
HOUSE BILL 1299

State of Washington 60th Legislature 2007 Regular Session

By Representatives B. Sullivan, Kretz, Newhouse, Chase and Haler

Read first time 01/16/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to ballast water management; and amending RCW
2 77.120.030.

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

4 **Sec. 1.** RCW 77.120.030 and 2004 c 227 s 3 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, 2007, discharge of ballast water into waters of
2 the state is authorized only if there has been an open sea exchange or
3 if the vessel has treated its ballast water to meet standards set by
4 the department consistent with applicable state and federal laws. When
5 weather or extraordinary circumstances make access to treatment unsafe
6 to the vessel or crew, the master of a vessel may delay compliance with
7 any treatment required under this subsection until it is safe to
8 complete the treatment. Nothing in this subsection (2) may be
9 interpreted to require a master of a vessel to take any action that
10 would jeopardize the safety of the vessel, its passengers, or crew as
11 long as the master has made every reasonable effort to first comply
12 with the requirements of this section.

13 (3) Masters, owners, operators, or persons-in-charge shall submit
14 to the department an interim ballast water management report by July 1,
15 2006, in the form and manner prescribed by the department. The report
16 shall describe actions needed to implement the ballast water
17 requirements in subsection (2) of this section, including treatment
18 methods applicable to the class of the vessel. Reports may include a
19 statement that there are no treatment methods applicable to the vessel
20 for which the report is being submitted.

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

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

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

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

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

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

4 (7) The requirements of this section do not apply to a vessel
5 discharging ballast water or sediments that originated solely within
6 the waters of Washington state, the Columbia river system, ~~((or))~~ the
7 internal waters of British Columbia south of latitude fifty degrees
8 north, including the waters of the Straits of Georgia and Juan de Fuca,
9 or the waters of Alaska north of latitude fifty-four degrees thirty
10 minutes north. The department may further limit the waters of British
11 Columbia or the waters of Alaska from which the ballast water or
12 sediments may originate under this subsection (7) if the department
13 determines that ballast water or sediments from areas designated in
14 this subsection (7) pose a danger to the waters of Washington state.

15 (8) 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.

--- END ---