



Jim Sachet discussing the cleanup of the S.S. Catala with reporter Kathleen Wolgemuth.

Program Mission

The mission of the Spill Prevention, Preparedness and Response Program is to protect Washington's environment, public health, and safety through a comprehensive spill prevention, preparedness, and response program. The program focuses on prevention of oil spills to Washington waters and land, as well as planning for an effective response to oil and hazardous substance spills whenever they occur.

Environmental Threats

Over 20 billion gallons of oil and hazardous chemicals are transported through Washington State each year by ship, barge, pipeline, rail, and road. Accidents, equipment failure, and human error can all lead to unintended and potentially disastrous consequences. Oil and chemical spills can threaten some of the most productive and valuable ecosystems in the world. These incidents can kill fish, birds, and marine animals and contaminate beaches and shellfish. All spills whether on land or water can threaten public health, safety, the environment, and ultimately damage the state's economy and quality of life.

Authorizing Laws

The harm caused by major oil spills in the late 1980s and early 1990s sparked public concern and resulted in state and federal legislation to protect the environment and human health from such spills.

Specific Washington laws include:

- *RCW 90.56, Oil and Hazardous Substance Spill Prevention and Response*
- *RCW 88.46, Vessel Oil Spill Prevention and Response*
- *RCW 90.48, Water Pollution Control*
- *RCW 88.40, Transport of Petroleum Products – Financial Responsibility*
- *RCW 70.105, Hazardous Waste Management Act*
- *RCW 70.105D, Model Toxics Control Act*

Constituents/Interested Parties

Ecology works closely with people interested in environmental protection, emergency response organizations, the oil industry, the maritime shipping companies, and other transportation industries, and other users of Washington's waters. These include:

- *Federal, state, local, and tribal governments, including the US Coast Guard, US Environmental Protection Agency, and local emergency management agencies.*
- *The governments of Canada, British Columbia, Oregon, and Idaho.*
- *Commercial vessel owners and operators worldwide, marine transportation trade associations, public ports, and maritime trade unions.*
- *Oil refineries, marine oil terminals, oil pipelines, and oil trucking companies.*
- *Spill response cooperatives and contractors.*
- *The Puget Sound Partnership, environmental organizations and the general public.*
- *The Oil Spill Advisory Council.*

Issues

Obtain Sustainable Funding for Program Operations

The 5-cent-per-barrel tax on imported oil provides 60 percent of the operating budget for spills program work. The proportion of this commodity based tax (4 cents) going to program administration has remained constant since the early 1990s. There are several problems with this funding mechanism:

- This commodity tax is based upon the volume of oil coming into the state. This volume has not kept pace with increased costs and inflation.

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- The tax structure allows for periodic large, unanticipated tax credits which are not predictable and can seriously deplete the Oil Spill Prevention Account (OSPA).
- The Oil Spill Prevention Account is now over-appropriated with recent funding for the Oil Spill Advisory Council (OSAC) and the oil transfer regulations.

As a result of expenditures exceeding revenues, Ecology projects a budget shortfall in the Oil Spill Prevention Account beginning in the fall of 2009. In anticipation of this problem, the 2007 Legislature directed the Joint Legislative Audit and Review Committee (JLARC) to conduct a study and report back with recommendations to the Legislature in September 2008. Our goal is to develop a long-term, viable funding solution during the 2009 session.

Expand the Scope of Our Work

Federal preemption under the Supremacy Clause of the US Constitution limits state authority to conduct important spill prevention activities in the marine transportation field. Washington has pressed the boundary of federal preemption and had two oil spill prevention authority-related cases decided by the US Supreme Court. Ecology is pursuing a number of strategies to accomplish high-priority oil spill prevention initiatives in the maritime field while keeping within Constitutional limits. Initiatives include:

- Seek delegated authority from the United States Coast Guard for qualified and experienced state personnel to conduct key prevention activities.
- Expand our cooperative partnership with the US Coast Guard.
- Leverage efforts with the Puget Sound Partnership and Oil Spill Advisory Council.
- Work with the federal delegation to request federal oil spill legislation to improve maritime safety while preserving state authority.
- Improve and make the Voluntary Best Achievable Protection program available to all deep-draft commercial ships.

