
SENATE BILL 6172

State of Washington

61st Legislature

2009 Regular Session

By Senators Rockefeller and Ranker

1 AN ACT Relating to oil spill prevention and preparedness; amending
2 RCW 90.56.005; adding a new section to chapter 90.71 RCW; repealing RCW
3 90.56.120 and 90.56.130; providing an effective date; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.71 RCW
7 to read as follows:

8 The partnership may provide independent advice and assessment of
9 the state's oil spill prevention, preparedness, and response programs,
10 including review of existing activities and recommendations for any
11 necessary improvements. The partnership may carry out this function
12 through an existing committee, such as the board or the council, or may
13 appoint a special advisory council. Because this is a unique statewide
14 program, the partnership may invite participation from outside the
15 Puget Sound region.

16 **Sec. 2.** RCW 90.56.005 and 2005 c 304 s 1 are each amended to read
17 as follows:

18 (1) The legislature declares that water borne transportation as a

1 source of supply for oil and hazardous substances poses special concern
2 for the state of Washington. Each year billions of gallons of crude
3 oil and refined petroleum products are transported as cargo and fuel by
4 vessels on the navigable waters of the state. These shipments are
5 expected to increase in the coming years. Vessels transporting oil
6 into Washington travel on some of the most unique and special marine
7 environments in the United States. These marine environments are a
8 source of natural beauty, recreation, and economic livelihood for many
9 residents of this state. As a result, the state has an obligation to
10 ensure the citizens of the state that the waters of the state will be
11 protected from oil spills.

12 (2) The legislature finds that prevention is the best method to
13 protect the unique and special marine environments in this state. The
14 technology for containing and cleaning up a spill of oil or hazardous
15 substances is at best only partially effective. Preventing spills is
16 more protective of the environment and more cost-effective when all the
17 response and damage costs associated with responding to a spill are
18 considered. Therefore, the legislature finds that the primary
19 objective of the state is to achieve a zero spills strategy to prevent
20 any oil or hazardous substances from entering waters of the state.

21 (3) The legislature also finds that:

22 (a) Recent accidents in Washington, Alaska, southern California,
23 Texas, Pennsylvania, and other parts of the nation have shown that the
24 transportation, transfer, and storage of oil have caused significant
25 damage to the marine environment;

26 (b) Even with the best efforts, it is nearly impossible to remove
27 all oil that is spilled into the water, and average removal rates are
28 only fourteen percent;

29 (c) Washington's navigable waters are treasured environmental and
30 economic resources that the state cannot afford to place at undue risk
31 from an oil spill;

32 (d) The state has a fundamental responsibility, as the trustee of
33 the state's natural resources and the protector of public health and
34 the environment to prevent the spill of oil; and

35 (e) In section 5002 of the federal oil pollution act of 1990, the
36 United States congress found that many people believed that complacency
37 on the part of industry and government was one of the contributing
38 factors to the Exxon Valdez spill and, further, that one method to

1 combat this complacency is to involve local citizens in the monitoring
2 and oversight of oil spill plans. Congress also found that a mechanism
3 should be established that fosters the long-term partnership of
4 industry, government, and local communities in overseeing compliance
5 with environmental concerns in the operation of crude oil terminals.
6 Moreover, congress concluded that, in addition to Alaska, a program of
7 citizen monitoring and oversight should be established in other major
8 crude oil terminals in the United States because recent oil spills
9 indicate that the safe transportation of oil is a national problem.

10 (4) In order to establish a comprehensive prevention and response
11 program to protect Washington's waters and natural resources from
12 spills of oil, it is the purpose of this chapter:

13 (a) To establish state agency expertise in marine safety and to
14 centralize state activities in spill prevention and response
15 activities;

16 (b) To prevent spills of oil and to promote programs that reduce
17 the risk of both catastrophic and small chronic spills;

18 (c) To ensure that responsible parties are liable, and have the
19 resources and ability, to respond to spills and provide compensation
20 for all costs and damages;

21 (d) To provide for state spill response and wildlife rescue
22 planning and implementation;

23 (e) To support and complement the federal oil pollution act of 1990
24 and other federal law, especially those provisions relating to the
25 national contingency plan for cleanup of oil spills and discharges,
26 including provisions relating to the responsibilities of state agencies
27 designated as natural resource trustees. The legislature intends this
28 chapter to be interpreted and implemented in a manner consistent with
29 federal law;

30 (f) To provide broad powers of regulation to the department of
31 ecology relating to spill prevention and response; and

32 ~~((To provide for an independent oil spill advisory council to
33 review on an ongoing basis the adequacy of oil spill prevention,
34 preparedness, and response activities in this state; and~~

35 ~~(h))~~ To provide an adequate funding source for state response and
36 prevention programs.

1 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
2 repealed:

3 (1) RCW 90.56.120 (Oil spill advisory council--Meetings--Travel
4 expenses and compensation) and 2006 c 372 s 907 & 2005 c 304 s 2; and

5 (2) RCW 90.56.130 (Council--Duties--Work plan--Reports) and 2005 c
6 304 s 3.

7 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 June 30, 2009.

--- END ---