
SECOND SUBSTITUTE HOUSE BILL 2593

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Appleton, B. Sullivan, Jarrett, Morris, Hankins, Chase, McIntire, Dickerson, McCoy, Conway, Green, Darneille, Schual-Berke, Lovick, Pettigrew, Sommers, Ericks, Lantz, Hasegawa, Morrell, Kenney, Haler, Springer, Roberts, P. Sullivan, Strow, Miloscia, Wallace, Cody, Sells, Moeller, Dunshee, Williams, O'Brien, McDermott, Kessler, Woods, Kilmer, Eickmeyer, Hunt, Flannigan, Takko, Nixon, Rodne, Simpson, Linville and Kagi; by request of Department of Ecology)

READ FIRST TIME 02/07/06.

1 AN ACT Relating to oil spill prevention, preparedness, and
2 response; and adding new sections to chapter 88.46 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

6 (1) The department's rules authorized under RCW 88.46.160 and this
7 section shall be scaled to the risk posed to people and to the
8 environment, and be categorized by type of transfer, volume of oil,
9 frequency of transfers, and such other risk factors as identified by
10 the department.

11 (2) The rules may require prior notice be provided before an oil
12 transfer, regulated under this chapter, occurs in situations defined by
13 the department as posing a higher risk. The notice may include the
14 time, location, and volume of the oil transfer. Unless oil transfers
15 are scheduled in advance four hours or more, marine fuel outlets
16 transferring less than three thousand gallons of oil in a single
17 transaction to a ship that is not a covered vessel shall not be
18 required to notify the department before the oil transfer.

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

3 (4) The rules may require additional measures to be taken in
4 conjunction with the deployment of containment equipment or with the
5 alternatives to deploying containment equipment. However, these
6 measures must be scaled appropriately to the risks posed by the oil
7 transfer.

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

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

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

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

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

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

25 The department shall by rule adopt procedures to determine the
26 adequacy of contingency plans approved under RCW 88.46.060. The rules
27 shall require random practice drills without prior notice that will
28 test the adequacy of the responding entities. The rules may provide
29 for unannounced practice drills of individual contingency plans. The
30 department shall review and publish a report on the drills, including
31 an assessment of response time and available equipment and personnel
32 compared to those listed in the contingency plans relying on the
33 responding entities, and requirements, if any, for changes in the plans
34 or their implementation. The department may require additional drills

1 and changes in arrangements for implementing approved plans which are
2 necessary to ensure their effective implementation.

3 NEW SECTION. **Sec. 5.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

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