



Anna Harris and Jim Pearson, after-hour spill responders from the Central Regional Office, sample an abandoned drum for hazard characterization and safe disposal in Wenatchee.

Program Mission

The mission of the Spill Prevention, Preparedness and Response Program (Spills Program) is to protect Washington's environment, public health and safety through a comprehensive spill prevention, preparedness, and response program. The program focuses on preventing oil spills to Washington's waters and land, and planning for and delivering a rapid, aggressive, and well-coordinated response to oil and hazardous substance spills wherever they occur.

Environmental Threats

More than 20 billion gallons of oil and hazardous materials are transported through Washington State each year by ship, pipeline, rail, and road. Human error, equipment failure, and natural disasters can lead to releases of these materials with potentially disastrous consequences. Oil and chemical spills threaten Washington's valuable natural resources.

Over the years, the nature of these threats has changed due to the market and new technological innovations. These threats—whether on land or water—endanger public health, safety, and the

environment, and can ultimately damage the state's economy and quality of life.

Authorizing Laws

The harm caused by major oil spills and other toxics releases in the 1980s and early 1990s sparked public concern and resulted in passage of state and federal legislation, including:

- *Northwest Area Contingency Plan (NWACP), Pursuant to Federal Oil Pollution Act of 1990*
- *Ports and Tanker Safety Act of 1978, and its Amendments to the Ports and Waterways Safety Act of 1972*
- *Chapter 70.105 RCW, Hazardous Waste Management Act*
- *Chapter 70.105D RCW, Model Toxics Control Act*
- *Chapter 70.136 RCW, Hazardous Materials Incidents Act*
- *Chapter 82.23B RCW, Oil Spill Response Tax*
- *Chapter 88.40 RCW, Transport of Petroleum Products – Financial Responsibility*
- *Chapter 88.46 RCW, Vessel Oil Spill Prevention and Response*
- *Chapter 90.48 RCW, Water Pollution Control (includes early legislation from the 1970s)*
- *Chapter 90.56 RCW, Oil and Hazardous Substance Spill Prevention and Response*

Constituents/Interested Parties

Ecology works closely with organizations and people interested in environmental protection and emergency response, including:

- *Federal, state, local, and tribal governments, including the U.S. Coast Guard, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and local emergency management agencies.*
- *City, county, and regional fire, police, health, and planning departments.*
- *The governments of British Columbia, Oregon, Idaho, and other West Coast states.*
- *Commercial vessel owners and operators worldwide, marine transportation trade associations, public ports, and maritime trade unions.*

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- *Oil refineries, marine oil terminals, oil pipelines, rail companies, and oil trucking companies.*
- *Spill response cooperatives and contractors.*
- *Advisory councils, environmental organizations, the general public, and others.*

Issues

The Spills Program is an adaptive organization that takes pride in responding to shifting political climates, dynamic economic trends, legislative direction, and public demands. The Spills Program's core services include vessel and facility inspections, oil transfer monitoring, plan review and approvals, contingency plan drills, environmental restoration, and 24/7 response to oil and hazardous materials spills. In delivering these services, the Spills Program plays a key role in minimizing the long-term release of toxics into the environment and helps to protect the waters, soil, air, and public health of the state.

In addition to the core services, the Spills Program has identified tasks we plan to accomplish in the next two years to address the challenges associated with the changing spill risks facing Washington State. A comprehensive list of tasks is described in the Spills Program's 2015-2017 Program Plan. These tasks address the following:

- The need to secure sustainable funding for Ecology to continue to manage oil spill risk, planning, and response activities.
- Implementing the 2015 Oil Transportation Safety Act (ESHB 1449), which provided new measures and authority to help Ecology to address the changing oil picture with a focus on crude by rail.
- Other rulemakings to ensure regulations are updated when needed to keep current with the needs of the state.

Develop a Funding Options Plan for the 2017 Legislative Session

New funding is needed to manage oil spill risk, planning, and response activities expected by the Legislature and our citizens. The current barrel taxes have not kept pace with inflation. And the change in oil movement in Washington is reducing the volume of oil imported by tank vessels and increasing the amount of oil imported by pipeline

and rail. Oil imported by rail was added to the tax base as a result of ESHB 1449, but the tax still does not apply to oil imported by pipeline. Oil that passes through the state to be exported is also not subject to the tax (as a result of a tax credit), and poses a risk of spills each time it is transported and transferred.

