

E2SHB 1415 - S COMM AMD

By Committee on Water, Energy & Environment

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.48 RCW
4 to read as follows:

5 (1) The legislature finds that large vessels specifically designed
6 for the housing of people upon the seas, unlike vessels designed to
7 transport cargo or petroleum that carry crew as an ancillary function
8 of cargo transport, function primarily as a temporary residential
9 facility, especially while these vessels are stationary at their port
10 of call. The primary function of these vessels is more akin to a
11 floating hotel or a houseboat than it is to a transportation vessel.

12 (2) It is the intent of the legislature to ensure that the
13 blackwater, graywater, and other wastes eventually released by the
14 owners and operators of commercial passenger vessels satisfies the
15 state's standards for protecting the quality of its waters. It is the
16 traditional and long-standing role of the state to ensure that any
17 substances being released into its waters will not, given the unique
18 nature of the state's local waters, adversely impact either the state's
19 economic or environmental interests.

20 (3) It is the intent of the legislature for the department to fund
21 the implementation of the commercial passenger vessel program created
22 in sections 2 through 11 of this act exclusively through appropriations
23 provided from the commercial passenger vessel enforcement account
24 created in section 9 of this act.

25 **Sec. 2.** RCW 90.48.020 and 2002 c 161 s 4 are each amended to read
26 as follows:

27 (~~Whenever the word~~) The definitions in this section apply
28 throughout this chapter unless the context clearly requires otherwise.

1 ~~(1) "Person" ((is used in this chapter, it shall be construed to))~~
2 includes any political subdivision, government agency, municipality,
3 industry, public or private corporation, copartnership, association,
4 firm, individual, or any other entity whatsoever.

5 ~~((Wherever the words)) (2) "Waters of the state" ((shall be used in~~
6 ~~this chapter, they shall be construed to))~~ includes lakes, rivers,
7 ponds, streams, inland waters, underground waters, salt waters, and all
8 other surface waters and watercourses within the jurisdiction of the
9 state of Washington.

10 ~~((Whenever the word)) (3) "Pollution" ((is used in this chapter, it~~
11 ~~shall be construed to))~~ means such contamination, or other alteration
12 of the physical, chemical, or biological properties, of any waters of
13 the state, including change in temperature, taste, color, turbidity, or
14 odor of the waters, or such discharge of any liquid, gaseous, solid,
15 radioactive, or other substance into any waters of the state as will or
16 is likely to create a nuisance or render such waters harmful,
17 detrimental, or injurious to the public health, safety, or welfare, or
18 to domestic, commercial, industrial, agricultural, recreational, or
19 other legitimate beneficial uses, or to livestock, wild animals, birds,
20 fish, or other aquatic life.

21 ~~((Wherever the word)) (4) "Department" ((is used in this chapter it~~
22 ~~shall))~~ means the department of ecology.

23 ~~((Whenever the word)) (5) "Director" ((is used in this chapter it~~
24 ~~shall))~~ means the director of ecology.

25 ~~((Whenever the words)) (6) "Aquatic noxious weed" ((are used in~~
26 ~~this chapter, they have))~~ has the meaning ~~((prescribed under))~~ provided
27 in RCW 17.26.020.

28 ~~((Whenever the words)) (7) "General sewer plan" ((are used in this~~
29 ~~chapter they shall be construed to))~~ includes all sewerage general
30 plans, sewer general comprehensive plans, plans for a system of
31 sewerage, and other plans for sewer systems adopted by a local
32 government entity including but not limited to cities, towns, public
33 utility districts, and water-sewer districts.

34 (8) "Blackwater" means treated or untreated sewage wastewater from
35 the toilets, urinals, medical sinks, and similar facilities on
36 commercial passenger vessels.

37 (9) "Biomedical waste" has the same meaning provided in RCW
38 70.95K.010.

1 (10) "Commercial passenger vessel" means a vessel not owned by the
2 government of the United States or a foreign nation that is authorized
3 and capable of providing overnight accommodations for at least fifty
4 passengers for hire.

5 (11) "Dangerous waste" has the meaning provided in RCW 70.105.010.

6 (12) "Graywater" means treated or untreated galley, dishwater,
7 bath, and laundry wastewaters from a commercial passenger vessel.

