

NEW SECTION. Sec. 3. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 20, 1971.

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CHAPTER 180

[Engrossed Substitute House Bill No. 655]

COASTAL WATERS PROTECTION ACT OF 1971

AN ACT Relating to state government; regulating the taking, transportation, and use of hydrocarbon substances; amending section 4, chapter 146, Laws of 1951 as amended by section 7, chapter 300, Laws of 1961 and RCW 78.52.020; amending section 82.36.330, chapter 15, Laws of 1961 as amended by section 14, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.330; amending section 10, chapter 133, Laws of 1969 ex. sess. as amended by section 1, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.315; adding new sections to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW; adding a new section to chapter 146, Laws of 1951 and to chapter 78.52 RCW; and repealing section 82.36.235, chapter 15, Laws of 1961, section 10, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.235; and declaring an emergency.

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

Section 1. Section 10, chapter 133, Laws of 1969 ex. sess. as amended by section 1, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.315 are each amended to read as follows:

For purposes of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act the following definitions shall apply unless the context indicates otherwise:

(1) ("Oils" or "oil" shall mean oil; including gasoline; crude oil; fuel oil; diesel oil; lubricating oil; sludge; oil refuse and any other petroleum related product;

(2) "Person" shall mean "person" as defined by RCW 90.48.020 and in addition shall include any owner; operator; master; officer or employee of a ship;

(3) "Waters of the state" shall mean "waters of the state" as defined in RCW 90.48.020;

(4) "Ship" shall mean any boat; ship; vessel; barge; or other

floating craft of any kind.

(5) "Having control over oil" shall include but shall not be limited to any person using, storing or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil)) "Board" shall mean the pollution control hearings board.

(2) "Department" shall mean the department of ecology.

(3) "Director" shall mean the director of the department of ecology.

(4) "Discharge" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(5) "Fund" shall mean the state coastal protection fund as provided in this 1971 amendatory act.

(6) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

(7) "Oil" or "oils" shall mean oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse, or any other petroleum related product.

(8) "Person" shall mean any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever and any owner, operator, master, officer, or employee of a ship.

(9) "Ship" shall mean any boat, ship, vessel, barge, or other floating craft of any kind.

(10) "Waters of the state" shall include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

NEW SECTION. Sec. 2. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

The powers, duties, and functions conferred by this 1971 amendatory act shall be exercised by the department of ecology and shall be deemed an essential government function in the exercise of the police power of the state. Such powers, duties, and functions of the department and those conferred by RCW 90.48.315 through 90.48.365 shall extend to all waters within the boundaries of the state.

NEW SECTION. Sec. 3. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

The department may adopt rules and regulations including but

not limited to the following matters:

(1) Procedures and methods of reporting discharges and other occurrences prohibited by RCW 90.48.315 through 90.48.365 and this 1971 amendatory act;

(2) Procedures, methods, means, and equipment to be used by persons subject to regulation by RCW 90.48.315 through 90.48.365 and this 1971 amendatory act and such rules and regulations may prescribe the times, places and methods of transfer of oil;

(3) Coordination of procedures, methods, means, and equipment to be used in the removal of oil pollutants;

(4) Development and implementation of criteria and plans to meet oil pollution occurrences of various kinds and degrees;

(5) The establishment from time to time of control districts comprising sections of the state coast and the establishment of rules and regulations to meet the particular requirements of each such district;

(6) Such other rules and regulations as the exigencies of any condition may require or such as may be reasonably necessary to carry out the intent of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act.

NEW SECTION. Sec. 4. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act. To this fund there shall be credited penalties, fees, and charges received pursuant to the provisions of RCW 90.48.315 through 90.48.365 and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW 90.48.315 through 90.48.365 and this 1971 amendatory act shall be deposited with the state treasurer to the credit of the fund and may be invested in such manner as is provided for by law. Interest received on such investment shall be credited to the fund.

NEW SECTION. Sec. 5. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

(1) Moneys in the coastal protection fund shall be disbursed for the following purposes and no others:

(a) All costs of the department related to the enforcement of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act including but not limited to equipment rental and contracting costs.

(b) All costs involved in the abatement of pollution related to the discharge of oil.

(c) The director may allocate a portion of the fund to be devoted to research and development in the causes, effects, and removal of pollution caused by the discharge of oil.

(2) Moneys disbursed from the coastal protection fund for the abatement of pollution caused by the discharge of oil shall be reimbursed to the fund whenever:

(a) Moneys are available under any federal program; or

(b) Moneys are available from a recovery made by the department from the person liable for the discharge of oil.

