

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6164

Chapter 331, Laws of 2024

68th Legislature
2024 Regular Session

HAZARDOUS MATERIAL SPILLS AND RELEASES—PUBLIC NOTICE

EFFECTIVE DATE: June 6, 2024

Passed by the Senate March 5, 2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 29, 2024
Yeas 96 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 28, 2024 10:53 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6164** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 29, 2024

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6164

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senator Wagoner)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to county emergency management plans; amending
2 RCW 38.52.070; and adding a new section to chapter 70.136 RCW.

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

4 **Sec. 1.** RCW 38.52.070 and 2017 c 312 s 4 are each amended to
5 read as follows:

6 (1) Each political subdivision of this state is hereby authorized
7 and directed to establish a local organization or to be a member of a
8 joint local organization for emergency management in accordance with
9 the state comprehensive emergency management plan and program:
10 PROVIDED, That a political subdivision proposing such establishment
11 shall submit its plan and program for emergency management to the
12 state director and secure his or her recommendations thereon, and
13 verification of consistency with the state comprehensive emergency
14 management plan, in order that the plan of the local organization for
15 emergency management may be coordinated with the plan and program of
16 the state. Local comprehensive emergency management plans must
17 specify the use of the incident command system for multiagency/
18 multijurisdiction operations. No political subdivision may be
19 required to include in its plan provisions for the emergency
20 evacuation or relocation of residents in anticipation of nuclear
21 attack. If the director's recommendations are adverse to the plan as

1 submitted, and, if the local organization does not agree to the
2 director's recommendations for modification to the proposal, the
3 matter shall be referred to the council for final action. The
4 director may authorize two or more political subdivisions to join in
5 the establishment and operation of a joint local organization for
6 emergency management as circumstances may warrant, in which case each
7 political subdivision shall contribute to the cost of emergency
8 management upon such fair and equitable basis as may be determined
9 upon by the executive heads of the constituent subdivisions. If in
10 any case the executive heads cannot agree upon the proper division of
11 cost the matter shall be referred to the council for arbitration and
12 its decision shall be final. When two or more political subdivisions
13 join in the establishment and operation of a joint local organization
14 for emergency management each shall pay its share of the cost into a
15 special pooled fund to be administered by the treasurer of the most
16 populous subdivision, which fund shall be known as the
17 emergency management fund. Each local organization or joint local
18 organization for emergency management shall have a director who shall
19 be appointed by the executive head of the political subdivision, and
20 who shall have direct responsibility for the organization,
21 administration, and operation of such local organization for
22 emergency management, subject to the direction and control of such
23 executive officer or officers. In the case of a joint local
24 organization for emergency management, the director shall be
25 appointed by the joint action of the executive heads of the
26 constituent political subdivisions. Each local organization or joint
27 local organization for emergency management shall perform emergency
28 management functions within the territorial limits of the political
29 subdivision within which it is organized, and, in addition, shall
30 conduct such functions outside of such territorial limits as may be
31 required pursuant to the provisions of this chapter.

32 (2) In carrying out the provisions of this chapter each political
33 subdivision, in which any disaster as described in RCW 38.52.020
34 occurs, shall have the power to enter into contracts and incur
35 obligations necessary to combat such disaster, protecting the health
36 and safety of persons and property, and providing emergency
37 assistance to the victims of such disaster. Each political
38 subdivision is authorized to exercise the powers vested under this
39 section in the light of the exigencies of an extreme emergency
40 situation without regard to time-consuming procedures and formalities

1 prescribed by law (excepting mandatory constitutional requirements),
2 including, but not limited to, budget law limitations, requirements
3 of competitive bidding and publication of notices, provisions
4 pertaining to the performance of public work, entering into
5 contracts, the incurring of obligations, the employment of temporary
6 workers, the rental of equipment, the purchase of supplies and
7 materials, the levying of taxes, and the appropriation and
8 expenditures of public funds.

