

Loss Prevention Bulletin

Ship Type: All

Trade Area: USA

Bulletin 122 - 12/99 - New California Ballast Water Regulations - Effective 1/1/2000 - California - USA

From 1st January 2000, a new California law will come into force to establish a statewide mandatory ballast water management and control program under the jurisdiction of the California State Lands Commission (SLC).

Assembly Bill 703 - "Ballast Water Management for Control of Nonindigenous Species" - was signed into law by the Governor of California on October 8th, and will in effect make it mandatory in California to follow the USCG's existing voluntary ballast water management guidelines.

The new law requires all vessels, both US and Non-US flag, carrying ballast water into the waters of California State after operating outside the US EEZ, to act as follows from January 1st, 2000:

1. Employ at least one of the following ballast water management practices:
 - * exchange ballast water outside the US EEZ
 - * retain the ballast water on board the vessel, or
 - * use an alternative environmentally sound method approved by the State Lands Commission before the vessel begins the voyage
2. Do all of the following to minimise the uptake and release of nonindigenous species:
 - * avoid uptake or discharge in or near marine sanctuaries, reserves, parks or coral reefs;
 - * minimise or avoid uptake in the following areas or circumstances: (areas of known infestations or pathogens; near sewage outfalls; near dredging operations; areas with reduced tidal flushing; in darkness when bottom-dwelling organisms are active; where propellers may stir up sediment);
 - * clean ballast water tanks regularly to remove sediment and dispose of sediments in accordance with appropriate laws
 - * minimise ballast water discharge amounts
 - * rinse anchors and anchor chains
 - * remove fouling organisms from hull, pipes etc and dispose of any removed substances in accordance with appropriate laws
 - * maintain a ballast water management plan prepared specifically for the vessel
 - * train master, operator or person in charge and crew on application of ballast water management and treatment procedures

3. Submit a Ballast Water Report Form (developed by the USCG) to the State Lands Commission and retain a signed copy of the form on board for two years. The form may be submitted electronically



ReportingForm97.doc or in written form by fax or mailing BWform.pdf . (fax: 1 562 499 6444, email: bwform@scl.ca.gov)

4. The new law authorizes the SLC to assess compliance of any vessel through sample collection of ballast water and sediment, the examination of documents and other appropriate inquiries.

5. The new law authorizes the SLC to establish a fee per voyage. On December 3rd, 1999, the SLC approved an Emergency Regulation to fix the fee at \$600 per voyage. The fee will be collected by the State Board of Equalization. The fee will be deposited into the Exotic Species Control Fund created by the law to pay for the State's ballast water management and control program.

The procedure for submitting the fee is being prepared by the Board of Equalization. For developments on the procedure, please visit the SLC's website <http://www.slc.ca.gov/BallastWater/default.asp> or

call Mr Steve Rudd of the Board of Equalization at 1 916 322 4020, or request this assistance of port agents when appointing them.

6. The law also provides for civil penalties, in the event of failure to comply, to be imposed on the vessel, ranging from \$500 to \$5,000 per violation, with each day of continuing violation constituting a new violation.

The Emergency Regulation relating to the fee will be replaced by an ordinary regulation established through the normal rule making process. A regulation has been proposed for that purpose, public comments have been invited, and hearings on the proposed regulation have been scheduled for Jan. 20 & 21 of Year 2000. The SLC has 120 days to finalise the regulation.

The details of the California Ballast Water Management and Control Program together with the proposed fee regulation can be found on <http://www.slc.ca.gov/BallastWater/default.asp>.

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