

SB 5552 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED 04/05/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 90.48.366 and 1994 sp.s. c 9 s 855 are each amended
4 to read as follows:

5 ((By July 1, 1991,)) The department, in consultation with the
6 departments of ((fisheries,)) fish and wildlife((,)) and natural
7 resources, and the parks and recreation commission, shall adopt rules
8 establishing a compensation schedule for the discharge of oil in
9 violation of this chapter and chapter 90.56 RCW. The amount of
10 compensation assessed under this schedule shall be no less than one
11 dollar per gallon of oil spilled and no greater than ((fifty)) one
12 hundred dollars per gallon of oil spilled. The compensation schedule
13 shall reflect adequate compensation for unquantifiable damages or for
14 damages not quantifiable at reasonable cost for any adverse
15 environmental, recreational, aesthetic, or other effects caused by the
16 spill and shall take into account:

17 (1) Characteristics of any oil spilled, such as toxicity,
18 dispersibility, solubility, and persistence, that may affect the
19 severity of the effects on the receiving environment, living organisms,
20 and recreational and aesthetic resources;

21 (2) The sensitivity of the affected area as determined by such
22 factors as: (a) The location of the spill; (b) habitat and living
23 resource sensitivity; (c) seasonal distribution or sensitivity of
24 living resources; (d) areas of recreational use or aesthetic
25 importance; (e) the proximity of the spill to important habitats for
26 birds, aquatic mammals, fish, or to species listed as threatened or
27 endangered under state or federal law; (f) significant archaeological
28 resources as determined by the ((office)) department of archaeology and
29 historic preservation; and (g) other areas of special ecological or
30 recreational importance, as determined by the department((. If the

1 ~~department has adopted rules for a compensation table prior to July 1,~~
2 ~~1992, the sensitivity of significant archaeological resources shall~~
3 ~~only be included among factors to be used in the compensation table~~
4 ~~when the department revises the rules for the compensation table after~~
5 ~~July 1, 1992)); and~~

6 (3) Actions taken by the party who spilled oil or any party liable
7 for the spill that: (a) Demonstrate a recognition and affirmative
8 acceptance of responsibility for the spill, such as the immediate
9 removal of oil and the amount of oil removed from the environment; or
10 (b) enhance or impede the detection of the spill, the determination of
11 the quantity of oil spilled, or the extent of damage, including the
12 unauthorized removal of evidence such as injured fish or wildlife.

13 **Sec. 2.** RCW 90.48.368 and 1994 c 264 s 92 are each amended to read
14 as follows:

15 (1) The department shall adopt rules establishing a formal process
16 for preassessment screening of damages resulting from spills to the
17 waters of the state causing the death of, or injury to, fish, animals,
18 vegetation, or other resources of the state. The rules shall specify
19 the conditions under which the department shall convene a preassessment
20 screening committee. The preassessment screening process shall occur
21 concurrently with reconnaissance activities. The committee shall use
22 information obtained from reconnaissance activities as well as any
23 other relevant resource and resource use information. For each
24 incident, the committee shall determine whether a damage assessment
25 investigation should be conducted, or, whether the compensation
26 schedule authorized under RCW 90.48.366 and 90.48.367 should be used to
27 assess damages. The committee may accept restoration or enhancement
28 projects or studies proposed by the liable parties in lieu of some or
29 all of: (a) The compensation schedule authorized under RCW 90.48.366
30 and 90.48.367; or (b) the claims from damage assessment studies
31 authorized under RCW 90.48.142.

32 (2) A preassessment screening committee may consist of
33 representatives of the departments of ecology, archaeology and historic
34 preservation, fish and wildlife, health, and natural resources,
35 (~~social and health services, and emergency management,~~) and the parks
36 and recreation commission, (~~the office of archaeology and historie~~
37 ~~preservation,~~) as well as other federal, state, and local agencies,

1 and tribal and local governments whose presence would enhance the
2 reconnaissance or damage assessment aspects of spill response. The
3 department shall chair the committee and determine which
4 representatives will be needed on a spill-by-spill basis.

