

2SHB 2347 - H AMD 752

By Representative Short

WITHDRAWN 02/18/2014

1 On page 3, line 4, after "delivered" insert "crude"

2 On page 3, line 5, after "of" insert "crude"

3 On page 3, line 6, after "of" insert "crude"

4 On page 3, line 11, after "any" insert "crude"

5 On page 3, line 12, after "railcar" insert ", if known by the  
6 facility"

7 On page 3, beginning on line 25, after "(3)(a)" strike all material  
8 through "information." on line 37 and insert: "Any person required to  
9 present information to the department pursuant to subsections (1) and  
10 (2) of this section may request that specific information be held in  
11 confidence. Information requested to be held in confidence is presumed  
12 to be confidential.

13 (b) Information presented to the department pursuant to subsections  
14 (1) and (2) of this section must be held in confidence by the  
15 department or aggregated to the extent necessary to ensure  
16 confidentiality if public disclosure of the specific information or  
17 data would result in an unfair competitive disadvantage to the person  
18 supplying the information.

19 (c)(i) Whenever the department receives a request to publicly  
20 disclose unaggregated information or otherwise proposes to publicly  
21 disclose confidential information submitted pursuant to this section,  
22 notice of the request or proposal must be provided to the person  
23 submitting the information. The notice must indicate the form in which  
24 the information is to be released. Upon receipt of notice, the person  
25 submitting the information has ten working days in which to respond to  
26 the notice to justify the claim of confidentiality on each specific

1 item of information covered by the notice on the basis that public  
2 disclosure of the specific information would result in an unfair  
3 competitive disadvantage to the person supplying the information.

4 (ii) The department shall consider the respondent's submittal in  
5 determining whether to publicly disclose the information submitted to  
6 it to which a claim of confidentiality is made. The department shall  
7 issue a written decision that sets forth its reasons for making the  
8 determination whether each item of information for which a claim of  
9 confidentiality is made must remain confidential or must be publicly  
10 disclosed.

11 (iii) The department shall not publicly disclose information  
12 submitted to it pursuant to subsections (1) and (2) of this section  
13 within ten working days after the department has issued a written  
14 decision required in (c)(ii) of this subsection.

15 (iv) No information submitted to the department pursuant to  
16 subsections (1) and (2) of this section may be deemed confidential if  
17 the person submitting the information or data has made it public.

18 (v) With respect to information provided under subsections (1) and  
19 (2) of this section, neither the department nor any employee of the  
20 department may do any of the following:

21 (A) Use the information for any purpose other than the statistical  
22 purposes for which it is supplied;

23 (B) Make any publication whereby the information furnished by any  
24 particular establishment or individual can be identified; or

25 (C) Permit anyone other than department employees to examine the  
26 individual reports provided under subsections (1) and (2) of this  
27 section.

28 (d) Any confidential information pertinent to the responsibilities  
29 of the department that is obtained by another state agency must be  
30 available to the department and must be treated in a confidential  
31 manner."

EFFECT: Makes the following changes to the oil transportation  
information submitted to the department of ecology in order to be made  
public in a report:

Establishes a process for oil facilities submitting information to require that proprietary information be held in confidence by the Department of Ecology;

Limits the scope of oil transportation information that facilities must submit in a quarterly report to the Department of Ecology to information about the weekly volumes of crude oil arriving at and departing the facility, rather than also including refined oil product. Makes the requirement for oil facilities to report information about the route of oil arriving by railcar contingent on whether the facility knows the rail route by which the oil has arrived at the facility.

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