

2018 Strengthening Oil Transportation Safety Act Update



More than 20 billion gallons of oil is transported through Washington each year by vessel, pipeline, and rail. Some of this is heavy oil that may sink, depending on conditions.

WHY IT MATTERS

The Act takes steps to enhance the safety of marine transportation and protect the state's waters from oil spills and places an emphasis on improving readiness to respond to sinking and submerging oils.

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Implementation of the 2018 Strengthening Oil Transportation Safety Act

The 2018 Strengthening Oil Transportation Safety Act, E2SSB 6269, required the Department of Ecology to focus on oils that may submerge or sink in water, and to protect the Salish Sea from oil spills by promoting the safety of marine transportation. The legislation also applied the barrel tax to oil moved by pipelines.

The bill specifically directed Ecology's Spills Program to undertake these policy initiatives:

- Report on vessel traffic safety in the Strait of Juan de Fuca and Puget Sound.
- Establish a Salish Sea Shared Waters Forum.
- Report on oil spill program activities and funding.
- Prioritize oil transfer inspections for oils that may submerge or sink.
- Update contingency plans for oils that may submerge or sink.
- Update geographic response plans for oils that may submerge or sink.

Strait of Juan de Fuca and Puget Sound vessel traffic safety report

In consultation with the Board of Pilotage Commissioners and the Puget Sound Partnership, we have now completed a report and recommendations on vessel traffic and vessel traffic safety in the Strait of Juan de Fuca and Puget Sound. The Act required us to base the report on current and existing information. It also directed us to gather input from tribes, the U.S. Coast Guard, and other maritime experts, including representatives of covered vessels, onshore and offshore facilities, environmental organizations, commercial and noncommercial fishers, recreational resource users, and provincial experts.

The report assesses and evaluates the following:

- Worldwide incident and spill data on articulated tug barges (ATBs) and towed vessels or barges.
- Transport of bitumen and diluted bitumen.
- Emerging trends in vessel traffic.
- Tug escort of oil tankers, ATBs, and towed vessels or barges, including a review of requirements in California and Alaska. Because tug escorts were determined to reduce oil spill risk, it recommends

specific requirements and capabilities for tug escorts, as required by law.

- Tug capability requirements to ensure safe escort of vessels, including manning and pilotage needs.
- Emergency Response System, similar to the Neah Bay emergency response towing vessel (ERTV), for Haro/Boundary/Rosario. Because the ERTV was determined to reduce oil spill risk, it recommends an action plan to implement it, as required by law.
- Difference between locations and navigational requirements for vessels transporting petroleum.
- Economic impact of tug escort proposals and vessel size limitations.
- Situations where oils, depending on their qualities, weathering, environmental factors, and discharge method, may sink or submerge.

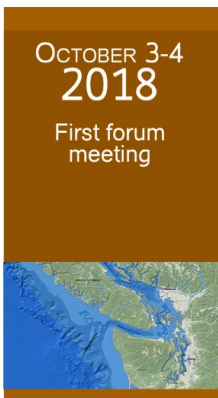
The report also includes other recommendations on vessel traffic management and vessel traffic safety.

Deliverables: The preliminary report was provided in December 2018, and a final report on January 11, 2019.



Vessel traffic safety report timeline

Salish Sea Shared Waters Forum



Forum timeline

The first annual Salish Sea Shared Waters Forum was held in Bellingham in October 2018. The goal of these meetings is to work with our Canadian partners to address common issues in the Salish Sea related to oil spill prevention, preparedness, and response. All levels of government on both sides of the border, Tribes, First Nations, environmental groups, and industry were invited, and over 150 participants attended. The first Forum focused on advancing collective knowledge about current policies and practices and potential safeguards and began a cross-border conversation about:

- Gaps and conflicts in oil spill policies.
- Opportunities to reduce oil spill risk, including requiring tug escorts for oil tankers, ATBs, and towed vessels or barges.
- Enhancing oil spill prevention, preparedness, and response capacity.
- Whether an emergency response system, similar to the Neah Bay emergency tug, will decrease oil spill risk and how to fund such a shared system.

The Forum serves as a platform for open dialogue to exchange information regarding minimizing the risk and impacts of spills in the Salish Sea. It is a non-voting and non-decision-making entity. The Pacific States/British Columbia Oil Spill Task Force, of which Washington and British Columbia are founding members, worked with Ecology and the B.C. Ministry of Environment and Climate Change to establish and hold the Forum.

Deliverable: Hold at least one facilitated meeting per year until July 2021.

Oil spill program activities and funding report

We have started work on a report to the Legislature regarding spill program activities and funding. The report must include:

- A description of spill program ongoing activities, as well as activities expected to end after fiscal year 2019.
- Recommendations about potential sources of funding for the spill program.

- Recommendations about the allocation of funding from the barrel tax among various state agencies, including whether funding should be discontinued or reduced for any agency.
- A forecast of spill program funding needs after fiscal year 2019.

Deliverable: Report to the Legislature by July 1, 2020, with recommendations on program activities and funding.



Program activities and funding report timeline

Oil transfer inspection prioritization

Under the Act, our oil transfer inspectors continue their existing work and are also prioritizing and conducting specialized reviews and inspections of transfer operations involving oils that may submerge or sink. This includes oil transfers for vessels at-anchor.

Deliverables completed:

- Develop guidance on prioritizing inspections for transfers of oils that may submerge or sink.
- Conduct inspections, both at-anchor and dockside, of transfers involving oils that may submerge or sink.



Transfer inspection prioritization timeline

Contingency plan updates

To address oils that may submerge or sink in water, we will require:

- Updates to oil spill contingency plans.
- Oil spill drills that address situations where oil may submerge or sink.
- Approval of contractors providing spill management and wildlife rehabilitation service providers under approved contingency plans.

In January 2019, we initiated rulemaking to update oil spill contingency plan standards in order to implement these requirements. Ecology evaluated the first industry-hosted joint drill in October 2018 to address oils that may submerge or sink.

Deliverables: Adopted rules, updated contingency plans, and approved spill management team applications by December 2019.



Contingency plan updates timeline

Geographic response plan (GRP) updates



GRP updates timeline

We have begun to update geographic response plans to identify water column and subsurface resources that could be harmed by oils that submerge or sink. A progress report will be provided to the Legislature. Community input will be part of the update process.

Deliverables: Report to the Legislature in December 2019. Nine GRPs updated:

- North Central Puget Sound
- Strait of Juan de Fuca
- Central Puget Sound
- South Puget Sound
- Willapa Bay
- Spokane River
- Snake River Lower Monumental Pool
- Snake River Little Goose Pool
- Snake River Lower Granite Pool

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