

2SHB 2347 - H AMD 756

By Representative Short

FAILED 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.

32 (4) Nothing in this section limits or alters the ability of the
33 department or other state agencies to collect information pursuant to
34 other state or federal laws about the transportation or movement of
35 oil."

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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