

2 By Representative

3 **SB 6538** - H COMM AMD **Adopted 3-5-02**  
4 By Committee on Natural Resources

5

6 Strike everything after the enacting clause and insert the  
7 following:

8 "NEW SECTION. **Sec. 1.** (1) The director of the department of fish  
9 and wildlife must establish the ballast water work group.

10 (2) The ballast water work group consists of the following  
11 individuals:

12 (a) One staff person from the governor's executive policy office.  
13 This person must act as chair of the ballast water work group;

14 (b) Two representatives from the Puget Sound steamship operators;

15 (c) Two representatives from the Columbia river steamship  
16 operators;

17 (d) Three representatives from the Washington public ports, one of  
18 whom must be a marine engineer;

19 (e) Two representatives from the petroleum transportation industry;  
20 and

21 (f) Two representatives from the environmental community.

22 (3) The ballast water work group must study, and provide a report  
23 to the legislature by December 15, 2003, the following issues:

24 (a) All issues relating to ballast water technology, including  
25 exchange and treatment methods and the associated costs;

26 (b) The services needed by the industry and the state to protect  
27 the marine environment; and

28 (c) The costs associated with, and possible funding methods for,  
29 implementing the ballast water program.

30 (4) The ballast water work group must begin operation immediately  
31 upon the effective date of this section. The department of fish and  
32 wildlife must provide staff for the ballast water work group. The  
33 staff must come from existing personnel within the department of fish  
34 and wildlife.

35 (5) The director must also monitor the activities of the task force  
36 created by the state of Oregon in 2001 Or. Laws 722, concerning ballast  
37 water management. The director shall provide the ballast water work

1 group with periodic updates of the Oregon task force's efforts at  
2 developing a ballast water management system.

3 (6)(a) The ballast water work group expires June 30, 2004.

4 (b) This section expires June 30, 2004.

5 **Sec. 2.** RCW 77.120.030 and 2000 c 108 s 4 are each amended to read  
6 as follows:

7 The owner or operator in charge of any vessel covered by this  
8 chapter is required to ensure that the vessel under their ownership or  
9 control does not discharge ballast water into the waters of the state  
10 except as authorized by this section.

11 (1) Discharge into waters of the state is authorized if the vessel  
12 has conducted an open sea exchange of ballast water. A vessel is  
13 exempt from this requirement if the vessel's master reasonably  
14 determines that such a ballast water exchange operation will threaten  
15 the safety of the vessel or the vessel's crew, or is not feasible due  
16 to vessel design limitations or equipment failure. If a vessel relies  
17 on this exemption, then it may discharge ballast water into waters of  
18 the state, subject to any requirements of treatment under subsection  
19 (2) of this section and subject to RCW 77.120.040.

20 (2) After July 1, (~~2002~~) 2004, discharge of ballast water into  
21 waters of the state is authorized only if there has been an open sea  
22 exchange or if the vessel has treated its ballast water to meet  
23 standards set by the department. When weather or extraordinary  
24 circumstances make access to treatment unsafe to the vessel or crew,  
25 the master of a vessel may delay compliance with any treatment required  
26 under this subsection until it is safe to complete the treatment.

27 (3) The requirements of this section do not apply to a vessel  
28 discharging ballast water or sediments that originated solely within  
29 the waters of Washington state, the Columbia river system, or the  
30 internal waters of British Columbia south of latitude fifty degrees  
31 north, including the waters of the Straits of Georgia and Juan de Fuca.

32 (4) Open sea exchange is an exchange that occurs fifty or more  
33 nautical miles offshore. If the United States coast guard requires a  
34 vessel to conduct an exchange further offshore, then that distance is  
35 the required distance for purposes of compliance with this chapter.

36 **Sec. 3.** RCW 77.120.040 and 2000 c 108 s 5 are each amended to read  
37 as follows:

1 The owner or operator in charge of any vessel covered by this  
2 chapter is required to ensure that the vessel under their ownership or  
3 control complies with the reporting and sampling requirements of this  
4 section.

5 (1) Vessels covered by this chapter must report ballast water  
6 management information to the department using ballast water management  
7 forms that are acceptable to the United States coast guard. The  
8 frequency, manner, and form of such reporting shall be established by  
9 the department by rule. Any vessel may rely on a recognized marine  
10 trade association to collect and forward this information to the  
11 department.

