

# SENATE BILL REPORT

## SB 6576

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As Reported by Senate Committee On:  
Energy, Environment & Telecommunications, February 4, 2016

**Title:** An act relating to contingency plans for the transport of biological oils and blends by railroads.

**Brief Description:** Concerning contingency plans for the transport of biological oils and blends by railroads.

**Sponsors:** Senators Warnick, Schoesler, King, Honeyford and Brown.

**Brief History:**

**Committee Activity:** Energy, Environment & Telecommunications: 2/04/16, 2/04/16 [DP, DNP].

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### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Majority Report:** Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Braun, Brown and Honeyford.

**Minority Report:** Do not pass.

Signed by Senators McCoy, Ranking Minority Member; Cleveland, Habib and Ranker.

**Staff:** Jan Odano (786-7486)

**Background:** The Legislature enacted oil spill prevention and response measures in 1990 to promote the safety of marine transportation and protect state waters from oil spills. The Director of the Department of Ecology (Ecology) has the primary authority to oversee prevention, abatement, response, containment, and clean-up efforts for oil spills in state waters. The oil spill program requires oil spill prevention plans, contingency response plans, and documentation of financial responsibility for vessels and facilities that may discharge oil into navigable waters.

Owners and operators of onshore and offshore facilities must prepare and submit oil spill contingency and prevention plans. The contingency plan must meet standards identified by Ecology and provide for the containment and cleanup of oil spills into the waters of the state. A facility includes a structure, a pipeline, a device, or equipment located on or near state waters that transfers oil to or from a vessel or pipeline. All covered vessels and facilities

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must have an oil spill contingency plan on file with Ecology. The contingency plan is a legally binding agreement on the party submitting the plan. Contingency plans provide for the containment and cleanup of oil spills in state waters and for the protection of fisheries and wildlife, natural resources, and property from the spills. Ecology must adopt and periodically update rules for contingency plan standards that include method of response to spills, capability to remove oil and minimize damage to the environment from a worst-case spill, availability of response equipment and response personnel, and disposal of recovered spilled oil.

In 2015, the Legislature passed ESHB 1449, regarding oil transportation safety. The legislation requires railroads transporting oil to submit oil spill contingency plans in the same manner as a facility. Ecology is required to adopt rules for contingency plan requirements for railroads transporting oil in bulk. The rulemaking process was initiated in November 2015 and the final rule is expected to be adopted at the end of August 2016.

For the purposes of the transport of petroleum products the definition of oil or oils includes crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, diesel oil, biological oils and blends, and oil refuse.

**Summary of Bill:** A contingency plan is not required for railroads transporting biological oils and blends.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: A tanker of biological oil is restricted to the same standards as crude oil. It's a difficult process especially for short line. These oils and blends don't have the same safety concerns as crude does in the event of a spill.

CON: This bill would hinder our ability to protect the environment and wildlife. Vessels and facilities are required to have contingency plans. With the passage of ESHB 1449 railroads are required to have contingency plans. It is different for the smaller railroads because the larger one must have federal contingency plans. Federal definition of oil includes biologic oils and now our statutes are consistent with federal rules. The benefit of contingency plans is to identify the people who have responsibility for cleanup, minimize impacts to environment, keep economy viable, and systems in place to respond in a coordinated and rapid way. Rule development process is to size the rule to needs; it is part of the cost/benefit process. While biological oils don't have the same toxicity as crude oil, they still have the same impacts to wildlife. It impacts birds feather structures, abilities to swim, fly and escape predators. The oil depletes oxygen d to fish and shellfish. All of these can be lethal. Having a contingency plan in place, we think allows for quicker and better response in the event of a spill.

**Persons Testifying:** PRO: Prime Sponsor Sen. Warnick

CON: Andy Carlson, Washington Department of Fish and Wildlife; Dale Jensen, Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** No one.