
SENATE BILL 6538

State of Washington 57th Legislature

2002 Regular Session

By Senators Regala, Jacobsen and Oke

Read first time 01/21/2002. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to ballast water; amending RCW 77.120.030 and
2 77.120.060; adding a new section to chapter 77.120 RCW; creating a new
3 section; and providing an expiration date.

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

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

7 (2) The ballast water work group consists of the following
8 individuals:

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

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

12 (c) Two representatives from the Columbia river steamship
13 operators;

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

16 (e) Two representatives from the petroleum transportation industry;
17 and

18 (f) Two representatives from the environmental community.

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

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

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

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

9 (4) The ballast water work group must begin operation immediately
10 upon the effective date of this section. The department of fish and
11 wildlife must provide staff for the ballast water work group. The
12 staff must come from existing personnel within the department of fish
13 and wildlife.

14 (5)(a) The ballast water work group expires June 30, 2004.

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

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

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

22 (1) Discharge into waters of the state is authorized if the vessel
23 has conducted an open sea exchange of ballast water. A vessel is
24 exempt from this requirement if the vessel's master reasonably
25 determines that such a ballast water exchange operation will threaten
26 the safety of the vessel or the vessel's crew, or is not feasible due
27 to vessel design limitations or equipment failure. If a vessel relies
28 on this exemption, then it may discharge ballast water into waters of
29 the state, subject to any requirements of treatment under subsection
30 (2) of this section and subject to RCW 77.120.040.

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

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

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

10 **Sec. 3.** RCW 77.120.060 and 2000 c 108 s 7 are each amended to read
11 as follows:

12 (~~The legislature recognizes that international and national laws
13 relating to this chapter are changing and that state law must adapt
14 accordingly. The department shall submit to the legislature, and make
15 available to the public, a report that summarizes the results of this
16 chapter and makes recommendations for improvement to this chapter on or
17 before December 1, 2001, and a second report on or before December 1,
18 2004. The 2001 report shall describe how the costs of treatment
19 required as of July 1, 2002, will be substantially equivalent among
20 ports where treatment is required.)) The department shall strive to
21 fund the provisions of this chapter through existing resources,
22 cooperative agreements with the maritime industry, and federal funding
23 sources.~~

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

26 The department, working with the United States coast guard and the
27 marine exchange, will work cooperatively to improve the ballast water
28 information system and make improvements no later than October 1, 2002.
29 The cooperative effort will strive to obtain ballast water reports for
30 the United States coast guard under contract. The reports may be used
31 for ballast water management information under this chapter and be
32 forwarded to the United States coast guard for its management purposes.
33 Prior to July 1, 2002, steps must be taken to reduce or eliminate the
34 costs of reporting by the department.

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