Complete the Emergency Response System for the Strait of Juan de Fuca

In 1991, the Legislature directed the Washington state Office of Marine Safety to protect the state's

critical coastal natural, economic and cultural resources through an undefined Emergency Response System for the Strait of Juan de Fuca (ERS). Ecology plans to formally define the scope of the ERS and continue to pursue significant progress on related initiatives. Ecology will work closely with the Oil Spill Advisory Council, local tribal nations and key stakeholders accomplish the following ERS objectives:

- Station a fully funded, year round (70-ton bollard pull) standby emergency response tug stationed at Neah Bay.
- Implement the state's Oil Spill Contingency Plan Rules.
- Request that the "federal high volume port line" be moved from Port Angeles to Neah Bay to expand federal response requirements on the outer coast.
- Request that the federally designated Area to be Avoided (ATBA) off the Olympic Coast National Marine Sanctuary is effective in excluding all vessels required to have a federally approved vessel oil spill response plans.

Expand Oil Spill Prevention Initiatives

We will document the need for and seek stakeholder support for the following initiatives:

- Seek delegated authority from the United States Coast Guard to conduct vessel and facility to provide a stronger approach for preventing spills in Washington waters.
- Review the feasibility of applying the successful Texas Land Office model to prevent the dumping of oily wastewater into state and international waters by providing for bilge water and oil reception facilities in Puget Sound Ports and Marinas.
- Continue to strengthen efforts to engage non-regulated entities and facilities such as hydroelectric dams, railroads and tanker trucks to prevent and prepare for spills.
- Increase inspections and educational visits to marinas and boat yards that are considered Oil Transfer Facilities.
- Perform spill prevention inspections for oil handling facilities that do not transfer over water.
- Review the feasibility of options to expand the derelict vessel program to address the backlog of

small and large abandoned vessels that pose a threat to state waters and shorelines.

Enhance Oil Spill Readiness

Ecology will continue to improve oil spill management and oil recovery efficiency through advanced planning and application of state-of-the-art technologies. These efforts include:

- Improve response equipment tracking through the Western Regional Resource List (WRRL) database. This is a central repository where all major response contractors maintain current and accurate equipment lists, including shoreline cleanup resources and non-dedicated workboats.
- Systematic verification of response equipment availability and contractor readiness. Over the next 6 years, Ecology will schedule detailed inspections and conduct unannounced drills to verify, inspect or deploy all response equipment in the state.
- Conduct “orphan drills” where state and federal agencies will expand their ability to manage major spill incidents, even if the responsible party is unknown, unwilling or unable to manage the cleanup. This initiative will test the effectiveness of the program’s Incident Management Assist Team (IMAT) and strengthen the use of Unified Command organizations by multiple agencies.
- Improve the state’s ability to apply helicopters and fixed-wing aircraft to detect and track oil spills, and to direct on-water spill recovery operations. Continued refinement is necessary as there are limitations to the effectiveness of current technology during night operations, fog and major storms.

Strengthen Delivery of Public Education and Outreach Services

Ecology has identified the need to increase the number of in-depth casualty and oil spill investigations, and to expand efforts to disseminate the technical findings to applicable industries. We will expand field visits to ports and marinas statewide, and increase participation in the Clean Marina program. To help us improve public education, we will:

- Reinstigate a spill prevention campaign to include the commercial fishing fleet’s

preparation for seasonal departure to Alaskan fishing grounds.

- Redesign our web site to improve its use in distributing information to interested stakeholders and the public.

Review Tug Escort Standards for Loaded Tankers

The 2003 Legislature directed Ecology to complete, “an evaluation of tug escort requirements for laden tankers to determine if the current escort system requirements... should be modified.” A detailed technical report was completed in December 2004. Ecology anticipates completing additional work on “human factors” associated with spill events, with advice from the Oil Spill Advisory Council, when funding becomes available.

