December 22, 2009

File Ref: W9777.290

Dear Shipping Agents:

On October 18, 2009 a letter was sent out to shipping agents regarding amendments to the regulations governing the implementation of performance standards for the discharge of ballast water for vessels operating in California waters (Title 2, Division 3, Chapter 1, Article 4.7) (see Attachment A). In response to some confusion caused by the letter, we would like to clarify the key points regarding the recent amendments.

Article 4.7 only applies to vessels that discharge ballast in California waters. Those vessels that retain all ballast on board are not subject to the regulations and are in compliance with California’s requirements for the management of ballast water. For those vessels that discharge ballast in California waters, the Article 4.7 regulations describe the process for the implementation of performance standards for the discharge of ballast water.

The recent amendments to Article 4.7 (announced by the October 18, 2009 letter) made some administrative changes to the regulations, but more importantly added requirement for vessels subject to Article 4.7 to install sampling facilities (i.e. ports) to allow Commission staff to collect samples and assess vessel compliance with the performance standards. The sampling ports shall be installed on the same schedule as that for meeting California’s performance standards (see Table 1). I.e. Vessels will be required to meet the performance standards per the implementation schedule (Table 1), and those vessels must concurrently install sampling ports (facilities). For example, a vessel built before 2010 with a ballast water capacity of 4000 MT must meet the performance standards by 2014 AND must also have installed sampling facilities by 2014 to allow Commission staff to collect ballast water samples to verify vessel compliance with the performance standards.

Table 1. Implementation Schedule for California’s Performance Standards and Requirements to Install Sampling Facilities

<table>
<thead>
<tr>
<th>Ballast Water Capacity of Vessel</th>
<th>Standards apply to new vessels in this size class constructed on or after(^1)</th>
<th>Standards apply to all other vessels in this size class beginning in(^1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1500 metric tons</td>
<td>2010</td>
<td>2016</td>
</tr>
<tr>
<td>1500 – 5000 metric tons</td>
<td>2010</td>
<td>2014</td>
</tr>
<tr>
<td>&gt; 5000 metric tons</td>
<td>2012</td>
<td>2016</td>
</tr>
</tbody>
</table>

\(^1\) The implementation date applies to vessels in this size class as of January 1 of the year of compliance.
We hope this letter has clarified some of the questions regarding the recent amendments to Article 4.7. Because agents are one of the primary conduits of information for vessel operators entering California ports or places, your assistance in providing notice to them is greatly appreciated. With your help, we expect the implementation of these regulations will proceed smoothly. Thank you for your attention to this matter.

If you have any questions, please contact me at the number listed above. Otherwise, refer to the Marine Invasive Species Program’s web page at http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Ballast_Water_Default.html for more information.

Sincerely,

Maurya B. Falkner
Marine Invasive Species Program Manager
Marine Facilities Division

Encl: Attachment A - Article 4.7