

Focus on: Modernizing State Planning for Spills



Proposed Legislation

Ecology is proposing an update to [RCW 90.56.060](#) concerning the Statewide Master Oil and Hazardous Substance Spill Prevention and Contingency Plan. This proposed change would add federally recognized tribes with interests in spill prevention, preparedness planning, and response coordination to the list of groups Ecology will seek input from during the preparation and update of the statewide master plan. In addition, we are also proposing to update terminology to be consistent with other sections of Chapter 90.56 RCW and to include existing requirements for the State to hold unannounced drills for vessel plan holders as part of the activities required during annual updates of the State Master Plan.

The problem

The requirements for the Statewide Master Oil and Hazardous Substance Spill Prevention and Contingency Plan were established in 1990. In the 30 years since planning began, Washington has made significant and important progress to maintain a modern and inclusive spill planning process that includes opportunities for stakeholders and tribes to engage in annual updates to the State Master Plan. However, the statutes that describe the requirement for updates to the State Master Plan are in need of updates to reflect these important modernizations.

First, tribes are as important to the State's efforts to prevent, prepare for, and respond to spills as the groups already listed in RCW 90.56.060. Ecology already engages tribes in spill planning, but the statutes describing the requirements for updating the State Master Plan do not currently reflect this practice.

Additionally, the State also works closely with the states of Idaho and Oregon to plan for spills that might occur to shared resources and transboundary areas of our states. The proposed amendments include adding the state of Idaho to the list of entities Ecology must work with on updates to the State Master Plan.

Further, Ecology is proposing to update the language referring to "containment and cleanup contractors" to be consistent with language used in RCW 90.56.240, which includes wildlife response service providers. This change is important to ensure that wildlife response service providers are clearly identified as key partners in spill planning.

Finally, Ecology is proposing to include an existing requirement for annual updates to the State Master Plan to carry out unannounced drills for vessel plan holders. Ecology already has this authority and this change is needed for accuracy and clarification.

The solution

Over the 30 years since the requirements for the State Master Plan were established, Ecology has made important updates to the process in response to changes in how the state works with stakeholders and tribes. These process updates are permanent and should be reflected in the statutes describing the requirements for annual updates to the State Master Plan.

Ecology's proposal

Ecology is proposing amendments to RCW 90.56.060 to reflect important modernizations to the State Master Plan update process, including changes to the list of groups Ecology must engage in annual updates and adding a new requirement to perform unannounced drills for vessel plan holders as part of annual updates to the State Master Plan.

How it will work

This proposal will help reduce barriers for tribal participation in the State Master Plan preparation and update by requiring Ecology to include tribes in addition to the federal, state, and municipal government organizations already listed in RCW 90.56.060. This would create a statutory requirement to seek participation from tribes and offer consultation to federally recognized tribes during the preparation and update of the statewide master plan.

How it will benefit Washington

Having diverse perspectives represented in the process for updating the State Master Plan is a benefit to Washington because it helps improve relationships that are critical to the effectiveness of the State Master Plan. When a spill occurs to shared waters, such as the Strait of Juan de Fuca, the Salish Sea, or the rivers along the State's borders, having a plan that includes strategies developed in collaboration with the entities that also have rights or jurisdictional authority for those waters is critically important to a rapid, aggressive, and well-coordinated response. In the initial hours of a response, having approved, negotiated strategies to select from speeds up tactical decision-making so that responders can minimize environmental damage from the spill.

More information

Ecology has authority to schedule unannounced oil spill drills in [RCW 90.56.260](#) to test the sufficiency of oil spill contingency plans for facilities and certain rail carriers. These types of unscheduled drills are also included as part of the update process for the State Master Plan in [RCW 90.56.060\(4\)](#). Ecology also has authority to schedule unannounced oil spill drills for vessel plan holders in [RCW 88.46.060](#), but these drills are not currently included as a requirement when updating the State Master Plan. In practice, Ecology schedules unannounced drills for vessel plan holders. Amending RCW 90.56.060(4) to include unannounced drills for vessel plan holders as a requirement for updates to the State Master plan will bring this section into alignment with Ecology's current practice.

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ADA Accessibility

To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at ecyadacoordinator@ecy.wa.gov, or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY call 711 or 877-833-6341.