

**WAC 220-650-040 Vessel inspections.** (1) **In general.** Department employees shall have the right to board and inspect vessels, without advance notice, to provide technical assistance, assess compliance, and enforce the requirements of this chapter as provided in RCW 77.120.070, so long as such inspections are conducted in accordance with the standards set forth herein.

The department intends, as resources allow, to board between five and ten percent of all vessels arriving at Washington ports each year, with a priority for inspections of vessels carrying high risk ballast water as described in WAC 220-650-050. Multiple boardings of an individual vessel may occur throughout the year, depending on the vessel's risk and compliance history.

(2) **Conditions.** Department inspections shall be conducted under the following conditions:

(a) Authorized department inspectors: Inspections shall be conducted only by department employees, agents, or contractors specifically authorized by the department to conduct such inspections.

(b) Time: Inspections may be conducted at any time, due to the twenty-four hour nature of the regulated industry. In general, the department will not unduly interrupt normal cargo operations of the vessel. However, the department may interrupt vessel cargo operations where facts indicate that the discharge of unexchanged or untreated ballast water or sediment is occurring or is likely imminent.

(c) Location: Inspections may be conducted when the vessel is at anchor within waters of the state or in port within waters of the state.

(d) Scope of inspection: The department inspector shall limit inspection of the vessel to those areas reasonably necessary to inspect management plans, logs, or other ballast water and sediment-related records required by these rules and maintained on board the vessel, and to areas in which ballast water or sediment is contained, pumped, or treated. Inspectors may examine records related to ballast water management plans, logs, or other ballast water and sediment-related records and make copies of such records.

(e) Identification: Department inspectors must have official identification, announce their presence and intent at the time of inspection, perform their duties in a safe and professional manner, and follow all appropriate ship safety requirements.

(f) Vessel escort: The vessel owner or operator will provide an employee to escort the department inspector to those areas of the vessel that are subject to inspection under these rules.

(g) Safety: Nothing in this section relieves the vessel owner or operator of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers.

(3) **Technical assistance.** Technical assistance is generally provided during every vessel boarding by a department ballast water inspector, but may also be the sole reason for a boarding. The purpose is to explain and provide details of state law to the officers and crew responsible for implementing the vessel's ballast water management plan. Based on the crew's familiarity with state law and ballast water management practices, the department inspector may provide a thorough overview or a brief update and be available to answer any questions they might have regarding the ballast management on board their specific vessel. The inspector will leave a state ballast water management information pamphlet with contact information on board so the vessel may contact the department directly to address any other questions that may come up regarding state requirements.

(4) **Ballast water management audit.** The department inspector may board a vessel and conduct an audit of its ballast water management documentation to verify compliance with state laws. An audit consists of reviewing the vessel's ballast water reporting form, management plan, and record book as required in this section. In addition, the inspector may request and review any other records that relate to ballast management operations, including: The Deck Log, GPS Log, Soundings Log, Stability Reports, Engine Room Log, and Oil Record Book. A vessel owner or operator who maintains a concise record of its ballast water management will expedite the audit. The department will provide a copy of a vessel audit checklist and findings to the vessel owner or operator prior to leaving the vessel.

(5) **Sampling ballast tanks.** Department inspectors may take samples from a vessel's ballast tanks in addition to the audit. These samples are used to help evaluate the risk that vessel poses for introducing nonindigenous species into waters of the state. Sampling may require the vessel's crew to provide safe access to ballast tanks for sampling, including lighting and ventilation of cargo holds, spaces, and voids as needed. The vessel's crew will provide the labor to open ballast tank manhole covers and present the tank for sample access. This may involve taking the head off of the tank level as necessary, to preclude overflowing the tank. If tank certification is necessary for access, the vessel owner or operator will be responsible for any costs incurred. At least one member of the vessel's crew will accompany the department ballast inspector at all times during the sampling process. A department inspector may also require a sample of tank sediment, where safe and practical, that can be collected by the vessel owner or operator under department observation or by the department inspector.

(6) **Exchange alternative and discharge standard performance inspections and testing.** The department may review operations data and take ballast water or sediment samples from a vessel's equipment that is used to meet exchange alternative requirements under WAC 220-650-080 or discharge performance standards under WAC 220-650-090. Vessel owners or operators must provide in-line discharge sampling ports that allow for this testing.

(7) **Investigation of violations.** Where there is evidence that a violation has occurred, the department may investigate those suspected violations. In doing so, the department may use all appropriate and practical measures of detection and environmental monitoring. Where the department determines that a violation has occurred, the department will follow the protocols under WAC 220-650-120.

(8) **Petition for civil enforcement.** If a department inspector is denied access to any vessel where access was sought for the purposes of this subsection, the department may file a petition for civil enforcement pursuant to RCW 77.120.070(3) and 34.05.578.

[Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, 77.120.040(5). WSR 18-08-013, § 220-650-040, 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 § 220-650-040, 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), § 220-150-033, filed 6/25/09, effective 7/26/09.]