

2SHB 2347 - H AMD 786

By Representative Morris

ADOPTED 02/18/2014

1 Beginning on page 9, line 30, after "**Sec. 8.**" strike all material
2 through "spaces." on page 11, line 9 and insert the following:

3 "(1) The department of ecology must submit a report to the
4 legislature by December 1, 2014. The report must include a
5 recommendation on the merits of establishing additional tug escort
6 requirements for oil tankers entering state waters.

7 (2) The additional tug escort requirements to be evaluated in the
8 department of ecology's report must include:

9 (a) Whether there is a need for a second escort tug for oil tankers
10 in waters where tug escort is already required by law;

11 (b) Whether there is a need for tug escorts for oil tankers in
12 waters where there are not currently tug escort requirements; and

13 (c) Whether other tug escort requirements are needed for oil
14 tankers entering state waters based on season, adverse weather
15 conditions, and the type of oil being transported by the tanker as
16 defined in RCW 90.56.010.

17 (3) In developing recommendations to include in the report, the
18 department of ecology must:

19 (a) Seek the input of stakeholders, including maritime safety
20 forums such as the Puget Sound, Grays Harbor, and lower Columbia region
21 harbor safety committees;

22 (b) Consider the net benefits to navigational safety of any new tug
23 escort requirements;

24 (c) Consider the data and findings of the 2014 vessel traffic risk
25 assessment completed under the direction of the Puget Sound partnership
26 and maritime experts in evaluating tug escort requirements for vessels
27 in Puget Sound;

28 (d) Consider the data and findings of any draft or final risk
29 assessment studies being performed for vessel traffic on the Columbia
30 river; and

1 (e) Account for the differences between Puget Sound, Grays Harbor,
2 and the Columbia river, including differences in the physical
3 environment, vessel traffic, weather, and other relevant factors, and
4 appropriately account for these unique local circumstances.

5 (4)(a) The department of ecology may adopt rules to require the
6 escort of oil tankers by a tug or tugs in the areas listed in RCW
7 88.16.190(1) if either of the following events take place:

8 (i) The governor approves, after January 1, 2014, a recommendation
9 of the energy facility site evaluation council pursuant to RCW
10 80.50.100 to certify a facility meeting the criteria listed in RCW
11 80.50.020(12) (d) or (f); or

12 (ii) A state agency or a local jurisdiction makes a final
13 determination or issues a final permit after January 1, 2014, to:

14 (A) Site a new facility as defined by RCW 90.56.010 other than a
15 transmission pipeline required to have a contingency plan pursuant to
16 RCW 90.56.210; or

17 (B) Expand the oil receiving or refining capacity by more than
18 fifteen thousand barrels per day of an existing facility as defined by
19 RCW 90.56.010 other than a transmission pipeline required to have a
20 contingency plan pursuant to RCW 90.56.210.

21 (b) The department of ecology may adopt rules to require the escort
22 of oil tankers by a tug or tugs in the areas listed in RCW
23 88.16.190(1)(b)(ii) and (iii) if, after January 1, 2014, the state of
24 Oregon or any local jurisdiction in Oregon makes a final determination
25 or issues a final permit to:

26 (i) Site a new facility as defined by RCW 90.56.010 other than a
27 transmission pipeline in the watershed of the Columbia river that would
28 be required to have a contingency plan pursuant to RCW 90.56.210 if an
29 identical facility were located in Washington; or

30 (ii) Expand the oil receiving or refining capacity by more than
31 fifteen thousand barrels per day of an existing facility as defined by
32 RCW 90.56.010 other than a transmission pipeline in the watershed of
33 the Columbia river that would be required to have a contingency plan
34 pursuant to RCW 90.56.210 if an identical facility were located in
35 Washington.

36 (c) In adopting rules pursuant to this subsection, the department
37 of ecology must fulfill the requirements in subsection (3)(a) through
38 (e) of this section.

1 (d) The authority of the department of ecology to initiate rule
2 making to adopt additional tug escort requirements for oil tankers
3 pursuant to this section and RCW 88.16.190 expires January 1, 2020."

4 Correct the title.

EFFECT: Retains a requirement for the Department of Ecology to report to the legislature by December 1, 2014, on the need for new oil tanker tug escort requirements. Makes the Department of Ecology's rule-making authority to adopt new tug escort requirements for oil tankers contingent upon one of the three following events: (1) The Governor's approval of the siting or expansion of an oil facility capable of receiving more than 50,000 barrels of oil per day or processing more than 25,000 barrels of oil per day; (2) the issuance of a final permit or a final siting determination by a local government or state agency to a new, nonpipeline facility required to have an oil spill contingency plan; or (3) the issuance of a final permit or a final siting determination by a local government or state agency to expand the receiving or refining capacity of an existing facility by 15,000 barrels per day. Authorizes the Department of Ecology to adopt tug escort rules for oil tankers on the Columbia River if Oregon gives final approval to a facility in the Columbia River watershed that would meet the latter two of the three above conditions if it were instead located in Washington. Removes rule limitations specific to oil tankers with multiple power and steering systems. In adopting tug escort rules after the siting or expansion of a facility, the department must consult with stakeholders and consider certain safety and risk factors.

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