

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6329

58th Legislature
2004 Regular Session

Passed by the Senate March 8, 2004
YEAS 47 NAYS 0

President of the Senate

Passed by the House March 3, 2004
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 6329 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6329

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senator Oke)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to extending the date for ballast water discharge
2 implementation; amending RCW 77.120.005 and 77.120.030; amending 2002
3 c 282 s 1 (uncodified); and providing an expiration date.

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

5 **Sec. 1.** RCW 77.120.005 and 2000 c 108 s 1 are each amended to read
6 as follows:

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

12 The legislature recognizes the international ramifications and the
13 rapidly changing dimensions of this issue, the lack of currently
14 available treatment technologies, and the difficulty that any one state
15 has in either legally or practically managing this issue. Recognizing
16 the possible limits of state jurisdiction over international issues,
17 the state declares its support for the international maritime
18 organization and United States coast guard efforts, and the state

1 intends to complement, to the extent its powers allow it, the United
2 States coast guard's ballast water management program.

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

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

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

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

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

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

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

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

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

18 (g) Two representatives from the environmental community;

19 (h) One representative of the shellfish industry;

20 (i) One representative of the tribes;

21 (j) One representative of maritime labor; and

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

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

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

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

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

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

1 (e) Describe how the costs of treatment required as of July 1,
2 2007, will be substantially equivalent among ports where treatment is
3 required;

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

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

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

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

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

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

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

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

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

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

9 (3) Masters, owners, operators, or persons-in-charge shall submit
10 to the department an interim ballast water management report by July 1,
11 2006, in the form and manner prescribed by the department. The report
12 shall describe actions needed to implement the ballast water
13 requirements in subsection (2) of this section, including treatment
14 methods applicable to the class of the vessel. Reports may include a
15 statement that there are no treatment methods applicable to the vessel
16 for which the report is being submitted.

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

21 (a) Actions that the vessel owner or operator will take to
22 implement the ballast water requirements in subsection (2) of this
23 section, including treatment methods applicable to the class of the
24 vessel;

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

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

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

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

37 (7) The requirements of this section do not apply to a vessel
38 discharging ballast water or sediments that originated solely within

1 the waters of Washington state, the Columbia river system, or the
2 internal waters of British Columbia south of latitude fifty degrees
3 north, including the waters of the Straits of Georgia and Juan de Fuca.
4 ((+4)) (8) Open sea exchange is an exchange that occurs fifty or
5 more nautical miles offshore. If the United States coast guard
6 requires a vessel to conduct an exchange further offshore, then that
7 distance is the required distance for purposes of compliance with this
8 chapter.

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