5 (3) The committee shall consider the following factors when
6 determining whether a damage assessment study authorized under RCW
7 90.48.367 should be conducted: (a) Whether evidence from
8 reconnaissance investigations suggests that injury has occurred or is
9 likely to occur to publicly owned resources; (b) the potential loss in
10 services provided by resources injured or likely to be injured and the
11 expected value of the potential loss; (c) whether a restoration project
12 to return lost services is technically feasible; (d) the accuracy of
13 damage quantification methods that could be used and the anticipated
14 cost-effectiveness of applying each method; (e) the extent to which
15 likely injury to resources can be verified with available
16 quantification methods; and (f) whether the injury, once quantified,
17 can be translated into monetary values with sufficient precision or
18 accuracy.

19 (4) When a resource damage assessment is required for an oil spill
20 in the ((navigable)) waters of the state, as defined in RCW 90.56.010,
21 the state trustee agency responsible for the resource and habitat
22 damaged shall conduct the damage assessment and pursue all appropriate
23 remedies with the responsible party.

24 (5) Oil spill damage assessment studies authorized under RCW
25 90.48.367 may only be conducted if the committee, after considering the
26 factors enumerated in subsection (3) of this section, determines that
27 the damages to be investigated are quantifiable at a reasonable cost
28 and that proposed assessment studies are clearly linked to
29 quantification of the damages incurred.

30 (6) As new information becomes available, the committee may
31 reevaluate the scope of damage assessment using the factors listed in
32 subsection (3) of this section and may reduce or expand the scope of
33 damage assessment as appropriate.

34 (7) The preassessment screening process shall provide for the
35 ongoing involvement of persons who may be liable for damages resulting
36 from an oil spill. The department may negotiate with a potentially
37 liable party to perform restoration and enhancement projects or studies

1 which may substitute for all or part of the compensation authorized
2 under RCW 90.48.366 and 90.48.367 or the damage assessment studies
3 authorized under RCW 90.48.367.

4 (8) For the purposes of this section and RCW 90.48.367, the cost of
5 a damage assessment shall be considered "reasonable" when the
6 anticipated cost of the damage assessment is expected to be less than
7 the anticipated damage that may have occurred or may occur.

8 **Sec. 3.** RCW 90.56.330 and 1992 c 73 s 36 are each amended to read
9 as follows:

10 Except as otherwise provided in RCW 90.56.390, any person who
11 negligently discharges oil, or causes or permits the entry of the same,
12 shall incur, in addition to any other penalty as provided by law, a
13 penalty in an amount of up to (~~twenty~~) one hundred thousand dollars
14 for every such violation, and for each day the spill poses risks to the
15 environment as determined by the director. Any person who
16 intentionally or recklessly discharges or causes or permits the entry
17 of oil into the waters of the state shall incur, in addition to any
18 other penalty authorized by law, a penalty of up to (~~one~~) five
19 hundred thousand dollars for every such violation and for each day the
20 spill poses risks to the environment as determined by the director.
21 The amount of the penalty shall be determined by the director after
22 taking into consideration the size of the business of the violator, the
23 gravity of the violation, the previous record of the violator in
24 complying, or failing to comply, with the provisions of chapter 90.48
25 RCW, the speed and thoroughness of the collection and removal of the
26 oil, and such other considerations as the director deems appropriate.
27 Every act of commission or omission which procures, aids or abets in
28 the violation shall be considered a violation under the provisions of
29 this section and subject to the penalty herein provided for. The
30 penalty (~~herein~~) provided for in this section shall be imposed
31 pursuant to RCW 43.21B.300.

32 **Sec. 4.** RCW 88.40.011 and 2003 c 56 s 2 are each amended to read
33 as follows:

34 The definitions in this section apply throughout this chapter
35 unless the context clearly requires otherwise.

36 (1) "Barge" means a vessel that is not self-propelled.

1 (2) "Cargo vessel" means a self-propelled ship in commerce, other
2 than a tank vessel, fishing vessel, or a passenger vessel, of three
3 hundred or more gross tons.

4 (3) "Bulk" means material that is stored or transported in a loose,
5 unpackaged liquid, powder, or granular form capable of being conveyed
6 by a pipe, bucket, chute, or belt system.

7 (4) "Covered vessel" means a tank vessel, cargo vessel, or
8 passenger vessel.

9 (5) "Department" means the department of ecology.

10 (6) "Director" means the director of the department of ecology.

11 (7)(a) "Facility" means any structure, group of structures,
12 equipment, pipeline, or device, other than a vessel, located on or near
13 the navigable waters of the state that transfers oil in bulk to or from
14 any vessel with an oil carrying capacity over two hundred fifty barrels
15 or pipeline, that is used for producing, storing, handling,
16 transferring, processing, or transporting oil in bulk.

