
SENATE BILL 5519

State of Washington

69th Legislature

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By Senators Lovelett, Dhingra, Frame, Lovick, Nobles, Saldaña, Salomon, and Valdez

Read first time 01/27/25. Referred to Committee on Environment, Energy & Technology.

1 AN ACT Relating to reducing environmental impacts associated with
2 the operation of certain ocean-going vessels; reenacting and amending
3 RCW 43.21B.110; adding a new chapter to Title 70A RCW; creating a new
4 section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
7 combustion of liquid fuels used by vessels transiting waters near
8 Washington releases particulate matter that is harmful to human
9 health on ship and on shore, and to the environment. Some
10 technologies designed to reduce air pollution generated by vessel
11 fuel combustion produce different harms to the environment. The
12 legislature further finds that lower-sulfur fuels have fewer harmful
13 emissions associated with their combustion, and do not require the
14 use of onboard technologies that have harmful environmental impacts.

15 (2) Therefore, it is the intent of the legislature to protect the
16 public health and environment of Washington residents by requiring
17 ocean-going vessels to use low-sulfur fuels when approaching
18 Washington shores.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires
3 otherwise.

4 (1) "Auxiliary boiler" means any fuel-fired combustion equipment
5 designed primarily to produce steam for uses other than propulsion
6 including, but not limited to, heating of residual fuel and liquid
7 cargo, heating of water for crew and passengers, powering steam
8 turbine discharge pumps, freshwater generation, and space heating of
9 cabins. Exhaust gas economizers that exclusively use diesel engine
10 exhaust as a heat source to produce steam are not auxiliary boilers.

11 (2) "Auxiliary engine" means a diesel engine on an ocean-going
12 vessel designed primarily to provide power for uses other than
13 propulsion or emergencies, except that all diesel-electric engines
14 shall be considered "auxiliary diesel engines" for purposes of this
15 section.

16 (3) "Department" means the department of ecology.

17 (4) "Main engine" means a diesel engine on an ocean-going vessel
18 designed primarily to provide propulsion, other than a diesel-
19 electric engine.

20 (5) "Marine diesel oil" means any fuel that meets all the
21 specifications for DMB grades as defined in table 1 of ISO 8217, as
22 revised in 2005, which is incorporated herein by reference, or DMB
23 grades as defined in table 1 of ISO 8217, as revised on June 15,
24 2010, which is incorporated herein by reference.

25 (6) "Marine gas oil" means any fuel that meets all the
26 specifications for DMX or DMA grades as defined in table 1 of ISO
27 8217, as revised in 2005, which is incorporated herein by reference,
28 or DMX, DMA, or DMZ grades as defined in table 1 of ISO 8217, as
29 revised on June 15, 2010, which is incorporated herein by reference.

30 (7)(a) "Ocean-going vessel" means a commercial, government, or
31 military vessel meeting any one of the following criteria:

32 (i) A vessel other than a tank vessel greater than or equal to
33 400 feet in length overall (LOA) as defined in 50 C.F.R. Sec. 679.2
34 (1996);

35 (ii) A vessel other than a tank vessel greater than or equal to
36 10,000 gross tons (GT ITC) per the convention measurement
37 (international system) as defined in 46 C.F.R. Secs. 69.51-.61
38 (1989);

1 (iii) A vessel other than a tank vessel propelled by a marine
2 compression ignition engine with a per-cylinder displacement of
3 greater than or equal to 30 liters; or

4 (iv) A tank vessel that meets any one of the criteria in (a)(i)
5 through (iii) of this subsection.

6 (b) "Ocean-going vessel" does not include a tugboat, towboat, or
7 pushboat.

8 (8) "Person" has the same meaning provided in RCW 70A.15.1030.

