Owens, Walsh Distributing; Warren Aakervik, Ballard Oil.

**House Amendment(s):** The DOE rules must be suitable to the environmental and operational conditions of the facilities and the US Coast Guard must be consulted when the rules are developed.

In addition, the provisions of 2SHB 3112 are added: The Department of Ecology is directed to work with stakeholders to develop a report describing fueling practices and regulations for covered vessels and ships, and report recommendations and findings to the Legislature by December 15, 2004. The report must describe the current federal and state spill prevention and response requirements and recommendations for any new authorities necessary to establish a protective regulatory system for fueling ships. Any state agency conducting ship refueling or bunkering of more than 1 million gallons of oil during a calendar year on the waters of the state must develop facility oil spill prevention and contingency plans.

A null and void clause is added for sections 5 and 6 of the act which deal with the requirements for a state agency that refuels more than 1 million gallons of oil. Those sections must be referenced in the omnibus transportation appropriations act to take effect.