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HOUSE BILL 2365

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives R. King, Wilson, Rust, Jacobsen and Orr

Read first time 01/15/92.      Referred to Committee on Fisheries & Wildlife.

1            AN ACT Relating to ballast water discharge; amending RCW 90.48.020;  
2 adding a new section to chapter 90.48 RCW; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.**            The legislature finds that the discharge  
5 of ballast water into state waters is largely unregulated. Ballast  
6 water contains microorganisms and other aquatic organisms that are not  
7 native to Washington's waters, and that present a threat to the aquatic  
8 ecosystem as well as to public health and safety. Toxic  
9 dinoflagellates appeared in shellfish beds in Australia, via ballast  
10 water discharge, and resulted in human deaths. Zebra mussels found in  
11 the Great Lakes caused millions of dollars of economic damage after  
12 arriving in ballast water. Finally, the microorganisms in Washington's  
13 waters are at the bottom of the food chain, and therefore affect the  
14 productivity of water-associated fish, wildlife, and marine aquatic

1 plants. It is in the best interest of Washington state to retain a  
2 native microfauna by eliminating the exotic microfauna found in ballast  
3 water.

4 **Sec. 2.** RCW 90.48.020 and 1987 c 109 s 122 are each amended to  
5 read as follows:

6 Whenever the word "person" is used in this chapter, it shall be  
7 construed to include any political subdivision, government agency,  
8 municipality, industry, public or private corporation, copartnership,  
9 association, firm, individual or any other entity whatsoever.

10 Wherever the words "waters of the state" shall be used in this  
11 chapter, they shall be construed to include lakes, rivers, ponds,  
12 streams, inland waters, underground waters, salt waters and all other  
13 surface waters and watercourses within the jurisdiction of the state of  
14 Washington.

15 Whenever the word "pollution" is used in this chapter, it shall be  
16 construed to mean such contamination, or other alteration of the  
17 physical, chemical or biological properties, of any waters of the  
18 state, including change in species of aquatic microfauna, temperature,  
19 taste, color, turbidity, or odor of the waters, or such discharge of  
20 any liquid, gaseous, solid, radioactive, or other substance into any  
21 waters of the state as will or is likely to create a nuisance or render  
22 such waters harmful, detrimental or injurious to the public health,  
23 safety or welfare, or to domestic, commercial, industrial,  
24 agricultural, recreational, or other legitimate beneficial uses, or to  
25 livestock, and native or desirable nonnative wild animals, birds, fish  
26 or other aquatic life.

27 Wherever the word "department" is used in this chapter it shall  
28 mean the department of ecology.

1           Whenever the word "director" is used in this chapter it shall mean  
2 the director of ecology.

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

5           The director shall adopt rules regulating the discharge of ballast  
6 water by requiring open ocean exchange of ballast water prior to entry  
7 into state waters.