

WAC 220-650-020 Definitions. (1) **In general.** The definitions herein are provided solely for the purposes of ballast water management unless otherwise noted. Nonindigenous species and ballast water management definitions from RCW 77.08.010 and 77.120.010 are included as noted to provide a comprehensive listing of terms used in this chapter.

(2) **"Ballast tank"** means any vessel tank or hold used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(3) **"Ballast water"** means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried. This includes matter suspended in such water per USCG regulations under Title 33 C.F.R., Part 151.1504.

(4) **"Ballast water capacity"** means the total volumetric capacity of any tanks, spaces, or compartments on a vessel used for carrying, loading or discharging ballast water, including any multiuse tank, space or compartment designed to allow carriage of ballast water.

(5) **"Ballast Water Reporting Form"** or **"reporting form"** means either a USCG or an IMO ballast water reporting form pursuant to USCG regulations under Title 33 C.F.R., Part 151.2045.

(6) **"Commission"** means the state fish and wildlife commission.

(7) **"Concurrent waters of the Columbia River"** means those waters of the Columbia River that coincide with the Washington-Oregon state boundary.

(8) **"Constructed"** means a stage of vessel construction wherein:

(a) The keel is laid;

(b) Construction identifiable with a specific vessel begins;

(c) Assembly of the vessel has commenced and comprises at least fifty tons or one percent of the estimated mass of all structural material, whichever is less; or

(d) The vessel undergoes a major conversion.

(9) **"Department"** means the Washington department of fish and wildlife.

(10) **"Detectable"** means a scientifically credible measurement as determined by the department, resulting in a mathematical count of aquatic organisms greater than zero or an approved measurement of a surrogate criterion, and assumes:

(a) Measurements reflect a specific point in time;

(b) Organisms may exist that are below detectable or reasonably credible limits;

(c) The term is temporal and likely to require adjustment as scientific methods improve in ability to measure the criteria;

(d) A reasonableness criteria also applies to the level of effort to find and enumerate organisms in large volumes of ballast water; and

(e) Measurements resulting in a mathematical count of zero are considered to have no detectable organisms.

(11) **"Exchange"** means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required under USCG Title 33 C.F.R., Part 151.2035.

(12) **"Gross tons," "GT,"** or **"GT ITC"** means a vessel's gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969 or any successor convention, as required under USCG Navigation and Vessel Circular No. 11-93, CH. 3, Section 2. GT is the metric used on the USCG ballast water reporting form, used to

qualify a "vessel" under this chapter, and is generally calculated differently than other tonnage metrics such as gross registry tons, gross registered tons (GRT), net tons, displacement, or deadweight. It is the vessel owner's or operator's responsibility to determine his or her vessel's applicability to this chapter if using alternative tonnage measurements, as there are no standard conversion metrics to GT.

(13) **"International Maritime Organization"** or **"IMO"** means a specialized agency of the United Nations with one hundred sixty-seven Member States and three Associate Members and based in the United Kingdom. Reference to IMO herein applies to its International Convention for the Control and Management of Ships' Ballast Water and Sediments adopted in 2004.

(14) **"Living organism"** means a whole or minimally damaged organism that exhibits signs of viability such as energy, activity, reproductive ability, or function at the time of observation.

(15) **"Major conversion"** means a conversion of an existing vessel that:

(a) Changes its ballast water carrying capacity by fifteen percent or greater;

(b) Changes the vessel type;

(c) As determined by the department, is projected to prolong its life by ten years or more; or

(d) Results in modifications to its ballast water system other than component replacement-in-kind. Conversion of a vessel to meet the provisions of this chapter will not be deemed to constitute a major conversion.

(16) **"Nonindigenous species"** means any species or other viable biological material that enters an ecosystem beyond its natural range. This also includes the seeds, eggs, spores, and other biological material capable of reproducing that species, or any other viable biological material that enters an ecosystem beyond its natural range.

(17) **"Person"** means an individual, firm, public or private corporation, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

(18) **"Port"** means a terminal or group of terminals or any place or facility that has been designated as a port by a USCG captain of the port. For purposes of this chapter, port may also mean a commonly associated anchorage or a common anchorage in the Columbia river if the next destination port is not known to the vessel owner or operator.

(19) **"Recognized marine trade association"** means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia River Steamship Operators Association for the Columbia River or other marine trade association that meets the same criteria.

(20) **"Sediments"** means any matter settled out of ballast water within a vessel.

(21) **"Technical assistance"** means information or training provided by the department in a nonenforcement capacity on ballast water laws, rules, and compliance methods and technologies.

(22) **"Treatment"** means the mechanical, physical, chemical, and biological technology or processes used, either singularly or in com-

ination, to remove, render harmless, or avoid the discharge of living organisms and pathogens within ballast water and sediment.

(23) "**Untreated ballast water**" means exchanged or unexchanged ballast water that has not undergone treatment.

(24) "**Vessel**" means a ship, boat, barge, or other floating craft of three hundred gross tons or more, United States and foreign, carrying, or capable of carrying, ballast water into the coastal waters of the state after operating outside of the coastal waters of the state, except those vessels described in RCW 77.120.020.

(25) "**Vessel owner**" or "**operator**" means the owner, operator, master, or person-in-charge of a vessel.

(26) "**Voyage**" means any transit by a vessel destined for any Washington port.

(27) "**Waters of the state**" means any surface waters, including internal waters contiguous to state shorelines, within the boundaries of the state.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-650-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. WSR 09-14-052 (Order 09-110), § 220-150-020, filed 6/25/09, effective 7/26/09.]