
**Agriculture & Natural Resources
Committee**

HB 1738

Brief Description: Regarding ballast water management.

Sponsors: Representative B. Sullivan.

Brief Summary of Bill

- Requires the Department of Fish and Wildlife and the ballast water work group to collect data and maintain an inventory on nonindigenous plant and animal populations in the coastal and estuarine waters of the state.
- Develops a program to address and manage non-ballast water ship vectors.
- Increases the penalty up to \$27,500 per day for a violation of ballast water regulations.
- Creates a new account to carry out research and monitoring relating to ballast water management.

Hearing Date: 1/29/07

Staff: Jaclyn Ford (786-7339).

Background:

All vessels involved in coastal traffic are required to exchange their ballast water at least 50 nautical miles offshore [RCW 77.120.030].

Vessels are allowed to discharge non-exchanged ballast water in three circumstances: (1) when it is not safe to perform open ocean exchange, or when design limitations of the vessel or equipment malfunctions prevent exchange; (2) when ships' ballast water originated in Washington and has not been mixed with water or sediments from outside designated areas; and (3) when an approved ballast water treatment system is utilized [RCW 77.120.030].

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

On July 1, 2007, the discharge of improperly exchanged or treated ballast water into Washington waters is prohibited. The safety and design exemption for exchange will no longer be valid unless the ballast water was first treated [RCW 77.120.030].

A vessel that discharges improperly exchanged or treated ballast water without a valid exemption may result in a fine of up to \$5,000 [RCW 77.120.070].

All vessels of 300 gross tons or more, except military vessels, must file a ballast water reporting form. Vessel operators that fail to comply with the reporting requirements may be subject to a \$500 fine. Falsifying a ballast report may result in both a civil and criminal penalty [RCW 77.120.070].

Summary of Bill:

The Ballast Water Work Group (BWWG) has several responsibilities, including working with Oregon to develop a consistent ballast water management program for the Columbia River, and providing assistance to the Department of Fish and Wildlife (DFW) in the implementation and research of the ballast water management program.

The DFW, in consultation with the BWWG, must collect data and maintain an inventory on nonindigenous plant and animal species found in coastal and estuarine state waters. In addition, they will assess the controls implemented in ballast management and report to the Legislature every three years on the effectiveness of the programs. In assessing the programs, the DFW will use a common format that will provide information for subsequent studies.

The DFW, in consultation with the BWWG and the US Coast Guard, will develop a program to manage non-ballast water ship vectors. Non-ballast water ship vectors include hull fouling (when organisms like barnacles, mussels, sponges, algae, and sea squirts attach themselves to the hulls of ships), sea chests (the intake areas for ballast water in the hulls of large ships), equipment (such as the anchor, anchor chain, and storage locker), and vessels equipped with ballast tanks that carry no ballast on board. The DFW will report to the legislature in 2011 on the status of the program.

If a vessel discharges untreated or exchanged ballast water into state waters, regardless of circumstances, there may be a penalty imposed. The penalty is \$27,500 per day of continuing violation. The failure to comply with reporting requirements is also subject to a penalty.

A ballast water management account is created for the collection of appropriations, gifts, grants, donations, penalties and mitigation fees. Expenditures may only be used to support the ballast water management program established by the DFW and BWWG, or support the research and monitoring required from the ballast water management program. Penalties deposited into the ballast water management account may only be used, in consultation with the BWWG, to support research and provide education and outreach related to the ballast water management program.

Appropriation: None.

Fiscal Note: Requested on January 25, 2007.

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