

SSB 6329 - H COMM AMD

By Committee on Fisheries, Ecology & Parks

ADOPTED 03/03/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 77.120.005 and 2000 c 108 s 1 are each amended to
4 read as follows:

5 The legislature finds that some nonindigenous species have the
6 potential to cause economic and environmental damage to the state and
7 that current efforts to stop the introduction of nonindigenous species
8 from shipping vessels do not adequately reduce the risk of new
9 introductions into Washington waters.

10 The legislature recognizes the international ramifications and the
11 rapidly changing dimensions of this issue, the lack of currently
12 available treatment technologies, and the difficulty that any one state
13 has in either legally or practically managing this issue. Recognizing
14 the possible limits of state jurisdiction over international issues,
15 the state declares its support for the international maritime
16 organization and United States coast guard efforts, and the state
17 intends to complement, to the extent its powers allow it, the United
18 States coast guard's ballast water management program.

19 **Sec. 2.** 2002 c 282 s 1 (uncodified) is amended to read as follows:

20 (1) The director of the department of fish and wildlife must
21 establish the ballast water work group.

22 (2) The ballast water work group consists of the following
23 individuals:

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

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

27 (c) Two representatives from the Columbia river steamship
28 operators;

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

3 (e) Two representatives from the petroleum transportation industry;

4 (f) One representative from the Puget Sound water quality action
5 team; (~~and~~)

6 (g) Two representatives from the environmental community;

7 (h) One representative of the shellfish industry;

8 (i) One representative of the tribes;

9 (j) One representative of maritime labor; and

10 (k) One representative from the department of fish and wildlife.

11 (3) The ballast water work group must study, and provide a report
12 to the legislature by December 15, (~~2003~~) 2006, the following issues:

13 (a) All issues relating to ballast water technology, including
14 exchange and treatment methods (~~and~~), management plans, the
15 associated costs, and the availability of feasible and proven ballast
16 water treatment technologies that could be cost-effectively installed
17 on vessels that typically call on Washington ports;

18 (b) The services needed by the industry and the state to protect
19 the marine environment, including penalties and enforcement; (~~and~~)

20 (c) The costs associated with, and possible funding methods for,
21 implementing the ballast water program;

22 (d) Consistency with federal and international standards, and
23 identification of gaps between those standards, and the need for
24 additional measures, if any, to meet the goals of this chapter;

25 (e) Describe how the costs of treatment required as of July 1,
26 2007, will be substantially equivalent among ports where treatment is
27 required;

28 (f) Describe how the states of Washington and Oregon are
29 coordinating their efforts for ballast water management in the Columbia
30 river system; and

31 (g) Describe how the states of Washington, Oregon, and California
32 and the province of British Columbia are coordinating their efforts for
33 ballast water management on the west coast.

34 (4) The ballast water work group must begin operation immediately
35 upon the effective date of this section. The (~~department of fish and~~
36 ~~wildlife~~) Puget Sound water quality action team must provide staff for

1 the ballast water work group. The staff must come from existing
2 personnel within the (~~department of fish and wildlife~~) team.

3 (5) The director must also monitor the activities of the task force
4 created by the state of Oregon in 2001 Or. Laws 722, concerning ballast
5 water management. The director shall provide the ballast water work
6 group with periodic updates of the Oregon task force's efforts at
7 developing a ballast water management system.

8 (6)(a) The ballast water work group expires June 30, (~~2004~~) 2007.

9 (b) This section expires June 30, (~~2004~~) 2007.

10 **Sec. 3.** RCW 77.120.030 and 2002 c 282 s 2 are each amended to read
11 as follows:

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

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

25 (2) After July 1, (~~2004~~) 2007, discharge of ballast water into
26 waters of the state is authorized only if there has been an open sea
27 exchange or if the vessel has treated its ballast water to meet
28 standards set by the department consistent with applicable state and
29 federal laws. When weather or extraordinary circumstances make access
30 to treatment unsafe to the vessel or crew, the master of a vessel may
31 delay compliance with any treatment required under this subsection
32 until it is safe to complete the treatment.

33 (3) Masters, owners, operators, or persons-in-charge shall submit
34 to the department an interim ballast water management report by July 1,
35 2006, in the form and manner prescribed by the department. The report
36 shall describe actions needed to implement the ballast water

1 requirements in subsection (2) of this section, including treatment
2 methods applicable to the class of the vessel. Reports may include a
3 statement that there are no treatment methods applicable to the vessel
4 for which the report is being submitted.

5 (4) The ballast water work group created in section 1, chapter 282,
6 Laws of 2002 shall develop recommendations for the interim ballast
7 water management report. The recommendations must include, but are not
8 limited to:

9 (a) Actions that the vessel owner or operator will take to
10 implement the ballast water requirements in subsection (2) of this
11 section, including treatment methods applicable to the class of the
12 vessel;

13 (b) Necessary plan elements when there are not treatment methods
14 applicable to the vessel for which the report is being submitted, or
15 which would meet the requirements of this chapter; and

16 (c) The method, form, and content of reporting to be used for such
17 reports.

18 (5) For treatment technologies requiring shipyard modification that
19 cannot reasonably be performed prior to July 1, 2007, the department
20 shall provide the vessel owner or operator with an extension to the
21 first scheduled drydock or shipyard period following July 1, 2007.

22 (6) The department shall make every effort to align ballast water
23 standards with adopted international and federal standards while
24 ensuring that the goals of this chapter are met.

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

30 ~~((4))~~ (8) Open sea exchange is an exchange that occurs fifty or
31 more nautical miles offshore. If the United States coast guard
32 requires a vessel to conduct an exchange further offshore, then that
33 distance is the required distance for purposes of compliance with this
34 chapter."

35 Correct the title.

EFFECT: Adds representatives from the shellfish industry, tribes,

and maritime labor to the ballast water work group. Requires the ballast water work group to study and report on the availability of feasible and proven ballast water treatment technologies, consistency with federal and international standards, and coordination with Pacific coast states and British Columbia. Requires vessel owners or operators to submit an interim ballast water management report to the Department of Fish and Wildlife by July 1, 2006, describing implementation actions. Directs the ballast water work group to develop recommendations for the interim ballast water management report. Allows an extension for vessel owners requiring treatment technologies needing shipyard modifications to the first scheduled drydock or shipyard period following July 1, 2007.

--- END ---