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Cc:	ballast2016
Subject:	ballast2016 - ballast water regulation rulemaking - leadership team preview
Date:	Friday, April 01, 2016 15:18:08
Attachments:	image001.png image005.emz image006.png

The Ballast Water Management and Noise Regulations rulemaking public notice is ready for preview before we open the public comment period on April 15, 2016. If you would like to offer comments or suggestions, please submit them by close of business on Friday, April 8, 2016. To provide feedback, contact Rian vanden Hooff; hooff.rian@deq.state.or.us; 503-229-6762.

Notice Documents

The documents for your review are on this SharePoint page:
http://deqsps/programs/rulemaking/lq/ballast2016/default.aspx

The documents are:

- Invitation to Comment – 2-page fact sheet:
- Proposed Rules
- Notice – information and analysis required by APA; Model Rules; DEQ statutes, rules and best practices; and federal regulations:

Proposal

DEQ proposes the following changes to OAR 340, division number **143** that will:

- Require vessel operators to conduct a mid-ocean saltwater flush of empty ballast tanks prior to ballasting and subsequently de-ballasting from such tanks while in state waters, and
- Retain ballast water exchange requirements, in addition to meeting new federal ballast water discharge standards, for a subset of vessel arrivals that represent a high risk for transporting aquatic invasive species to low-salinity harbors in Oregon.

DEQ also proposes the following changes to OAR 340, division number **35** that will: move tables and reference documents from a source that is external to the official published version of the rules and incorporate those documents into the official published version of the rules on the Oregon Secretary of State's web page.

Need

Management of Empty Ballast Tanks

What need would the proposed rule address?

The need to reduce the invasive species transfer risk associated with residual ballast water and sediments in 'empty' ballast tanks that may be used for ballasting and subsequent de-ballasting while in state waters.

How would the proposed rule address the need?

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.

How will DEQ know the rule addressed the need?

Mid-ocean saltwater flushing of an empty ballast tank will result in residual water salinity of at least 30 parts per thousand and thereby will significantly reduce the probability for introducing high-risk species to the low-salinity environments of Oregon ports. This minimum salinity criterion can be used for compliance verification purposes.

Retaining Ballast Water Exchange

What need would the proposed rule address?

There are concerns that new management practices established by federal requirements could, under some circumstances, represent a lower efficacy for preventing aquatic invasive species (AIS) transport to low-salinity ports in Oregon than current mid-ocean ballast exchange management practices.

How would the proposed rule address the need?

The rules retain ballast water exchange requirements for a subset of vessel arrivals to Oregon that represent a high risk for transporting AIS.

How will DEQ know the rule addressed the need?

Vessel inspections by DEQ staff, including sampling of ballast tank water for a minimum salinity, provides opportunity to verify compliance with elements of the proposed rule, as well as other ballast management criteria. The ballast water program at DEQ currently has the capacity to inspect approximately 15% of vessel arrivals to Oregon. Inspections are prioritized for vessel arrivals that represent a higher risk for transporting AIS to Oregon waters, such as the vessel arrivals that would be subject to the proposed rule. Compliance verification sampling of vessels subject to the rule, combined with ongoing evaluation of ballast water treatment system efficacy and monitoring for new non-indigenous species in Oregon waters, will inform DEQ's evaluation of the new rule and a determination of whether it is needed beyond the proposed expiration date in 2025.

Noise Tables

What need would the proposed rule address?

The rules are currently difficult for users to read, interpret and apply because the necessary information contained in tables and reference documents is not published in the same location as the rules.

How would the proposed rule address the need?

The amendments move tables and reference documents from a source that is external to the official published version of the rules and incorporates those documents into the official published version of the rules.

How will DEQ know the rule addressed the need?

The external documents will have been incorporated into the official published version of DEQ's rules.

Public comment

Starts:	Friday, April 15, 2016
Ends:	4 p.m.
EQC meeting	August 2016

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Questions about DEQ rulemaking procedures? Try looking here: DEQ Rulemaking Resources