



Client Alert 20-2018

August 29, 2018

California Marine Invasive Species Program “Ports & Places” for Ballast Water Management and Ballast Water Reporting

I. ALERT

We have been seeing an increase in cases where vessels calling at California ports are issued deficiencies by inspectors from the State Lands Commission (SLC) for a failure to submit Ballast Water Management Reports (BWMR) for each port of call.

II. BACKGROUND

Under the California Marine Invasive Species Program, vessels of 300 gross registered tons and above, which are capable of carrying ballast water, are required to carry out **ballast water management** when en route to ports in California. For vessels that have not reached their compliance date under the US Ballast Water Management regulations as stated in [33 CFR 151.2035](#), this involves a ballast exchange in accordance with Pacific Coast Region (PCR) requirements, as described in the [California Marine Invasive Species Program Guidance Note](#).

Note: Vessels that have reached their compliance date cannot carry out ballast exchanges and are required instead to treat their ballast water using a Ballast Water Management/Treatment System (BWMS/BWTS) that has US Coast Guard type approval or Alternate Management System (AMS) acceptance.

In addition to the above, California’s Marine Invasive Species Program requires vessels to submit a BWMR to the SLC at least 24 hours before the vessel arrives at a California port. This is usually accomplished by submitting a copy of the BWMR that is prepared by each vessel for submission to the National Ballast Information Clearinghouse (NBIC).

SLC inspectors have been issuing deficiencies to vessels for failing to submit a BWMR prior to arrival at each port, when there are multiple ports of call in California. The purpose of this Alert is to remind our clients that **there are differences in the description of “ports and places” under California’s ballast water management requirements, when compared with the state’s ballast water reporting requirements.**

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III. REGULATORY REQUIREMENTS

A. Ballast Water management (exchanges/treatment): Under California’s pre-arrival ballast water management requirements, the regulations in 2 CCR § 2280 state the following:

Vessels do not need to manage ballast water that is sourced and discharged at the same port within the PCR.

For ballast water management purposes, the following port regions/port complexes are considered a single port :

- All areas in the San Francisco Bay area east of the Golden Gate Bridge, including the Ports of Stockton and Sacramento
- The Ports of Los Angeles and Long Beach and the El Segundo offshore marine oil terminal.

B. Ballast Water reporting: Under the pre-arrival ballast water reporting requirements described in an [SLC Letter dated April 19, 2017](#), vessels are required to submit their BWMR at least 24 hours before arriving at that California port. If the vessel’s voyage is less than 24 hours, the vessel must submit the report prior to departing from the last port (e.g., for a voyage from Los Angeles to San Diego, a vessel must submit the BWMR prior to departing from the port of Los Angeles.)

For ballast water reporting purposes, the following places are recognized as separate ports. All terminals, berths, and anchorages within each port area are considered a part of that port :

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

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IV. EFFECT ON SHIPPING

Due to a lack of familiarity with the differences between the definitions of “ports and places” for ballast water management and ballast water reporting, some vessels have unwittingly neglected to submit separate BWMRs for each port during recent calls to California, especially when these ports are within the San Francisco Bay area. We have received reports of vessels being cited by the SLC for submitting a BWMR prior arrival San Francisco, but not submitting another report for a subsequent call at Sacramento or Stockton. Those vessels mistakenly assumed that since the San Francisco Bay area was considered to be one port region under the ballast water management regulations, it remained the same for the purposes of ballast water reporting.

V. PENALTIES

As per information received up to this point, SLC inspectors have only issued a Letter of Noncompliance to each company involved in a first-time reporting violation. The letter served as a warning to the vessel owner/operator and stated that subsequent violations of the same type (by the company, not vessel) will be subject to a penalty of \$1,000 per violation.

VI. RECOMMENDED ACTION

Vessels calling at multiple ports in California are advised to ensure that a BWMR is submitted prior to arrival every port, in accordance with Section III.B of this Alert. Even if a port call only involves a stay at anchor for storing, crew change, bunkering, etc. (no cargo operations) it should be treated as a separate call and a BWMR submitted in advance.

Questions and/or comments should be directed to ecm@ecmmaritime.com