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**SUBSTITUTE SENATE BILL 6329**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senator Oke)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to extending the date for ballast water discharge  
2 implementation; amending RCW 77.120.030; amending 2002 c 282 s 1  
3 (uncodified); and providing an expiration date.

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

5 **Sec. 1.** 2002 c 282 s 1 (uncodified) is amended to read as follows:

6 (1) The director of the department of fish and wildlife must  
7 establish the ballast water work group.

8 (2) The ballast water work group consists of the following  
9 individuals:

10 (a) One staff person from the governor's executive policy office.

11 This person must act as chair of the ballast water work group;

12 (b) Two representatives from the Puget Sound steamship operators;

13 (c) Two representatives from the Columbia river steamship  
14 operators;

15 (d) Three representatives from the Washington public ports, one of  
16 whom must be a marine engineer;

17 (e) Two representatives from the petroleum transportation industry;

18 (f) One representative from the Puget Sound water quality action  
19 team; ((and))

- 1 (g) Two representatives from the environmental community; and  
2 (h) One representative from the department of fish and wildlife.

3 (3) The ballast water work group must study, and provide a report  
4 to the legislature by December 15, (~~(2003)~~) 2006, the following issues:

5 (a) All issues relating to ballast water technology, including  
6 exchange and treatment methods, treatment plans, and the associated  
7 costs;

8 (b) The services needed by the industry and the state to protect  
9 the marine environment, including penalties and enforcement; and

10 (c) The costs associated with, and possible funding methods for,  
11 implementing the ballast water program.

12 (4) The ballast water work group must begin operation immediately  
13 upon the effective date of this section. The (~~department of fish and~~  
14 ~~wildlife~~) Puget Sound water quality action team must provide staff for  
15 the ballast water work group. The staff must come from existing  
16 personnel within the (~~department of fish and wildlife~~) team.

17 (5) The director must also monitor the activities of the task force  
18 created by the state of Oregon in 2001 Or. Laws 722, concerning ballast  
19 water management. The director shall provide the ballast water work  
20 group with periodic updates of the Oregon task force's efforts at  
21 developing a ballast water management system.

22 (6)(a) The ballast water work group expires June 30, (~~(2004)~~) 2007.

23 (b) This section expires June 30, (~~(2004)~~) 2007.

24 **Sec. 2.** RCW 77.120.030 and 2002 c 282 s 2 are each amended to read  
25 as follows:

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

30 (1) Discharge into waters of the state is authorized if the vessel  
31 has conducted an open sea exchange of ballast water. A vessel is  
32 exempt from this requirement if the vessel's master reasonably  
33 determines that such a ballast water exchange operation will threaten  
34 the safety of the vessel or the vessel's crew, or is not feasible due  
35 to vessel design limitations or equipment failure. If a vessel relies  
36 on this exemption, then it may discharge ballast water into waters of

1 the state, subject to any requirements of treatment under subsection  
2 (2) of this section and subject to RCW 77.120.040.

3 (2) After July 1, (~~2004~~) 2007, discharge of ballast water into  
4 waters of the state is authorized only if there has been an open sea  
5 exchange or if the vessel has treated its ballast water to meet  
6 standards set by the department. When weather or extraordinary  
7 circumstances make access to treatment unsafe to the vessel or crew,  
8 the master of a vessel may delay compliance with any treatment required  
9 under this subsection until it is safe to complete the treatment.

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

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

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