



State of Washington

DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

DETERMINATION OF NONSIGNIFICANCE (DNS)

Name of Proposal: BALLAST WATER RULE MAKING

Description of Proposal:

- Rule making replaces existing ballast water management WAC 220-77-090 and 220-77-095 rules with updated information and requirements as directed by changes to RCW 77.120 as passed by state legislature in 2007.
- Most rule making regards management practices.
- No proposed rules require the creation of new infrastructure or would require other than minor increases in services than currently exist.
- Proposed rules related to significantly reducing environmental impacts from nonindigenous species discharges include:
 - WAC 220-150-030(7) adds discharge options for safety exemptions that may allow an emergency treatment response or discharge into alternative waters.
 - WAC 220-150-040 clarifies ballast water exchange standards that have been in statute since 2000.
 - WAC 220-150-040(8) adds an alternative exchange option for vessels using approved treatment systems meeting International Maritime Organization (IMO) standards. Vessels approved by IMO have been shown to have an effectiveness equal to or greater than exchange.
 - WAC 220-150-040(8)(c)(v) adds notification criteria requiring a recommendation from the Washington Department of Ecology that sets conditions necessary for the environmentally safe discharge of biocide treated ballast water.
 - WAC 220-150-070 adds new section on removing ballast tank sediments (nonindigenous species vector) before entry into state waters.
 - WAC 220-150-080 revises section on penalties and enforcement authorities to ensure minimum environmental protection standards are met.
- Proposed rules that may result in an insignificant environment impact include:
 - WAC 220-150-030(9) adds guidelines for compliance plans and alternative strategies that allow for specific short-term exchange or treatment standard waivers for vessels on a case-by-case basis. Requires complying to maximum extent possible during waiver period.
 - WAC 220-150-040(4) clarifies common water criteria that has been in place since 2000 to waive exchange requirements between ports in specified geographic region.
 - WAC 220-150-040(6) allows establishment of alternative discharge areas in emergency situations or to avoid prohibited discharge areas. Emergency situations are rare and no currently discharge areas are prohibited or expected to become prohibited.

- WAC 220-150-040(8)(c)(v) allows use of biocides, but vessel discharge will be monitored for meeting state water quality standards. This rule is expected to affect less than 0.1% of vessel arrivals.

Proponent/Applicant:

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Olympia, WA 98501-1090
360-902-2724

Location of Proposal, including street, if any: Proposed rules address all waters of Washington State (same since 2000) accessible by vessels of 300 gross tons or more, United States or foreign owned or operated, carrying or capable of carrying ballast water

Lead Agency: Washington Department of Fish and Wildlife (WDFW)

WDFW has determined that this proposal likely will not have a significant adverse impact on the environment. Therefore, state law¹ does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us. If you want to review this information, please contact WDFW at the address below.

Agencies, affected tribes, and members of the public are invited to comment on this proposal.

We issued this DNS according to state rules.² We will **not act on this proposal for 21 days** from the date we issued the DNS. If you have comments about this DNS or the proposal, you must send your comments to us so that we receive them within 21 days. This means we must receive your comments by **April 21, 2009**.

When you send us your comments, please provide the name of proposal in your comment letter, and mail the letter to:

Responsible Official: Teresa A. Eturaspe

Position/Title: SEPA/NEPA Coordinator, WDFW Regulatory Services Section

Address: 600 Capitol Way North, Olympia, WA 98501-1091

You can also send your comments via email to SEPAdesk@dfw.wa.gov, or via fax to (360) 902-2946.

After the closing date of the comment period, applicants are encouraged to view the updated status of this proposal on the WDFW SEPA website: <http://www.wdfw.wa.gov/hab/sepa/sepa.htm>
No additional notification will be made.

Applicants and permittees may take action on the proposal once the status is posted as final.

When a proposal is modified or withdrawn additional notice will be given, in accordance with state law.¹

If you have questions about this DNS or the details of the proposal, contact Teresa Eturaspe at the address, e-mail, or fax number above; you can also call her at (360) 902-2575.

DATE OF ISSUE: April 1, 2009

SIGNATURE: 

Footnotes

1. RCW 43.21C.030(2)(c)

2. WAC 197-11-340(2).