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If your rules include tables, please follow this example as a template of how to format your rules. If your rules do not have tables, you can ignore this example.

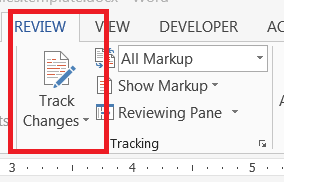
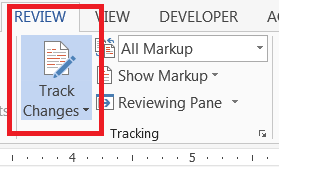
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| --- | --- | --- | --- |
| **Table Title Additional Title Even More Info, Date** | | | |
| **Subheading 1** | | **Subheading 2** | |
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**Rule Formatting Standards -OAR 166-500-0055**

1. Microsoft Word
2. Single spaced
3. Left justified
4. 12 point, Times New Roman font
5. One extra (blank) line (carriage return) between each rule segment
6. No auto numbering/auto numbering turned off
7. Tables formatted according to DEQ standard
8. If you are not familiar with creating or formatting tables, ask rules group lead or agency rules coordinator for help
9. Keep Track Changes function turned on
10. Only make edits on SharePoint version of rules

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**Key to Identifying Changed Text:**

**~~Deleted Text~~**  
New/inserted text  
~~Text deleted from one location~~ - and moved to another location

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

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

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

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

(10) “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.

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

(12) "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.

(13) “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.

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

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

(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 carrying ballast water into waters of the state must not discharge ballast water 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 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 North American Pacific Coast Region;

(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 treated in a manner authorized by OAR 340-143-0050; or

(g) The vessel owner or operator declares a safety exemption in a manner consistent with ORS 783.635 (2)(b) and OAR 340-143-0040.

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 Ballast Water Treatment Systems**

(1) Discharge Standards. Reserved

(2) Use of ballast water treatment systems. Ballast water treated in compliance with federal discharge standards or treated using technology approved for shipboard use by the U.S. Coast Guard or the U.S. Environmental Protection Agency may be discharged to waters of the state unless discharge violates section (1).

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

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