Oregon Ballast Water Program

- Regulations established in 2001
  - Significant amendments in 2005, 2009 & 2011

- Program funding:
  - Initial funding level of 1.0 FTE (2007) was increased to 1.5 FTE following implementation of new fee in 2012.
  - Supported by 50/50 cost share between fee revenue and GF allocation.

- Program activities include:
  - Monitoring of vessel arrivals and pre-arrival reporting compliance
  - Outreach & technical support
  - Vessel inspections & compliance verification sampling
  - Enforcement actions
  - Policy development & stakeholder engagement

- Program development guided by the Oregon Task Force on Shipping Transport of AIS
Oregon Ballast Water Program

**Statutory Requirements** *(ORS 783.620 -640; 783.990-992)*

- **Regulated Vessels:**
  - > 300 gross tons equipped with ballast tanks.

- **Reporting of Ballast Management:**
  - at least 24 hours prior to entering waters of the state.

- **Management requirements for discharged ballast:**
  - Mid-Ocean Exchange (tanks sourced from ports outside EEZ), or
  - Coastal Ocean Exchange (tanks sourced from PCR ports), or
  - USCG approved treatment.

- **Exemptions**
  - Common Waters (40°N – 50°N of NE Pacific coastal zone)
  - Vessel or Crew Safety

- **Penalty Issuance Authority**
  - Civil and Criminal: up to $25,000 penalty per violation
Vessel Arrival Trends
(Qualifying Voyages per year: 2009-2018)

2018:
62% arrivals from foreign ports;
13% from Pacific Coastal Zone;
25% from common waters zone
97% Col. R.
3% Coos Bay
Reports filed for 98% of arrivals in 2018

BW Reporting Compliance: 2009-2018

[Bar chart showing reporting compliance from 2009 to 2018]
65% of Oregon arrivals discharge ballast in state waters.

Between 2017 and 2018, arrivals using treatment increased by 7%.

BWM Behavior (per arrival)

(2018: n= 1660)
Ballast Water Discharge Trends

*(Total Volume: 2009-2018)*

14.6 Million m³ discharged to Oregon waters in 2013

About 39% of CR discharge occurs at OR side facilities over the last 5 years.
Average Monthly Boarding Rate:
2013: 18%
2014: 10%
2015: 12%
2016: 8%
2017: 13%
2018: 4%
Vessel Boarding

1. Outreach & Technical Service
2. Audit of Shipboard Records
3. Compliance Verification via Sampling of Ballast water salinity
4. Assist with Corrective Action

2018:
72 Inspections
Fully Compliant - 71%
Reporting Problems - 15%
Recordkeeping Problems - 12%
0 inspections revealed noncompliant BW discharges
Enforcement Guidance Policies initiated beginning January 2013

Enforcement Actions

*(number per month, 2012-2018)*

*Warning Letters*  *Penalties*
### Enforcement Actions - 2018

<table>
<thead>
<tr>
<th>Enforcement Action</th>
<th># issued (2018)</th>
<th>Penalty Amount (total)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warning Letters</td>
<td>3</td>
<td>N/A</td>
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<tr>
<td>Expedited Enforcement Offers (Field Ticket)</td>
<td>3</td>
<td>$12,000</td>
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<tr>
<td>Formal Enforcement Action</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

- Enforcement actions reflect 2018 staffing levels.
- With 1.5 FTE in 2019, we expect to issue more enforcement actions
Penalty Administrative Rule Changes
(effective January 2014)

- Violation classifications (340-012-0083)
- Base Penalty Determination (340-12-0140)
- Enforcement Guidance Policies last updated 2014

<table>
<thead>
<tr>
<th>BWM Violations</th>
<th>Prior FEA*</th>
<th>New FEA*</th>
<th>Prior EEO</th>
<th>New EEO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
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</tr>
<tr>
<td>- Non-compliant discharge;</td>
<td>$625 - $2,500</td>
<td>$3,000 - $12,000</td>
<td>$500</td>
<td>$2,400</td>
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<tr>
<td>- Failing to report;</td>
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<tr>
<td>- Failure to follow BWMP or maintain BW handling log.</td>
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<tr>
<td>Class II</td>
<td>$300 - $1,200</td>
<td>$1,500 - $6,000</td>
<td>$250</td>
<td>$1,200</td>
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<tr>
<td>- Late reporting;</td>
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<tr>
<td>- Failure to maintain BW handling log.</td>
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</tbody>
</table>
Questions or Comments?

Program Webpage

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Photo credit: B. Bjorndal