9 (9) "Port visit" means any of the following:

10 (a) Each separate and distinct entry of a vessel into a port,
11 roadstead, or terminal facility in regulated waters that results in
12 the vessel stopping, docking, mooring, or otherwise dropping anchor
13 at the port. The port visit continues if the vessel moves to a
14 different berth within the same port, but the port visit ends when
15 the vessel leaves for or is otherwise moved to another port within
16 the same bay or any other port;

17 (b) Except as provided in (c) of this subsection, each separate
18 and distinct entry of a vessel into an offshore location in regulated
19 waters away from a port that results in the vessel stopping at the
20 offshore location. The port visit ends when the vessel leaves for or
21 is otherwise moved to a port or another offshore location; or

22 (c) Each separate and distinct entry of a vessel into an offshore
23 location in regulated waters away from a port that results in the
24 vessel stopping, followed by entry into that port, shall constitute
25 one port visit, provided that the offshore stop was conducted solely
26 because the port could not accept the vessel as scheduled due to
27 reasons beyond the reasonable control of the vessel operator or
28 master.

29 (10) "Regulated waters" means all waters within three nautical
30 miles of a shoreline of the state, as defined in RCW 90.58.030, and
31 including all waters of the state as defined in RCW 90.56.010.

32 (11) "Roadstead" means any facility that is used for the loading,
33 unloading, and anchoring of vessels.

34 (12) "Tank vessel" has the same meaning as in RCW 90.56.010.

35 (13) "Vessel" means any boat, ship, barge, tugboat, tank vessel,
36 watercraft, or other floating craft of any kind except:

37 (a) A seaplane on the water; and

38 (b) A watercraft specifically designed to operate on a
39 permanently fixed course, the movement of which is restricted to a

1 fixed track or arm to which the watercraft is attached or by which
2 the watercraft is controlled.

3 NEW SECTION. **Sec. 3.** (1) Except as provided in section 4 of
4 this act, beginning January 1, 2028, a person may not use marine gas
5 oil or marine diesel oil in an auxiliary engine, main engine, or
6 auxiliary boiler on a vessel that exceeds a maximum sulfur content of
7 0.1 percent sulfur by weight while operating in regulated waters.

8 (2) Persons subject to the requirements of this section must
9 retain and maintain records in English that contain the following
10 information, unless otherwise provided in rules adopted by the
11 department:

12 (a) The date, local time, and position (longitude and latitude)
13 of the vessel for each entry into regulated waters from waters
14 outside of regulated waters, and each departure from regulated waters
15 to waters outside of regulated waters;

16 (b) The date, local time, and position (longitude and latitude)
17 of the vessel at the initiation and completion of any fuel switching
18 procedures used to comply with the requirements of subsection (1) of
19 this section prior to entry into regulated waters from waters outside
20 of regulated waters;

21 (c) The date, local time, and position (longitude and latitude)
22 of the vessel at the initiation and completion of any fuel switching
23 procedures within regulated waters. For purposes of this subsection,
24 the completion of fuel switching procedures occurs the moment all
25 engines subject to this section have completely transitioned from
26 operation on one fuel to another fuel;

27 (d) The type of fuel used in each auxiliary engine, main engine,
28 and auxiliary boiler operated in regulated waters;

29 (e) The types, amounts, and actual percent by weight sulfur
30 content of all fuels purchased for use on the vessel, as reported by
31 the fuel supplier or fuel testing firm; and

32 (f) Other records identified by the department by rule.

33 (3) A person subject to the requirements of this section that
34 complies with subsection (1) of this section by switching fuels must
35 retain and maintain records in English onboard the ship that contain
36 the following information for auxiliary engines, main engines, and
37 auxiliary boilers, unless otherwise provided in rules adopted by the
38 department:

1 (a) A fuel system diagram that shows all storage, service, and
2 mixing tanks, fuel handling, pumping, and processing equipment,
3 valves, and associated piping. The diagram or other documentation
4 must list the fuel tank capacities and locations, and the nominal
5 fuel consumption rate of the machinery at rated power;

6 (b) A description of the fuel switch over procedure with detailed
7 instructions and clear identification of responsibilities;

8 (c) The make, model, rated power, and serial numbers of all main
9 engines and auxiliary engines and make, model, rated output, and
10 serial numbers of all auxiliary boilers subject to subsection (1) of
11 this section; and

12 (d) Other records identified by the department by rule.

13 (4) (a) A person subject to the requirements of this section must
14 provide in writing information specified in subsection (3) or (4) of
15 this section upon request by the department. To the extent the person
16 already collects the required information in English to comply with
17 other regulatory requirements or standard practices, the person may
18 provide the requested information in a format consistent with those
19 other regulatory requirements or standard practices.

