
SENATE BILL 6524

State of Washington

63rd Legislature

2014 Regular Session

By Senators Ericksen, Sheldon, Benton, Baumgartner, Holmquist Newbry, Braun, Parlette, and Dammeier

Read first time 01/31/14. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to the safety of the transport of hazardous
2 materials; amending RCW 90.56.250; adding a new section to chapter
3 90.56 RCW; adding a new section to chapter 35.21 RCW; adding a new
4 section to chapter 36.01 RCW; creating new sections; and making an
5 appropriation.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

12 (2) Hazardous material spill prevention and response programs in
13 Washington state, created through thoughtful cooperation and
14 coordination between industry and the communities they serve, is a
15 model to the rest of the nation and a model to the world. As modes of
16 transport for various types of hazardous materials change and as the
17 volume of hazardous materials transported through Washington changes,
18 it is important that proactive steps are taken to ensure public safety
19 and protection of natural resources.

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

4 (4) Prevention of hazardous materials spills is the top priority of
5 the legislature. Providing first responders, local communities, and
6 impacted parties with the tools to respond when spills do occur is in
7 the vital interest of the citizens of Washington state.

8 NEW SECTION. **Sec. 2.** (1) The department of ecology, in
9 consultation with the utilities and transportation commission, federal
10 railroad administration, and industry experts, shall conduct a study on
11 the safety of transporting oil and hazardous materials over land. The
12 study must include:

13 (a) A review of:

14 (i) The federal, state, and local emergency response and prevention
15 programs and activities for spills from railcars transporting oil and
16 hazardous materials with a focus on high hazard areas where emergency
17 response equipment can be strategically placed for use by federal,
18 state, regional, or local governments or other emergency responders;

19 (ii) The capacity of local jurisdictions for prevention and
20 response to oil and hazardous materials spills;

21 (iii) The identification of weaknesses or gaps in federal, state,
22 and local oil and hazardous materials spill prevention and response;
23 and

24 (iv) Federal regulations governing: (A) Oil and hazardous
25 materials spill prevention; and (B) response for terrestrial
26 transporters of oil and hazardous materials.

27 (b) A survey of:

28 (i) Local government funding for emergency oil and hazardous
29 materials spill prevention and response programs;

30 (ii) Sources of funding, entities assessed, or contributions
31 required by participants of emergency oil and hazardous materials spill
32 prevention and response programs; and

33 (iii) Regional or countywide cooperative agreements implementing
34 oil and hazardous materials spill prevention and response programs.

35 (c) Recommendations for legislative consideration on at least the
36 following:

1 (i) Levels of funding and sources of funding for emergency oil and
2 hazardous materials spill prevention and response programs;

3 (ii) Participants that should be included in an emergency oil and
4 hazardous materials spill prevention and response program and the
5 amount these participants should be assessed;

6 (iii) Appropriate use of funds such as: Oil and hazardous
7 materials spill response, equipment, training, or other benefits to
8 those who are assessed;

9 (iv) Cooperative regional or countywide agreements to meet
10 emergency oil and hazardous materials spill prevention and response
11 program needs, while maintaining an individual organization's distinct
12 purpose; and

13 (v) Methods to increase cooperation and coordination among
14 organizations responding to oil and hazardous materials spills,
15 including:

16 (A) Sharing resources or mutual aide for terrestrial and on-water
17 oil and hazardous materials spill emergencies; and

18 (B) Communication to ensure a common understanding of the potential
19 threat from oil or hazardous materials spills.

20 (2) The department of ecology must deliver the final report
21 regarding the safety of the transport of hazardous materials to the
22 relevant policy and fiscal committees of the senate and house of
23 representatives by December 31, 2014.

24 NEW SECTION. **Sec. 3.** The department of ecology shall conduct a
25 study on the safety of transporting oil and hazardous materials through
26 waters of the state.

27 (1) The study must include:

28 (a) A review of:

29 (i) The status of water-borne oil spill and hazardous materials
30 spill prevention and preparedness;

31 (ii) The capacity of the department of ecology to address increased
32 water-borne traffic;

33 (iii) The identification of weaknesses or gaps in state and local
34 government oil and hazardous materials spill prevention and response;

35 (iv) Federal regulations governing oil and hazardous materials
36 spill prevention and response in waters of the state; and

1 (v) Barge and tug operations within the state related to the
2 movement of hydrocarbons.

3 (b) A detailed examination of oil and hazardous materials spill
4 prevention and preparedness in waters of the state. The examination
5 must include:

6 (i) The status of oil and hazardous materials spill prevention and
7 preparedness;

8 (ii) The adequacy of state and local programs for oil and hazardous
9 materials spill prevention and response;

10 (iii) A description of risks and potential areas of concerns where
11 increased prevention and response activities are needed; and

12 (iv) A description of oil spill response organizations and related
13 contractors currently available for oil and hazardous materials spill
14 prevention and response activities and their level of readiness.

15 (c) A report on those areas of the state where the oil and
16 hazardous spill prevention and response plans and programs are needed
17 but not completed or robust, including but not limited to Grays Harbor
18 and the Columbia river.