Health of Puget Sound and Other State Waters

As the Spills Program looks forward, we will be working with the Puget Sound Partnership to meet the goal of a healthy Puget Sound by 2020 through a state-of-the-art spill program. The program is also striving to approach the legislative zero-oil spill goal, and to ensure a rapid and aggressive response to significant spills. Some of the items outlined below are critical to achieving these goals. The following items are not new to us, but as we observed events following the November 7, 2007, Cosco Busan Oil Spill in San Francisco, the need for action has become more prominent. We will be seeking to make progress on the following, some of which may require additional funding and/or new statutory authority:

- Volunteer Management Program – Ecology would implement a program with full coordination and management of network of volunteers throughout the state for use in event of major spill.
- Bird Rescue and Rehabilitation – Currently the capability to rescue and rehabilitate oiled wildlife is very limited. A collaborative partnership between industry, state and federal government is needed to fund a fully effective wildlife rescue and rehabilitation program.
- Vessels of Opportunity – Ecology conducted a study in 2005 into the feasibility of using commercial fishing and other vessels to augment oil spill response capabilities during major

incidents. We will be making recommendations to the Legislature and stakeholders for how to implement a well-organized comprehensive program. Similar programs exist in Alaska and to a lesser extent in California.

- **Financial Responsibility** – Washington state law provides for unlimited liability parties responsible for oil spills. However, recent spills demonstrate that private sector proof of financial responsibility (insurance) is not adequate for certain large spills. Ecology will pursue a two-part approach to the issue of financial liability for non-tank vessels.
- **Oil Spill Response Account** – The money in this account is used to cover the potential spill in which a responsible party can not be found or a known spiller is unwilling or unable to execute their responsibilities. The Legislature set the account cap in 1991 at \$25 million and over time it has been reduced to the point where today it is \$9 million. However, the cost to respond to spills has increased every year. At this time the amount in the current account is not adequate to fund a potential major spill.
- **Rule Making** – The state currently has authority to regulate certain vessel companies to ensure they have adequate financial abilities (financial responsibility) to pay for potential spills. Ecology will evaluate the adequacy of current regulations. If the assessment concludes there is inadequate coverage, we would need a legislative fix to increase the liability cap prior to rulemaking.
- **State Pilotage Programs** – Washington currently has a Pilotage Commission responsible for overseeing state pilots in Puget Sound, Strait of Juan de Fuca, and Grays Harbor. However, the Columbia River is regulated by the Oregon Board of Maritime Pilots. Current Oregon legislation does not call for membership from outside of Oregon. In order for a collaborative partnership to be beneficial to both Oregon and Washington in managing this strategic waterway, and state economic/port development interests, a legislative or regulatory change is needed to require Washington membership on the Board or preferably to create a joint pilotage commission.

Activities, Results & Performance Measures

Prepare for Aggressive Response to Oil and Hazardous Material Incidents

Operators of large commercial vessels and oil handling facilities 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. Our core activities include:

- Review and approval of spill contingency plans and assurance that plan holders and spill response contractors maintain their readiness through scheduled and unannounced drills.
- Partnerships with other agencies to maintain a regional contingency plan that guides how spills are managed in the Northwest.
- Development of Geographic Response Plans (GRPs) in consultation with other natural resource experts and communities.

Expected Results

Ecology and the regulated community are fully prepared to promptly respond to and mitigate the impacts of oil spills.

- Enhanced regional spill response team partnerships and capabilities.
- Oil spill contingency plans are approved.
- One new inland Geographic Response Plan is developed.
- Three existing marine Geographic Response Plans are updated.

Performance Measures

- Percentage of response equipment inspected, tested and/or verified.

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. We do this by focusing on the human and organizational factors that can lead to spills. Our core activities include:

- Inspecting facilities, vessels and oil-handling facility transfers.

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- Boarding vessels for educational and compliance purposes.
- Overseeing oil transfer operations.
- Requiring and reviewing facility operations manuals and prevention plans.
- Dispatching the Neah Bay rescue tug to ships in difficulty.
- Assisting 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

Oil spills from vessels and oil handling facilities are minimized or avoided through risk management, the Neah Bay Rescue tugboat, and targeted inspections.

- Reduced number of spills where 25 or more gallons of oil enter surface waters.
- Reduced total volume of oil entering surface waters.
- Reduced percentage of vessel incidents that can lead to spills (e.g., propulsion & steering losses).
- Neah Bay rescue tug helps vessels as needed.
- Increased prevention emphasis on non-regulated oil tankers and tank barges.
- Intentional waste oil discharges from vessels are eliminated.

Performance Measures

- Number of oil spills that enter surface waters (25-10,000 gallons).
- Total volume of oil that enter surface waters (25-10,000 gallons).
- Percentage of large regulated vessels entering state waters that have spills and casualties.

