**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DIVISION 143**

**BALLAST WATER MANAGEMENT**

**340-143-0005**

**Definitions**

(1) "Ballast Water" means any water and associated sediment used to manipulate the trim and stability of a vessel.

(2) "Cargo Vessel" means a ship in commerce, other than a tank vessel or a vessel used solely for commercial fish harvesting, of 300 gross tons or more.

(3) "Coastal Ocean Exchange" means the exchange of ballast water in an area no less than 50 nautical miles from any shore and where the water depth exceeds 200 meters.

(4) “Common Waters Zone” means the Pacific Coast of North America between 40 and 50 degrees north latitude.

(5) "DEQ" means the Oregon Department of Environmental Quality.

(6) “Empty ballast tank” means a ballast tank of a vessel that has been discharged of ballast water from a voyage and , as a result, is expected to have only unpumpable residual ballast water and sediment remaining in the ballast tank.

(7) “Exchange” means to replace the water in a ballast tank using either flow-through exchange, empty/refill exchange, or other exchange methods described under U.S. Coast Guard rules, 33 CFR, part 151.2035.

(8) “Exclusive Economic Zone” extends from the baseline of the U.S. territorial sea seaward 200 nautical miles.

(9) “High-risk Ballast Water” means unexchanged or untreated ballast water obtained from a coastal area outside the common waters zone identified in this rule.

(10) "Internal Waters of the State" means those waters of this state that do not have shared jurisdiction with an adjacent state.

(11) “Nonindigenous Species” means any species or other viable biological material entering an ecosystem beyond its natural range. This also includes seeds, eggs, spores and other biological material entering an ecosystem beyond its natural range.

(12) "Oil" means oil, gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge, oil refuse and any other petroleum-related product.

(13) "Open Sea Exchange" means the exchange of ballast water that occurs in an area no less than 200 nautical miles from any shore and where the water depth exceeds 2,000 meters.

(14) “Pacific Coast Region” means all coastal waters on the Pacific Coast of North America east of 154 degrees W longitude and north of 25 degrees N latitude, exclusive of the Gulf of California.

(15) "Passenger Vessel" means a ship of 300 gross tons or more, carrying passengers for compensation.

(16) "Port" means any place to which a vessel is bound to anchor or moor.

(17) “Saltwater flush” means to pump a sufficient volume of coastal ocean or open sea water, depending upon prior ballast source location, into an empty ballast tank and subsequently discharge the ballast water such that the remaining residual ballast water and sediment has a salinity greater than or equal to 30 parts per thousand.

(16) "Sediment" means any matter that settles out of ballast water.

(17) "Ship" means any boat, ship, vessel, barge or other floating craft of any kind.

(18) "Tank Vessel" means a ship that is constructed or adapted to carry oil in bulk as cargo or cargo residue other than:

(a) A vessel carrying oil in drums, barrels or other packages;

(b) A vessel carrying oil as fuel or stores for that vessel; or

(c) An oil spill response barge or vessel.

(19) "Territorial Sea of the United States" means the waters extending three nautical miles seaward from the coastline in conformance with federal law.

(20) "Vessel" means a tank vessel, cargo vessel or passenger vessel.

(21) "Voyage" means any transit by a vessel destined for any Oregon port.

(22) “Waters of the State” mean natural waterways including all tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in Oregon, navigable and non-navigable, including that portion of the Pacific Ocean that is within Oregon’s boundaries.

Stat. Auth.: ORS 468.020, 783.620 - 783.640
Stats. Implemented: ORS 783.620 - 783.640
Hist: DEQ 17-2002, f. 11-1-02, cert. ef. 12-1-02; DEQ 4-2011, f. & cert. ef. 3-17-11

**340-143-0010**

**Ballast Water Management: Discharge Prohibitions**

(1) Discharge of ballast water containing oil or hazardous material into waters of the state is prohibited.

