



First look at implementing ballast water discharge performance standards in California

Pacific Ballast Water Group
March 29, 2022

California State
Lands Commission





California's Ballast Water Requirements

Overview

- **Background**
- **New Regulations**
- **Implementing the New Requirements**
- **Future Considerations**



California's Ballast Water Requirements

Background

- **The purpose of the Marine Invasive Species Program**
- **Pre-2022 Ballast Water Management Requirements**
- **Performance Standards and the 2018 Commission report to the Legislature**
- **2019 law AB 912**

California's Ballast Water Requirements

New Regulations and Statute

- Implements federal ballast water discharge performance standards and schedule
- Authorizes the Commission to collect ballast water samples for research and compliance
- Requires ballast water treatment systems monitoring if used
- Alternatives

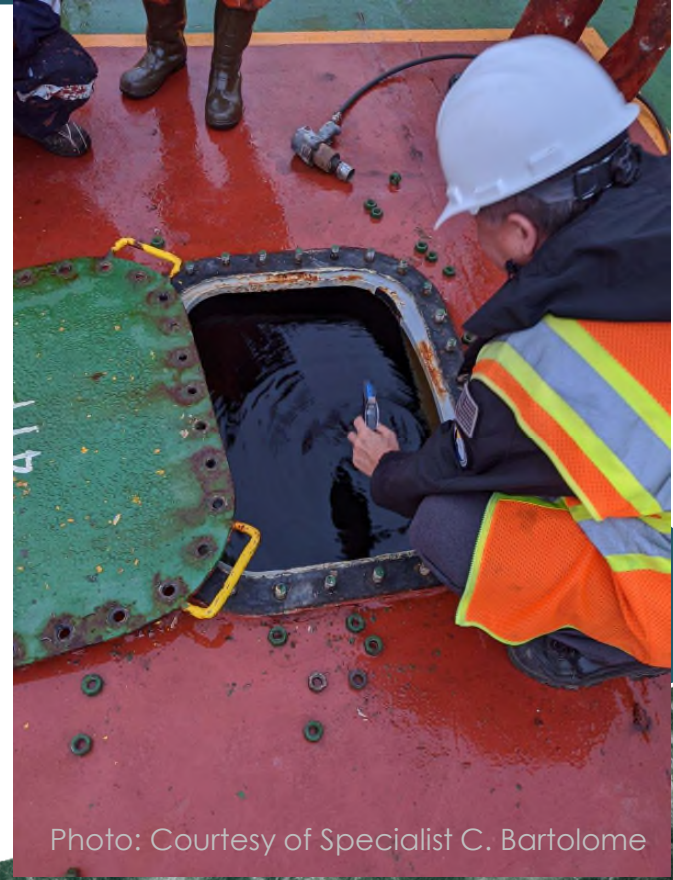


Photo: Courtesy of Specialist C. Bartolome

California's Ballast Water Requirements

Implementing the Federal Standards

What are the federal ballast water discharge performance standards that California is implementing?

California's Ballast Water Requirements

Implementing the Federal Standards

Organism Size Class	U.S. Federal Ballast Water Discharge Performance Standards
Organisms greater than or equal to 50 micrometers in minimum dimension	Fewer than 10 organisms per cubic meter
Organisms less than 50 micrometers and greater than or equal to 10 micrometers	Fewer than 10 organisms per milliliter (mL)
Indicator microorganisms: a) <i>Escherichia coli</i> b) intestinal enterococci c) toxicogenic <i>Vibrio cholerae</i> (serotypes O1 and O139) must not exceed	Must not exceed: a) A concentration fewer than 250 colony forming units (cfu) per 100 mL b) A concentration fewer than 100 cfu per 100 mL c) A concentration less than 1 cfu per 100 mL

California's Ballast Water Management Requirements

Implementing the New Requirements

Determining which vessels are subject to the new requirements

- What is the original compliance date or extended compliance date?
- Did the vessel install an AMS prior to the original or extended compliance date and AMS?

California's Ballast Water Management Requirements

Using a Public Water Source

Can a vessel use a public water source from anywhere or just from the United States?