17 (b) A facility does not include any: (i) Railroad car, motor
18 vehicle, or other rolling stock while transporting oil over the
19 highways or rail lines of this state; (ii) retail motor vehicle motor
20 fuel outlet; (iii) facility that is operated as part of an exempt
21 agricultural activity as provided in RCW 82.04.330; (iv) underground
22 storage tank regulated by the department or a local government under
23 chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense
24 more than three thousand gallons of fuel to a ship that is not a
25 covered vessel, in a single transaction.

26 (8) "Fishing vessel" means a self-propelled commercial vessel of
27 three hundred or more gross tons that is used for catching or
28 processing fish.

29 (9) "Gross tons" means tonnage as determined by the United States
30 coast guard under 33 C.F.R. section 138.30.

31 (10) "Hazardous substances" means any substance listed as of March
32 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section
33 101(14) of the federal comprehensive environmental response,
34 compensation, and liability act of 1980, as amended by P.L. 99-499.
35 The following are not hazardous substances for purposes of this
36 chapter:

37 (a) Wastes listed as F001 through F028 in Table 302.4; and

38 (b) Wastes listed as K001 through K136 in Table 302.4.

1 (11) "Navigable waters of the state" means those waters of the
2 state, and their adjoining shorelines, that are subject to the ebb and
3 flow of the tide and/or are presently used, have been used in the past,
4 or may be susceptible for use to transport intrastate, interstate, or
5 foreign commerce.

6 (12) "Oil" or "oils" means oil of any (~~naturally occurring~~) kind
7 that is liquid (~~hydrocarbons~~) at atmospheric temperature (~~and~~
8 ~~pressure coming from the earth, including condensate and natural~~
9 ~~gasoline,~~) and any fractionation thereof, including, but not limited
10 to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological
11 oils and blends, oil sludge, oil refuse, and oil mixed with wastes
12 other than dredged spoil. Oil does not include any substance listed as
13 of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under
14 section 101(14) of the federal comprehensive environmental response,
15 compensation, and liability act of 1980, as amended by P.L. 99-499.

16 (13) "Offshore facility" means any facility located in, on, or
17 under any of the navigable waters of the state, but does not include a
18 facility any part of which is located in, on, or under any land of the
19 state, other than submerged land.

20 (14) "Onshore facility" means any facility any part of which is
21 located in, on, or under any land of the state, other than submerged
22 land, that because of its location, could reasonably be expected to
23 cause substantial harm to the environment by discharging oil into or on
24 the navigable waters of the state or the adjoining shorelines.

25 (15)(a) "Owner or operator" means (i) in the case of a vessel, any
26 person owning, operating, or chartering by demise, the vessel; (ii) in
27 the case of an onshore or offshore facility, any person owning or
28 operating the facility; and (iii) in the case of an abandoned vessel or
29 onshore or offshore facility, the person who owned or operated the
30 vessel or facility immediately before its abandonment.

31 (b) "Operator" does not include any person who owns the land
32 underlying a facility if the person is not involved in the operations
33 of the facility.

34 (16) "Passenger vessel" means a ship of three hundred or more gross
35 tons with a fuel capacity of at least six thousand gallons carrying
36 passengers for compensation.

37 (17) "Ship" means any boat, ship, vessel, barge, or other floating
38 craft of any kind.

1 (18) "Spill" means an unauthorized discharge of oil into the waters
2 of the state.

3 (19) "Tank vessel" means a ship that is constructed or adapted to
4 carry, or that carries, oil in bulk as cargo or cargo residue, and
5 that:

6 (a) Operates on the waters of the state; or

7 (b) Transfers oil in a port or place subject to the jurisdiction of
8 this state.

9 (20) "Waters of the state" includes lakes, rivers, ponds, streams,
10 inland waters, underground water, salt waters, estuaries, tidal flats,
11 beaches and lands adjoining the seacoast of the state, sewers, and all
12 other surface waters and watercourses within the jurisdiction of the
13 state of Washington.

14 **Sec. 5.** RCW 88.46.010 and 2000 c 69 s 1 are each amended to read
15 as follows:

16 (~~Unless the context clearly requires otherwise,~~) The definitions
17 in this section apply throughout this chapter unless the context
18 clearly requires otherwise.

