



Client Alert 11-2017
May 01, 2017

California Ballast Water Regulation Changes
New Penalties for Ballast Water Violations

As we noted in our December 2016 *NEWSLINE*, the California State Lands Commission has adopted new ballast water enforcement regulations. These new regulations, which will be effective on July 1, 2017, allow the State of California to issue strict penalties for ballast water violations within California waters. Vessels that discharge improperly exchanged ballast water into California waters (within 3 NM of shore) can be fined the following amounts for the first violation. Subsequent violations have increased penalties.

Voyages that originate <u>outside</u> Pacific Coast Region*			
Exchange in waters between 200 NM and 180 NM from land	Exchange in waters between 180 NM and 100 NM from land	Exchange in waters less than 100 NM	No exchange
Up to \$5,000 per tank	Up to \$10,000 per tank	Up to \$20,000 per tank	Up to \$27,500 per tank

Voyages that originate from <u>within</u> the Pacific Coast Region*			
Exchange in waters between 50 NM and 45 NM from land	Exchange in waters between 45 NM and 25 NM from land	Exchange in waters less than 25 NM	No exchange
Up to \$5,000 per tank	Up to \$10,000 per tank	Up to \$20,000 per tank	Up to \$27,500 per tank

***Note:** The Pacific Coast Region is defined as all coastal waters (within 200 NM of land) on the Pacific Coast of North America east of 154° W longitude and north of 25° N latitude, excluding the Gulf of California.

The California State Lands Commission can also issue penalties for the following record keeping and administrative violations:

Failure to submit to the California State Land Commission the Ballast Water Management Report (24 hours prior to arrival), Ballast Water Treatment Supplemental Reporting Form, Hull Husbandry Reporting Form, or Ballast Water Treatment Technology Annual Reporting Form.	
First violation	Subsequent violations
Letter of noncompliance	\$1,000 per violation*

***Note:** Each 30 day period the forms remain unsubmitted is considered a new violation.

Failure to maintain ballast water documentation including ballast water management plan, ballast water logs and other required information.	
First violation	Subsequent violations
Letter of noncompliance	\$10,000 per violation

For your reference, we have attached a letter from the California State Lands Commission that highlights their new regulations. The letter also outlines the different California ports for reporting purposes.

ECM strongly recommends that vessel Masters and Officers review California's Ballast Water Management requirements prior to entering California waters.

Please contact ecm@ecmmaritime.com with any questions regarding this alert.

CALIFORNIA STATE LANDS COMMISSION

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April 19, 2017

Dear Shipping Agents and Interested Parties:

Your assistance in providing information to vessels arriving at California ports regarding the following is appreciated.

This letter will address:

- 1) NEW REGULATIONS PERTAINING TO THE ENFORCEMENT OF THE MARINE INVASIVE SPECIES ACT**
- 2) CALIFORNIA PORTS RECOGNIZED BY THE MARINE INVASIVE SPECIES PROGRAM FOR REPORTING PURPOSES**

- (1) The California State Lands Commission (Commission) recently adopted regulations to codify the Marine Invasive Species Act Enforcement and Hearing Process (Title 2, California Code of Regulations section 2299.01 et seq.). The regulations will be effective on July 1, 2017.

The regulations codify policies and procedures the Executive Officer of the Commission shall undertake in assessing administrative civil penalties as allowed by Public Resources Code section 71216. By establishing this administrative enforcement process for violations of the Marine Invasive Species Act, the risk of transferring nonindigenous species from vessels into state waters can be further decreased.

For more information and copies of all regulatory documents, please go to:

<http://www.slc.ca.gov/Laws-Regs/Proposed-MISP4-9.html>

- (2) The Marine Invasive Species Act requires vessels that arrive at a California port, are 300 gross registered tons or more, and are carrying or capable of carrying ballast water, to submit a U.S. Coast Guard Ballast Water Management Report (OMB No. 1625-0069) to the Commission.

Vessels are required to submit the Ballast Water Management Report at least 24 hours before the vessel arrives at that California port. If the vessel's voyage is less than 24 hours, the vessel must submit the report prior to departing the port of departure. (For example, for a voyage from the Port of Los Angeles to the Port of San Diego, a vessel must submit the Ballast Water Management Report prior to departing the Port of Los Angeles.)

Vessels moving from one California port to another are required to file a separate Ballast Water Management Report for each port arrival. Vessels must accurately list all ballast water management

activities on the forms submitted. If ballast water management or discharge information changes for an arrival, a corrected form must be submitted.

For reporting purposes, the following places are recognized as separate ports by the Marine Invasive Species Program. All terminals, berths, and anchorages within each port area are considered a part of that port.

- 1) Richmond
- 2) Oakland
- 3) San Francisco (including all San Francisco Bay anchorage locations)
- 4) Redwood City
- 5) Carquinez – All marine oil terminals and anchorages in the Carquinez Strait, extending east to the Antioch Bridge
- 6) Sacramento
- 7) Stockton
- 8) Humboldt Bay (including Eureka)
- 9) Monterey
- 10) Moss Landing
- 11) Morro Bay
- 12) Santa Barbara
- 13) Carpinteria
- 14) Hueneme
- 15) Los Angeles/Long Beach (including all anchorage locations within the breakwater)
- 16) El Segundo
- 17) Avalon/Catalina
- 18) Camp Pendleton
- 19) San Diego

For information about the Marine Invasive Species Program's regulations or for copies of required reporting forms, please visit our website: <http://www.slc.ca.gov/Programs/MISP.html>.

Thank you for your attention to these matters. Please contact me with any questions at nicole.dobroski@slc.ca.gov or (916) 574-0742.

Sincerely,



Nicole Dobroski
Assistant Chief
Marine Environmental Protection Division