

Ballast Water Rulemaking Advisory Committee

Meeting Minutes

Ballast Water 2016

Wednesday, Feb 29th, 2016

10-12:30 p.m.

DEQ Headquarters

(Check-in on 10th floor)

811 SW 6th Avenue

Portland, OR 97204



State of Oregon
Department of
Environmental
Quality

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Ballast Water
Program

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Committee Members participating (in attendance or via conference call):

Mark Sytsma (PSU)	Jas Adams (Willamette University)
Michelle Hollis (Port of Portland)	Amanda Hanson (LCREP)
Kate Mickelson (CRSOA)	Dick Vanderschaaf (TNC)
Rick Boatner (ODFW)	Chris Scianni (CSLC)
Michael Pearson (USCG)	Fred Myer (Port of Portland)
Ross McDonald (Sause)	Frank Holmes (WSPA)
Karen Hayes (AK Polar Tanker)	

Others present:

DEQ staff present:

Rian Hooff

List of Meeting Materials:

- Oregon DEQ presentation slidedeck (ppt)
- Audio Recording

Meeting Commenced: 10:00 AM

1. Welcome and Introductions.
2. DEQ provided the following informational updates:
 - Recent news that Belgium will ratify the IMO Ballast Water Management Convention pushes closer to the 35% world gross tonnage representation requirement for the Convention to go into force. One or two more countries and it will likely reach the to trigger implementation.
 - USCG/NBIC launched new reporting requirements effective 2/29/16, including implementation of a new BWMR form. Since west coast states use/rely on the federal reporting form for state reporting, and very little advance notices was provided to stakeholders, state programs (including OR) are dealing with significant changes to data collection/processing procedures.



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- DEQ staff reached out to multiple great lakes and east coast states to inquire about any implementation challenges or hurdles that they (or their maritime industry stakeholders) have encountered in implementing 'exchange plus treatment' provisions under state regulations and/or 401 certifications to the EPA Vessel General Permit. There was no mention of any significant challenges, although two representatives (MI and Great Lakes Commission) noted that the great lakes have not seen very many vessels, yet, using shipboard ballast treatment systems.
 - DEQ staff circulated a pdf of a recent scientific publication with particular relevance to the Advisory Committee's discussion on 'exchange plus treatment'. Briski et al. (2015) provides taxonomic specific results from shipboard trials investigating BWE+BWT that complement earlier shipboard and landbased studies. In particular, the study emphasized that:
 - i. the combined "BWE plus BWT" strategy that targets two factors in the invasion process (i.e., propagule pressure and environmental tolerance) proved to be more effective in reducing invasion risk to freshwater recipient systems than "BWT alone", and
 - ii. "BWT alone" tanks contained higher risk freshwater or euryhaline taxa at discharge, while "BWE plus BWT" tanks contained mostly lower risk marine taxa unlikely to survive in recipient freshwater ecosystems.
 - Most recently circulated version of proposed draft rules differed in the following ways:
 - i. The NOBOB rule (OAR 340-143-0010) was simplified to reduce ambiguity and clarify threshold for compliance
 - ii. OAR 340-143-0050 was revised to:
 - 1. Remove reference to state-specific BW discharge standards.
 - 2. Removed criteria for BWE+BWT based on receiving water salinity (i.e. all Oregon ports are low-salinity)
 - 3. Removed criteria for BWE+BWT based on source salinity in order to be consistent with model established by MA, MI, MN, NY, RI (i.e. all vessels discharging ballast would be subject to BWE+BWT)
 - 4. Replaced BWE+BWT exemption for '100x more stringent BWTS' with specific target performance standards identified in industry sponsored VIDA bill.
 - 5. Added a sunset date to repeal the BWE+BWT requirement 8 years after becoming effective.
3. Roundtable discussion about the proposed draft rule language.
- OAR 340-143-0010
 - No substantive concerns or discussion
 - OAR 340-143-0050:
 - Frank Holmes (WSPA) and Karen Hays (AK Polar Tankers) provided specific comments regarding preferences for how a

BWE+BWT policy could/should be established. Specifically, they voiced strong preference for establishing criteria that would only require BWE+BWT from vessels/voyages that had sourced from a low-salinity environment. They felt that the policy should be crafted to only target the high-risk voyages, not all. In essence, they prefer the EPA VGP model for Great Lakes arrivals, not the states 401 certification model or criteria language under consideration by Transport Canada. This sentiment/approach was also supported/encouraged by Ross McDonald (Sause Bros.).

- Fred Myer (Port of Portland) raised some questions/concerns about whether the factor of risk reduction that is gained from BWE+BWT (rather than BWT alone) is worth the cost and effort. He also sought clarification on why ODEQ is seeking to make any policy changes if we believe that BWE has been a relatively effective management strategy. DEQ staff responded that with 'no action', BWE will be replaced with BWT only as a result of federal action, not state. The BWE+BWT proposal seeks to maintain use of a strategy that has proven to be highly effective for freshwater ports like the Columbia River – at least until we have greater confidence in the implementation of 1st generation shipboard BWT systems.
- CRSOA Executive Director, Kate Mickelson, noted that her membership was still in the process of evaluating the proposal but that they were going to formally request that DEQ delay/postpone its rulemaking actions. When asked whether there were specific grounds or timelines for the requested delay, she did not indicate specific matters for resolution but rather indicated that the request was for an indefinite delay.
- With regards to potential criteria/exemption from BWE+BWT based on receiving port environment, DEQ staff shared seasonal surface salinity data from both the lower CR estuary (Astoria) and Coos Bay. Data showed low-salinity (<15 ppt) as a regular occurrence during much of the year. Based on this, Committee members agreed that there was no need to complicate the proposed policy with criteria based on receiving port environmental conditions, but that it made sense to apply to all Oregon ports.
- Committee members who had advocated for a more broad application of BWE+BWT (i.e. state 401 model) suggested that the EPA VGP model could be acceptable.



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4. Discussion of Next Steps

- DEQ will take under consideration all Advisory Committee comments received to date or any further comments received within the next 2-3 weeks.

- DEQ staff will prepare a proposed rule package for internal review and aim to finalize a draft rule by early April.
- DEQ anticipates publishing the draft rule and opening a 30-day public comment period in mid-late April (publication in SOS Bulletin May 1st).
- The public comment period will include a public hearing in mid-May (date/time tbd).
- Upon closing of the public comment period, DEQ will review comments, consider revisions, and consider whether to present a final rule to the EQC for their consideration/adoption mid-late summer 2016.

Meeting Adjourned at 12:10pm



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