

2018 STRENGTHENING OIL TRANSPORTATION SAFETY ACT



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.

Implementation of the 2018 Strengthening Oil Transportation Safety Act

The 2018 Strengthening Oil Transportation Safety Act, E2SSB 6269, requires 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 applies the barrel tax to oil moved by pipelines.

The bill specifically directs 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.



A worker carries a Canada goose, heavily oiled by the Kalamazoo diluted bitumen spill in 2010. Some of the spilled oil submerged into the river.

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 will complete a report and recommendations on vessel traffic and vessel traffic safety in the Strait of Juan de Fuca and Puget Sound. The Act requires us to base the report on current and existing information. The Act also directs 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 must assess and evaluate 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. If determined to reduce oil spill risk, must recommend specific requirements and capabilities for tug escorts.
- 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, for Haro/Boundary/Rosario. If determined to reduce oil spill risk, must recommend an action plan to implement it.
- 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 will also include other recommendations on vessel traffic management and vessel traffic safety.

Deliverables: The preliminary report is due on December 1, 2018, and a final report is due by June 30, 2019. Our goal is for the draft report to be reliable information for the Legislature to take action in the coming session and may serve as the final report.



Salish Sea Shared Waters Forum

We will establish the Salish Sea Shared Waters Forum with our Canadian partners to address common issues in the Salish Sea related to oil spill prevention, preparedness, and response. The Forum will seek participation from Transport Canada, the U.S. and Canadian Coast Guards, Tribes and First Nations, environmental groups, and industry. The Forum must consider:

- 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 will serve as a platform for open dialogue to exchange information regarding minimizing the risk and impacts of spills in the Salish Sea. The goal is to advance collective knowledge. It will be 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, will work 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

By July 1, 2020, we will provide 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.



Oil transfer inspection prioritization

Our oil transfer inspectors will continue existing work and will also prioritize and conduct specialized reviews and inspections of transfer operations involving oils that may submerge or sink. This includes oil transfers for vessels at-anchor.

Deliverables:

- 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.



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, cleanup, and containment services under approved contingency plans.

We must update oil spill contingency plan standards in order to implement these requirements.

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



Geographic response plan updates

We will update geographic response plans (GRPs) 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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