

## Invitation to Comment



# Ballast Water Management & Noise Control Regulations

## **THIS DOCUMENT INCLUDES:**

- Invitation to Comment
  - Rulemaking Notice
  - Draft Rules – 2 versions – with proposed edits highlighted, and proposed edits included
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DEQ invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules.

### **DEQ proposal**

DEQ proposes the following changes to OAR 340, division **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 changes to OAR 340, division **35**, DEQ noise control regulations. The changes 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.

In 1991 the Oregon Legislature withdrew all funding for implementing and administering DEQ's noise regulations. (See OAR 340-035-0110.) DEQ therefore ended its noise control program, although the noise control regulations remain in effect. In response to budget reductions, DEQ no longer conducts a noise control program or enforces the noise control regulations. DEQ has no funding or program to respond to noise complaints, to provide advice about noise issues or to interpret the noise regulations. Local governments may choose to enforce the noise regulations.

The changes DEQ is proposing for the noise regulations are purely administrative to make it easier for the public to access information about these rules. These changes do not indicate any change in DEQ policy or practice concerning the noise regulations. DEQ still does not have a noise control program or have funding or the ability to enforce, apply or interpret the noise regulations, or to investigate noise issues or complaints.

### **More information**

Information about the rulemaking is on this rulemaking's web page:

<http://www.oregon.gov/deq/RulesandRegulations/Pages/2015/ballast2016.aspx>

### Public Hearings

DEQ will hold the following public hearings on this rulemaking:

3-5pm, Wednesday May 18, 2016

DEQ Headquarters, 10<sup>th</sup> Floor – EQC A, 811 SW 6<sup>th</sup> Avenue, Portland, OR 97204

Conference call phone number: 877-873-8017

Conference call participant ID: 8623645

### What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

### Present proposal to the EQC

Proposed rules become effective only if the Environmental Quality Commission adopts them. DEQ plans to present the proposed rules to the commission for a decision at its meeting on August 17-18, 2016.

## How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking.

### Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m., on Monday May 23, 2016.

### Submit comment online through this link:

<http://www.oregon.gov/deq/RulesandRegulations/Pages/comments/Cballast2016.aspx>

### Note for public university students:

ORS 192.501(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

### By mail

Oregon DEQ

Attn: Rian vanden Hooff

811 SW Sixth Avenue

Portland, OR 97204-1390

### At the hearing

May 18, 2016

### Sign up for rulemaking notices

Get email updates about future DEQ rulemaking by signing up through GovDelivery:

[https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic\\_id=ORDEQ\\_603](https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic_id=ORDEQ_603)

or on the rulemaking web site.

### Accessibility information

You may review copies of all documents referenced in this announcement at:

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Oregon Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, OR, 97204

To schedule a review of all websites and documents referenced in this announcement, call Rian vanden Hooff, Portland, at 503-229-6865 (800-452-4011, ext. 5622 toll-free in Oregon).

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011, ext. 5696; fax to 503-229-6762; or email to [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us). Hearing impaired persons may call 711.