Vessels can use a public water source as long it meets the criteria of a public water system as defined in Title 40 of the Code of Federal Regulations Section 141.2 (7-1-20 Edition)

California's Ballast Water Management Requirements

Malfunctioning or Inoperable BWTS

What if the vessel is subject to the performance standards and the vessel's installed BWTS is not operating properly?

- Vessels must contact the Commission MISP staff @ cslc.mepdmisp@slc.ca.gov if the vessel is due to arrive at a California port and the BWTS is not operating properly.
- May issue alternative after consulting with the USCG

California's Ballast Water Management Requirements

Implementing the New Requirements

Webinars on the new requirements

<https://youtu.be/bOkejDHUtnY> (December 16, 2021)

<https://youtu.be/9CPgyp3KYvw> (December 16, 2021)

<https://youtu.be/Fgys3ILYmP4> (November 18, 2021)

Developed a list of FAQs for the new requirements.

<https://www.slc.ca.gov/marine-invasive-species-program/ballast-water-discharge-performance-standards-faqs/>

California's Ballast Water Management Requirements

Information for Vessels

<https://www.slc.ca.gov/marine-invasive-species-program/information-for-vessels-arriving-at-california-ports/>

The screenshot shows a web browser window displaying the California State Lands Commission website. The page title is "Information for Vessels Arriving at California Ports". The navigation bar includes links for Home, About Us, Meetings, Public Engagement, Leases & Permits, Information, Programs, Laws & Regulations, and Search. The main content area is divided into two columns. The left column, titled "Information Sheets", lists several documents with their dates: "General Information (March 2021)", "Ballast Water Management (January 2022)", "Biofouling Management (January 2022)", "Ballast Water Discharge Performance Standards (July 2021)", "FAQs: Ballast Water Discharge Performance Standards (February 2022)", "Reporting & Recordkeeping (January 2022)", "Biofouling Webinar (October 2018)", and "Biofouling Guidance Document (September 2017)". The right column, titled "Maps", lists: "Pacific Coast Region", "Atlantic with World EEZs", "Pacific with Pacific Coast Region & World EEZs", and "Southern Pacific Coast Region Guide". Below the maps are two orange buttons: "MISP Reporting Portal" and "Info for Vessels Arriving at CA Ports". Further down is a section titled "Information & Resources" with three buttons: "Marine Invasive Species Program Home", "Other Programs & Partners", and "Reports, Research, & Presentations". At the bottom, there is a "Laws & Regs" section with a link to "Public Resources Code - Division 36".

Feb 10, 2022 | [Marine Invasive Species Program](#)

Information Sheets

- ▶ [General Information](#) (March 2021)
- ▶ [Ballast Water Management](#) (January 2022)
- ▶ [Biofouling Management](#) (January 2022)
- ▶ [Ballast Water Discharge Performance Standards](#) (July 2021)
- ▶ [FAQs: Ballast Water Discharge Performance Standards](#) (February 2022)
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Maps

- ▶ [Pacific Coast Region](#)
- ▶ [Atlantic with World EEZs](#)
- ▶ [Pacific with Pacific Coast Region & World EEZs](#)
- ▶ [Southern Pacific Coast Region Guide](#)

MISP Reporting Portal

Info for Vessels Arriving at CA Ports

Information & Resources

- ▶ [Marine Invasive Species Program Home](#)
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- ▶ [Reports, Research, & Presentations](#)

Laws & Regs

- ▶ [Public Resources Code - Division 36](#)

California's Ballast Water Management Requirements

Assessing Compliance – Inspections

Inspections

- All discharging vessels are High priority for inspection
- Mandated to inspect (25%) of all arrivals
- 2 Checklists (old and new)

Recordkeeping and Ballast Water Treatment System performance requirements

These documents and records must be kept on board the vessel and be available during inspections. Effective January 1, 2022, the records must be maintained on board for 2 years. The records will be used to assess compliance with the corresponding laws.