To fund ESHB 1449 work, the Legislature provided a one-time Oil Spill Response Account (OSRA) transfer of \$2.225 million into the Oil Spill Prevention Account (OSPA). But, without a permanent resolution for a stable revenue stream into the OSPA, Ecology will face a significant shortfall beginning in the 2017-19 Biennium. The funding options plan will address the potential funding gap and changing risk picture, and will identify options to ensure stable future revenue for this important work.

Work With the Legislature to Close the Vessel Response Account

The Vessel Response Account was once used to fund the emergency response tug stationed at Neah Bay, which is now funded by industry. The account is no longer in use, and Ecology is proposing a legislative fix in the 2016 legislative session to discontinue the account. Any remaining balance will be transferred to the Coastal Protection Account where it can be used for post-spill restoration projects.

Evaluate Whether the \$9 Million Cap on the Oil Spill Response Account (OSRA) is Adequate or Needs to Be Raised in Order to Effectively Respond to a Prolonged Spill

The OSRA was initially capped at \$25 million. The cap has been reduced to \$9 million. The statutory structure must allow the state to mount a rapid, aggressive, and well-coordinated response to all oil spills, whether major or minor. The current cap limits the amount of resources the state can provide to respond to a spill.

Complete a Vessel Traffic Safety Evaluation and Assessment for the Columbia River and Update the 2010 Vessel Traffic Risk Assessment (VTRA) for Puget Sound

Ecology has an important regulatory and public trust responsibility to assess and help manage the risk from oil and hazardous materials spills. A number of regional developments have presented

new challenges, including expanding Canadian crude oil sources (e.g. Alberta Tar Sands oil); Bakken and other shale oil from North Dakota, Montana, and Utah; expanded use of pipelines; decline in crude oil by tanker from Alaska; oil terminal/refinery rail expansion projects; Liquefied Natural Gas (LNG) being employed as vessel fuel; and several proposed coal terminals.

Proactive risk analysis, risk management techniques, and assertive risk communication must be used to substantiate and target efforts to reduce the risk of an oil spill. Ecology will continue analyzing the oil transportation risk picture. We will consider all transportation modes, but focus on vessel, rail, and pipeline, and their interfaces. We will also consider risks associated with transporting LNG, coal, propane, and other hazardous oil-based cargos.

The Vessel Traffic Safety Evaluation and Assessment for the Columbia River will include:

- Recommendations to the Legislature on vessel traffic management and vessel traffic safety to include tug escorts for vessels transporting oil as bulk cargo, best achievable protection (BAP), and oil being transferred to vessels from rail.
- Completing an initial draft by June 30, 2017 and submitting a draft report to the Legislature by December 15, 2017. Submitting a final report by June 30, 2018.
- Work with the Lower Columbia River Harbor Safety Committee to encourage involvement in the Vessel Traffic Safety Evaluation and Assessment.

The VTRA update for Puget Sound will include:

- An update to the George Washington University VTRA analysis tool and model to better reflect the changing oil transportation environment in Greater Puget Sound/Salish Sea.
- Work with the Puget Sound Harbor Safety Committee to encourage involvement in the Puget Sound VTRA update.

Review All Existing Geographic Response Plans (GRPs), Provide a Gap Analysis Report to the Legislature, and Continue GRP Developments During the Biennium

ESHB 1449 directs Ecology to continue to develop and enhance GRPs for inland and marine areas at risk from oil spills, and outlines requirements for completing new plans and plan updates. Ecology

must provide a report to the Legislature by December 31, 2015, of a review of state GRPs and federal requirements. The report will identify the number of GRPs that will need to be developed or updated.

To protect sensitive state resources, Ecology will develop new GRPs for areas of the state that do not currently have plans, and will update and maintain existing GRPs to keep them current. The work will include data collection and stakeholder engagement, and we will use geospatial planning tools and up-to-date, at-risk information to develop strategies.

Complete Rulemaking to Develop Contingency Plan and Drill Requirements for Railroads Transporting Oil in Bulk

ESHB 1449 expands the definition of “facility” to include railcars for the purpose of oil spill preparedness, and extends contingency planning and drill requirements to railroads transporting oil in bulk.

