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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Department of Environmental Quality 340

Agency and Division

Administrative Rules Chapter Number

Meyer Goldstein

(503) 229-6478

Rules Coordinator

Telephone

811 SW Sixth Ave., Portland, OR 97204

Address

To become effective 03/01/2017 Rulemaking Notice was published in the May 2016 Oregon Bulletin.

RULE CAPTION

Ballast Water Management Rules

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

340-143-0005, 340-143-0010, 340-143-0050

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 468.020, 783.620 - 783.640

Other Authority:

Statutes Implemented:

ORS 783.620 - 783.640

RULE SUMMARY

The amended rules establish greater protection for Oregon water resources and aquatic ecosystems in two ways. First, the rules close a management gap associated with residual ballast water and sediments in empty ballast tanks that represents a risk for introducing aquatic invasive species when vessel operators must ballast and subsequently de-ballast from empty ballast tanks while in state waters. The proposed rule requires vessel operators to conduct a mid-ocean saltwater flush of empty ballast tanks that they want to use for ballasting and subsequent de-ballasting while in port.

Second, the rules address concerns that recent federal regulatory changes will replace a strategy that has proven to be highly protective for low-salinity ports, like those in Oregon, with reliance upon first generation shipboard treatment technologies that, under some circumstances, could be less protective of Oregon ports. Under current state rules, vessel operators are no longer required to conduct ballast water exchange practices following implementation of federal discharge standards that generally require use of new shipboard treatment technology. The proposed rule would retain ballast water exchange requirements for a subset of vessel arrivals that represent a high-risk for introducing Aquatic Invasive Species to Oregon, in addition to meeting federal treatment requirements, for high-risk voyages that have sourced ballast from low-salinity environments.

Retaining ballast exchange for high-risk voyages will serve as an important interim strategy to protect Oregon's low-salinity ports during a significant transition that depends upon the reliability of new technologies that have lacked rigorous testing. As proposed, EQC would repeal the rule after seven years unless DEQ and the EQC determine that technology reliability and efficacy of federal shipboard treatment policies remain inadequate.

Meyer Goldstein
Rules Coordinator Name

meyer.goldstein@state.or.us
Email Address