8 (13) "Oily bilge water" includes bilge water that contains used
9 lubrication oils, oil sludge and slops, fuel and oil sludge, used oil,
10 used fuel and fuel filters, and oily waste.

11 (14) "Passengers for hire" means vessel passengers that are
12 required to contribute some form of consideration as a condition of
13 carriage on the vessel, whether that consideration flows directly or
14 indirectly to the owner, charterer, operator, agent, or other person
15 having an interest in the vessel.

16 (15) "Release" means any discharge, however caused, from a
17 commercial passenger vessel, and includes any escape, disposal,
18 spilling, leaking, pumping, emitting, or emptying.

19 (16) "Sewage sludge" has the meaning provided in RCW 70.95.030.

20 (17) "Solid waste" has the meaning provided in RCW 70.95.030.

21 NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW
22 to read as follows:

23 (1) Except as otherwise provided in this section or section 10 of
24 this act, a person may not, regardless of intent, release sewage
25 sludge, solid waste, biomedical waste, dangerous waste, untreated
26 graywater, or untreated blackwater from a commercial passenger vessel
27 into any waters of the state.

28 (2) Except as otherwise provided in this section, a person may not,
29 regardless of intent, release oily bilge water into any waters of the
30 state if not in compliance with applicable federal law.

31 (3) This section does not apply to releases made for the purpose of
32 securing the safety of a commercial passenger vessel or saving life at
33 sea if all reasonable precautions have been taken to prevent or
34 minimize the release.

35 NEW SECTION. Sec. 4. A new section is added to chapter 90.48 RCW
36 to read as follows:

1 (1) Except as provided in this section or section 10 of this act,
2 a person may not release blackwater into any waters of the state from
3 a commercial passenger vessel that calls on a public port in Washington
4 unless the owner or operator of the commercial passenger vessel has
5 been approved for blackwater releases by the department for the vessel
6 in question and is in compliance with the effluent limits and
7 requirements for sampling and reporting established by the department.

8 (2)(a) The department shall approve blackwater releases from a
9 commercial passenger vessel if the owner or operator of the commercial
10 passenger vessel:

11 (i) Can demonstrate to the department's satisfaction, based on
12 effluent limits and requirements for sampling and reporting established
13 by the department, that the blackwater to be released from the vessel
14 will receive an adequate level of treatment to protect the quality of
15 the water receiving the release; and

16 (ii) Has paid the mandatory annual operating fee established in
17 section 8 of this act.

18 (b) The department shall presume that the level of treatment given
19 to blackwater releases from a vessel is adequate if the owner or
20 operator of a commercial passenger vessel satisfies the requirements of
21 section 5 of this act and provides documentation to the department
22 about the type of wastewater treatment system in use on the vessel, and
23 documentation that the wastewater treatment system on the vessel in
24 question has been certified by the United States coast guard for
25 continuous discharge of blackwater in the state of Alaska. If the
26 mandatory annual operating fee established in section 8 of this act has
27 been satisfied, the approval for blackwater release may be presumed by
28 the owner or operator of a commercial passenger vessel providing such
29 documentation if the department has not provided notification in
30 writing to the contrary or a request in writing for further
31 documentation to demonstrate coast guard approval within sixty days of
32 submitting the original documentation.

33 (3) Approvals granted by the department under this section remain
34 in effect until January 1st following the approval and may be rescinded
35 if substantial changes are made to the approved wastewater treatment
36 system or if a violation of section 5 of this act is discovered. The
37 department may rely on previous engineering reviews in granting
38 subsequent approvals.

