



May 24, 2019

Dale Jensen
Director, Spills Prevention, Preparedness and Response Program
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504

RE: Comments on Washington State Oil Spill Contingency Plan Rule Update

Dear Mr. Jensen:

As members of the Safe Energy Leadership Alliance (SELA), a coalition of local, state, and Tribal leaders working to protect the health and safety of our communities from the safety risks of oil transportation, we urge you to strengthen spill response requirements to address the unique risks posed to waters in Washington State and the Salish Sea by diluted bitumen (dilbit) and other oils that have a high likelihood of sinking.

The recent influx of heavy tar sands oil in our region coupled with Canadian government's imminent decision on expansion of the Trans Mountain Pipeline increases the urgency of protecting our waters and communities. Heightened public concern about spills and the specific challenges of recovering non-floating oils is reflected in the over 14,000 comments submitted to Ecology during the recent update of the Puget Sound Pipeline Contingency Plan.

Washington State has made significant gains in improving the safety of oil transport by rail and vessel. The 2015 Oil Transportation Safety Act, the 2018 Strengthening Oil Transportation Safety Act, most recently the 2019 Oil Spill Prevention Act increase transparency, preparedness, prevention measures and requirements, and funding.

Despite these gains in Washington State, we continue to see growing risks from transport of heavy tar sands oil across our region. A facility permitted to store asphalt in Portland, Oregon is now accepting oil trains carrying diluted bitumen from tar sands oil through the Columbia River Gorge. Along the lower Columbia River, the Port of St. Helens has recently voted to allow shipment of heavy crude oil by rail to be received, stored, and shipped out of a facility permitted to operate as a bio-refinery. In Puget Sound, diluted bitumen is delivered by barge from Burnaby, British Columbia to Tacoma, Washington. The proposed expansion of the Trans Mountain Pipeline in British Columbia threatens to dramatically increase the transport of tar sands oil through the Salish Sea by vessel and to refineries in Whatcom and Skagit Counties via the Puget

Sound Pipeline. We have seen multiple examples, including along the Kalamazoo River, where spilled diluted bitumen persisted in the environment for years despite focused clean-up efforts.

The 2018 Oil Transportation Safety Act gave the Department of Ecology (Ecology) authority and direction to update rules for contingency plans to address the unique characteristics and risks of non-floating oils. The catastrophic risks of oil spill – particularly spill of sinking diluted bitumen – transcend political borders. We request that the rule update further distinguish between all potentially non-floating oils and diluted bitumen amongst other oils, which are likely to sink quickly and therefore demand more stringent equipment and response time requirements to protect our communities, underwater habitats, and shorelines.

While we recognize that Ecology's draft update includes Planning Standards for recovery of spills of non-floating oils, the focus is on preparing for diving and salvage operations to be used in days and weeks after the oil has already sunk, resulting in irreparable damage to our environment and economy. A Best Available Protection standard demands requirements for a fast, aggressive, and well-coordinated response to contain and recover heavy oil *before* it submerges and sinks. Moreover, as we saw in the wake of the Mosier, Oregon oil train derailment and fire, local and Tribal first responders and emergency managers play a critical role in planning, preparedness, and response. Coordinated preparation and response is essential.

We respectfully request that Ecology exercise its full regulatory authority to develop a robust rule establishing more stringent preparation and response requirements for the movement of diluted bitumen and other oils that have a high likelihood of sinking. The risks and costs of a non-floating oil spill should be borne entirely by the members of the industry that are responsible for these risks, and not by the public.

We appreciate your work protecting Washington's communities, natural resources, and economy and from the risk of oil spills and urge you to establish the strongest possible protections from the risks of sinking oils in Washington State. Now is the time to develop a scientifically defensible standard that protects the public from the catastrophic impacts of a sinking oil spill. Washington State can be a model for our region.

Sincerely,



Sally Bagshaw
Councilmember, City of Seattle, WA



David Baker
Mayor, City of Kenmore, WA



Jessica Bateman
Councilmember, City of Olympia, WA



Lisa Batey
Council President, City of Milwaukie, OR



Arlene Burns
Mayor, City of Mosier, OR



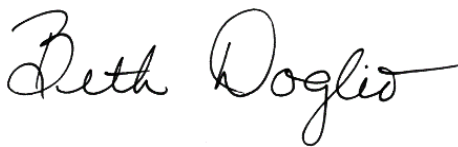
Dow Constantine
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Chair of SELA



Christine Cook
Councilmember, City of Mukilteo, WA



Jim Cooper
Councilmember, City of Olympia, WA



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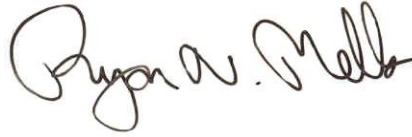
Michael Lilliquist
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Kelli Linville
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Doris McConnell
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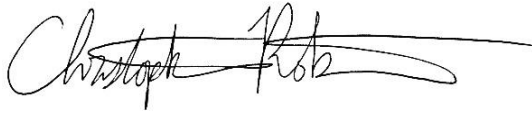
Ryan Mello
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Councilmember, City of Anacortes, WA



E.J. Zita
Commissioner, Port of Olympia, WA

Dale Jensen
May 22, 2019
Page 6

cc: Sonja Larson, Rulemaking Contact, Spills Prevention, Preparedness and Response
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Linda Pilkey-Jarvis, Preparedness Section Manager, DOE
David Byers, Response Section Manager, Spills Prevention, Preparedness and Response
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