(2) Vessels must not discharge ballast water into waters of the state unless:

(a) The vessel discharges ballast water only at the same location where the ballast water originated, provided that the master, operator or person in charge of the vessel can demonstrate compliance with Section (3) of this rule or that the ballast water to be discharged was not mixed with ballast water or sediment from an area other than mid-ocean waters. For purposes of this subsection, “same location” means an area within one nautical mile of the berth or within the recognized breakwater of an Oregon port or place, at which the ballast water to be discharged was loaded;

(b) The owner or operator of the vessel conducted proper ballast water exchange management practices before entering waters of the state, such that:

(A) An open sea exchange was conducted for ballast tanks containing water sourced outside the Exclusive Economic Zone; or

(B) A coastal ocean exchange was conducted for ballast tanks containing water sourced from a port within the Pacific Coast Region of North America;

(c) The ballast water was solely obtained from mid-ocean waters that are no less than 200 nautical miles from any shore and where water depth exceeds 2,000 meters;

(d) The ballast water originated solely from the common waters zone, as defined by OAR 340-143-0005(5);

(e) The ballast water originated solely from municipal or treated drinking water sources and is not mixed with ballast water obtained from areas other than open sea waters;

(f) The ballast water had been managed using a shipboard treatment system that meets certification and discharge standards set forth in OAR 340-143-0050; or

(g) The vessel owner or operator has declared a safety exemption as set forth in OAR 340-143-0040(2).

(3) Ballast tanks that are empty and contain unpumpable residual ballast water or sediment may only be used for ballasting and subsequent deballasting within waters of the state if the residual ballast water has salinity greater than or equal to 30 parts per thousand at the time of entering state waters. For voyages that have recently sourced ballast from low-salinity waters or are otherwise unable to verify the salinity of the residual ballast water or sediments prior to entering state waters, the vessel operator shall conduct a saltwater flush of empty tank(s):

(a) at least 200 nautical miles from any shore for tank(s) containing water sourced outside the Exclusive Economic Zone; or

(b) at least 50 nautical miles from shore and in waters at least 200 meters deep for tank(s) containing water sourced within the Pacific Coast Region of North America.

Stat. Auth.: ORS 468.020, 783.620 - 783.640
Stats. Implemented: ORS 783.620 - 783.640
Hist: DEQ 17-2002, f. 11-1-02, cert. ef. 12-1-02; DEQ 4-2011, f. & cert. ef. 3-17-11

**340-143-0050**

**Ballast Water Management: Use of Shipboard Ballast Water Treatment Systems**

 (1) Use of shipboard ballast water treatment systems. Ballast water treated using technology approved for shipboard use by the U.S. Coast Guard and in compliance with federal discharge standards established by the U.S. Environmental Protection Agency may be discharged to waters of the state but may also be subject to additional management practice requirements established under section (2) of this rule.

(2) Ballast exchange plus treatment. For vessels managing ballast water with a shipboard treatment system in accordance with federal discharge standards, the vessel operator shall also conduct ballast water exchange for tanks with ballast water salinity less than or equal to18 parts per thousand. Prior to treatment, ballast exchange or saltwater flushing practices shall be conducted as specified by 340-143-0010(2)(b), and 340-143-0010 (3), respectively, resulting in salinity greater than or equal to 30 parts per thousand. The ballast water exchange requirement under this section does not apply if:

(a) The vessel is equipped with a ballast water treatment system meeting a ballast discharge standard more stringent than the International Maritime Organization D-2 standards established under the 2004 Ballast Water Management Convention, such that discharged ballast contains:

(A) less than 1 living organism per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(B) less than 1 living organism per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(C) concentrations of indicator microbes that are less than:

(i) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes 01 and 0139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(ii) 126 colony-forming units of Escherichia coli per 100 milliliters; and

(iii) 33 colony-forming unites of intestinal enterococci per 100 milliliters.

(b) The ballast water discharge qualifies for an exemption set forth in OAR 340-143-0010(2)(a), OAR 340-143-0010(2)(c), OAR 340-143-0010(2)(d), or OAR 340-143-0010(2)(e), or

(c) The vessel owner or operator determines that compliance with the ballast water exchange requirement meets safety exemption conditions set forth in OAR 340-143-0040(2).

(3) As an alternative to discharging high-risk ballast water identified in 340-143-0040, DEQ may authorize, by order in writing, the use of ballast water treatment systems identified as promising technology by the U.S. EPA, U.S. Coast Guard or neighboring states.

(4) Effective January 1, 2025, section (2) of this rule shall be repealed. Prior to this date, DEQ, in consultation with a stakeholder advisory group, will review current science on the efficacy of federal ballast water discharge standards and shipboard treatment systems for preventing introductions of aquatic invasive species to Oregon waters. The review may provide recommendations including, but not limited to, an extended repeal date of this rule, if necessary.

Stat. Auth.: ORS 468.020, 783.620 - 783.640
Stats. Implemented: ORS 783.620 - 783.640
Hist: DEQ 4-2011, f. & cert. ef. 3-17-11