

SB 6269 -- Redline

Substitute to Bill -- Strengthening oil transportation safety.

Deletions ~~struck~~ · Insertions underlined

~~S 5420.1 SECOND Z-0836.1 SENATE SUBSTITUTE SENATE BILL 6269~~ State of Washington 65th Legislature 2018 Regular Session By ~~Senate Ways & Means (originally sponsored by~~ Senators Ranker, Rolfes, Carlyle, Darneille, Hasegawa, Pedersen, Conway, Keiser, Hunt, Frockt, Kuderer, Chase, Lias, and Saldana; by request of Department of ~~Ecology)~~ READ Ecology Read FIRST first TIME time 02/22/18 AN 01/11/18. ACT Relating to strengthening oil transportation safety;

Referred to Committee on Energy, Environment & Technology. AN ACT Relating to strengthening oil transportation safety;

The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal from a tank car ((or)), pipeline, waterborne vessel, or barge at the rate of ~~four~~ ((four)) six cents per barrel of crude oil or petroleum product. (3) The taxes imposed by this chapter must be collected by the marine or bulk oil terminal operator from the taxpayer.

Good faith acceptance of a direct payment certificate by a terminal operator relieves the marine or bulk oil terminal operator from any liability for the collection or payment of the taxes imposed under this ~~chapter. (9)(a)~~ chapter. (9) All receipts from the tax imposed in subsection (1) of this section must be deposited into the state oil spill response account.

~~((All)) (b) All Beginning in fiscal year 2010 and each fiscal year thereafter, the first two hundred thousand dollars of receipts from the tax imposed in subsection (2) of this section ((shall)) shall must be deposited into the military department active state service account created in RCW 38.40.220, and the remainder of the receipts from the tax imposed in subsection (2) of this section must be deposited into the oil spill prevention account. (10) Within forty-five days after the end of each calendar quarter, the office of financial management must determine the balance of the oil spill response account as of the last day of that calendar quarter.~~

or (b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million ~~dollars.~~ NEW dollars. PART SECTION. Sec. 104. The 2 VESSELS Sec. 201. RCW department 88.46.060 of and ecology 2011 c 122 s 6 are each amended to read as follows: (1) Each covered vessel shall provide have a report contingency to plan for the legislature containment by and July cleanup 1, of 2020, oil on spills from the following: covered vessel into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills.

~~(1) A description of activities conducted by the department's oil spill program that are expected to continue after fiscal year 2019, and activities that are not expected to continue after fiscal year 2019;~~

~~(2) recommendations regarding potential sources of funding for the department's oil spill program other than, or in addition to, sources of funding existing on the effective date of this section;~~

~~(3) recommendations regarding the allocation of funding from the taxes established in RCW 82.23B.020 among various state agencies, including whether funding should be discontinued or reduced for any agency;~~

~~and (4) a forecast of the department's oil spill program funding needs after fiscal year 2019. PART 2 VESSEL Sec. 201. RCW 88.46.060 and 2011 c 122 s 6 are each amended to read as follows: (1) Each covered vessel shall have a contingency plan for the containment and cleanup of oil spills from the covered vessel into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills.~~

The department shall require contingency plans, at a minimum, to meet the following standards: (a) Include full details of the method of response to spills of various sizes from any vessel which is covered by the plan; (b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department, removing oil and minimizing any damage to the environment resulting from a worst case spill; (c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government; (d) Provide procedures for early detection of spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law; (e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan; (f) Incorporate periodic training and drill programs consistent with this chapter to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times; (g) Describe important features of the surrounding environment, including fish ((and)) habitat, water column species and subsurface resources, wildlife habitat, shellfish beds, environmentally and archaeologically sensitive areas, and public ~~facilities,~~ facilities.

~~that are:~~

~~(i) Based on information documented in geographic response plans and area contingency plans, as required under RCW 90.56.210;~~

~~or (ii) for areas without geographic response plans or area contingency plans, existing practices protecting these resources used for similar areas.~~

The department must conduct specialized reviews and prioritize adding capacity for the inspection of oil transfer operations where oils, depending on their qualities, weathering, environmental factors, and method of discharge, may submerge or sink in water. NEW SECTION. Sec. 206. (1)(a) The department of ecology, in consultation with the Puget Sound partnership and the pilotage commission, must complete a report of vessel traffic and vessel traffic safety within the Strait of Juan de Fuca, Puget Sound area that includes the San Juan archipelago, its connected waterways, Haro Strait, Boundary Pass, ~~Rosario Strait~~, and the waters south of Admiralty Inlet.

A draft report, including recommendations, must be completed and submitted, consistent with RCW 43.01.036, to the legislature by ~~December~~November 1, 2018.

The final report must be completed and submitted to the legislature by June 30, 2019. (b) In conducting the evaluation to produce the report, the department of ecology must rely ~~only~~ on existing current vessel traffic risk assessments and other available studies, consult with the United States coast guard, ~~maritime area experts, including representatives of covered vessels, onshore and offshore facilities, environmental organizations, tribes, commercial~~appropriate and maritime noncommercial~~experts, fishers, including recreational resource users,~~ provincial experts, ~~representatives of~~ the Salish Sea shared waters forum established in section 204 of this act, and other appropriate entities. (2) The report completed under subsection (1) of this section must include an assessment and evaluation of: (a) Worldwide incident and spill data for articulated tug barges and other towed waterborne vessels or barges; (b) Transport of bitumen and diluted bitumen; (c) Emerging trends in vessel traffic; (d) Tug escorts for oil tankers, articulated tug barges, and other towed waterborne vessels or barges, including a review of requirements in ~~California~~California; (e) ~~and Alaska; (e)~~ Requirements for tug capabilities to ensure safe escort of vessels, including manning and pilotage needs; (f) An emergency response system in Haro Strait, Boundary Pass, and Rosario Strait, similar to the system implemented by the maritime industry pursuant to RCW 88.46.130; (g) The differences between locations and navigational requirements for vessels transporting petroleum; (h) The economic impact of proposals for tug escorts and limitations on vessel size;

If tug escorts are determined in this assessment to reduce oil spill risk, the department of ecology must recommend specific requirements and capabilities for tug ~~escorts; (ii) escorts: An emergency response system in Haro Strait, Boundary Pass, and Rosario Strait, similar to the system implemented by the maritime industry pursuant to RCW 88.46.130.~~

and (ii) An emergency response system in Haro Strait, Boundary Pass, and Rosario Strait, similar to the system implemented by the maritime industry pursuant to RCW 88.46.130.

The department shall require contingency plans, at a minimum, to meet the following standards: (a) Include full details of the method of response to spills of various sizes from any facility which is covered by the plan; (b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department removing oil and minimizing any damage to the environment resulting from a worst case spill; (c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government; (d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law; (e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan; (f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times; (g) Describe important features of the surrounding environment, including fish ((and)) habitat, water column species and subsurface resources, wildlife habitat, shellfish beds, environmentally and archaeologically sensitive areas, and public ~~facilities, facilities.~~ ~~that are:~~

~~(i) Based on information documented in geographic response plans and area contingency plans, as required under RCW 90.56.210;~~

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