Develop Rail and Pipeline Reporting Requirements through Rulemaking as Directed in ESHB 1449

Through ESHB 1449, the Legislature gave Ecology authority to conduct rulemaking to develop rail and pipeline reporting requirements. By collecting and sharing information about oil transportation by rail and pipeline, local communities will be better prepared to respond to incidents from these modes. The rulemaking and larger effort will address:

- Weekly rail advance notices.
- Biannual pipeline reporting.
- Providing key information on oil movement to other governments and local responders.
- Public quarterly reports.

Develop an Equipment Cache Grant Program

In 2007, Ecology established 99 response equipment caches throughout the state to assist local and tribal responders to provide rapid spill containment and cleanup capability. New challenges from transporting crude oil in unit trains have resulted in the need for more response equipment caches and replenishment of the existing caches. ESHB 1449 directs Ecology to create and administer a grant program that provides firefighting equipment and oil spill response equipment caches and training to local responders. The work will include the following:

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- Convening a stakeholder group to assist in developing and administering the grant program.
- An assessment to identify training and equipment needs.
- Developing and delivering a training program for first responders and cache recipients.
- Planning for ongoing implementation to maintain the grant program and equipment.

Extend the Best Achievable Protection (BAP) Requirement to Facilities through Rulemaking that will Update the Oil Spill Contingency Plan Standards for Pipelines

The Oil Spill Contingency Plan standards were updated in 2013 to incorporate the BAP requirement for vessels. Rulemaking is needed to extend the BAP requirement to pipelines.

Initiate Rulemaking to Modernize the Prevention Design Standards for Facilities

The Facility Oil Handling Standards rule needs updating to address all modes of oil handling in and out of facilities, including facilities with rail transfers.

Activities, Results & Performance Measures

Prepare for Aggressive Response to Oil and Hazardous Material Incidents

Large commercial vessels and oil handling facilities operators are required to maintain state-approved oil spill contingency plans to ensure they can rapidly and effectively respond to major oil spills. State planning standards ensure equipment and response personnel are strategically staged throughout the state. This work is done through our review and approval of contingency plans to ensure plan holders and spill response contractors maintain readiness.

Ecology also conducts scheduled and unannounced drills, partners with other agencies to maintain a regional contingency plan that guides how spills are managed in the Northwest, and works with other natural resource experts and communities to develop Geographic Response Plans (GRPs).

Expected Results

- Ecology and the regulated community are fully prepared to promptly respond to oil spills, and damages from spills are minimized.
- GRPs are developed for areas that do not currently have plans, and existing GRPs are updated to keep them current.
- The ongoing maintenance of response equipment is documented by industry and records verified by Ecology.
- Ecology targets oil spill related outreach efforts to tribes and shellfish growers.

Performance Measures

- Number of GRPs completed for inland spill response.
- Percentage of vessel emergency occurrences reported to Ecology.

Prevent Oil Spills from Vessels and Oil Handling Facilities

Ecology works with the regulated community and others to minimize the environmental threat of oil spills from vessels and oil handling facilities by focusing on human procedural and organizational factors. This work is done through the following core activities:

- Inspecting facilities and vessels and monitoring oil handling facility transfers.
- Boarding vessels for educational and compliance purposes.
- Overseeing oil transfer operations.
- Requiring and reviewing operations manuals and prevention plans.
- Overseeing implementation of the industry-funded Neah Bay response tug to ships in difficulty.
- Helping and recognizing oil tanker and barge companies for achieving best achievable protection.
- Investigating near-miss and actual accidents to identify new prevention strategies.

Expected Results

- Reduced oil spills from vessels and oil handling facilities.
- Spills are prevented and/or reduced through risk management and targeted inspections.
- Reduced number of oil spills entering surface waters, particularly from marine sources.

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- Reduced percentage of vessel and oil transfer accidents resulting in spills by boarding and inspecting targeted high-priority vessels and facility operations.
- Increased tanker and tank barge enrollment in the Exceptional Compliance Program (also known as ECOPRO) focused on improved vessel safety and environmentally secure operations.
- Reduced incidence of intentional waste oil discharges at sea from vessels.

Performance Measures

- Gallons of oil spilled to surface water during a transfer for every 100 million gallons transferred.
- Number of oil spills to surface waters from all sources.
- Percentage of potential high-risk vessels boarded and inspected.
- Percentage of regulated marine oil transfer operations inspected.
- Total volume of oil spilled to surface waters from all sources.
- Total volume of oil spilled to water from regulated facilities and vessels.