□	Copy of 1 of the following: <ul style="list-style-type: none"> • U.S. Coast Guard (USCG) Type Approval certificate; • Alternative Management System (AMS) letter from JSCG; or • USCG letter extending the vessel's compliance date. 	Cal. Code Regs., tit. 2, § 2297, subd. (c)*
□	Manufacturer's technical guides and publications for the vessel's BWTs. For example, the OPERATION, MAINTENANCE, and SAFETY MANUAL (OMSM).	Pub. Resources Code, § 71205, subd. (n)**
□	Records of the following: <ul style="list-style-type: none"> • System Design Limitations (SDLs) and Operational Parameters; or • Sensor and control equipment calibrations. 	Cal. Code Regs., tit. 2, § 2295, 2297, subd. (a)* Pub. Resources Code, § 71205, subd. (n)(4)(D)**
□	Printed or electronic records of any Biological Monitoring including the dates, who performed the tests, and testing methods.	Cal. Code Regs., tit. 2, § 2297 (b)*
□	Printed or electronic records of the procedures to follow in case of BWTs malfunction.	Cal. Code Regs., tit. 2, § 2297, subd. (a)* Pub. Resources Code, § 71205, subd. (n)(4)(B)**
□	Printed or electronic Material Safety Data Sheets (MSDS) for any chemicals used as part of the BWTs process. MSDS are now called Safety Data Sheets (SDS).	Pub. Resources Code, § 71205, subd. (h)*
□	Printed or electronic records having the DATE, TIME, AND LOCATION of the starting and stopping of the BWTs for the purpose of treating ballast water.	Cal. Code Regs., tit. 2, § 2297* Pub. Resources Code, § 71205, subd. (h)*
□	Printed or electronic records of any scheduled or unscheduled system maintenance events.	Pub. Resources Code, § 71205, subd. (h)*

Note: This list is intended to be a summary of the required documents and records. For

California's Ballast Water Management Requirements

Assessing Compliance – New Checklist

New Checklist

- Determining if a vessel is subject to the new requirements
- Checking records and documents

Recordkeeping and Ballast Water Treatment System performance requirements

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California's Ballast Water Management Requirements

BWTS Recordkeeping and Monitoring

Material Safety Data Sheets for BWTS chemicals

Must be maintained on board the vessel

BWTS technical guides, publications, and manuals

Must be maintained on board the vessel

BWTS performance info

Date, time, and location the BWTS used

System malfunctions

Scheduled and unscheduled maintenance

Must be maintained on board the vessel

California's Ballast Water Management Requirements

Ballast Water Treatment System Use

Functionality Monitoring

2 years of printed or electronic records

Calibration Activities

Biological Monitoring

Printed or electronic records of any monitoring within the past 2 years including who, when, and how

**Ballast Water Treatment System Type
Approval Certificate**

Must be maintained on board the vessel

Equipment Malfunction Procedures

Must be maintained on board the vessel

California's Ballast Water Management Requirements

Assessing Compliance – New Checklist

New Checklist

- Did the vessel use an alternative?
- Is the ballast water treatment system on and working as intended?

Recordkeeping and Ballast Water Treatment System performance requirements

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California's Ballast Water Management Requirements

Assessing Compliance – New Checklist

Is the ballast water treatment system on and working as intended?

- System Design Limitations
- Alarms



California's Ballast Water Management Requirements

Enforcement

Will California issue violations or penalties for vessels found to be noncompliant with the ballast water discharge performance standards?

- Developing enforcement regulations updates to include performance standards and biofouling
- The current enforcement regulations can be found at <https://www.slc.ca.gov/misp/>

California's Ballast Water Management Requirements

Implementing the New Requirements – Future Considerations

- **Collecting Samples – Working with Golden Bear Research Center**
- **Logistical Challenges with Sampling**
- **Pre-arrival information on Ballast Water Management Report?**
- **How well are systems working?**



www.slc.ca.gov

THANK YOU & QUESTIONS

Marine Invasive Species Program
Marine Environmental Protection Division

cslc.mepdmisp@slc.ca.gov

Jonathan.Thompson@slc.ca.gov

 @CAStateLands



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