19 (1) "Best achievable protection" means the highest level of
20 protection that can be achieved through the use of the best achievable
21 technology and those staffing levels, training procedures, and
22 operational methods that provide the greatest degree of protection
23 achievable. The director's determination of best achievable protection
24 shall be guided by the critical need to protect the state's natural
25 resources and waters, while considering (a) the additional protection
26 provided by the measures; (b) the technological achievability of the
27 measures; and (c) the cost of the measures.

28 (2) "Best achievable technology" means the technology that provides
29 the greatest degree of protection taking into consideration (a)
30 processes that are being developed, or could feasibly be developed,
31 given overall reasonable expenditures on research and development, and
32 (b) processes that are currently in use. In determining what is best
33 achievable technology, the director shall consider the effectiveness,
34 engineering feasibility, and commercial availability of the technology.

35 (3) "Cargo vessel" means a self-propelled ship in commerce, other
36 than a tank vessel or a passenger vessel, of three hundred or more

1 gross tons, including but not limited to, commercial fish processing
2 vessels and freighters.

3 (4) "Bulk" means material that is stored or transported in a loose,
4 unpackaged liquid, powder, or granular form capable of being conveyed
5 by a pipe, bucket, chute, or belt system.

6 (5) "Covered vessel" means a tank vessel, cargo vessel, or
7 passenger vessel.

8 (6) "Department" means the department of ecology.

9 (7) "Director" means the director of the department of ecology.

10 (8) "Discharge" means any spilling, leaking, pumping, pouring,
11 emitting, emptying, or dumping.

12 (9)(a) "Facility" means any structure, group of structures,
13 equipment, pipeline, or device, other than a vessel, located on or near
14 the navigable waters of the state that transfers oil in bulk to or from
15 a tank vessel or pipeline, that is used for producing, storing,
16 handling, transferring, processing, or transporting oil in bulk.

17 (b) A facility does not include any: (i) Railroad car, motor
18 vehicle, or other rolling stock while transporting oil over the
19 highways or rail lines of this state; (ii) retail motor vehicle motor
20 fuel outlet; (iii) facility that is operated as part of an exempt
21 agricultural activity as provided in RCW 82.04.330; (iv) underground
22 storage tank regulated by the department or a local government under
23 chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense
24 more than three thousand gallons of fuel to a ship that is not a
25 covered vessel, in a single transaction.

26 (10) "Marine facility" means any facility used for tank vessel
27 wharfage or anchorage, including any equipment used for the purpose of
28 handling or transferring oil in bulk to or from a tank vessel.

29 (11) "Navigable waters of the state" means those waters of the
30 state, and their adjoining shorelines, that are subject to the ebb and
31 flow of the tide and/or are presently used, have been used in the past,
32 or may be susceptible for use to transport intrastate, interstate, or
33 foreign commerce.

34 (12) "Oil" or "oils" means oil of any (~~naturally occurring~~) kind
35 that is liquid (~~hydrocarbons~~) at atmospheric temperature (~~and~~
36 ~~pressure coming from the earth, including condensate and natural~~
37 ~~gasoline,~~) and any fractionation thereof, including, but not limited
38 to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological

1 oils and blends, oil sludge, oil refuse, and oil mixed with wastes
2 other than dredged spoil. Oil does not include any substance listed in
3 Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under
4 section 101(14) of the federal comprehensive environmental response,
5 compensation, and liability act of 1980, as amended by P.L. 99-499.

6 (13) "Offshore facility" means any facility located in, on, or
7 under any of the navigable waters of the state, but does not include a
8 facility any part of which is located in, on, or under any land of the
9 state, other than submerged land. "Offshore facility" does not include
10 a marine facility.

11 (14) "Onshore facility" means any facility any part of which is
12 located in, on, or under any land of the state, other than submerged
13 land, that because of its location, could reasonably be expected to
14 cause substantial harm to the environment by discharging oil into or on
15 the navigable waters of the state or the adjoining shorelines.

16 (15)(a) "Owner or operator" means (i) in the case of a vessel, any
17 person owning, operating, or chartering by demise, the vessel; (ii) in
18 the case of an onshore or offshore facility, any person owning or
19 operating the facility; and (iii) in the case of an abandoned vessel or
20 onshore or offshore facility, the person who owned or operated the
21 vessel or facility immediately before its abandonment.