1 (4) This section does not apply to releases made for the purpose of
2 securing the safety of a commercial passenger vessel or saving life at
3 sea if all reasonable precautions have been taken to prevent or
4 minimize the release.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.48 RCW
6 to read as follows:

7 (1) The owner or operator of a commercial passenger vessel that is
8 operating under the presumption of adequate blackwater treatment
9 granted in section 4 of this act may release treated blackwater when
10 the vessel is at least more than one nautical mile from its berth at a
11 public port in Washington and is traveling at least six knots so long
12 as the owner or operator does all of the following:

13 (a) Sample the quality of the treated blackwater released from the
14 commercial passenger vessel while in state waters at least once during
15 each month that the commercial passenger vessel calls on a public port
16 in Washington. The sample must be analyzed by a department-approved
17 laboratory for all parameters required to be tested in order to obtain
18 the necessary United States coast guard certification referenced by
19 section 4 of this act for continuous discharge of blackwater in the
20 state of Alaska, and must include, at a minimum, the following five
21 parameters: pH, biochemical oxygen demand, fecal coliform, total
22 suspended solids, and residual chlorine;

23 (b) Share all effluent samples with the department, when requested
24 in writing, for all samples taken in waters of the state;

25 (c) Conduct a whole effluent toxicity test, or WET test, at least
26 once every two years unless the department provides notification in
27 writing that such testing is unnecessary;

28 (d) Provide the department, when requested in writing, with
29 duplicate results of tests performed on the commercial passenger
30 vessel's wastewater treatment system in other jurisdictions;

31 (e) Notify the department at least one week before sampling in
32 waters of the state is to occur, and allow department staff to observe
33 the sampling events when requested;

34 (f) Immediately report to the department any unauthorized
35 discharges;

36 (g) Allow the department to conduct a minimum of one inspection of

1 the commercial passenger vessel, if requested in writing, to verify the
2 operating conditions of the wastewater treatment system; and

3 (h) Notify the department if material changes are made to the
4 wastewater treatment system approved under section 4 of this act.

5 (2) The owner or operator of a commercial passenger vessel that is
6 operating under the presumption of adequate blackwater treatment
7 granted in section 4 of this act may release treated blackwater when
8 the vessel is at or within one nautical mile of its berth at a public
9 port in Washington so long as the owner or operator does all of the
10 following:

11 (a) Comply with the requirements set forth in subsection (1)(a)
12 through (h) of this section;

13 (b) Provide twenty-four hour continuous monitoring of the turbidity
14 of any released blackwater, or an equivalent to turbidity monitoring
15 agreed to by the department that judges the effluent released by the
16 wastewater treatment system of a commercial passenger vessel;

17 (c) Provide documentation to the department that all treated
18 blackwater will receive adequate disinfection immediately before
19 discharge;

20 (d) Provide copies of any water quality tests taken from the
21 effluent of the commercial passenger vessel during the six months
22 preceding the approved release; and

23 (e) Provide documentation of the commercial passenger vessel's
24 wastewater treatment system design that demonstrates:

25 (i) That the system can be either automatically shut down or that
26 there are operational procedures in place to ensure an immediate shut
27 down of the system if effluent monitoring reveals that the wastewater
28 treatment system is malfunctioning;

29 (ii) A plan has been adopted that describes protocols for notifying
30 the department if the wastewater treatment system malfunctions or is
31 shut down while in the waters of the state; and

32 (iii) How blackwater will be stored, including the capacity of any
33 holding tanks to be used, until the wastewater treatment system is
34 repaired and operating.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.48 RCW
36 to read as follows:

37 (1) Except as provided in this section or section 10 of this act,

1 a person may not release graywater into any waters of the state from a
2 commercial passenger vessel that calls on a public port in Washington
3 unless the owner or operator of the commercial passenger vessel has
4 been approved for graywater releases by the department for the vessel
5 in question and is in compliance with the effluent limits and
6 requirements for sampling and reporting established by the department.

7 (2)(a) The department shall approve graywater releases from a
8 commercial passenger vessel if the owner or operator of the commercial
9 passenger vessel:

10 (i) Can demonstrate to the department's satisfaction, based on
11 effluent limits and requirements for sampling and reporting established
12 by the department, that the graywater to be released from the vessel
13 will receive an adequate level of treatment to protect the quality of
14 the water receiving the release; and

15 (ii) Has paid the mandatory annual operating fee established in
16 section 8 of this act.