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 clean up of oil spills, hazardous material incidents, methamphetamine drug labs, and assisting other "first response" organizations. Our core activities include:

- Deliver 24-hours-a-day, statewide response services from five field offices.

- Maintain access to a network of aerial observation platforms.
- Work with local governments, tribes and other entities that received spill equipment "caches" to enhance the rapid containment of oil spills.
- Build partnerships with local government, industry and public to ensure effective response actions.
- Coordinate with local, state, and federal law enforcement agencies for methamphetamine drug lab cleanup and compliance actions for violations related to oil and hazardous material spills.

Expected Results

Oil spills, chemical spills and methamphetamine 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 7-days-a-week throughout the state.
- All oil spills are responded to no later than within 24-hours from the time they are reported.
- Serious spills receive a rapid and aggressive response.
- Approximately 3,800 annual spill reports are managed.

Performance Measures

- Average effective response time for spills over 25 gallons.

Restore Public Natural Resources Damaged by Oil Spills

Ecology leads a multi-agency natural resource agency trustee committee to assess damages from oil spills to publicly-owned natural resources. Our core activities include:

- Complete Natural Resource Damage Assessments (NRDA) on 100 percent of oil spills where 25 or more gallons reach surface waters.
- Seek fair compensation from the responsible parties.
- Chair the Coastal Protection Committee to ensure that compensation funds are used for projects to restore the environmental damage and ensure priority wildlife habitat is restored and/or protected.

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- Conduct site follow-up visits to ensure accountability for project success after projects are completed.

Expected Results

- The environmental impacts from oil spills to publicly-owned natural resources are partially mitigated (compensated for) using funding from damage assessments.
- Restore or protect priority wildlife habitat using natural resource damage funds.

Performance Measures

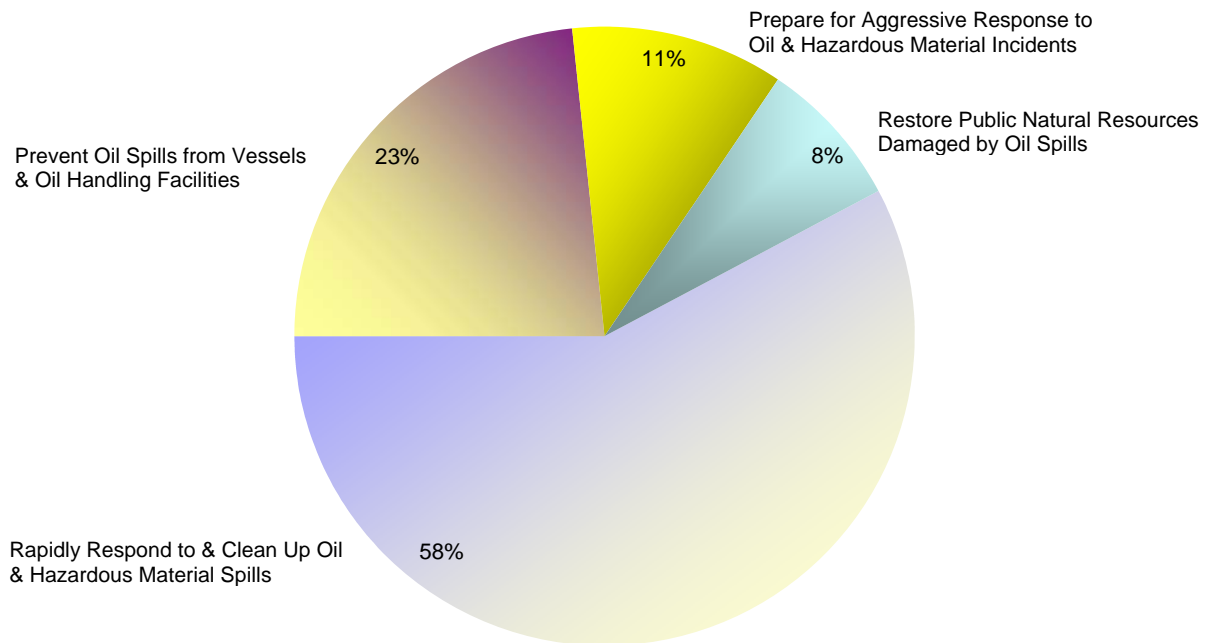
- Amount of dollars recovered from oil spill damages.
- Amount of dollars leveraged to use for restoration and conservation.

