



# Draft Rules – Edits Highlighted

## Ballast Water 2023

Aug. 24, 2023

### Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

### 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~~2005.

(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~~20 degrees N latitude, ~~exclusive~~inclusive 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.

**Statutory/Other Authority:** ORS 468.020 & 783.620 - 783.640

**Statutes/Other Implemented:** ORS 783.620 - 783.640

**History:**

DEQ 4-2017, f. 1-19-17, cert. ef. 3-1-17

DEQ 4-2011, f. & cert. ef. 3-17-11

DEQ 17-2002, f. 11-1-02, cert. ef. 12-1-02

## 340-143-0020

### **Ballast Water Management: Reporting, Management Plans and Recordkeeping**

(1) A vessel owner or operator covered by OAR chapter 340, division 143 must report ballast water management information to DEQ at least 24 hours before entering waters of the state. When the vessel's voyage is less than 24 hours in total duration, the report must be submitted prior to departing the vessel's port or place of departure. The report is required whether or not the owner or operator plans to discharge ballast water into waters of the state.

Compliance with these reporting requirements may be met by sending the report to DEQ via e-mail, ~~(ballast.water@deq.state.or.us)~~ fax, or mail. Vessel owners or operators who rely on a third party to collect, forward or submit ballast water reporting forms are responsible for ensuring that DEQ receives the ballast water management information as required in this section. Electronic reporting must be submitted using methods and file formats approved by DEQ.

(2) The report must be submitted on a form acceptable to the U.S. Coast Guard pursuant to 33 CFR part 151, unless DEQ approves an alternative format in writing.

(3) If a vessel owner or operator alters or plans to alter its ballast water management for any reason after reporting its ballast water management information, the owner or operator must submit an amended ballast water management report to DEQ. An amended reporting form must be filed at the time of first known or predictable change of destination, and immediately upon completion of discharge operations resulting in changes to actual volume of ballast water discharged.

(4) Any owner or operator failing to report ballast water management information as required by this rule must file the required report immediately upon discovering the violation.

(5) Vessel owners or operators must develop and maintain on board a ballast water management plan that is specifically developed for the vessel and that allows those responsible for the plan's implementation to understand and follow the vessel's ballast management strategy. The contents, training requirements and availability must be consistent with ballast water management plan regulations established by the U.S. Coast Guard under 33 CFR 151.2035a subpart D.

(6) Vessel owners or operators must record all ballast water and sediment management operations in the vessel's ballast water log, record book or other suitable documentation system.

(a) Content. Vessel owners or operators must maintain a version of the ballast water log, record book or other suitable documentation system in English on board the vessel that, at a minimum:

(A) Records each operation involving ballast water or sediment management;

(B) Describes each such operation, including the location and circumstances of, and the reason for, the operation;

(C) Records the exact time and position of the start and stop of the ballast water exchange or treatment operations for each tank; and

(D) Describes the nature and circumstances of any situation under which a safety exemption from ballast management requirements was declared.

(b) Availability. Vessel owners or operators must make the ballast water log or record book readily available for examination by DEQ at all reasonable times. The vessel owner or operator must transmit to DEQ any information about the vessel's ballast operations that DEQ requires.

(c) Retention period. The ballast water log or record book must be available on board the vessel for a minimum of two years after the date on which the last entry in the book is made.

(d) Required signatures. DEQ will require that each completed page and each completed vessel exchange or treatment operation in the ballast water log or record book be signed and dated by the vessel owner or operator or responsible officer; and that such owner, operator or responsible officer attest to the accuracy of the information provided and certifies compliance with the vessel ballast water management plan.

(e) Alternative means of recording. The ballast water log or record book may be an electronically recorded system or integrated into another record book or system. At a minimum, any alternative method must meet provisions of this section.

(f) Records Storage for unmanned barges. If no secure location is available to store records on unmanned barges, these vessel operators may meet provisions of this section by storing records on an associated tug or at other accessible locations and must provide logbook records to DEQ on request.

[Publications: Publications referenced are available from the agency.]

**Statutory/Other Authority:** ORS 468.020 & 783.620 - 783.640

**Statutes/Other Implemented:** ORS 783.620 - 783.640

**History:**

DEQ 4-2011, f. & cert. ef. 3-17-11

DEQ 17-2002, f. 11-1-02, cert. ef. 12-1-02

**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-O1~~ and ~~0139-O139~~) 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), 340-143-0010(2)(c), 340-143-0010(2)(d), or 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.~~

**Statutory/Other Authority:** ORS 468.020 & 783.620 - 783.640

**Statutes/Other Implemented:** ORS 783.620 - 783.640

**History:**

DEQ 4-2017, f. 1-19-17, cert. ef. 3-1-17

DEQ 4-2011, f. & cert. ef. 3-17-11

**Translations or other formats**

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