

FINAL BILL REPORT

ESSB 5432

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Synopsis as Enacted

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).

Senate Committee on Water, Energy & Environment

Senate Committee on Ways & Means

House Committee on Natural Resources, Ecology & Parks

House Committee on Appropriations

Background: In response to the oil spill from the Exxon Valdez in April 1989, Congress passed the Oil Pollution Act of 1990 (referred to as "OPA 90"). The act created two regional citizen advisory councils (RCAC) in the State of Alaska, one for Prince William Sound and one for Cook Inlet.

The councils provide citizen oversight of environmental safety issues that seek to minimize the risk of oil spills and other environmental impacts, and enhance oil spill prevention and response. The councils specific duties include: providing advice and making recommendations relating to the oil terminal, oil tankers, and port; monitoring terminal and tanker operations; and reviewing the adequacy of oil spill prevention and contingency plans.

Congress requires the owners or operators of the terminal facilities or crude oil tankers operating in the region to provide annual funding of up to \$2,000,000 for the Prince William Sound RCAC and \$1,000,000 for the Cook Inlet RCAC (adjusted by the consumer price index).

In OPA 90, Congress made the following finding in regards to citizen involvement in monitoring oil operations: "[S]imilar programs should be established in other major crude oil terminals in the United States because recent oil spills . . . indicate that the safe transportation of crude oil is a national problem."

Summary: An 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. A chair-facilitator position is created as a nonvoting member of the Oil Spill Advisory Council. The council meets at least four times a year, with specified locations for three of the meetings.

The council is composed of 16 members appointed by the Governor, plus two invited tribal representatives. Members are appointed for the following interests: three environmental organizations; one commercial shellfish; one commercial fisheries; one marine recreation; one

tourism; three county governments; two marine trade; one marine labor; one major oil facility; one public port; and one individual who resides on a shoreline.

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, are reimbursed for travel expenses, and are eligible for per diem.

The duties of the council include: the hiring of professional staff and expert consultants to support its work; consulting with government decision-makers; 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; and seeking and promoting citizens involvement.

The council also serves as an advisory body on, and provides for stakeholder and public consideration of, 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 September 15, 2006, 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. To the extent possible, decisions of the council must be by consensus.

The Department of Ecology must evaluate all oil spill advisory committees and revise or eliminate functions which are no longer necessary.

Votes on Final Passage:

Senate	29	17	
House	61	37	(House amended)
Senate	45	1	(Senate concurred)

Effective: July 24, 2005