



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Subject of possible rule making: WAC 220-150-050, Ballast water management treatment requirements.

Statutes authorizing the agency to adopt rules on this subject: RCWs 77.12.047, 77.120.030(3), and 77.120.040(5)(a).

Reasons why rules on this subject may be needed and what they might accomplish: Since 2000, the legislature (2000 c 108 §4) has anticipated that WDFW will adopt discharge performance standards for the effective treatment of ballast water. Engrossed Second Substitute Senate Bill 5923 (2007 c 350 §10) amended the statute to emphasize the need to create standards to “ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species.” A state discharge performance standard is required, since federal agencies continue to delay implementation of a national standard.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The U.S. Coast Guard (USCG) and the U.S. Environmental Protection Agency: WDFW, as practical and appropriate, is tasked with adopting discharge performance standards compatible with standards set by USCG and consistent with EPA’s Clean Water Act. To do this, WDFW will consult with its Ballast Water Work Group, which is made up of other state and federal agencies, affected industries, tribal governments, environmental groups, academia, technical interests, and interested members of the public.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Contact Allen Pleus, Fish Program, 600 Capitol Way N, Olympia, WA 98501-1091.
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Expected proposal filing on or after September 23, 2009

DATE
June 29, 2009

NAME (TYPE OR PRINT)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

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