9 (3) (a) (i) Each local organization or joint local organization for
10 emergency management that produces a local comprehensive emergency
11 management plan must include a communication plan for notifying
12 significant population segments of life safety information during an
13 emergency. Local organizations and joint local organizations are
14 encouraged to consult with affected community organizations in the
15 development of the communication plans. Communication plans must
16 include an expeditious notification of citizens who can reasonably be
17 determined to be at risk during a hazardous material spill or release
18 pursuant to section 2 of this act.

19 ~~((i))~~ (ii) In developing communication plans, local
20 organizations and joint organizations should consider, as part of
21 their determination of the extent of the obligation to provide
22 emergency notification to significant population segments, the
23 following factors: The number or proportion of the limited English
24 proficiency persons eligible to be served or likely to be
25 encountered; the frequency with which limited English proficiency
26 individuals come in contact with the emergency notification; the
27 nature and importance of the emergency notification, service, or
28 program to people's lives; and the resources available to the
29 political subdivision to provide emergency notifications.

30 ~~((ii))~~ (iii) "Significant population segment" means, for the
31 purposes of this subsection (3), each limited English proficiency
32 language group that constitutes five percent or one thousand
33 residents, whichever is less, of the population of persons eligible
34 to be served or likely to be affected within a city, town, or county.
35 The office of financial management forecasting division's limited
36 English proficiency population estimates are the demographic data set
37 for determining eligible limited English proficiency language groups.

38 (b) Local organizations and joint local organizations must submit
39 the plans produced under (a) of this subsection to the Washington
40 military department emergency management division, and must implement

1 those plans. An initial communication plan must be submitted with the
2 local organization or joint local organization's next local emergency
3 management plan update following July 23, 2017, and subsequent plans
4 must be reviewed in accordance with the director's schedule.

5 (4) When conducting emergency or disaster after-action reviews,
6 local organizations and joint local organizations must evaluate the
7 effectiveness of communication of life safety information and must
8 inform the emergency management division of the Washington military
9 department of technological challenges which limited communications
10 efforts, along with identifying recommendations and resources needed
11 to address those challenges.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.136
13 RCW to read as follows:

14 (1) If a type 1 or 2 hazardous material spill or release occurs,
15 the department of ecology must provide for at least one public
16 meeting to inform the public about the hazardous material spill or
17 release.

18 (2) A public meeting conducted under this section must allow for
19 remote participation if technologically feasible and may be held
20 jointly with the county legislative authority's regularly scheduled
21 meeting as described in RCW 36.32.080 or a special meeting as
22 provided in RCW 42.30.080.

23 (3) A public meeting conducted under this section must include:

24 (a) A representative from the department of ecology;

25 (b) A representative from the local organization for emergency
26 services or management, as defined in RCW 38.52.010, in the
27 jurisdiction where the spill or release occurred; and

28 (c) A representative for the party responsible for the hazardous
29 material spill or release.

30 (4) For purposes of this section:

31 (a) A "type 1 hazardous material spill or release" is a spill or
32 release of national significance, requiring the activation of the
33 department of ecology's crisis management team, incident management
34 team, command, and general staff; involvement of the governor's
35 office and federal agency officials; establishment of area command;
36 and active involvement of the department of ecology spills program
37 manager. It may require the establishment of a national incident
38 commander.

1 (b) A "type 2 hazardous material spill or release" is a large or
2 major incident of long duration, requiring the activation of the
3 department of ecology's crisis management team, incident management
4 team, unified command at an appropriate command post, and most or all
5 of the command and general staff positions. It may require other
6 incident management teams, such as industry, federal, or local;
7 cascading of resources from other states; and establishment of area
8 command. The incident will go into multiple operational periods, and
9 requires significant product spilled and numerous sensitive sites
10 threatened. A written incident action plan will be required for each
11 operational period.

Passed by the Senate March 5, 2024.

Passed by the House February 29, 2024.

Approved by the Governor March 28, 2024.

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