

SSB 6244 - S AMD 44

By Senator Rockefeller

ADOPTED 02/11/2006

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. However, this section shall not be construed to
18 prevent the department from requiring prior notice on a case-by-case
19 basis when elevated risks have been documented.

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

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

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

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

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

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

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

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

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

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

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1 On page 1, line 2 of the title, after "response;" strike the
2 remainder of the title and insert "and adding new sections to chapter
3 88.46 RCW."

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