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ENGROSSED SUBSTITUTE SENATE BILL 6244

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State of Washington

59th Legislature

2006 Regular Session

By 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)

READ FIRST TIME 01/27/06.

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. The rules may not  
15 require prior notice when marine fuel outlets are transferring less  
16 than three thousand gallons of oil in a single transaction to a ship  
17 that is not a covered vessel and the transfers are scheduled less than  
18 four hours in advance. However, this section shall not be construed to

1 prevent the department from requiring prior notice on a case-by-case  
2 basis when elevated risks have been documented.

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

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

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

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

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

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

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

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

27 The department shall by rule adopt procedures to determine the  
28 adequacy of contingency plans approved under RCW 88.46.060. The rules  
29 shall require random practice drills without prior notice that will  
30 test the adequacy of the responding entities. The rules may provide  
31 for unannounced practice drills of individual contingency plans. The  
32 department shall review and publish a report on the drills, including  
33 an assessment of response time and available equipment and personnel  
34 compared to those listed in the contingency plans relying on the  
35 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 NEW SECTION. **Sec. 5.** If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 remainder of the act or the application of the provision to other  
7 persons or circumstances is not affected.

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