

The Oregon Administrative Rules contain OARs filed through November 15, 2002

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 143

**BALLAST WATER MANAGEMENT
340-143-0001**

Authority, Purpose, and Scope

- (1) The purpose of these rules is to establish procedures for the proper management of ballast water and reporting of ballast water management information as regulated by ORS 783.620 through 783.640, in order to protect the waters of this state from aquatic nuisance species.
- (2) These rules apply to all vessels carrying ballast water into the waters of this state from a voyage, except a vessel that:
 - (a) Discharges ballast water only at the location where the ballast water originated, and the ballast water is not mixed with ballast water from areas other than open sea waters;
 - (b) Traverses only the internal waters of this state;
 - (c) Traverses only the territorial sea of the United States and does not enter or depart an Oregon Port or navigate the waters of this state;
 - (d) Discharges only ballast water that originated from coastal waters between the parallel 40 degrees north latitude and the parallel 50 degrees north latitude.
- (3) These rules do not authorize the spilling or releasing of any oil or hazardous materials.

Stat. Auth.: ORS 783

Stats. Implemented: ORS 783.620 -- ORS 783.640

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

340-143-0005

Definitions

- (1) "Aquatic nuisance species" means any species or other viable biological material that enters an ecosystem beyond its historic range.
- (2) "Ballast water" means any water and associated sediment used to manipulate the trim and stability of a vessel.
- (3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a vessel used solely for commercial fish harvesting, of 300 gross tons or more.
- (4) "Coastal exchange" means replacing the ballast water taken onboard at a North American coastal port in one of the following manners:
 - (a) For vessels departing from a North American coastal port located south of the parallel 40 degrees north latitude, and traveling northward into the waters of this state, the replacement of ballast water at sea south of the parallel 40 degrees north latitude; or
 - (b) For vessels departing from a North American coastal port located north of the parallel 50 degrees north latitude, and traveling southward into the waters of this state, the replacement of ballast water at sea north of the parallel 50 degrees north latitude.
- (5) "Coastal waters" means the Pacific Ocean within 200 nautical miles of the United States or Canada.
- (6) "Department" means the Department of Environmental Quality.
- (7) "Internal waters of this state" means those waters of this state that do not have shared jurisdiction with an adjacent state.
- (8) "Oil" means oil, gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge, oil refuse, and any other petroleum related product.
- (9) "Open sea exchange" means a replacement of ballast water that occurs in an area no less than 200 nautical miles from any shore and where the water depth exceeds 2,000 meters.

(10) "Passenger vessel" means a ship of 300 gross tons or more carrying passengers for compensation.

(11) "Port" means any place to which a vessel is bound to anchor or moor.

(12) "Sediment" means any matter that settles out of ballast water.

(13) "Ship" means any boat, ship, vessel, barge or other floating craft of any kind.

(14) "Tank vessel" means a ship that is constructed or adapted to carry oil in bulk as cargo or cargo residue other than:

(a) A vessel carrying oil in drums, barrels or other packages;

(b) A vessel carrying oil as fuel or stores for that vessel; or

(c) An oil spill response barge or vessel.

(15) "Territorial Sea of the United States" means the waters extending three nautical miles seaward from the coastline in conformance with federal law.

(16) "Vessel" means a tank vessel, cargo vessel or passenger vessel.

(17) "Voyage" means any transit by a vessel destined for any Oregon port.

(18) "Waters of this state" means natural waterways including all tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and non-navigable, including that portion of the Pacific Ocean that is within the boundaries of Oregon.

Stat. Auth.: ORS 783

Stats. Implemented: ORS 783.620 -- ORS 783.640

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

340-143-0010

Ballast Water Management: Discharge Prohibitions

- (1) Discharge of ballast water containing oil or hazardous material into waters of this state is prohibited.
- (2) Discharge of any ballast water into waters of this state from vessels carrying ballast water into waters of this state is prohibited, unless:
 - (a) The vessel discharges ballast water only at the location where the ballast water originated, and the ballast water is not mixed with ballast water or sediment from areas other than open sea water;
 - (b) The owner or operator of the vessel conducted an open sea exchange, or a coastal exchange, if applicable, of ballast water before entering the waters of this state;
 - (c) The ballast water discharged originated solely from coastal waters between the parallel 40 degrees north latitude and the parallel 50 degrees north latitude; or
 - (d) The owner or operator of the vessel did not conduct an open sea exchange or a coastal exchange of ballast water because the owner or operator determined that performing an exchange would threaten the safety or stability of the vessel or the vessel's crew or passengers because of an extraordinary condition, including but not limited to adverse weather, vessel design limitations, or equipment failure.

Stat. Auth.: ORS 783

Stats. Implemented: ORS 783.620 -- ORS 783.640

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340-143-0020

Ballast Water Management: Reporting

- (1) An owner or operator of a vessel covered by these rules must report ballast water management information to the Department at least 24 hours before entering waters of this state. The report is required whether or not the owner or operator plans to discharge ballast water into the waters of this state. Compliance with these reporting requirements may be met by sending the report to the Merchants Exchange of Portland.
- (2) The report must be submitted on a form acceptable to the U.S. Coast Guard pursuant to 33 CFR Part 151, unless an alternative format is approved in writing by the Department.
- (3) If an owner or operator of a vessel alters or plans to alter its ballast water management for any reason after reporting its ballast water management information, the owner or operator must immediately submit an amended ballast water management report.
- (4) Any owner or operator who fails to report its ballast water management information as required by this rule must file the required report immediately upon discovering the violation.

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

Stat. Auth.: ORS 783

Stats. Implemented: ORS 783.620 -- ORS 783.640

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