

ESSB 6244 - H COMM AMD

By Committee on Natural Resources, Ecology & Parks

ADOPTED 03/03/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 88.46 RCW
4 to read as follows:

5 (1) The department's rules authorized under RCW 88.46.160 and this
6 section shall be scaled to the risk posed to people and to the
7 environment, and be categorized by type of transfer, volume of oil,
8 frequency of transfers, and such other risk factors as identified by
9 the department.

10 (2) The rules may require prior notice be provided before an oil
11 transfer, regulated under this chapter, occurs in situations defined by
12 the department as posing a higher risk. The notice may include the
13 time, location, and volume of the oil transfer. The rules may not
14 require prior notice when marine fuel outlets are transferring less
15 than three thousand gallons of oil in a single transaction to a ship
16 that is not a covered vessel and the transfers are scheduled less than
17 four hours in advance.

18 (3) The department may require semiannual reporting of volumes of
19 oil transferred to ships by a marine fuel outlet.

20 (4) The rules may require additional measures to be taken in
21 conjunction with the deployment of containment equipment or with the
22 alternatives to deploying containment equipment. However, these
23 measures must be scaled appropriately to the risks posed by the oil
24 transfer.

25 (5) The rules shall include regulations to enhance the safety of
26 oil transfers over water originating from vehicles transporting oil
27 over private roads or highways of the state.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 88.46 RCW
29 to read as follows:

1 In addition to other inspection authority provided for in this
2 chapter and chapter 90.56 RCW, the department may conduct inspections
3 of oil transfer operations regulated under RCW 88.46.160 or section 1
4 of this act.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 88.46 RCW
6 to read as follows:

7 If the director believes a person has violated or is violating or
8 creates a substantial potential to violate the provisions of any rules
9 adopted under this chapter, the director may institute such actions as
10 authorized under RCW 88.46.070 (2) and (3).

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 88.46 RCW
12 to read as follows:

13 The department shall by rule adopt procedures to determine the
14 adequacy of contingency plans approved under RCW 88.46.060. The rules
15 shall require random practice drills without prior notice that will
16 test the adequacy of the responding entities. The rules may provide
17 for unannounced practice drills of individual contingency plans. The
18 department shall review and publish a report on the drills, including
19 an assessment of response time and available equipment and personnel
20 compared to those listed in the contingency plans relying on the
21 responding entities, and requirements, if any, for changes in the plans
22 or their implementation. The department may require additional drills
23 and changes in arrangements for implementing approved plans which are
24 necessary to ensure their effective implementation.

25 NEW SECTION. **Sec. 5.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected."

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