NEW SECTION. Sec. 6. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

Whenever it appears after investigation that there is a violation of any rule or regulation issued by the department, the department shall proceed in accordance with the provisions of RCW 90.48.120.

Sec. 7. Section 4, chapter 146, Laws of 1951 as amended by section 7, chapter 300, Laws of 1961 and RCW 78.52.020 are each amended to read as follows:

There is hereby created and established an oil and gas conservation committee, which shall consist of the governor, the land commissioner, and the lieutenant governor together with the director of ((conservation and development)) the department of ecology and the state treasurer. The governor shall be the chairman of this committee, and the commissioner of public lands shall be its executive secretary. The members of the committee may act through designated agents or deputies for the purpose of carrying out the provisions of this chapter.

NEW SECTION. Sec. 8. There is added to chapter 146, Laws of 1951, and to chapter 78.52 RCW a new section to read as follows:

Any person desiring or proposing to drill any well in search of oil or gas, when such drilling would be conducted through or under any surface waters of the state, shall prepare and submit an environmental impact statement upon such form as the department of ecology shall prescribe at least one hundred and twenty days prior to commencing the drilling of any such well. Within ninety days after receipt of such environmental statement the department of ecology shall prepare and submit to each member of the committee a report examining the potential environmental impact of the proposed well and recommendations for committee action thereon. If after consideration of the report the committee determines that the proposed well is likely to have a substantial environmental impact the drilling permit for such well may be denied.

The committee shall require sufficient safeguards to minimize the hazards of pollution of all surface and ground waters of the state. If safeguards acceptable to the committee cannot be provided the drilling permit shall be denied.

Sec. 9. Section 82.36.330, chapter 15, Laws of 1961 as amended by section 14, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.330 are each amended to read as follows:

Upon the approval of the director of the claim for refund, the state treasurer shall draw a warrant upon the state treasury for the amount of the claim in favor of the person making such claim and the warrant shall be paid from the excise tax collected on motor vehicle fuel: PROVIDED, That the state treasurer shall deduct from each marine use refund claim an amount equivalent to one cent per gallon and shall deposit the same in the coastal protection fund created by section 4 of this 1971 amendatory act. Applications for refunds of excise tax shall be filed in the office of the director not later than the close of the last business day of a period thirteen months from the date of purchase of such motor fuel, and if not filed within this period the right to refund shall be forever barred, except that such limitation shall not apply to claims for loss or destruction of motor vehicle fuel as provided by the provisions of RCW 82.36.370. Any person or the member of any firm or the officer or agent of any corporation who makes any false statement in any claim required for the refund of excise tax, as provided in this chapter, or who collects or causes to be repaid to him or to any other person any such refund without being entitled to the same under the provisions of this chapter shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 10. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

RCW 90.48.315 through 90.48.365 and this 1971 amendatory act, being necessary for the general welfare, the public health, and the public safety of the state and its inhabitants, shall be liberally construed to effect their purposes. No rule, regulation, or order of the department shall be stayed pending appeal under the provisions of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act.

NEW SECTION. Sec. 11. Section 82.36.235, chapter 15, Laws of 1961, section 10, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.235 are each repealed.

NEW SECTION. Sec. 12. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This 1971 amendatory act may be cited as the "Coastal Waters Protection Act of 1971".

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 30, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 20, 1971.

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CHAPTER 181

[House Bill No. 676]

LIVESTOCK IDENTIFICATION--

REGULATION OF COMMERCIAL FEED LOTS

AN ACT Relating to animals; providing for livestock identification and auditing at commercial feed lots; providing for a licensing and audit fees; adding a new chapter to Title 16 RCW; and providing penalties.

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

NEW SECTION. Section 1. The purpose of this act is to expedite the movement of cattle from producers to the point of slaughter without losing the ownership identity of such cattle, and further to provide for fair and economical methods of identification of cattle in such commercial feed lots based on the necessary actual costs to the department of agriculture.

NEW SECTION. Sec. 2. For the purpose of this act:

(1) "Certified feed lot" means any place, establishment, or facility commonly known as a commercial feed lot, cattle feed lot, or the like, which complies with all of the requirements of this chapter, and any regulations adopted pursuant to the provisions of this chapter and which holds a valid license from the director as hereinafter provided.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Licensee" means any persons licensed under the provisions of this act.

(5) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

NEW SECTION. Sec. 3. The director may adopt such rules and