20 (b) A person subject to the requirement of this section must
21 provide, upon request of the department, other information necessary
22 for the department to determine compliance with this chapter.

23 (c) Any person subject to this section must provide access to the
24 department to the vessel for the purpose of determining compliance
25 with this section, including the review of records and information
26 and for the purpose of collecting fuel samples for testing and
27 analysis.

28 NEW SECTION. **Sec. 4.** (1) The department may permit a person to
29 pay noncompliance fees in lieu of meeting the requirements of section
30 3 of this act. A person intending to pay fees under this section must
31 notify the department prior to entry into regulated waters from
32 waters outside of regulated waters. In order to be eligible to pay
33 noncompliance fees under this section in lieu of complying with the
34 requirements of section 3 of this act, the person must demonstrate to
35 the department's satisfaction that:

36 (a) Noncompliance with section 3 of this act is beyond a person's
37 control due to unplanned redirection, inadequate fuel supply, or the
38 inadvertent purchase of defective fuel;

1 (b) Compliance cannot be achieved without vessel modifications
2 that cannot be completed by the effective date of the requirements in
3 section 3 of this act; or

4 (c) For vessels that make port visits in Washington no more than
5 two times per calendar year, vessel modifications would be necessary
6 to comply with the requirements of section 3 of this act.

7 (2) The department must establish, by rule, amounts and processes
8 for the noncompliance fees that are similar to the requirements for
9 ocean-going vessels visiting other west coast ports with similar low-
10 sulfur fuel requirements.

11 (3) (a) Except as provided in (b) of this subsection,
12 noncompliance fees paid by a person under this section must be paid
13 to the port or ports at which the vessel is conducting a port visit.
14 Funds received by ports under this section may only be used for port
15 electrification or other criteria pollutant emission reduction
16 activities associated with port operations, under an enforceable
17 agreement between the port and the department. A port may not use
18 fees received under this section to fund projects on vessels from
19 which noncompliance fees were paid.

20 (b) If a port elects not to receive noncompliance fees under this
21 section from a vessel that owes fees, the fees must instead be
22 deposited in the air quality and health disparities improvement
23 account created in RCW 70A.65.280.

24 NEW SECTION. **Sec. 5.** (1) The department may adopt rules to
25 implement this chapter, including to exclude categories of vessels
26 from the requirements of this chapter.

27 (2) The department must collect a fee from persons that operate
28 ocean-going vessels subject to the requirements of this chapter that
29 make a port visit in this state after January 1, 2028. By rule, the
30 department must establish the amount of the fee charged, which must
31 be set so as to equal but not exceed the projected costs to the
32 department to implement, administer, and enforce the requirements of
33 this chapter.

34 (3) A person violating a requirement of this chapter, a rule
35 adopted under this chapter, or an order issued under this chapter, is
36 subject to a civil penalty in an amount of \$10,000 per day for each
37 violation. Each violation is a separate and distinct offense. The
38 penalty amount must be set in consideration of the previous history
39 of the violator and the severity of the violation's impact on public

1 health, the environment, or both, in addition to other factors deemed
2 relevant by the department. Penalties are appealable to the pollution
3 control hearings board, and collected penalties must be deposited in
4 the natural climate solutions account created in RCW 70A.65.270.

5 NEW SECTION. **Sec. 6.** The vessel sulfur pollution account is
6 created in the state treasury. All fees received under section 4 of
7 this act must be deposited into the account. Moneys in the account
8 may be spent only after appropriation. The department may only use
9 expenditures from the account for implementing, administering, and
10 enforcing the requirements of this chapter.

11 **Sec. 7.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and
12 2024 c 339 s 16 are each reenacted and amended to read as follows:

13 (1) The hearings board shall only have jurisdiction to hear and
14 decide appeals from the following decisions of the department, the
15 director, local conservation districts, the air pollution control
16 boards or authorities as established pursuant to chapter 70A.15 RCW,
17 local health departments, the department of natural resources, the
18 department of fish and wildlife, the parks and recreation commission,
19 and authorized public entities described in chapter 79.100 RCW:

20 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and
21 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,
22 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100,
23 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040,
24 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,
25 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020,
26 70A.565.030, section 5 of this act, 76.09.170, 77.55.440, 78.44.250,
27 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and
28 90.64.102.