22 (b) "Operator" does not include any person who owns the land
23 underlying a facility if the person is not involved in the operations
24 of the facility.

25 (16) "Passenger vessel" means a ship of three hundred or more gross
26 tons with a fuel capacity of at least six thousand gallons carrying
27 passengers for compensation.

28 (17) "Person" means any political subdivision, government agency,
29 municipality, industry, public or private corporation, copartnership,
30 association, firm, individual, or any other entity whatsoever.

31 (18) "Ship" means any boat, ship, vessel, barge, or other floating
32 craft of any kind.

33 (19) "Spill" means an unauthorized discharge of oil into the waters
34 of the state.

35 (20) "Tank vessel" means a ship that is constructed or adapted to
36 carry, or that carries, oil in bulk as cargo or cargo residue, and
37 that:

38 (a) Operates on the waters of the state; or

1 (b) Transfers oil in a port or place subject to the jurisdiction of
2 this state.

3 (21) "Waters of the state" includes lakes, rivers, ponds, streams,
4 inland waters, underground water, salt waters, estuaries, tidal flats,
5 beaches and lands adjoining the seacoast of the state, sewers, and all
6 other surface waters and watercourses within the jurisdiction of the
7 state of Washington.

8 (22) "Worst case spill" means: (a) In the case of a vessel, a
9 spill of the entire cargo and fuel of the vessel complicated by adverse
10 weather conditions; and (b) in the case of an onshore or offshore
11 facility, the largest foreseeable spill in adverse weather conditions.

12 **Sec. 6.** RCW 90.56.010 and 2000 c 69 s 15 are each amended to read
13 as follows:

14 (~~For purposes of this chapter, the following definitions shall~~
15 ~~apply unless the context indicates otherwise:~~) The definitions in this
16 section apply throughout this chapter unless the context clearly
17 requires otherwise.

18 (1) "Best achievable protection" means the highest level of
19 protection that can be achieved through the use of the best achievable
20 technology and those staffing levels, training procedures, and
21 operational methods that provide the greatest degree of protection
22 achievable. The director's determination of best achievable protection
23 shall be guided by the critical need to protect the state's natural
24 resources and waters, while considering (a) the additional protection
25 provided by the measures; (b) the technological achievability of the
26 measures; and (c) the cost of the measures.

27 (2) "Best achievable technology" means the technology that provides
28 the greatest degree of protection taking into consideration (a)
29 processes that are being developed, or could feasibly be developed,
30 given overall reasonable expenditures on research and development, and
31 (b) processes that are currently in use. In determining what is best
32 achievable technology, the director shall consider the effectiveness,
33 engineering feasibility, and commercial availability of the technology.

34 (3) "Board" means the pollution control hearings board.

35 (4) "Cargo vessel" means a self-propelled ship in commerce, other
36 than a tank vessel or a passenger vessel, three hundred or more gross

1 tons, including but not limited to, commercial fish processing vessels
2 and freighters.

3 (5) "Bulk" means material that is stored or transported in a loose,
4 unpackaged liquid, powder, or granular form capable of being conveyed
5 by a pipe, bucket, chute, or belt system.

6 (6) "Committee" means the preassessment screening committee
7 established under RCW 90.48.368.

8 (7) "Covered vessel" means a tank vessel, cargo vessel, or
9 passenger vessel.

10 (8) "Department" means the department of ecology.

11 (9) "Director" means the director of the department of ecology.

12 (10) "Discharge" means any spilling, leaking, pumping, pouring,
13 emitting, emptying, or dumping.

14 (11)(a) "Facility" means any structure, group of structures,
15 equipment, pipeline, or device, other than a vessel, located on or near
16 the navigable waters of the state that transfers oil in bulk to or from
17 a tank vessel or pipeline, that is used for producing, storing,
18 handling, transferring, processing, or transporting oil in bulk.

19 (b) A facility does not include any: (i) Railroad car, motor
20 vehicle, or other rolling stock while transporting oil over the
21 highways or rail lines of this state; (ii) underground storage tank
22 regulated by the department or a local government under chapter 90.76
23 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is
24 operated as part of an exempt agricultural activity as provided in RCW
25 82.04.330; or (v) marine fuel outlet that does not dispense more than
26 three thousand gallons of fuel to a ship that is not a covered vessel,
27 in a single transaction.

28 (12) "Fund" means the state coastal protection fund as provided in
29 RCW 90.48.390 and 90.48.400.