Rapidly Respond to and Clean Up Oil and Hazardous Material Spills

Oil and hazardous materials spills present a danger to human health and the environment. Ecology is responsible for rapidly responding to and overseeing the cleanup of oil spills, hazardous material incidents, methamphetamine drug labs, and helping other "first response" organizations during Weapons of Mass Destruction (WMD) incidents. This work is done through the following core activities:

- 24-hours-a-day, statewide response capability from six field offices.
- Coordination with local, state, and federal law enforcement agencies for methamphetamine drug lab cleanup.
- Compliance actions for violations related to oil and hazardous material spills.

Expected Results

- Oil spills, hazardous material spills, and clandestine drug labs are responded to and

cleaned up rapidly to protect public health, natural resources, and property.

- Spill response capability is maintained 24 hours a day and seven days a week throughout the state.
- All oil spills are responded to within 24 hours from the time they are reported.
- Approximately 4,000 annual spill reports are managed.

Performance Measure

- Percentage of reported incidents that receive a field response.

Restore Public Natural Resources Damaged by Oil Spills

Ecology leads a multi-agency natural resource trustee committee to assess damages to publicly-owned natural resources from oil spills. This work is done through the following core activities:

- Assessing the monetary value of damaged natural resources.
- Seeking fair compensation from the responsible parties.
- Chairing the Coastal Protection Committee to ensure the money collected is used for projects to restore the environmental damage.
- Conducting site follow-up visits to ensure accountability of project success after the project is completed.

Expected Results

- Environmental impacts to publicly-owned natural resources from oil spills are partially mitigated (compensated for) using damage assessment funding.
- Natural resource damage assessment is done on 100 percent of oil spills where 25 or more gallons reach surface waters.
- Priority wildlife habitat is restored and protected using natural resource damage funds.

Performance Measure

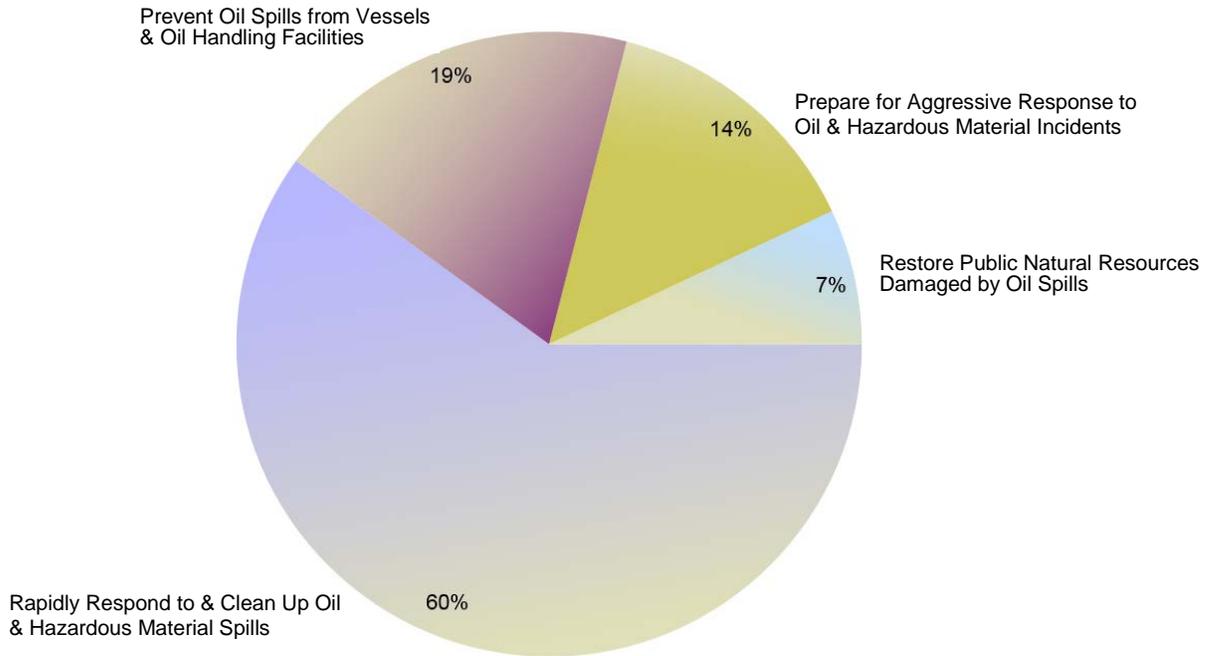
- Percentage of completed restoration projects that meet plan specifications.