12 (2) In order to monitor the effectiveness of national and  
13 international efforts to prevent the introduction of nonindigenous  
14 species, all vessels covered by this chapter must submit nonindigenous  
15 species ballast water monitoring data. The monitoring, sampling,  
16 testing protocols, and methods of identifying nonindigenous species in  
17 ballast water shall be determined by the department by rule. A vessel  
18 covered by this chapter may contract with a recognized marine trade  
19 association to randomly sample vessels within that association's  
20 membership, and provide data to the department.

21 (3) Vessels that do not belong to a recognized marine trade  
22 association must submit individual ballast tank sample data to the  
23 department for each voyage.

24 (4) All data submitted to the department under subsection (2) of  
25 this section shall be consistent with sampling and testing protocols as  
26 adopted by the department by rule.

27 (5) The department shall adopt rules to implement this section.  
28 The rules and recommendations shall be developed in consultation with  
29 advisors from regulated industries and the potentially affected  
30 parties, including but not limited to shipping interests, ports,  
31 shellfish growers, fisheries, environmental interests, interested  
32 citizens who have knowledge of the issues, and appropriate governmental  
33 representatives including the United States coast guard. In  
34 recognition of the need to have a coordinated response to ballast water  
35 management for the Columbia river system, the department must consider  
36 rules adopted by the state of Oregon when adopting rules under this  
37 section for ballast water management in the navigable waters of the  
38 Columbia river system.

1 (a) The department shall set standards for the discharge of treated  
2 ballast water into the waters of the state. The rules are intended to  
3 ensure that the discharge of treated ballast water poses minimal risk  
4 of introducing nonindigenous species. In developing this standard, the  
5 department shall consider the extent to which the requirement is  
6 technologically and practically feasible. Where practical and  
7 appropriate, the standards shall be compatible with standards set by  
8 the United States coast guard and shall be developed in consultation  
9 with federal and state agencies to ensure consistency with the federal  
10 clean water act, 33 U.S.C. Sec. 1251-1387.

11 (b) The department shall adopt ballast water sampling and testing  
12 protocols for monitoring the biological components of ballast water  
13 that may be discharged into the waters of the state under this chapter.  
14 Monitoring data is intended to assist the department in evaluating the  
15 risk of new, nonindigenous species introductions from the discharge of  
16 ballast water, and to evaluate the accuracy of ballast water exchange  
17 practices. The sampling and testing protocols must consist of cost-  
18 effective, scientifically verifiable methods that, to the extent  
19 practical and without compromising the purposes of this chapter,  
20 utilize easily measured indices, such as salinity, or check for species  
21 that indicate the potential presence of nonindigenous species or  
22 pathogenic species. The department shall specify appropriate quality  
23 assurance and quality control for the sampling and testing protocols.

24 **Sec. 4.** RCW 77.120.060 and 2000 c 108 s 7 are each amended to read  
25 as follows:

26 The legislature recognizes that international and national laws  
27 relating to this chapter are changing and that state law must adapt  
28 accordingly. The department shall submit to the legislature, and make  
29 available to the public, a report that summarizes the results of this  
30 chapter and makes recommendations for improvement to this chapter on or  
31 before December 1, 2001, and a second report on or before December 1,  
32 2004. The ((2001)) 2004 report shall describe how the costs of  
33 treatment required as of July 1, ((2002)) 2004, will be substantially  
34 equivalent among ports where treatment is required. The 2004 report  
35 must describe how the states of Washington and Oregon are coordinating  
36 their efforts for ballast water management in the Columbia river  
37 system. The department shall strive to fund the provisions of this

1 chapter through existing resources, cooperative agreements with the  
2 maritime industry, and federal funding sources.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.120 RCW  
4 to read as follows:

5 The department, working with the United States coast guard and the  
6 marine exchanges, will work cooperatively to improve the ballast water  
7 information system and make improvements no later than October 1, 2002.  
8 The cooperative effort will strive to obtain ballast water reports for  
9 the United States coast guard under contract. The reports may be used  
10 for ballast water management information under this chapter and be  
11 forwarded to the United States coast guard for its management purposes.  
12 Prior to July 1, 2002, the department must take steps to reduce or  
13 eliminate the costs of reporting.

14 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 immediately."

18 Correct the title.

EFFECT: Specifies that the director of the Department of Fish and  
Wildlife will monitor the efforts of the Oregon task force examining  
ballast water management, and give periodic updates on these efforts to  
the ballast water work group. Directs the department to consider rules  
adopted by Oregon relating to ballast water management in the Columbia  
River system when adopting rules for ballast water management for the  
Columbia River. Adds an emergency clause.

--- END ---