

SENATE BILL REPORT

SB 5137

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 9, 2017

Title: An act relating to limiting oil spill contingency planning requirements to those railroads that haul oils used as fuel.

Brief Description: Limiting oil spill contingency planning requirements to those railroads that haul oils used as fuel.

Sponsors: Senators Warnick, Rolfes, Wellman and Chase.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/08/17, 2/09/17 [DP, DNP].

Brief Summary of Bill

- Railroads transporting food grade vegetable oil are not required to prepare a oil spill contingency plan.
- Provides a definition for food grade vegetable oil.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

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

Minority Report: Do not pass.

Signed by Senators Carlyle, Ranking Minority Member; Ranker and Wellman.

Staff: Jan Odano (786-7486)

Background: The Department of Ecology (Ecology) administers an oil spill preparedness, prevention, and response program. Oil refineries, terminals, pipelines, railroads, other facilities, and vessel operators involved in the bulk transfer of oil are required to develop oil spill contingency plans that outline containment and remediation responses to potential oil spills. Contingency plans approved by Ecology must identify personnel, materials, and

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equipment capable of promptly and properly removing oil with minimal environmental damage.

In 2015, the Legislature directed Ecology to develop rules requiring railroads transporting bulk crude oil to have contingency plans. State-owned railroads are not subject to this requirement. Ecology adopted rules in August 2016. Railroads must develop and maintain oil spill contingency plans that include response action, product type and potential spill volume, environmental conditions that includes air and groundwater monitoring, wildlife response, equipment planning standards, training, and equipment maintenance. For companies that must comply with the rule, Ecology developed a boilerplate for use. In addition, a company may request an alternative to the contingency plan. Companies that must submit a federal plan may use that plan with required Washington State-specific information added as an appendix.

The term oil for purposes of oil spill prevention, cleanup, and financial responsibility laws means any kind of oil that is liquid at 25 degrees Celsius and 1 atmosphere of pressure, including any distillate of that oil.

Summary of Bill: An oil spill contingency plan is not required for the railroad transport of food grade vegetable oil. A definition is provided for food grade vegetable oil.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: We believe that it is acceptable to give an exemption for vegetable oil that is primarily used for food. A cookie cutter approach for crude oil and vegetable oil does not work. This is creating new issues where there are none. This is not needed unless there is an issue with spills of vegetable oils.

CON: We have worked with short-line railroads to make plans scalable and to help them develop the plans. Deployment costs should be minimal, such as who to call and deploying equipment to be used in the event of a spill.

OTHER: Vegetable oils are not as toxic as non-vegetable oil. However, vegetable oil will mat a bird's feather, causing them to lose the insulation and be subject to exposure and death. In shallow water, oil can inhibit oxygenation of the water. Spills can impact fish and birds.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Tim Kelly, Columbia Basin/Central Washington Railroads, Chief Operating Officer; Patrick Boss, Columbia Basin Railroad / Central Washington Railroad; Lloyd Flem, All Aboard Washington.

OTHER: Dale Jensen, Department of Ecology.

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