

FINAL BILL REPORT

ESSB 6244

C 316 L 06

Synopsis as Enacted

Brief Description: Changing provisions relating to oil spill prevention, preparedness, and response.

Sponsors: Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rockefeller, Morton, Poulsen, Fairley, Kline, Shin, Kohl-Welles and Spanel; by request of Department of Ecology).

Senate Committee on Water, Energy & Environment
House Committee on Natural Resources, Ecology & Parks
House Committee on Appropriations

Background: The primary objective of the Department of Ecology's (DOE) Oil Spill Program is to adopt a zero spills strategy and prevent the release of oil or hazardous substances into marine waters. The oil spill program requires oil spill prevention plans, contingency response plans, and documentation of financial responsibility for vessels and facilities that may discharge oil into navigable waters.

Persons or facilities conducting ship refueling and bunkering, or lightering of petroleum products, must have containment and recovery equipment readily available according to standards adopted by DOE. In addition, any person or facility transferring oil between an onshore or offshore facility and a tank vessel must have containment and recovery equipment readily available. DOE must adopt rules for directing when a boom should be deployed during oil transfers by June 30, 2006.

Owners and operators of onshore and offshore facilities must prepare and submit oil spill contingency and prevention plans. DOE may issue orders or directives to any person who violates the oil spill prevention and response statutes.

DOE's explicit authority to issue regulatory orders to vessel operators for violations of rules was omitted in a 1991 legislative rewrite of the oil pollution prevention statutes.

Summary: DOE is given additional direction regarding its current rulemaking covering transfers of oil. DOE must scale its rules to the risk posed to people and the environment, and categorize the rules by type of transfer, volume of oil, frequency of transfer, and other risk factors it identifies.

DOE may also require a person or facility to provide notice of the time, location, and volume of future intended oil transfers in situations DOE defines as posing a higher risk. Prior notice of an oil transfer is not required for a marine fuel outlet transferring less than 3000 gallons of oil in a single transaction to a ship that is not a covered vessel when scheduled less than four hours in advance. DOE may require semiannual reporting of volumes of oil transferred to ships by a marine fuel outlet.

DOE's authority over ship refueling and bunkering or lightering of petroleum products is expanded to include motor vehicles conducting those activities.

DOE's standards for deployment of containment equipment during oil transfers may require, in addition to alternative measures, additional measures as deemed necessary to enhance safety. These additional measures must be scaled to the risk posed by the oil transfer.

DOE is authorized to conduct inspections of regulated oil transfer operations that occur over state waters. DOE may require vessel contingency plan holders to conduct drills, as they currently require for regulated facilities. DOE's explicit authority to issue regulatory orders to vessel operators for violations of rules is restored.

Votes on Final Passage:

Senate	40	0	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 2006