

2SSB 6524 - S AMD 458  
By Senator Ericksen

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

3       "NEW SECTION.   **Sec. 1.**   (1) The state of Washington has a long  
4 history of leading in efforts to protect our natural environment while  
5 encouraging economic opportunities. Public safety, protection of the  
6 natural environment, and economic opportunities are goals shared by all  
7 Washingtonians.

8       (2) Liquid bulk crude oil spill prevention and response programs in  
9 Washington state, created through thoughtful cooperation and  
10 coordination between industry and the communities they serve, is a  
11 model to the rest of the nation and a model to the world. As modes of  
12 transport for various types of liquid bulk crude oil change and as the  
13 volume of liquid bulk crude oil transported through Washington changes,  
14 it is important that proactive steps are taken to ensure public safety  
15 and protection of natural resources.

16       (3) This act is intended to build upon strong and prudent plans  
17 currently in effect, identify areas that need further protections, and  
18 invest taxpayer funds today to increase safety and prevent spills.

19       (4) Prevention of crude oil spills is a top priority of the  
20 legislature. Providing first responders, local communities, and  
21 impacted parties with the tools to respond when spills do occur is in  
22 the vital interest of the citizens of Washington state.

23       NEW SECTION.   **Sec. 2.**   (1) The department of ecology, in  
24 consultation with the utilities and transportation commission, the  
25 federal railroad administration, and industry representatives, shall  
26 conduct a study on the safety of transporting crude oil in liquid bulk  
27 form by rail. The study must include:

28       (a) A review of:

1 (i) The federal, state, and local emergency response and prevention  
2 programs and activities for spills from railcars transporting liquid  
3 bulk crude oil with a focus on high hazard areas where emergency  
4 response equipment can be strategically placed for use by federal,  
5 state, regional, or local governments or other emergency responders;

6 (ii) The capacity of local jurisdictions to prevent and respond to  
7 liquid bulk crude oil spills;

8 (iii) The identification of weaknesses or gaps in federal, state,  
9 and local liquid bulk crude oil spill prevention and response; and

10 (iv) Federal regulations governing liquid bulk crude oil spill  
11 prevention and response for transport by rail;

12 (b) A survey of:

13 (i) Local government funding for emergency liquid bulk crude oil  
14 spill prevention and response programs;

15 (ii) Sources of funding, entities assessed, or contributions  
16 required by participants of emergency liquid bulk crude oil spill  
17 prevention and response programs; and

18 (iii) Regional or countywide cooperative agreements implementing  
19 liquid bulk crude oil spill prevention and response programs;

20 (c) Recommendations for legislative consideration on at least the  
21 following:

22 (i) Levels of funding and sources of funding for emergency liquid  
23 bulk crude oil spill prevention and response programs;

24 (ii) Participants that should be included in an emergency liquid  
25 bulk crude oil spill prevention and response program and the amount  
26 these participants should be assessed;

27 (iii) Appropriate use of funds such as: Liquid bulk crude oil  
28 spill response, equipment, training, or other benefits to those who are  
29 assessed;

30 (iv) Cooperative regional or countywide agreements to meet  
31 emergency oil and liquid bulk crude oil spill prevention and response  
32 program needs, while maintaining an individual organization's distinct  
33 purpose; and

34 (v) Methods to increase cooperation and coordination among  
35 organizations responding to oil and liquid bulk crude oil spills,  
36 including:

37 (A) Sharing resources or mutual aide between terrestrial and on-  
38 water liquid bulk crude oil spill emergencies; and

1 (B) Communication to ensure a common understanding of the potential  
2 threat from liquid bulk crude oil spills; and

3 (d) A report on the status and progress of federal rule making for  
4 rail tank car safety requirements including model, age, modifications,  
5 and upgrades.

6 (2) The department of ecology must provide: (a) A preliminary  
7 evaluation on the status of the safety of transporting liquid bulk  
8 crude oil in the state and include recommendations for near-term  
9 legislative action to address needs identified in the review as  
10 required under subsection (1)(a)(i) of this section, to the relevant  
11 policy and fiscal committees of the senate and house of representatives  
12 by December 31, 2014; and (b) using the study and reviews conducted  
13 under this section, a final report regarding the safety of the  
14 transport of liquid bulk crude oil, as well as recommendations for  
15 policy, budget needs, or legislation to the relevant policy and fiscal  
16 committees of the senate and house of representatives by December 31,  
17 2015.