17 (b) The department shall presume that the level of treatment given
18 to graywater releases from a vessel is adequate if the owner or
19 operator of a commercial passenger vessel satisfies the requirements of
20 section 7 of this act and provides documentation to the department
21 about the type of wastewater treatment system in use on the vessel, and
22 documentation that the wastewater treatment system on the vessel in
23 question has been certified by the United States coast guard for
24 continuous discharge of graywater in the state of Alaska. If the
25 mandatory annual operating fee established in section 8 of this act has
26 been satisfied, the approval for graywater release may be presumed by
27 the owner or operator of a commercial passenger vessel providing such
28 documentation if the department has not provided notification in
29 writing to the contrary or a request in writing for further
30 documentation to demonstrate coast guard approval within sixty days of
31 submitting the original documentation.

32 (3) Approvals granted by the department under this section remain
33 in effect until January 1st following the approval and may be rescinded
34 if substantial changes are made to the approved wastewater treatment
35 system or if a violation of section 7 of this act is discovered. The
36 department may rely on previous engineering reviews in granting
37 subsequent approvals.

1 (4) This section does not apply to releases made for the purpose of
2 securing the safety of a commercial passenger vessel or saving life at
3 sea if all reasonable precautions have been taken to prevent or
4 minimize the release.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 90.48 RCW
6 to read as follows:

7 (1) The owner or operator of a commercial passenger vessel that is
8 operating under the presumption of adequate graywater treatment granted
9 in section 6 of this act may release treated graywater when the vessel
10 is at least more than one nautical mile from its berth at a public port
11 in Washington and is traveling at least six knots so long as the owner
12 or operator does all of the following:

13 (a) Sample the quality of the treated graywater released from the
14 commercial passenger vessel while in state waters at least once during
15 each month that the commercial passenger vessel calls on a public port
16 in Washington. The sample must be analyzed by a department-approved
17 laboratory for all parameters required to be tested in order to obtain
18 the necessary United States coast guard certification referenced by
19 section 6 of this act for continuous discharge of graywater in the
20 state of Alaska, and must include, at a minimum, the following five
21 parameters: pH, biochemical oxygen demand, fecal coliform, total
22 suspended solids, and residual chlorine;

23 (b) Share all effluent samples with the department, when requested
24 in writing, for all samples taken in waters of the state;

25 (c) Conduct a whole effluent toxicity test, or WET test, at least
26 once every two years unless the department provides notification in
27 writing that such testing is unnecessary;

28 (d) Provide the department, when requested in writing, with
29 duplicate results of tests performed on the commercial passenger
30 vessel's wastewater treatment system in other jurisdictions;

31 (e) Notify the department at least one week before sampling in
32 waters of the state is to occur, and allow department staff to observe
33 the sampling events when requested;

34 (f) Immediately report to the department any unauthorized
35 discharges;

36 (g) Allow the department to conduct a minimum of one inspection of

1 the commercial passenger vessel, if requested in writing, to verify the
2 operating conditions of the wastewater treatment system; and

3 (h) Notify the department if material changes are made to the
4 wastewater treatment system approved under section 6 of this act.

5 (2) The owner or operator of a commercial passenger vessel that is
6 operating under the presumption of adequate graywater treatment granted
7 in section 6 of this act may release treated graywater when the vessel
8 is at or within one nautical mile of its berth at a public port in
9 Washington so long as the owner or operator does all of the following:

10 (a) Comply with the requirements set forth in subsection (1)(a)
11 through (h) of this section;

12 (b) Provide twenty-four hour continuous monitoring of the turbidity
13 of any released graywater, or an equivalent to turbidity monitoring
14 agreed to by the department that judges the effluent released by the
15 wastewater treatment system of a commercial passenger vessel;

16 (c) Provide documentation to the department that all treated
17 graywater will receive adequate disinfection immediately before
18 discharge;

19 (d) Provide copies of any water quality tests taken from the
20 effluent of the commercial passenger vessel during the six months
21 preceding the approved release; and

22 (e) Provide documentation of the commercial passenger vessel's
23 wastewater treatment system design that demonstrates:

24 (i) That the system can be either automatically shut down or that
25 there are operational procedures in place to ensure an immediate shut
26 down of the system if effluent monitoring reveals that the wastewater
27 treatment system is malfunctioning;

28 (ii) A plan has been adopted that describes protocols for notifying
29 the department if the wastewater treatment system malfunctions or is
30 shut down while in the waters of the state; and

31 (iii) How graywater will be stored, including the capacity of any
32 holding tanks to be used, until the wastewater treatment system is
33 repaired and operating.