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Spill Prevention, Preparedness & Response Program 07-09 Biennium Budget By Activities

Operating Budget = \$29.1 Million; FTEs = 77.7



Activities	Dollars	FTEs
Rapidly Respond to & Clean Up Oil & Hazardous Material Spills	\$16,814,405	33.4
Prevent Oil Spills from Vessels & Oil Handling Facilities	6,798,008	27.5
Prepare for Aggressive Response to Oil & Hazardous Material Incidents	3,250,362	14.5
Restore Public Natural Resources Damaged by Oil Spills	2,244,208	2.3
Spill Prevention, Preparedness & Response Operating Budget Total	\$29,106,983	77.7

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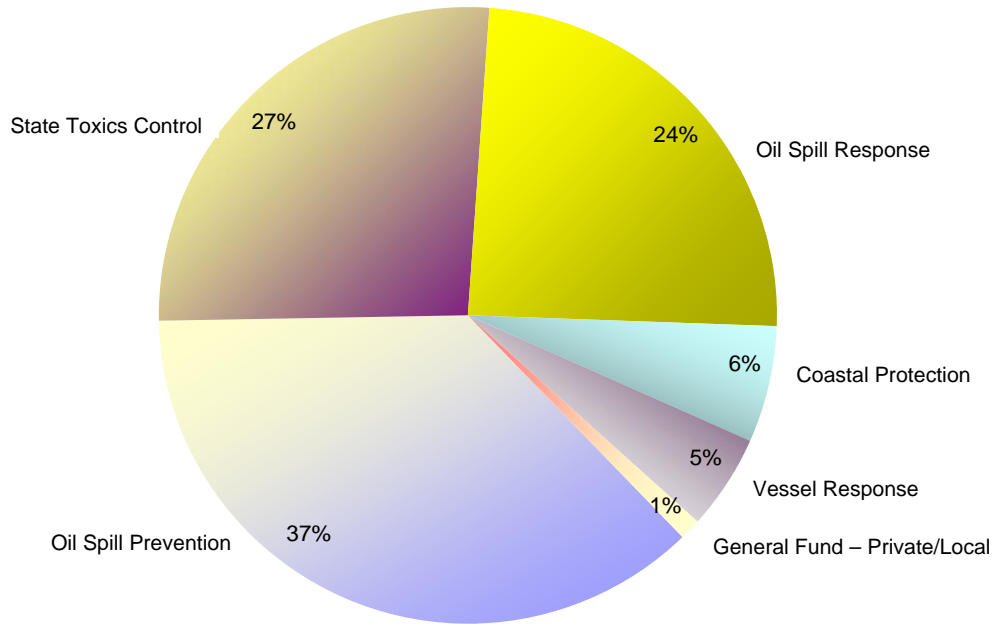
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Spill Prevention, Preparedness & Response Program 07-09 Biennium Budget By Fund Source

Operating Budget = \$29.1 Million

FTEs = 77.7

No Capital Budget



General Fund - State (0.10%) not shown in operating budget pie above (too small for display).

Operating Fund Sources	Amount	Uses
Oil Spill Prevention	\$10,715,484	Oil spill prevention, preparedness, & response work.
State Toxics Control	7,731,629	Hazardous material & oil spill response work including drug lab clean up.
Oil Spill Response	7,078,000	Oil spill clean up where state response costs are expected to exceed \$50,000.
Coastal Protection	1,776,000	Restoration of natural resources damaged by oil spills & non-personnel related oil projects, research, & studies.
Vessel Response	1,438,000	Standby Emergency Response Tug stationed at Neah Bay.
General Fund - Private/Local	337,870	British Columbia & Pacific States oil spill task force.
General Fund - State	30,000	Provided to convene a stakeholder group to recommend establishing a sustainable statewide regional Chemical, Biological, Radiological, Nuclear, & Explosive (CBRNE) hazardous material response capability.
Operating Budget Total	\$29,106,983	
Spill Prev., Prep. & Resp. Operating & Capital Budget Total	\$29,106,983	