

WAC 220-650-050 Vessels carrying high risk ballast water. (1)

In general. The department will identify, publish, and maintain a list of vessels that pose an elevated risk of discharging ballast water or sediment containing nonindigenous species into the waters of the state. Vessels on this list will be prioritized for evaluation and boarding under WAC 220-650-040 and may require completion of an approved temporary compliance plan and/or temporary alternative strategy under WAC 220-650-060.

(2) **Listing.** The department will identify vessels that are carrying high risk ballast water using factors including, but not limited to:

- (a) A nonindigenous species profile of originating waters;
- (b) The volume and frequency of exchanged ballast water normally discharged;
- (c) Design limitations in vessels that prevent effective exchanges;
- (d) Frequency of voyages within coastal areas where exchange outside fifty nautical miles is not a viable option;
- (e) Frequency and severity of vessel or vessel owner or operator violation history; and
- (f) Frequency of vessel claims for safety exemptions.

(3) **Delisting.** The department will delist a vessel on the high risk list where the vessel owner or operator:

- (a) Demonstrates that its management operations meet or exceed interim open sea exchange requirements under WAC 220-650-070 or 220-650-080, unless WAC 220-650-090 applies; or
- (b) Demonstrates that its management operations meet or exceed the discharge performance standards under WAC 220-650-090; or
- (c) Completes an approved compliance plan and/or alternative strategy per WAC 220-650-060.

[Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, 77.120.040(5). WSR 18-08-013, § 220-650-050, filed 3/22/18, effective 4/22/18. 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 § 220-650-050, 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), § 220-150-035, filed 6/25/09, effective 7/26/09.]