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HOUSE BILL 2719

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Cooper, Sump, Moeller and Chase

Read first time 01/20/2004.      Referred to Committee on Fisheries,  
Ecology & Parks.

1            AN ACT Relating to extending the date for ballast water discharge  
2      implementation; and amending RCW 77.120.030.

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

4            **Sec. 1.** RCW 77.120.030 and 2002 c 282 s 2 are each amended to read  
5      as follows:

6            The owner or operator in charge of any vessel covered by this  
7      chapter is required to ensure that the vessel under their ownership or  
8      control does not discharge ballast water into the waters of the state  
9      except as authorized by this section.

10           (1) Discharge into waters of the state is authorized if the vessel  
11      has conducted an open sea exchange of ballast water. A vessel is  
12      exempt from this requirement if the vessel's master reasonably  
13      determines that such a ballast water exchange operation will threaten  
14      the safety of the vessel or the vessel's crew, or is not feasible due  
15      to vessel design limitations or equipment failure. If a vessel relies  
16      on this exemption, then it may discharge ballast water into waters of  
17      the state, subject to any requirements of treatment under subsection  
18      (2) of this section and subject to RCW 77.120.040.

1           (2) After July 1, (~~2004~~) 2008, discharge of ballast water into  
2 waters of the state is authorized only if there has been an open sea  
3 exchange or if the vessel has treated its ballast water to meet  
4 standards set by the department. When weather or extraordinary  
5 circumstances make access to treatment unsafe to the vessel or crew,  
6 the master of a vessel may delay compliance with any treatment required  
7 under this subsection until it is safe to complete the treatment.

8           (3) The requirements of this section do not apply to a vessel  
9 discharging ballast water or sediments that originated solely within  
10 the waters of Washington state, the Columbia river system, or the  
11 internal waters of British Columbia south of latitude fifty degrees  
12 north, including the waters of the Straits of Georgia and Juan de Fuca.

13           (4) Open sea exchange is an exchange that occurs fifty or more  
14 nautical miles offshore. If the United States coast guard requires a  
15 vessel to conduct an exchange further offshore, then that distance is  
16 the required distance for purposes of compliance with this chapter.

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