
**Natural Resources, Ecology &
Parks Committee**

HB 1459

Brief Description: Creating the oil spill monitoring and oversight council.

Sponsors: Representatives B. Sullivan, Dickerson, Jarrett, Upthegrove, Kessler, Appleton, Dunshee, Moeller, Simpson, McCoy, Kenney, P. Sullivan, McDermott, Cody, Santos, Conway, Kilmer and Chase.

Brief Summary of Bill

- Establishes an 11 member Oil Spill Monitoring and Oversight Council (Council) in the Office of the Governor to provide independent oversight, research and monitoring of the state's oil spill program.
- Directs the Council to report annually to the Governor and the Legislature with recommendations for the continuing improvement of the state's oil spill program.

Hearing Date: 2/8/05

Staff: Jeff Olsen (786-7157).

Background:

The Legislature enacted oil spill prevention and response measures in 1991 to promote the safety of marine transportation and to 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 financial responsibility requirement for vessels and facilities that may discharge oil into navigable waters.

The Oil Pollution Act of 1990 (OPA) was enacted largely in response to rising public concern following the *Exxon Valdez* oil spill. The OPA increased penalties for regulatory noncompliance, broadened the response and enforcement authorities of the federal government, and preserved state authority to establish law governing oil spill prevention and response. Section 5002 of OPA, also known as the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990, stated that involving local citizens in oil spill planning and response could foster a long-term partnership of industry, government, and local communities in overseeing compliance with environmental concerns at crude oil terminals.

The Oil Spill Early Action Task Force (Task Force) was co-convened by the DOE and the U.S. Coast Guard as a result of the Dalco Passage oil spill on October 14, 2004, in Puget Sound. The Task Force was charged with evaluating actions to be taken during the early stages of oil spills when meteorological conditions are adverse. Members of the Task Force include representation from a wide variety of interests including the Department of Ecology, the Coast Guard, industry, ports, local governments, tribes, ports, environmental organizations, and community groups. The Task Force produced a final report in January 2005, containing 11 recommendations. One recommendation was to evaluate all appropriate citizen advisory and involvement models, and another recommendation was for the creation of an independent assessment process for regional oil spill response.

Summary of Bill:

The Oil Spill Monitoring and Oversight Council (Council) is created in the Office of the Governor. The primary purpose of the council is to maintain the state's vigilance in the prevention of oil spills, while recognizing the importance of improving preparedness and response. The Council is composed of 11 members appointed by the governor representing the interests of the following:

1. Washington State Association of Counties;
2. Association of Washington Cities;
3. Washington Public Ports Association;
4. Pacific Shellfish Growers Association;
5. A representative of Indian tribes selected by the Northwest Indian Fisheries Commission;
6. A representative of commercial fishing interests;
7. A representative of recreational fishing interests;
8. A representative of the tourism industry;
9. A representative of environmental organizations;
10. A nongovernmental member of the Puget Sound Council; and
11. A nongovernmental member of the Biodiversity Council.

Appointments to the Council shall reflect a geographic balance and the diversity of populations within potential affected by oil spills areas. Except for the initial members of the Council, members serve four year terms. Initial members terms will be staggered as follows: three members shall serve two year terms; three members shall serve three year terms; and, five members shall serve four year terms. The chair of the council will be selected by the members and serves a two year term. Members are not compensated, but may be reimbursed for travel expenses. The Council may select and hire professional staff and expert consultants.

The Council's duties include:

- Consultation with government decision makers regarding the state's oil spill prevention, preparedness, and response programs;
- Providing independent advice, expertise, research, monitoring, assessment, and oversight for review of and improvements to the state oil spill program;
- Providing information to the public;
- Seeking public comments on measures to improve the oil spill program;

- Promoting public involvement in spill response; and
- Preparing reports on the Council's analyses and recommendations.

By December 1st of each year, the Council must report recommendations for the continuing improvement of the state's oil spill program to the governor and the legislature. The Director of the DOE must prepare a response to the annual report within 90 days of its submittal that includes a description of the improvements the DOE will adopt and the reason for rejecting or modifying any recommended improvement.

Appropriation: None.

Fiscal Note: Requested on 2/1/05.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.