29 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
30 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,
31 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,
32 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,
33 70A.565.030, section 5 of this act, 86.16.020, 88.46.070, 90.03.665,
34 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

35 (c) Except as provided in RCW 90.03.210(2), the issuance,
36 modification, or termination of any permit, certificate, or license
37 by the department or any air authority in the exercise of its
38 jurisdiction, including the issuance or termination of a waste

1 disposal permit, the denial of an application for a waste disposal
2 permit, the modification of the conditions or the terms of a waste
3 disposal permit, a decision to approve or deny a solid waste
4 management plan under RCW 70A.205.055, approval or denial of an
5 application for a beneficial use determination under RCW 70A.205.260,
6 an application for a change under RCW 90.03.383, or a permit to
7 distribute reclaimed water under RCW 90.46.220.

8 (d) Decisions of local health departments regarding the granting
9 or denial of solid waste permits pursuant to chapter 70A.205 RCW,
10 including appeals by the department as provided in RCW 70A.205.130.

11 (e) Decisions of local health departments regarding the issuance
12 and enforcement of permits to use or dispose of biosolids under RCW
13 70A.226.090.

14 (f) Decisions of the department regarding waste-derived
15 fertilizer or micronutrient fertilizer under RCW 15.54.820.

16 (g) Decisions of local conservation districts related to the
17 denial of approval or denial of certification of a dairy nutrient
18 management plan; conditions contained in a plan; application of any
19 dairy nutrient management practices, standards, methods, and
20 technologies to a particular dairy farm; and failure to adhere to the
21 plan review and approval timelines in RCW 90.64.026 as provided in
22 RCW 90.64.028.

23 (h) Any other decision by the department or an air authority
24 which pursuant to law must be decided as an adjudicative proceeding
25 under chapter 34.05 RCW.

26 (i) Decisions of the department of natural resources, the
27 department of fish and wildlife, and the department that are
28 reviewable under chapter 76.09 RCW, and the department of natural
29 resources' appeals of county, city, or town objections under RCW
30 76.09.050(7).

31 (j) Forest health hazard orders issued by the commissioner of
32 public lands under RCW 76.06.180.

33 (k) Decisions of the department of fish and wildlife to issue,
34 deny, condition, or modify a hydraulic project approval permit under
35 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
36 comply, to issue a civil penalty, or to issue a notice of intent to
37 disapprove applications.

38 (l) Decisions of the department of natural resources that are
39 reviewable under RCW 78.44.270.

1 (m) Decisions of an authorized public entity under RCW 79.100.010
2 to take temporary possession or custody of a vessel or to contest the
3 amount of reimbursement owed that are reviewable by the hearings
4 board under RCW 79.100.120.

5 (n) Decisions of the department of ecology that are appealable
6 under RCW 70A.245.020 to set recycled minimum postconsumer content
7 for covered products or to temporarily exclude types of covered
8 products in plastic containers from minimum postconsumer recycled
9 content requirements.

10 (o) Orders by the department of ecology under RCW 70A.455.080.

11 (2) The following hearings shall not be conducted by the hearings
12 board:

13 (a) Hearings required by law to be conducted by the shorelines
14 hearings board pursuant to chapter 90.58 RCW, except where appeals to
15 the pollution control hearings board and appeals to the shorelines
16 hearings board have been consolidated pursuant to RCW 43.21B.340.

17 (b) Hearings conducted by the department pursuant to RCW
18 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
19 70A.15.3110, and 90.44.180.

20 (c) Appeals of decisions by the department under RCW 90.03.110
21 and 90.44.220.

22 (d) Hearings conducted by the department to adopt, modify, or
23 repeal rules.

24 (3) Review of rules and regulations adopted by the hearings board
25 shall be subject to review in accordance with the provisions of the
26 administrative procedure act, chapter 34.05 RCW.

27 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act
28 constitute a new chapter in Title 70A RCW.

29 NEW SECTION. **Sec. 9.** This act may be known and cited as the
30 Salish Sea protection and marine clean fuels act.

31 NEW SECTION. **Sec. 10.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

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