34 NEW SECTION. **Sec. 8.** A new section is added to chapter 90.48 RCW
35 to read as follows:

36 (1) Before releasing treated blackwater under section 4 of this act

1 or treated graywater under section 6 of this act, the owner or operator
2 of a commercial passenger vessel must remit to the department an annual
3 operating fee in an amount set by the department.

4 (2)(a) The department shall establish the fee schedule necessary to
5 implement this section so that the total estimated receipts equal the
6 estimated annual costs in implementing sections 3 through 11 of this
7 act.

8 (b) The actual fee charged to an individual commercial passenger
9 vessel under this section shall be based on the number of passengers
10 for hire that can be provided with overnight accommodation on the
11 vessel; however, in no event may the annual fee for a commercial
12 passenger vessel under this section exceed four thousand dollars per
13 vessel per year.

14 (3) Fees collected under this section must be deposited into the
15 commercial passenger vessel enforcement account created in section 9 of
16 this act.

17 (4) The department may enter into agreements to collect the annual
18 operations fee from the owner or operators of the commercial passenger
19 vessels calling on a port.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 90.48 RCW
21 to read as follows:

22 The commercial passenger vessel enforcement account is created in
23 the state treasury. All receipts from annual operating fees paid by
24 the owner or operator of a commercial passenger vessel must be
25 deposited into the account. Moneys in the account may only be used for
26 administering and enforcing the provisions of sections 3 through 11 of
27 this act.

28 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.48 RCW
29 to read as follows:

30 (1) Commercial passenger vessels that provide overnight
31 accommodations for less than two hundred fifty passengers for hire may
32 report to the department the name of the vessel, the public ports in
33 Washington that the vessel visited, the passenger capacity of the
34 vessel, and the contact name and address of the vessel's owner or
35 operator. Trade associations may submit to the department the
36 information required by this section for member vessels.

1 (2) Until December 31, 2009, commercial passenger vessels that
2 provide overnight accommodations for less than two hundred fifty
3 passengers for hire, and state operated ferries that provide overnight
4 accommodations for six hundred or fewer passengers for hire are exempt
5 from the requirements of sections 3, 4, 6, and 8 of this act if the
6 owner or operator of the vessel submitted a report to the department
7 consistent with subsection (1) of this section.

8 (3) By December 31, 2008, the director shall, in cooperation with
9 the small cruise ship industry and state operated ferry systems using
10 the exemption provided under subsection (2) of this section,
11 investigate the state of technologies available to small commercial
12 passenger vessels and relevant state operated ferry systems, and report
13 back to the legislature by January 12, 2009, on whether the exemption
14 should be extended or modified.

15 NEW SECTION. **Sec. 11.** By November 30, 2007, the department of
16 ecology shall submit to the appropriate committees of the legislature
17 a report describing how the management and releases of treated
18 blackwater and graywater from commercial passenger vessels under this
19 chapter are or are not adequate for protecting water quality and public
20 health. At a minimum, the report must make findings as to whether
21 commercial passenger vessels are releasing treated blackwater and
22 graywater in the same locations, and if so, whether the cumulative
23 effects of these releases degrade the water quality in those areas.

24 NEW SECTION. **Sec. 12.** The report required under section 11 of
25 this act must also address the dilution and dispersion of viruses in
26 the treated blackwater and the impact on shellfish for human
27 consumption.

28 NEW SECTION. **Sec. 13.** A new section is added to chapter 90.48 RCW
29 to read as follows:

30 For each year from 2005 until 2010, the department shall analyze
31 all water quality data received from commercial passenger vessels and
32 make available to the public, using the agency's web site, by December
33 31st of each year a report that summarizes all data collected in lay
34 terms.

35 This section expires January 1, 2011.

1 NEW SECTION. **Sec. 14.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 15.** This act takes effect January 1, 2006."

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6 On page 1, line 2 of the title, after "Washington;" strike the
7 remainder of the title and insert "amending RCW 90.48.020; adding new
8 sections to chapter 90.48 RCW; creating new sections; prescribing
9 penalties; providing an effective date; and providing an expiration
10 date."

--- END ---