
**Natural Resources, Ecology &
Parks Committee**

ESSB 5432

Brief Description: Creating the oil spill advisory council.

Sponsors: Senate Committee on Water, Energy & Environment (originally sponsored by Senators Spanel, Swecker, Poulsen, Doumit, Regala, Rockefeller, Pridemore, Haugen, Kohl-Welles, Fraser, Jacobsen, Shin and Kline).

Brief Summary of Engrossed Substitute Bill

- Establishes a 15 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: 3/24/05

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:

A Citizens' Oil Spill Advisory Council (council) is created in the Office of the Governor to maintain the state's vigilance in the prevention of oil spills, while recognizing the importance of also improving preparedness and response. The council is advisory only, with a focus on marine waters covering Hood Canal, Puget Sound, the Strait of Juan de Fuca, the Pacific Ocean, and the Columbia River estuary.

The council is composed of fifteen members appointed by the Governor, plus two invited tribal representatives. The appointed members include: three representatives of environmental organizations; one representative of commercial shellfish interests; one representative of commercial fisheries that primarily fishes in Washington waters; one representative of marine recreation; one representative of tourism interests; three representatives of county government from three specified areas; two representatives of marine trade interests; one representative of major oil facilities; one representative of public ports; and one individual who resides on a shoreline who has an interest, experience, and familiarity in the protection of water quality.

Appointments to the council must reflect a geographical balance and the diversity of populations within the areas potentially affected by oil spills in state waters. Members serve four-year terms and are reimbursed for travel expenses related to their duties. The chair must be elected from the council's members and serves for a term of two years. The council must meet at least four times a year, with specified locations for three of the meetings. To the extent possible, decisions of the council must be by consensus.

The duties of the council include: the hiring of professional staff and expert consultants to support its work; consultation with government decision makers on all aspects of the state's oil spill programs and activities; providing independent advice, expertise, research, monitoring, and assessment of these programs; monitoring and providing information regarding state of the art programs; evaluating incident response reports; seeking and promoting citizens involvement.

The council also serves as an advisory body on matters relating to international, national, and regional oil spill issues.

The council makes annual recommendations for the continuing improvement of the state's oil spill prevention, preparedness, and response. By December 15, 2005, the council must make proposals for the long-term funding of the council's activities and for the long-term sustainable funding for oil spill preparedness, prevention, and response activities.

A nonappropriated account is created to receive gifts, grants, and appropriations.

Appropriation: None.

Fiscal Note: Available.

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