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**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DIVISION 143**

**BALLAST WATER MANAGEMENT**

**340-143-0005**

**Definitions**

**(1) Definitions defined under statute: This division uses the definitions for the following terms provided in ORS 783.625:**

**(a) “Ballast water”;**

**(b) “Cargo vessel”;**

**(c) “Empty ballast tank”:**

**(d) “Oil”;**

**(e) “Open sea exchange”;**

**(f) “Passenger vessel”;**

**(g) “Sediment”;**

**(h) “Ship”;**

**(i) “Tank vessel”;**

**(j) “Vessel”;**

**(k) “Voyage”; and**

**(l) “Waters of the State”.**

**(2) Definitions defined by administrative rule: This division uses the following terms as defined in this rule:**

(a) "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.

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

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

(d) “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.

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

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

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

(h) “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.

(i) “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.

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

(k) “Saltwater flush” means to pump coastal ocean or open sea water, depending upon last ballast source location, into an empty ballast tank in a volume sufficient to ensure that after discharging the ballast water, the remaining residual ballast water and sediment has a salinity greater than or equal to 30 parts per thousand.

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

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) Vessels may not discharge ballast water containing oil or hazardous material into waters of the state.

(2) Vessels may 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 open sea 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, as follows:

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

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

(c) The vessel obtained the ballast water solely from open sea 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(4);

(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 the certification and discharge standards set forth in OAR 340-143-0050; or

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

(3) Vessels may not use empty ballast tanks that contain unpumpable residual ballast water for ballasting and subsequent deballasting within waters of the state unless the residual ballast water has salinity greater than or equal to 30 parts per thousand at the time of entering state waters. Vessel operators that are unable to verify the salinity of the residual ballast water before entering state waters must conduct a saltwater flush of empty ballast 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: 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 under federal discharge standards, the vessel operator must also conduct ballast water exchange for tanks with ballast water salinity less than or equal to 18 parts per thousand, or under circumstances when vessel operator is unable to verify ballast salinity. This requirement applies to ballast discharge to waters of the Columbia River, Coos Bay, or Yaquina Bay. Under these circumstances, vessel operators must conduct ballast exchange or saltwater flushing practices prior to treatment, as OAR 340-143-0010(2)(b), and 340-143-0010 (3) specify, 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 approved for shipboard use by the U.S. Coast Guard and meets a ballast discharge standard more stringent than the International Maritime Organization D-2 standards established under the 2004 Ballast Water Management Convention, provided 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; and

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

(i) One colony-forming unit of toxicogenic Vibrio cholera (serotypes 01 and 0139) per 100 milliliters or less than one 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 units 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) DEQ authorizes a vessel’s voyage an exemption from the exchange requirements portion of this rule per exemption request procedures established under OAR 143-0040 for circumstances where:

(A) Design specifications indicate that exchange is incompatible with treatment system or vessel piping configurations, or

(B) Conducting exchange prior to treatment represents a threat to the environment, crew, or vessel.

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

(4) Section (2) of this rule is no longer in effect after December 19, 2023. Before 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, or the potential need for continuation of this rule to prevent introductions of aquatic invasive species to Oregon waters.

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