30 (13) "Having control over oil" shall include but not be limited to
31 any person using, storing, or transporting oil immediately prior to
32 entry of such oil into the waters of the state, and shall specifically
33 include carriers and bailees of such oil.

34 (14) "Marine facility" means any facility used for tank vessel
35 wharfage or anchorage, including any equipment used for the purpose of
36 handling or transferring oil in bulk to or from a tank vessel.

37 (15) "Navigable waters of the state" means those waters of the
38 state, and their adjoining shorelines, that are subject to the ebb and

1 flow of the tide and/or are presently used, have been used in the past,
2 or may be susceptible for use to transport intrastate, interstate, or
3 foreign commerce.

4 (16) "Necessary expenses" means the expenses incurred by the
5 department and assisting state agencies for (a) investigating the
6 source of the discharge; (b) investigating the extent of the
7 environmental damage caused by the discharge; (c) conducting actions
8 necessary to clean up the discharge; (d) conducting predamage and
9 damage assessment studies; and (e) enforcing the provisions of this
10 chapter and collecting for damages caused by a discharge.

11 (17) "Oil" or "oils" means (~~naturally occurring~~) oil of any kind
12 that is liquid (~~hydrocarbons~~) at atmospheric temperature (~~and~~
13 ~~pressure coming from the earth, including condensate and natural~~
14 ~~gasoline,~~) and any fractionation thereof, including, but not limited
15 to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological
16 oils and blends, oil sludge, oil refuse, and oil mixed with wastes
17 other than dredged spoil. Oil does not include any substance listed in
18 Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under
19 section 101(14) of the federal comprehensive environmental response,
20 compensation, and liability act of 1980, as amended by P.L. 99-499.

21 (18) "Offshore facility" means any facility located in, on, or
22 under any of the navigable waters of the state, but does not include a
23 facility any part of which is located in, on, or under any land of the
24 state, other than submerged land.

25 (19) "Onshore facility" means any facility any part of which is
26 located in, on, or under any land of the state, other than submerged
27 land, that because of its location, could reasonably be expected to
28 cause substantial harm to the environment by discharging oil into or on
29 the navigable waters of the state or the adjoining shorelines.

30 (20)(a) "Owner or operator" means (i) in the case of a vessel, any
31 person owning, operating, or chartering by demise, the vessel; (ii) in
32 the case of an onshore or offshore facility, any person owning or
33 operating the facility; and (iii) in the case of an abandoned vessel or
34 onshore or offshore facility, the person who owned or operated the
35 vessel or facility immediately before its abandonment.

36 (b) "Operator" does not include any person who owns the land
37 underlying a facility if the person is not involved in the operations
38 of the facility.

1 (21) "Passenger vessel" means a ship of three hundred or more gross
2 tons with a fuel capacity of at least six thousand gallons carrying
3 passengers for compensation.

4 (22) "Person" means any political subdivision, government agency,
5 municipality, industry, public or private corporation, copartnership,
6 association, firm, individual, or any other entity whatsoever.

7 (23) "Ship" means any boat, ship, vessel, barge, or other floating
8 craft of any kind.

9 (24) "Spill" means an unauthorized discharge of oil or hazardous
10 substances into the waters of the state.

11 (25) "Tank vessel" means a ship that is constructed or adapted to
12 carry, or that carries, oil in bulk as cargo or cargo residue, and
13 that:

14 (a) Operates on the waters of the state; or

15 (b) Transfers oil in a port or place subject to the jurisdiction of
16 this state.

17 (26) "Waters of the state" includes lakes, rivers, ponds, streams,
18 inland waters, underground water, salt waters, estuaries, tidal flats,
19 beaches and lands adjoining the seacoast of the state, sewers, and all
20 other surface waters and watercourses within the jurisdiction of the
21 state of Washington.

22 (27) "Worst case spill" means: (a) In the case of a vessel, a
23 spill of the entire cargo and fuel of the vessel complicated by adverse
24 weather conditions; and (b) in the case of an onshore or offshore
25 facility, the largest foreseeable spill in adverse weather conditions."

26 Correct the title.

EFFECT: Changes the definition of "oil" in a number of RCW
chapters dealing with oil spills and cleanup to include oils of a
biological source and removes the restriction on the department of
ecology from collecting a natural resources damage assessment for oil
spills that occur in nonnavigable waters of the state.

--- END ---