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Spill Prevention, Preparedness & Response Program 2015-17 Biennium Budget By Activities

Operating Budget = \$31.5 Million; FTEs = 89.2



Activities	Dollars	FTEs
Rapidly Respond to & Clean Up Oil & Hazardous Material Spills (A054)	\$18,855,450	41.9
Prevent Oil Spills from Vessels & Oil Handling Facilities (A033)	5,942,281	22.4
Prepare for Aggressive Response to Oil & Hazardous Material Incidents (A030)	4,525,716	22.1
Restore Public Natural Resources Damaged by Oil Spills (A055)	2,177,061	2.8
Spill Prevention, Preparedness & Response Operating Budget Total	\$31,500,508	89.2

Spill Prevention, Preparedness & Response Program

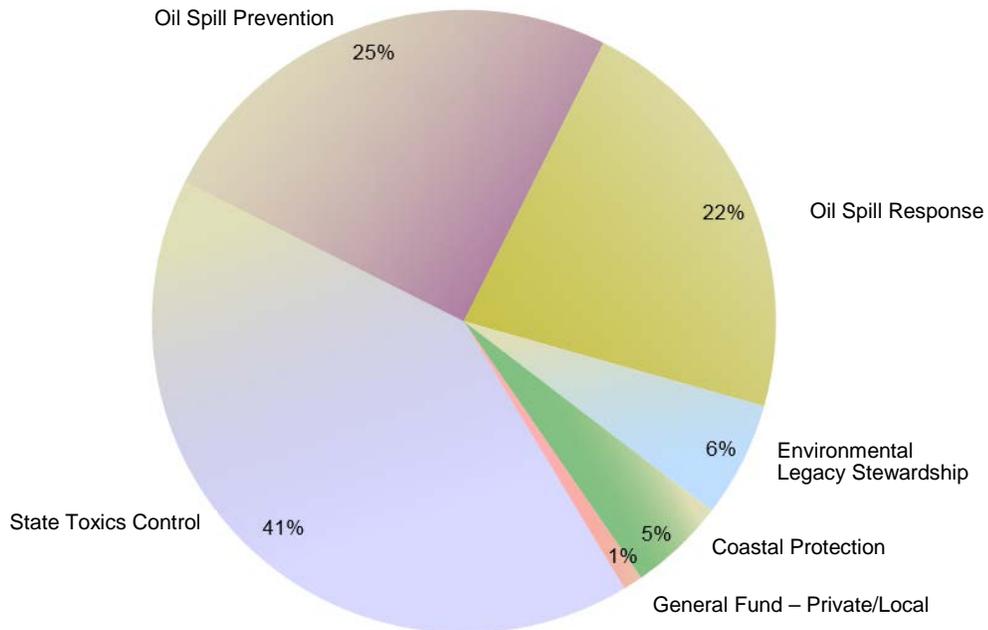
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Spill Prevention, Preparedness & Response Program 2015-17 Biennium Budget By Fund Source

Operating Budget = \$31.5 Million

FTEs = 89.2

No Capital Budget



Operating Fund Sources	Amount	Uses
State Toxics Control (173)	\$12,782,939	Oil spill prevention, preparedness, and hazardous material and oil spill response work including drug lab clean up.
Oil Spill Prevention (217)	7,896,003	Oil spill prevention, preparedness, and response work.
Oil Spill Response (223)	7,076,000	Oil spill cleanup where state response costs are expected to exceed \$1,000.
Environmental Legacy Stewardship (19G)	1,851,696	Hazardous material and oil spill response and cleanup work.
Coastal Protection (408)	1,556,000	Restoration of natural resources damaged by oil spills and non-personnel related oil projects, research, and studies.
General Fund - Private/Local (001)	337,870	British Columbia & Pacific States oil spill task force.
Operating Budget Total	\$31,500,508	
Spill Prev., Prep. & Resp. Operating & Capital Budget Total	\$31,500,508	