
Environment & Energy Committee

ESSB 5579

Brief Description: Concerning the volatility of crude oil received in the state by rail.

Sponsors: Senate Committee on Environment, Energy & Technology (originally sponsored by Senators Billig, Carlyle, Pedersen, Palumbo, Hasegawa, Keiser, Rolfes, Saldaña, Van De Wege, Frockt, Conway, Hunt, Liias, Dhingra, Kuderer and Nguyen).

Brief Summary of Engrossed Substitute Bill

- Prohibits a facility from unloading or loading crude oil into or from a rail tank car unless the oil has a vapor pressure of less than nine pounds per square inch (psi).
- Prohibits a facility from storing crude oil produced from the Bakken region unless the oil has a vapor pressure of less than 9 psi.

Hearing Date: 3/19/19

Staff: Robert Hatfield (786-7117).

Background:

Oil Spill and Response.

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 cleanup 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.

Definition of "Facility."

"Facility" is defined in the Oil and Hazardous Substance Spill Prevention and Response Act as any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or

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pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

Oil Spill Prevention Plans and Oil Spill Contingency Plans.

The Department of Ecology administers an oil spill preparedness, prevention, and response program. Among other statutes administered by Ecology's Oil Spills Program, state law directs facilities including railroads, oil refineries, terminals, pipelines, and vessel operators involved in the bulk transfer of oil to put in place oil spill contingency plans outlining containment and remediation responses to potential oil spills from the vessel.

Disclosure of Information about Oil Transportation.

Vessel operators and railroads are required to provide an advance notice to Ecology that includes time, location, and volume information prior to certain transfers of oil. Facilities receiving crude oil from railroads must include in the advance notice the route taken to the facility, the scheduled time, location, volume, gravity of crude oil, and originating region of crude oil received. This advanced notice must be provided once per week to Ecology for the receipts scheduled for the following week. The Department of Ecology must also publish a quarterly report featuring information from the railroad receipt notices, including place of origin, mode of transport, number of railroad cars delivering oil, and the number and volume of spills during transport and delivery. Information in the quarterly report must be aggregated on a statewide basis by route, week, and type of oil.

Railroad Safety.

The Federal Railroad Administration is responsible for establishing national railroad safety rules. The rules address concerns such as hazardous materials; track, signal, and train control; operating practices; and motive of power and equipment. The Surface Transportation Board has jurisdiction over railroad rates, service issues, mergers, sales, construction, and abandonment of rail lines. The Pipeline and Materials Hazardous Safety Administration (PMHSA) within the U.S. Department of Transportation regulates movement of hazardous materials by all modes of transportation. The PHMSA develops standards to classify, handle, and package shipments of hazardous materials.

Summary of Bill:

A facility may not load or unload crude oil into or from a rail tank car unless the oil has a vapor pressure of less than nine pounds per square inch (psi).

A facility may not store crude oil from the Bakken region unless the oil has a vapor pressure of less than nine pounds per square inch (psi).

The director of the Department of Ecology (Ecology) may impose a penalty of up to \$2500 per day per rail car, or the equivalent volume of oil, for violations of the above prohibitions. Any penalties recovered must be credited to the Coastal Protection Fund,

The act does not prohibit a railroad car carrying crude oil from entering Washington, does not require a railroad car carrying crude oil to stop before entering Washington, and does not require a railroad car carrying crude oil to be checked for vapor pressure before entering Washington.

The scope of information that a facility must provide to Ecology when it receives a shipment of oil by rail is expanded to include the type and vapor pressure of the oil.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2020.