



# Oregon

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## NEWLY ADOPTED STATE BALLAST WATER RULES

The Oregon Environmental Quality Commission adopted a new set of ballast water management administrative rules on February 17, 2011. The Department of Environmental Quality had not revised these rules since they originally were established in 2002, despite multiple statutory amendments to ballast management laws between 2003 and 2009. Statutory authority to adopt these rules comes from ORS 783.620 thru ORS 783.992.

These rules were developed in consultation with the Shipping Transport of Aquatic Invasive Species Task Force, a legislatively established group with representatives from the maritime industry, environmental and academic communities, and relevant federal and state agencies. The adopted rules resulted from consensus recommendations unanimously adopted by this advisory group.

Ballast water regulations are now organized into eight administrative rules, each addressing a specific aspect of management practices and responsibilities. The rules are available through the ballast program webpage (<http://www.deq.state.or.us/lq/cu/emergency/ballast.htm>), but the following is a summary of key topics addressed in the rulemaking package:

### **Overview of New Rules and Rule Changes:**

#### ***OAR 340-143-0010: Discharge Prohibitions***

- Clarifies management practices or exemptions that must be met in order to discharge ballast water into waterways of the state.
- Provides exemption for the discharge of ballast from municipal water sources.

#### ***OAR 340-143-0020: Reporting, Management Plans, and Recordkeeping***

- Clarifies responsibility of vessel owner/operator to submit pre-arrival ballast water reporting forms to the Department of Environmental Quality.
- Establishes requirement for vessel to maintain a shipboard ballast water management plan.
- Establishes specific requirements for shipboard ballast water management recordkeeping.

#### ***OAR 340-143-0030: Vessel Inspections***

- Establishes conditions, scope and purpose of DEQ ballast water management compliance verification inspections.

#### ***OAR 340-143-0040: Emergency Management Alternatives for Safety Exemption Discharge of High-Risk Ballast Water***

- Defines high-risk discharge as any ballast sourced from outside the common waters zone that has not undergone acceptable oceanic exchange or treatment management practices. This includes vessel's declaring safety exemption discharge under ORS 783.635 (2)(b).

- Prior to discharging safety exempt ballast water, vessel operator/owner must receive DEQ authorization. The department will conduct a case review to assess potential biological pollution threat associated with proposed discharge and availability and feasibility of ballast management alternatives.
- Within 10 days of receiving safety exemption notification, DEQ will complete a case review and notify vessel owner/operator whether they have authorization to discharge or whether ballast management alternatives are required.
- DEQ authorization for safety exemption discharge is not required for unmanned barge vessels, unless the department notifies vessel operator of need to conduct case review and assessment of ballast management alternatives.

***OAR 340-143-0050: Use of Ballast Treatment Systems***

- Development of state-specific ballast water discharge standards has been reserved for future rulemaking activities, if necessary, pending the implementation of federal discharge standards by USCG and/or EPA.
- As an alternative to discharging high-risk ballast water identified under OAR 340-143-0040, DEQ may authorize the use of ballast water treatment systems identified as promising technology by the EPA, USCG, or neighboring states.

***OAR 340-143-0060: Ballast Tank Sediment Management***

- The cleaning of ballast tanks or the disposal of ballast tank sediments within Oregon waters is prohibited except under controlled arrangements in port or dry dock conditions.

**For more information or questions – contact:**

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Program Webpage: <http://www.deq.state.or.us/lq/cu/emergency/ballast.htm>