18 NEW SECTION. **Sec. 3.** The department of ecology shall provide an  
19 analysis on the safety of transporting liquid bulk crude oil on waters  
20 of the state.

21 (1) The analysis must include:

22 (a) The capacity to address risks posed by increased waterborne  
23 traffic of liquid bulk crude oil;

24 (b) Weaknesses or gaps in liquid bulk crude oil spill prevention  
25 and response programs, including identification of programs that are  
26 not complete or need to be more robust, with a focus on Grays Harbor  
27 and the Columbia river; and

28 (c) Barge and tug operations within the state related to the  
29 movement of liquid bulk crude oil; and

30 (d) A status report on the federal, state, and local waterborne  
31 liquid bulk crude oil spill prevention and preparedness.

32 (2) The department of ecology must provide to the relevant policy  
33 and fiscal committees of the senate and house of representatives by  
34 December 31, 2014, a status report on waterborne liquid bulk crude oil  
35 spill prevention and preparedness; recommendations for Grays Harbor and  
36 the Columbia river crude oil spill prevention and preparedness; and an

1 analysis of barge and tug liquid bulk crude oil operations, and safety  
2 gaps or weaknesses in liquid bulk crude oil spill prevention and  
3 response programs and area or regional efforts.

4 **Sec. 4.** RCW 90.56.250 and 1991 c 200 s 205 are each amended to  
5 read as follows:

6 (1) The department shall annually publish an index of available,  
7 up-to-date descriptions of prevention plans and contingency plans for  
8 oil spills submitted and approved pursuant to RCW 90.56.200, 90.56.210,  
9 88.46.040, and 88.46.060 and an inventory of equipment available for  
10 responding to such spills.

11 (2) The department shall make available on its web site: (a)  
12 Descriptions of prevention and contingency programs for liquid bulk  
13 crude oil spills; (b) descriptions of how the department is responding  
14 to or has addressed public concerns regarding liquid bulk crude oil  
15 spill prevention and response; and (c) in the event of a liquid bulk  
16 crude oil spill, information and updates regarding all efforts taken to  
17 clean up the spill, in consultation with and in agreement with the  
18 unified command, if applicable. The department may not make available  
19 on its web site specific plan elements or confidential information.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.56 RCW  
21 to read as follows:

22 (1) The department must provide to the relevant policy and fiscal  
23 committees of the senate and house of representatives:

24 (a) A review of all state and federal geographic response plans as  
25 needed in contingency plans required under RCW 90.56.210 and 88.46.060  
26 by December 31, 2014; and

27 (b) Annual updates, beginning December 31, 2015, and ending  
28 December 31, 2021, as required under RCW 43.01.036, as to the progress  
29 made in completing state and federal geographic response plans as  
30 needed in contingency plans required under RCW 90.56.060, 90.56.210,  
31 and 88.46.060.

32 (2) The department must contract, if practicable, with eligible  
33 independent third parties to ensure completion by December 1, 2016, of  
34 at least fifty percent of the geographic response plans as needed in  
35 contingency plans required under RCW 90.56.210 and 88.46.060 for the  
36 state.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 90.56 RCW  
2 to read as follows:

3        (1)    The owner or operator for each facility other than a  
4 transmission pipeline shall submit to the department data and  
5 information on the volume and type of crude oil that arrived at and  
6 departed from the facility each month, including the place of origin of  
7 the crude oil, the mode of arrival and departure at the facility  
8 including, but not limited to, arrival by vessel, rail, or pipeline.

9        (2)(a) Any person required to present information to the department  
10 pursuant to subsection (1) of this section may request that specific  
11 information be held in confidence. Information requested to be held in  
12 confidence is presumed to be confidential.

