CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6329

Chapter 227, Laws of 2004

58th Legislature
2004 Regular Session

BALLAST WATER WORK GROUP

EFFECTIVE DATE: 6/10/04

Passed by the Senate March 8, 2004
YEAS 47  NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 3, 2004
YEAS 96  NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 6329 as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.
Secretary


GARY F. LOCKE
Governor of the State of Washington

FILED
March 31, 2004 - 10:39 a.m.

Secretary of State
State of Washington
AN ACT Relating to extending the date for ballast water discharge
implementation; amending RCW 77.120.005 and 77.120.030; amending 2002
c 282 s 1 (uncodified); and providing an expiration date.

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

Sec. 1. RCW 77.120.005 and 2000 c 108 s 1 are each amended to read
as follows:
The legislature finds that some nonindigenous species have the
potential to cause economic and environmental damage to the state and
that current efforts to stop the introduction of nonindigenous species
from shipping vessels do not adequately reduce the risk of new
introductions into Washington waters.
The legislature recognizes the international ramifications and the
rapidly changing dimensions of this issue, the lack of currently
available treatment technologies, and the difficulty that any one state
has in either legally or practically managing this issue. Recognizing
the possible limits of state jurisdiction over international issues,
the state declares its support for the international maritime
organization and United States coast guard efforts, and the state
intends to complement, to the extent its powers allow it, the United States coast guard's ballast water management program.

Sec. 2. 2002 c 282 s 1 (uncodified) is amended to read as follows:

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

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

   (a) One staff person from the governor's executive policy office. This person must act as chair of the ballast water work group;
   (b) Two representatives from the Puget Sound steamship operators;
   (c) Two representatives from the Columbia river steamship operators;
   (d) Three representatives from the Washington public ports, one of whom must be a marine engineer;
   (e) Two representatives from the petroleum transportation industry;
   (f) One representative from the Puget Sound water quality action team; ((and))
   (g) Two representatives from the environmental community;
   (h) One representative of the shellfish industry;
   (i) One representative of the tribes;
   (j) One representative of maritime labor; and
   (k) One representative from the department of fish and wildlife.

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

   (a) All issues relating to ballast water technology, including exchange and treatment methods, the associated costs, and the availability of feasible and proven ballast water treatment technologies that could be cost-effectively installed on vessels that typically call on Washington ports;
   (b) The services needed by the industry and the state to protect the marine environment, including penalties and enforcement; ((and))
   (c) The costs associated with, and possible funding methods for, implementing the ballast water program;
   (d) Consistency with federal and international standards, and identification of gaps between those standards, and the need for additional measures, if any, to meet the goals of this chapter;
(e) Describe how the costs of treatment required as of July 1, 2007, will be substantially equivalent among ports where treatment is required;

(f) Describe how the states of Washington and Oregon are coordinating their efforts for ballast water management in the Columbia river system; and

(g) Describe how the states of Washington, Oregon, and California and the province of British Columbia are coordinating their efforts for ballast water management on the west coast.

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

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


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

Sec. 3. RCW 77.120.030 and 2002 c 282 s 2 are each amended to read as follows:

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

(1) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to RCW 77.120.040.
(2) After July 1, (2004) 2007, discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet standards set by the department consistent with applicable state and federal laws. When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.

(3) Masters, owners, operators, or persons-in-charge shall submit to the department an interim ballast water management report by July 1, 2006, in the form and manner prescribed by the department. The report shall describe actions needed to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel. Reports may include a statement that there are no treatment methods applicable to the vessel for which the report is being submitted.

(4) The ballast water work group created in section 1, chapter 282, Laws of 2002 shall develop recommendations for the interim ballast water management report. The recommendations must include, but are not limited to:

(a) Actions that the vessel owner or operator will take to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel;

(b) Necessary plan elements when there are not treatment methods applicable to the vessel for which the report is being submitted, or which would meet the requirements of this chapter; and

(c) The method, form, and content of reporting to be used for such reports.

(5) For treatment technologies requiring shipyard modification that cannot reasonably be performed prior to July 1, 2007, the department shall provide the vessel owner or operator with an extension to the first scheduled drydock or shipyard period following July 1, 2007.

(6) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.

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

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

Passed by the Senate March 8, 2004.
Approved by the Governor March 31, 2004.
Filed in Office of Secretary of State March 31, 2004.