

HB 1415-S2.E - DIGEST

(AS OF HOUSE 2ND READING 3/10/05)

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

Declares an intent to ensure that the blackwater, graywater, and other wastes eventually released by the owners and operators of commercial passenger vessels satisfies the state's standards for protecting the quality of its waters. It is the traditional and long-standing role of the state to ensure that any substances being released into its waters will not, given the unique nature of the state's local waters, adversely impact either the state's economic or environmental interests.

Declares that except as otherwise provided in this act, a person may not, regardless of intent, release sewage sludge, solid waste, biomedical waste, dangerous waste, untreated graywater, or untreated blackwater from a commercial passenger vessel into any waters of the state.

Provides that except as otherwise provided in this act, a person may not, regardless of intent, release oily bilge water into any waters of the state if not in compliance with applicable federal law.

Does not apply to releases made for the purpose of securing the safety of a commercial passenger vessel or saving life at sea if all reasonable precautions have been taken to prevent or minimize the release.

Declares that, except as provided in this act, a person may not release blackwater into waters of the state from a commercial passenger vessel that calls on a public port in Washington unless the owner or operator of the commercial passenger vessel has been approved for blackwater releases by the department for the vessel in question and satisfies the requirements of this act.

Provides that the department shall approve blackwater releases from a commercial passenger vessel if the owner or operator of the commercial passenger vessel:

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

- (2) Has paid the mandatory annual operating fee established in this act.

Provides that the owner or operator of a commercial passenger vessel that is operating under the presumption of adequate blackwater treatment granted in this act may only maintain the presumption of adequacy if the owner or operator agrees with the department to do all of the following when the vessel is at least

more than one nautical mile from its berth at a public port in Washington and is traveling at least six knots or more: (1) Sample the quality of the treated blackwater released from the commercial passenger vessel while at berth at a Washington public port at least once during each month that the commercial passenger vessel calls on a public port in Washington;

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

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

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

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

(6) Immediately report to the department any unauthorized discharges;

(7) Allow the department to conduct a minimum of one inspection of the commercial passenger vessel, if requested in writing, to verify the operating conditions of the wastewater treatment system; and

(8) Notify the department if material changes are made to the wastewater treatment system approved under this act.

Requires that, by November 30, 2007, the department shall submit to the appropriate committees of the legislature a report describing how the management and releases of treated blackwater and graywater from commercial passenger vessels under this act are or are not adequate for protecting water quality and public health. At a minimum, the report must make findings as to whether commercial passenger vessels are releasing treated blackwater and graywater in the same locations, and if so, whether the cumulative effects of these releases degrade the water quality in those areas. The report must also address the dilution and dispersion of viruses in the treated blackwater and the impact on shellfish for human consumption.

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