
HOUSE BILL 2593

State of Washington

59th Legislature

2006 Regular Session

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 01/11/2006. Referred to Committee on Natural Resources, Ecology & Parks.

1 AN ACT Relating to oil spill prevention, preparedness, and
2 response; amending RCW 88.46.160 and 88.46.070; and adding a new
3 section to chapter 88.46 RCW.

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

5 **Sec. 1.** RCW 88.46.160 and 2004 c 226 s 3 are each amended to read
6 as follows:

7 Any person, ship, or facility, including motor vehicles, conducting
8 ship refueling and bunkering operations, or the lightering of petroleum
9 products, and any person or facility transferring oil between an
10 onshore or offshore facility and a (~~-tank vessel~~) ship shall have
11 containment and recovery equipment readily available for deployment in
12 the event of the discharge of oil into the waters of the state and
13 shall deploy the containment and recovery equipment in accordance with
14 standards adopted by the department. All persons conducting refueling,
15 bunkering, or lightering operations, or oil transfer operations shall
16 be trained in the use and deployment of oil spill containment and
17 recovery equipment. The department shall adopt rules as necessary to
18 carry out the provisions of this section by June 30, 2006. The rules
19 shall include standards for the circumstances under which containment

1 equipment should be deployed including standards requiring deployment
2 of containment equipment prior to the transfer of oil when determined
3 to be safe and effective by the department. The department may require
4 a person or facility to employ alternative or additional measures
5 including but not limited to automatic shutoff devices and alarms,
6 extra personnel to monitor the transfer, or containment equipment that
7 is deployed quickly and effectively. The department's standards may
8 also require that a person or facility, before transferring oil to a
9 ship, notify the department of the time, location, and volume of the
10 oil transfer. The standards adopted by rule must be suitable to the
11 specific environmental and operational conditions and characteristics
12 of the facilities that are subject to the standards, and the department
13 must consult with the United States coast guard with the objective of
14 developing state standards that are compatible with federal
15 requirements applicable to the activities covered by this section. An
16 onshore or offshore facility shall include the procedures used to
17 contain and recover discharges in the facility's contingency plan. It
18 is the responsibility of the person providing bunkering, refueling, or
19 lightering services to provide any containment or recovery equipment
20 required under this section. In addition to other inspection authority
21 provided for in this chapter and chapter 90.56 RCW, the department may
22 conduct inspections of oil transfer operations associated with this
23 section. This section does not apply to a person (~~operating a ship~~)
24 or facility conducting an oil transfer to a ship used for personal
25 pleasure or for recreational purposes.

26 NEW SECTION. Sec. 2. A new section is added to chapter 88.46 RCW
27 to read as follows:

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

1 or their implementation. The department may require additional drills
2 and changes in arrangements for implementing approved plans which are
3 necessary to ensure their effective implementation.

4 **Sec. 3.** RCW 88.46.070 and 2000 c 69 s 7 are each amended to read
5 as follows:

6 (1) The provisions of prevention plans and contingency plans
7 approved by the department pursuant to this chapter shall be legally
8 binding on those persons submitting them to the department and on their
9 successors, assigns, agents, and employees. The superior court shall
10 have jurisdiction to restrain a violation of, compel specific
11 performance of, or otherwise to enforce such plans upon application by
12 the department. The department may issue an order pursuant to chapter
13 34.05 RCW requiring compliance with a contingency plan or a prevention
14 plan and may impose administrative penalties for failure to comply with
15 a plan.

16 (2) If the director believes a person has violated or is violating
17 or creates a substantial potential to violate the provisions of this
18 chapter or any rules adopted under this chapter, the director shall
19 notify the person of the director's determination by registered mail.
20 The determination shall not constitute an order or directive under RCW
21 43.21B.310. Within thirty days from the receipt of notice of the
22 determination, the person shall file with the director a full report
23 stating what steps have been and are being taken to comply with the
24 determination of the director. The director shall issue an order or
25 directive, as the director deems appropriate under the circumstances,
26 and shall notify the person by registered mail.

27 (3) If the director believes immediate action is necessary to
28 accomplish the purposes of this chapter, the director may issue an
29 order or directive, as appropriate under the circumstances, without
30 first issuing a notice or determination pursuant to subsection (2) of
31 this section. An order or directive issued pursuant to this subsection
32 shall be served by registered mail or personally upon any person to
33 whom it is directed.

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