
Judiciary Committee

SSB 5439

Title: An act relating to oil spills.

Brief Description: Regarding oil spills.

Sponsors: Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Rockefeller, Nelson, Regala, Hargrove, Hobbs, Fraser, White, Conway and Kline).

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Specifies the types of damages a person may be liable for in a civil action to recover damages for an unlawful oil spill.
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Hearing Date: 3/17/11

Staff: Trudes Tango (786-7384).

Background:

The Department of Ecology (DOE) oversees the state's oil spill prevention and response efforts. When there is an oil spill, the DOE must take all necessary action to respond, including collecting, investigating, performing surveillance over, removing, containing, treating, or dispersing the oil.

It is unlawful for oil to enter the waters of the state from any ship, any fixed or mobile facility, or any onshore or offshore installation, unless the discharge is expressly allowed for by the DOE. A person who unlawfully discharges, or permits the unlawful discharge of, oil into state waters is subject to monetary penalties and is responsible for paying the DOE expenses for responding to the oil spill.

In addition, any person owning oil or having control over oil that unlawfully enters the waters of the state is strictly liable, without regard to fault, for damages to persons or property caused by

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the oil spill. The person is relieved from this strict liability if the person can prove that the discharge was caused solely by an act of God, war, or sabotage, or by negligence on the part of the state or federal government.

Summary of Bill:

The damages under the strict liability provision of the oil spill statutes are specified. Damages for which a responsible party is liable under the strict liability provision include damages for loss of: (1) income; (2) revenue; (3) the means of producing income or revenue; or (4) an economic benefit resulting from an injury to, or loss of, real or personal property or natural resources.

Damages also include the damages resulting from any action conducted in response to an unlawful oil spill, including actions to collect, investigate, perform surveillance over, remove, contain, treat, or disperse oil discharged into the waters of the state.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.