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**ENGROSSED SUBSTITUTE SENATE BILL 5579**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Billig, Carlyle, Pedersen, Palumbo, Hasegawa, Keiser, Rolfes, Saldaña, Van De Wege, Frockt, Conway, Hunt, Lias, Dhingra, Kuderer, and Nguyen)

READ FIRST TIME 02/08/19.

1 AN ACT Relating to the volatility of crude oil received in the  
2 state by rail; amending RCW 90.56.565; adding a new section to  
3 chapter 90.56 RCW; adding a new section to chapter 81.44 RCW; and  
4 prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.56  
7 RCW to read as follows:

8 (1)(a) A facility constructed or permitted after January 1, 2019,  
9 may not load or unload crude oil into or from a rail tank car unless  
10 the oil has a vapor pressure of less than nine pounds per square  
11 inch.

12 (b) A facility may not load or unload crude oil into or from a  
13 rail tank car unless the oil has a vapor pressure of less than nine  
14 pounds per square inch beginning two years after the volume of crude  
15 oil transported by rail to the facility for a calendar year as  
16 reported under RCW 90.56.565 has increased more than ten percent  
17 above the volume reported for calendar year 2018.

18 (2) The director may impose a penalty of up to twenty-five  
19 hundred dollars per day per rail tank car or the equivalent volume of  
20 oil for violations of this section. Any penalty recovered pursuant to

1 this section must be credited to the coastal protection fund created  
2 in RCW 90.48.390.

3 (3) This section does not: (a) Prohibit a railroad car carrying  
4 crude oil from entering Washington; (b) require a railroad car  
5 carrying crude oil to stop before entering Washington; or (c) require  
6 a railroad car carrying crude oil to be checked for vapor pressure  
7 before entering Washington.

8 **Sec. 2.** RCW 90.56.565 and 2015 c 274 s 8 are each amended to  
9 read as follows:

10 (1)(a) A facility that receives crude oil from a railroad car  
11 must provide advance notice to the department that the facility will  
12 receive crude oil from a railroad car, as provided in this section.  
13 The advance notice must include the route taken to the facility  
14 within the state, if known, and the scheduled time, location, volume,  
15 region per bill of lading, type, vapor pressure, and gravity as  
16 measured by standards developed by the American petroleum institute,  
17 of crude oil received. Each week, a facility that provides advance  
18 notice under this section must provide the required information  
19 regarding the scheduled arrival of railroad cars carrying crude oil  
20 to be received by the facility in the succeeding seven-day period. A  
21 facility is not required to provide advance notice when there is no  
22 receipt of crude oil from a railroad car scheduled for a seven-day  
23 period.

24 (b) Twice per year, pipelines that transport crude oil must  
25 report to the department the following information about the crude  
26 oil transported by the pipeline through the state: The volume of  
27 crude oil and the state or province of origin of the crude oil. This  
28 report must be submitted each year by July 31st for the period  
29 January 1st through June 30th and by January 31st for the period July  
30 1st through December 31st.

31 (2) The department may share information provided by a facility  
32 through the advance notice system established in this section with  
33 the state emergency management division and any county, city, tribal,  
34 port, or local government emergency response agency upon request.

35 (3) The department must publish information collected under this  
36 section on a quarterly basis on the department's internet web site.  
37 With respect to the information reported under subsection (1)(a) of  
38 this section, the information published by the department must be  
39 aggregated on a statewide basis by route through the state, by week,

1 and by type of crude oil. The report may also include other  
2 information available to the department including, but not limited  
3 to, place of origin, modes of transport, number of railroad cars  
4 delivering crude oil, and number and volume of spills during  
5 transport and delivery.

6 (4) To further strengthen rail safety and the transportation of  
7 crude oil, the department must provide to the utilities and  
8 transportation commission data reported by facilities on the  
9 characteristics, volatility, vapor pressure, and volume of crude oil  
10 transported by rail, as required under subsection (1)(a) of this  
11 section.

12 (5) A facility providing advance notice under this section is not  
13 responsible for meeting advance notice time frame requirements under  
14 subsection (1) of this section in the event that the schedule of  
15 arrivals of railroad cars carrying crude oil changes during a seven-  
16 day period.

17 ~~((+5))~~ (6) Consistent with the requirements of chapter 42.56  
18 RCW, the department and any state, local, tribal, or public agency  
19 that receives information provided under this section may not  
20 disclose any such information to the public or to nongovernmental  
21 entities that contains proprietary, commercial, or financial  
22 information unless that information is aggregated. The requirement  
23 for aggregating information does not apply when information is shared  
24 by the department with emergency response agencies as provided in  
25 subsection (2) of this section.

26 ~~((+6))~~ (7) The department shall adopt rules to implement this  
27 section. The advance notice system required in this section must be  
28 consistent with the oil transfer reporting system adopted by the  
29 department pursuant to RCW 88.46.165.

30 NEW SECTION. Sec. 3. A new section is added to chapter 81.44  
31 RCW to read as follows:

32 (1) The commission shall, for the purposes of targeting high-risk  
33 inspections, incorporate data received from the department of ecology  
34 as required under RCW 90.56.565(4) in the development of its annual  
35 work plan and inspection activity.

1           (2) Nothing in this section is intended to interfere with or  
2 prevent the participation of the commission in the federal railroad  
3 administration's state rail safety participation program.

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