

FINAL BILL REPORT

ESSB 5579

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Synopsis as Enacted

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, Lias, Dhingra, Kuderer and Nguyen).

Senate Committee on Environment, Energy & Technology
House Committee on Environment & Energy

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 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.

Oil Spill Prevention Plans and Oil Spill Contingency Plans. 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. 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, by week, and by type of oil.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Railroad Safety. The Utilities and Transportation Commission (UTC) employs inspectors certified by the Federal Railroad Administration to enforce federal safety rules for hazardous materials, signal and train control, track, and operating practices disciplines. In addition, the UTC is responsible for inspecting walkways within railroad yards and investigating complaints related to crossing conditions, walkways, and train noise.

Summary: A facility constructed or permitted after January 1, 2019, may not load into or unload from a rail tank car crude oil with a vapor pressure greater than 9 psi.

A facility may not load into or unload from a rail tank car crude oil with a vapor pressure greater than 9 psi beginning two years after the volume of crude oil transported to the facility has increased more than 10 percent above the volume reported for calendar year 2018. A railroad car carrying crude oil is not prohibited from entering the state, required to stop, or have the vapor pressure checked before entering the state.

Ecology must provide information it receives regarding crude oil characteristics to the UTC to further strengthen rail safety and the transportation of crude oil. The UTC must incorporate the data in the development of its annual work plan and inspection activity for the purpose of targeting high risk inspections.

Ecology is authorized to impose a penalty of no more than \$2,500 per day, per rail tank car, or equivalent volume of oil for violations of this act. Penalties received must be deposited in the Coastal Protection Fund.

Advance notice provided to Ecology must include the type and vapor pressure of crude oil received from a rail tank car.

Votes on Final Passage:

Senate	27	20	
House	53	40	(House amended)
Senate	27	22	(Senate concurred)

Effective: July 28, 2019