19 (2) The department of ecology must deliver the final report
20 regarding the transporting of oil and hazardous materials through
21 waters of the state to the relevant policy and fiscal committees of the
22 senate and house of representatives by December 31, 2014.

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

25 (1) The department shall annually publish an index of available,
26 up-to-date descriptions of prevention plans and contingency plans for
27 oil spills submitted and approved pursuant to RCW 90.56.200, 90.56.210,
28 88.46.040, and 88.46.060 and an inventory of equipment available for
29 responding to such spills.

30 (2) The department shall make available on its web site: (a)
31 Descriptions of prevention and contingency programs for oil or
32 hazardous materials spills; (b) descriptions of how the department is
33 responding to or has addressed public concerns regarding oil and
34 hazardous materials spill prevention and response; and (c) in the event
35 of an oil or hazardous materials spill, provide information and updates
36 regarding all efforts taken to clean up the spill, in consultation with
37 and in agreement with the unified command, if applicable.

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

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

5 (a) A review of all state and federal contingency plans identified
6 in RCW 90.56.210 by December 31, 2014; and

7 (b) Annual updates, beginning December 31, 2015, and ending
8 December 31, 2021, as required under RCW 43.01.036, as to the progress
9 made in completing state and federal contingency plans identified under
10 RCW 90.56.210.

11 (2) The department must contract, if practicable, with eligible
12 independent third parties to ensure completion of fifty percent of the
13 contingency plans identified under RCW 90.56.210 for the state by
14 December 1, 2016.

15 NEW SECTION. **Sec. 6.** (1) To prepare for the spill prevention and
16 response symposium as required under subsection (2) of this section,
17 the senate energy, environment, and telecommunications committee and
18 the house of representatives environment committee shall hold a joint
19 work session. Participants in the work session must include state
20 representatives from the Pacific Northwest economic region authorized
21 under chapter 43.147 RCW, representatives from interested tribes and
22 local government, representatives from neighboring states, territories,
23 and countries, and industry representatives.

24 (2) The department of ecology and the utilities and transportation
25 commission shall jointly hold a symposium on emergency prevention and
26 response activities for oil and hazardous materials transported in the
27 Pacific Northwest region. The department of ecology and the utilities
28 and transportation commission must invite state representatives from
29 the Pacific Northwest economic region authorized under chapter 43.147
30 RCW and representatives from interested tribes and local government.
31 The symposium must include representatives from neighboring states,
32 territories, and countries. The symposium must at a minimum address:

33 (a) Cooperative emergency prevention and response activities
34 between the shared international and state borders;

35 (b) Expected risks posed by increased transport of Canadian crude
36 oil or hazardous materials throughout the Pacific Northwest region
37 within the next three to five years;

- 1 (c) Changes in methods for transporting oil and hazardous materials
2 and associated risks;
- 3 (d) Identification of responsible agencies and corresponding
4 activities that can be taken to address expected risks; and
- 5 (e) Consideration of new or emerging technologies to make transport
6 safer.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.21 RCW
8 to read as follows:

9 Cities and towns located along a major rail line may develop
10 emergency first responder emergency oil and hazardous materials spill
11 prevention and response plans, educational outreach activities, and
12 necessary equipment and resources for emergency oil and hazardous
13 materials spill prevention and response activities. The cities and
14 towns may develop the programs and determine equipment requirements in
15 consultation with representatives from the railroad using the rail
16 line. Oil spill and hazardous materials spill prevention and response
17 plans developed under this section must be consistent with state
18 requirements under chapters 90.56 and 88.46 RCW, and federal
19 requirements under 40 C.F.R. Part 300.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.01 RCW
21 to read as follows:

22 The legislative authority of a county containing a major rail line
23 may develop emergency first responder emergency oil and hazardous
24 materials spill prevention and response plans, educational outreach
25 activities, and necessary equipment and resources for emergency oil and
26 hazardous materials spill prevention and response activities. The
27 county legislative authority may develop the programs and determine
28 equipment requirements in consultation with representatives from the
29 railroad using the rail line. Oil spill and hazardous materials spill
30 prevention and response plans developed under this section must be
31 consistent with state requirements under chapters 90.56 and 88.46 RCW,
32 and federal requirements under 40 C.F.R. Part 300.

33 NEW SECTION. **Sec. 9.** (1) The department of ecology shall provide
34 grants to emergency responders to assist with equipment and resources

1 needed to meet the requirements as specified in sections 7 and 8 of
2 this act.

3 (2) The department of ecology, in consultation with emergency first
4 responders, representatives from the oil and rail industries, and
5 businesses that are recipients of bulk hazardous materials shall review
6 grant applications.

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

10 (b) Funding must be prioritized for applicants from areas where oil
11 or other hazardous materials are transferred from one mode of
12 transportation to another.

13 (c) Grants must be coordinated to maximize currently existing
14 equipment and resources that have already been put in place by first
15 responders and industry.

16 NEW SECTION. **Sec. 10.** The sum of ten million dollars, or as much
17 thereof as may be necessary, is appropriated for the biennium ending
18 June 30, 2015, from the environmental legacy stewardship account to the
19 department of ecology to implement this act.

20 NEW SECTION. **Sec. 11.** This act may be known and cited as the
21 spill prevention and response act.

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