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

19        (c)(i) Whenever the department receives a request to publicly  
20 disclose unaggregated information or otherwise proposes to publicly  
21 disclose information submitted pursuant to subsection (1) of this  
22 section, notice of the request or proposal must be provided to the  
23 person submitting the information. The notice must indicate the form  
24 in which the information is to be released. Upon receipt of notice,  
25 the person submitting the information has ten working days in which to  
26 respond to the notice to justify the claim of confidentiality on each  
27 specific item of information covered by the notice on the basis that  
28 public disclosure of the specific information would result in an unfair  
29 competitive disadvantage to the person supplying the information.

30        (ii) The department shall consider the respondent's submittal in  
31 determining whether to publicly disclose the information submitted to  
32 it to which a claim of confidentiality is made. The department shall  
33 issue a written decision that sets forth its reasons for making the  
34 determination whether each item of information for which a claim of  
35 confidentiality is made remains confidential or must be publicly  
36 disclosed.

37        (iii) The department shall not publicly disclose information

1 submitted to it pursuant to subsection (1) of this section within ten  
2 working days after the department has issued its written decision  
3 required in (c)(ii) of this subsection.

4 (iv) No information submitted to the department pursuant to  
5 subsection (1) of this section may be deemed confidential if the person  
6 submitting the information or data has made it public.

7 (v) With respect to information provided under subsection (1) of  
8 this section, neither the department nor any employee of the department  
9 may do any of the following:

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

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

14 (C) Permit anyone other than department employees to examine the  
15 individual reports provided under subsection (1) of this section.

16 (d) Any confidential information pertinent to the responsibilities  
17 of the department that is obtained by another state agency must be  
18 available to the department and must be treated in a confidential  
19 manner.

20 NEW SECTION. **Sec. 7.** The department of ecology and the utilities  
21 and transportation commission shall jointly hold a symposium on  
22 emergency prevention and response activities for liquid bulk crude oil  
23 transported in the Pacific Northwest region. The department of ecology  
24 and the utilities and transportation commission must invite state  
25 representatives from the Pacific Northwest economic region authorized  
26 under chapter 43.147 RCW and representatives from interested tribes and  
27 local governments. The symposium must include representatives from  
28 neighboring states, territories, and countries. The symposium must at  
29 a minimum address:

30 (1) Cooperative emergency prevention and response activities  
31 between the shared international and state borders;

32 (2) Expected risks posed by increased transport of Canadian crude  
33 oil or liquid bulk crude oil throughout the Pacific Northwest region  
34 within the next three to five years;

35 (3) Changes in methods for transporting liquid bulk crude oil and  
36 associated risks;

1 (4) Identification of responsible agencies and corresponding  
2 activities that can be taken to address expected risks; and  
3 (5) Consideration of new or emerging technologies to make transport  
4 safer.

5 NEW SECTION. **Sec. 8.** (1) The department of ecology shall provide  
6 grants to emergency responders to assist with oil spill response and  
7 firefighting equipment and resources needed to meet the requirements of  
8 this act.

9 (2) The department of ecology, in consultation with emergency first  
10 responders, representatives from the oil and rail industries, and  
11 businesses that are recipients of liquid bulk crude oil shall review  
12 grant applications.

13 (a) The application review must include evaluation of equipment and  
14 resource requests, funding requirements, and coordination with existing  
15 equipment and resources in the area.

16 (b) Funding must be prioritized for applicants from areas where  
17 liquid bulk crude oil is transferred from one mode of transportation to  
18 another.

19 (c) Grants must be coordinated to maximize currently existing  
20 equipment and resources that have been put in place by first responders  
21 and industry.

22 NEW SECTION. **Sec. 9.** This act may be known and cited as the spill  
23 prevention and response act."

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24 On page 1, line 1 of the title, after "Relating to" strike the  
25 remainder of the title and insert "the safety of the transport of  
26 liquid bulk crude oil; amending RCW 90.56.250; adding new sections to  
27 chapter 90.56 RCW; and creating new sections."

EFFECT: Changes "hazardous materials" to "liquid bulk crude oil"; and revises the study to require Ecology to analyze waterborne transportation of liquid bulk crude oil on waters of the state.

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