
HOUSE BILL 2697

State of Washington 60th Legislature 2008 Regular Session

By Representative Dickerson

Read first time 01/16/08. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to revising marine transfer rules; amending RCW
2 88.46.160; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature recognizes the critical
5 importance of prevention in obtaining the goal of zero oil spills to
6 waters of the state. The legislature also recognizes that the
7 regulation of oil and fuel transfers on or near waters of the state
8 vary depending on many factors including the type of facility or
9 equipment that is used, the type of products being transferred, where
10 the transfer takes place, the type of vessels involved in the transfer,
11 and the historical risk associated with the facility involved in the
12 transfer. Finally, the legislature recognizes that rules adopted
13 regarding oil and fuel transfers must allow practical implementation to
14 achieve environmental protection. The legislature therefore directs
15 the department of ecology to revise current rules for oil and fuel
16 transfers on marine waters to ensure that these rules provide
17 effective, pragmatic regulations to protect the waters of the state.

1 **Sec. 2.** RCW 88.46.160 and 2004 c 226 s 3 are each amended to read
2 as follows:

3 (1) Any person or facility conducting ship refueling and bunkering
4 operations, or the lightering of petroleum products, and any person or
5 facility transferring oil between an onshore or offshore facility and
6 a tank vessel shall have containment and recovery equipment readily
7 available for deployment in the event of the discharge of oil into the
8 waters of the state and shall deploy the containment and recovery
9 equipment in accordance with standards adopted by the department. All
10 persons conducting refueling, bunkering, or lightering operations, or
11 oil transfer operations shall be trained in the use and deployment of
12 oil spill containment and recovery equipment. It is the responsibility
13 of the person providing bunkering, refueling, or lightering services to
14 provide any containment or recovery equipment required under this
15 section.

16 (2) The department shall adopt initial rules ((as necessary)) to
17 carry out ((the provisions of)) this section by June 30, 2006. The
18 department shall adopt subsequent rules as deemed necessary by the
19 department.

20 (a) The rules shall include standards for the circumstances under
21 which containment equipment should be deployed including standards
22 requiring deployment of containment equipment prior to the transfer of
23 oil when determined to be safe and effective by the department. The
24 department may require a person or facility to employ alternative
25 measures including but not limited to automatic shutoff devices and
26 alarms, extra personnel to monitor the transfer, or containment
27 equipment that is deployed quickly and effectively. The rules must
28 include provisions requiring an onshore or offshore facility's
29 contingency plan to include the procedures used to contain and recover
30 discharges.

31 (b) The standards adopted by rule must be suitable to the specific
32 environmental and operational conditions and characteristics of the
33 facilities that are subject to the standards((, and the department must
34 consult with the United States coast guard with the objective of
35 developing state standards that are compatible with federal
36 requirements applicable to the activities covered by this section. An
37 onshore or offshore facility shall include the procedures used to
38 contain and recover discharges in the facility's contingency plan. It

1 ~~is the responsibility of the person providing bunkering, refueling, or~~
2 ~~lightering services to provide any containment or recovery equipment~~
3 ~~required under this section)).~~ The standards must include performance-
4 based methods to conduct refueling, bunkering, or lightering
5 operations, or oil transfer operations while protecting the waters of
6 the state. The standards must also include provisions to consider the
7 historical risks associated with individual facilities or groups of
8 facilities.

9 (3) The department must consult with the United States coast guard
10 in developing state standards that are compatible with applicable
11 federal requirements.

12 (4) This section does not apply to a person operating a ship for
13 personal pleasure or for recreational purposes.

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