
**Fisheries, Ecology & Parks
Committee**

HB 2549

Brief Description: Minimizing the environmental impacts of commercial passenger vessels.

Sponsors: Representatives Dickerson, Cooper, Hunt, Rockefeller and Chase.

Brief Summary of Bill

- Requires all commercial passenger vessels to register and file signed agreements with the Department of Ecology prior to entering Puget Sound.
- Prohibits most non-sewage discharges from commercial passenger vessels.
- Limits the discharge of treated sewage from commercial passenger vessels.
- Requires the owner and operators of commercial passenger vessels to conduct routine sampling of all discharges and report the results to the Department of Ecology.
- Requires public ports to include compliance with state regulations as an element of their lease agreements with commercial passenger vessels.
- Levies an environmental compliance fee of up to \$1.75/passenger on commercial passenger vessels.

Hearing Date: 1/27/04

Staff: Jason Callahan (786-7117).

Background:

The Department of Ecology (Ecology) is the primary state entity responsible for regulating discharges into state waters. This regulation includes a requirement that any person disposing of liquid or solid waste into state waters is required to first obtain a permit from Ecology, for which Ecology is authorized the charge an annual fee.

A violation of the state water pollution laws can be enforced both by the Attorney General, and by Ecology. The Attorney General is authorized to bring any appropriate action, including an action for injunctive relief. Ecology has the authority to levy fines of up to \$10,000 per day for each violation. In addition, criminal charges can be brought against a person found guilty of violating

the state's water quality laws. Civil penalties assessed by Ecology may be appealed to the Pollution Control Hearings Board

Ecology is required to first notify a person violating the state's water quality laws in writing if the situation does not require immediate action. Once the notice is received, the violator has thirty days to file a report with Ecology outlining the control measures that will be taken. If immediate action is deemed necessary by Ecology, then an order or directive may be issued.

Summary of Bill:

Scope

New regulatory provisions apply to commercial passenger vessels in the marine waters of Washington. Commercial passenger vessels are defined as vessels not owned by the United States government, or a foreign government, that are equipped to provide at least fifty paying passengers with sleeping accommodations. The marine waters of Washington includes all of the Puget Sound, the Strait of Juan de Fuca from the Washington coast to the Canadian border, and the Pacific Ocean from the coast out to three miles. Some provisions only apply to commercial passenger vessels while they are in the Puget Sound.

Required Registration and Agreements

Prior to entering Puget Sound, a commercial passenger vessel must file both an annual registration and a signed agreement with Ecology. Ecology is directed to determine registration collection policies; however, the commercial passenger vessel operator is required to, at a minimum, provide the name of an agent for service of process and the operator's business contact information.

The owner or operator of a commercial passenger vessel must also file a signed document with Ecology agreeing to comply with the state's terms and conditions that are placed on vessel discharges. Ecology may not accept a vessel's registration unless it is accompanied by the signed agreement. Ecology may also deny an application if the owner or operator of the commercial passenger vessel has been found to have committed multiple violations of the state's regulations.

If the owner or operator of a commercial passenger vessels fails to file either the registration or the signed agreement, that commercial passenger vessel is prohibited from landing at a Washington port. This prohibition is only waived if the vessel needs to land in an emergency situation.

Vessel Discharges

Commercial passenger vessels are prohibited from discharging the following substances: sewage sludge, oily bilge, solid waste, biomedical waste, hazardous waste, untreated sewage, and non-sewage wastewaters such as dishwater, galley water, bath water, and laundry water (also known as graywater).

Treated sewage may be discharged anywhere not adjacent to a marine sanctuary; however, the discharge must satisfy state standards for suspended solids, fecal coliform counts, and any other parameters identified by Ecology. The state standards must be set in rule by Ecology. In addition, any discharge of treated sewage from a commercial passenger vessel is required to be permitted by Ecology.

The specified discharges are prohibited regardless of intent, and any known discharges must be reported to Ecology immediately.

The prohibitions on discharges do not apply to vessels while securing the safety of the vessel or saving a life at sea. In addition, Ecology may establish alternative conditions for a commercial passenger vessel to satisfy if the owner or operator can not practicably comply with the standard terms, or if the owner or operator wishes to test alternative equipment. Alternative conditions must be reviewed and approved on a case-by-case basis.

Sampling

Commercial passenger vessel operators must collect routine samples of a vessel's discharges. The operator must comply with a sampling technique approved by Ecology, and at a minimum, collect one sample during every calendar month that the vessel is in Puget Sound. All samples must be tested for substances as required by Ecology. These substances include fecal coliform, acidity, ammonia, chlorine, suspended solids, and biochemical oxygen demand.

In addition, Ecology is authorized to collect samples of a commercial passenger vessel's discharge while it is in Puget Sound. The testing of samples collected by Ecology must be paid for by Ecology, while the testing required of a vessel's operator must be paid for by the vessel operator.

Reporting

All information about samples collected by the operator of a commercial passenger vessel must be maintained for three years. The information must be provided to Ecology when requested. This information must include copies and summaries of the records, details of any discharges, descriptions of the sampling and testing techniques used, and any other information required by Ecology.

The commercial passenger vessel must also provide Ecology with copies of any reports filed with the federal government discussing the offloading of hazardous waste or the discharge of sewage or graywater.

Rule Consistency

Ecology is encouraged, when adopting rules that aid it in administering the commercial passenger vessel regulations, to seek consistency with the strictest vessel discharge standards required by the jurisdictions frequently visited by commercial passenger vessels that call on Washington. Consistency is encouraged when it is practicable and scientifically defensible.

Port Leases

Any lease, or other agreement, entered into between a public port and a commercial passenger vessel must contain terms that require the lessee to comply with the state's regulations on commercial passenger vessels.

Environmental Compliance Fee

All commercial passenger vessels that load or unload passengers at a Puget Sound port are required to pay an environmental compliance fee. The amount of the fee must be determined by Ecology, and must represent the minimum amount necessary to reasonably cover the costs

incurred by Ecology in implementing the commercial passenger vessel regulations. However, the fee schedule adopted by Ecology may not exceed \$1.75 per vessel passenger per voyage.

Money collected by the fee is deposited into the Water Quality Account, and is to be used exclusively for administering the regulations on commercial passenger vessels.

Enforcement

Enforcement of the commercial passenger vessel regulations is carried out through the existing enforcement scheme for other water pollution violations, except that criminal sanctions are not available. This includes injunctive relief brought by the Attorney General, and fines levied by Ecology. Fines for commercial passenger vessels may be up to \$25,000 per day for each violation.

Miscellaneous

Ecology is permitted to petition the federal government, if necessary, to designate Puget Sound as a no-discharge zone for commercial passenger vessels. Ecology is also allowed to study the environmental effects of commercial passenger vessels, and research ways that those effects can be reduced.

Ecology is authorized to recognize superior environmental protection efforts made by commercial passenger vessels that exceed the minimum requirements. It may also cooperate with the federal government to pursue any available grants, and cooperate with neighboring jurisdictions

Appropriation: None.

Fiscal Note: Requested on 1/15/2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.