Marine Invasive Species Program:
Update on New and Upcoming Regulations

Customer Service Meeting
February 22, 2017
Martinez, CA
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Marine Invasive Species Program Proposed Regulations

**Article 4.5.** Marine Invasive Species Control Fund Fee

**Article 4.9.** Enforcement and Hearing Process

**Article 4.8.** Biofouling Management

**Article 4.7.** Performance Standards and Compliance Assessment Protocols

**Article 4.6.** Ballast Water Management Regulations
ARTICLE 4.5: Marine Invasive Species Control Fund Fee

• Current balance of the Marine Invasive Species Control Fund is insufficient to fund the Marine Invasive Species Program into the future

• The current fee of $850 is proposed to increase to $1,000 per qualifying arrival

• Proposed rulemaking approved by Commission in December 2016
  • Currently being reviewed by the Office of Administrative Law
  • Tentative implementation date is April 1, 2017
ARTICLE 4.9: Marine Invasive Species Act Enforcement and Hearing Process

2014 Enforcement Numbers:

• Total arrivals – 9,345
  • Discharged – 1,510

• Vessels with “operational” violations – 104
  • Total number of noncompliant tanks – 557

• Vessels with multiple violations – 13
CA Public Resources Code section 71216:

...a person who intentionally or negligently fails to comply with the requirements of this division may be liable for an administrative civil penalty in an amount that shall not exceed twenty-seven thousand five hundred dollars ($27,500) for each violation. Each day of a continuing violation constitutes a separate violation.
ARTICLE 4.9: Marine Invasive Species Act Enforcement and Hearing Process

1. Class 1 (operational)
   - **Minor** – vessel incorrectly exchanges ballast water within 10% of required distance
   - **Moderate** – vessel incorrectly exchanges ballast water within 10-50% of req. distance
   - **Major (I)** – vessel incorrectly exchanges ballast water less than 50% of req. distance
   - **Major (II)** – vessel does not exchange water before discharge at CA port

2. Class 2 (administrative)
   - Vessel fails to properly maintain required documents on board (e.g. ballast water management plan)

3. Class 3
   - Vessel fails to submit required reporting form (e.g. Ballast Water Management Report)
ARTICLE 4.9: Marine Invasive Species Act Enforcement and Hearing Process

• Proposed rulemaking approved by the Commission in August 2016
• Currently being reviewed by the Office of Administrative Law
• Tentative implementation date is April 1, 2017
ARTICLE 4.8: Biofouling Management to Minimize the Transfer of Nonindigenous Species from Vessels Arriving at California Ports

- Recordkeeping and reporting
- Best preventive practices
- Targeting high-risk vessels
Recordkeeping and Reporting

Biofouling Management Plan

Biofouling Record Book

Hull Husbandry Reporting Form ➔ Annual Vessel Reporting Form

Will be required 24 hours in advance of first arrival each year
Biofouling Management

Codify best preventive practices for the hull:
- Anti-fouling or foul-release coatings
- Within effective lifespan

Manage niche areas in some way and document management actions
Extended Residency Periods

• Remaining in one location for 45+ days
• Greater likelihood of heavy biofouling accumulation
• Document management approach
• Follow up in Biofouling Record Book

Floerl and Coutts (2009)
ARTICLE 4.8: Biofouling Management to Minimize the Transfer of Nonindigenous Species from Vessels Arriving at California Ports

Publication of proposed rule – Nov 25, 2016
45-day public comment period
Public hearing – January 10, 2017, Port of Long Beach

Publication of revised text
15-day public comment period [closed Feb 04, 2017]

**Next steps:** Finalize and present to Commission on April 20, 2017 in San Francisco
ARTICLE 4.7: Performance Standards and Compliance Assessment Protocols for the Discharge of Ballast Water for Vessels Operating in California Waters

**Purpose:** To develop protocols to assess vessel compliance with ballast water discharge performance standards. Also, codifies delay in implementation of interim ballast water standards to 2020 (per AB 1312 (2015))

**Informal Comment Period (February 7 – March 24, 2017)**
- Comments can be sent to: MEPDRegulations@slc.ca.gov

Rulemaking process to begin late 2017
ARTICLE 4.6: Ballast Water Management Regulations

Options for Managing Ballast Water:

• Retain all ballast on board/no discharge (~84%)
• Use of approved alternative ballast water management method (e.g. AMS)
• Discharge to a shore–based reception facility
  (none exist, but feasibility study expected mid-2017)
• Ballast water exchange
ARTICLE 4.6: Ballast Water Management Regulations

Assembly Bill 1312 (O’Donnell; Chapter 644, Statutes of 2015) provides authority for Commission to move ballast water management requirements from statute to California Code of Regulations

Regulatory Package:
- Adopt regulations for management of ballast water for vessels arriving from outside of the Pacific Coast Region or carrying ballast water from outside the Pacific Coast Region
- Investigate potential continuation of ballast water exchange for vessels arriving at California’s freshwater ports after the implementation of discharge standards
- Ballast water reception facility approval process

Rulemaking process to begin late 2017
Thank you!

Availability of rulemaking documents: www.slc.ca.gov
CSLC offices – Sacramento and Long Beach

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