

# Marine Invasive Species Program: Update on New and Upcoming Regulations

Customer Service Meeting  
February 22, 2017  
Martinez, CA  
Raya Nedelcheva



# 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)

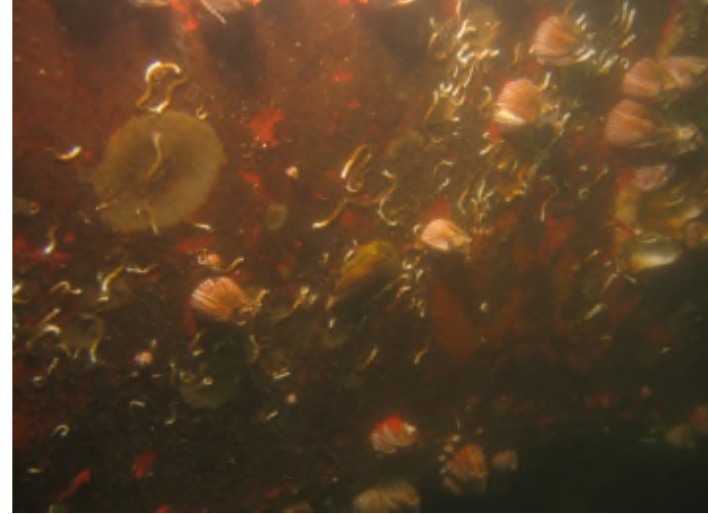
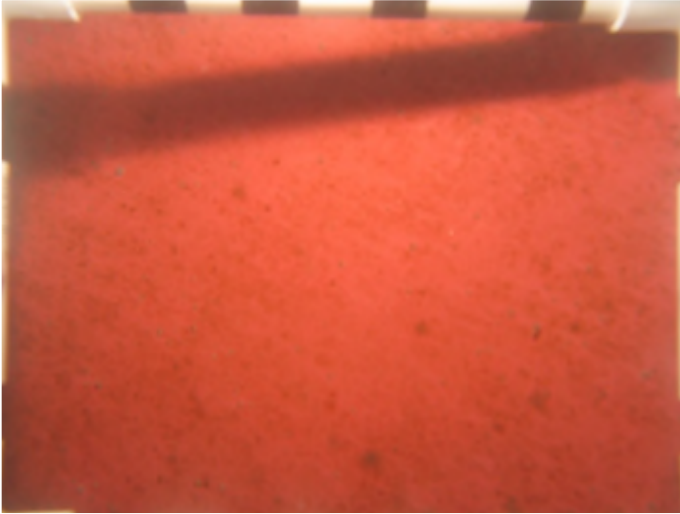


## ARTICLE 4.9: Marine Invasive Species Act Enforcement and Hearing Process

- 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



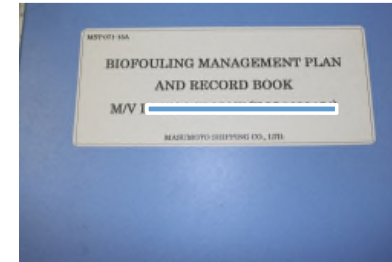
- Recordkeeping and reporting
- Best preventive practices
- Targeting high-risk vessels



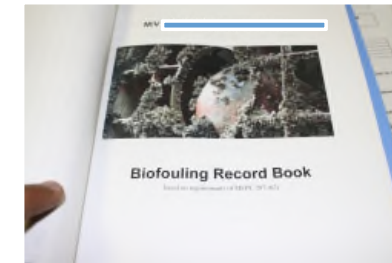


# Recordkeeping and Reporting

Biofouling Management Plan



Biofouling Record Book



California State Lands Commission  
Marine Invasive Species Program  
Hull Husbandry Reporting Form  
Public Document Code - 110000 and 110005  
June 6, 2016  
Part I: Reporting Form

Vessel Name: \_\_\_\_\_  
Operator: (City, State) \_\_\_\_\_  
Operator: (City, State) \_\_\_\_\_  
Date: (Month/Day/Year) \_\_\_\_\_

**Hull Husbandry Information**

1. Since delivery, has this vessel ever been transported from the water for maintenance?  
Yes  No

a. If Yes, enter the date and location of the most recent out-of-water maintenance:  
Last date out of water: (Day/Month/Year) \_\_\_\_\_ Location: \_\_\_\_\_  
Date of arrival: \_\_\_\_\_

b. If Yes, enter the delivery date and location where the vessel was built:  
Delivery date: (Day/Month/Year) \_\_\_\_\_ Location: \_\_\_\_\_  
Port of origin: \_\_\_\_\_

2. Have the submerged portions of the vessel coated with an anti-fouling treatment or coating during the out-of-water maintenance or shipyarding process listed above?  
Yes, full coat applied   
Yes, partial coat  (Date last full coat applied: (Day/Month/Year) \_\_\_\_\_)  
No coat applied  (Date last no coat applied: (Day/Month/Year) \_\_\_\_\_)

3. For the most recent full coat application of anti-fouling treatment, what type of anti-fouling treatment was applied and to which specific sections of the submerged portions of the vessel was it applied?  
Manufacturer/Company: \_\_\_\_\_  
Product Name: \_\_\_\_\_  
Applied to (Check all that apply): Full hull  Hull bottom  Deck   
Sea Chest  Propeller  Rudder  Control Station   
Pressure Ducting  Ventilation  Other: \_\_\_\_\_ (Specify: \_\_\_\_\_)

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:

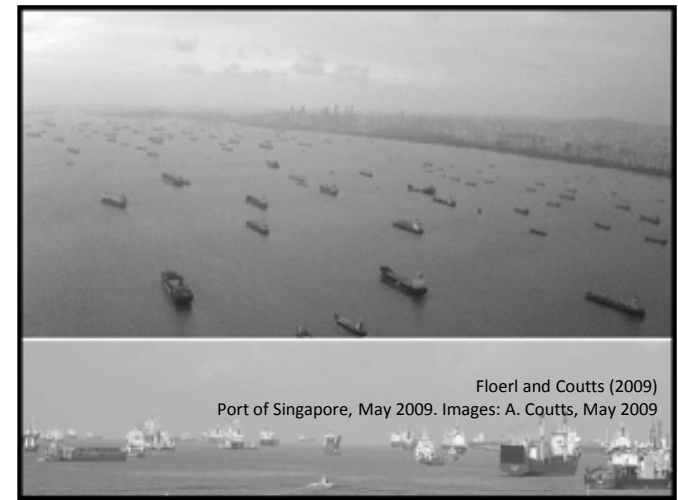
- Anti-fouling or foul-release coatings
- Within effective lifespan

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)  
Port of Singapore, May 2009. Images: A. Coutts, May 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](mailto:MEPDRegulations@slc.ca.gov)

Rulemaking process to begin late 2017



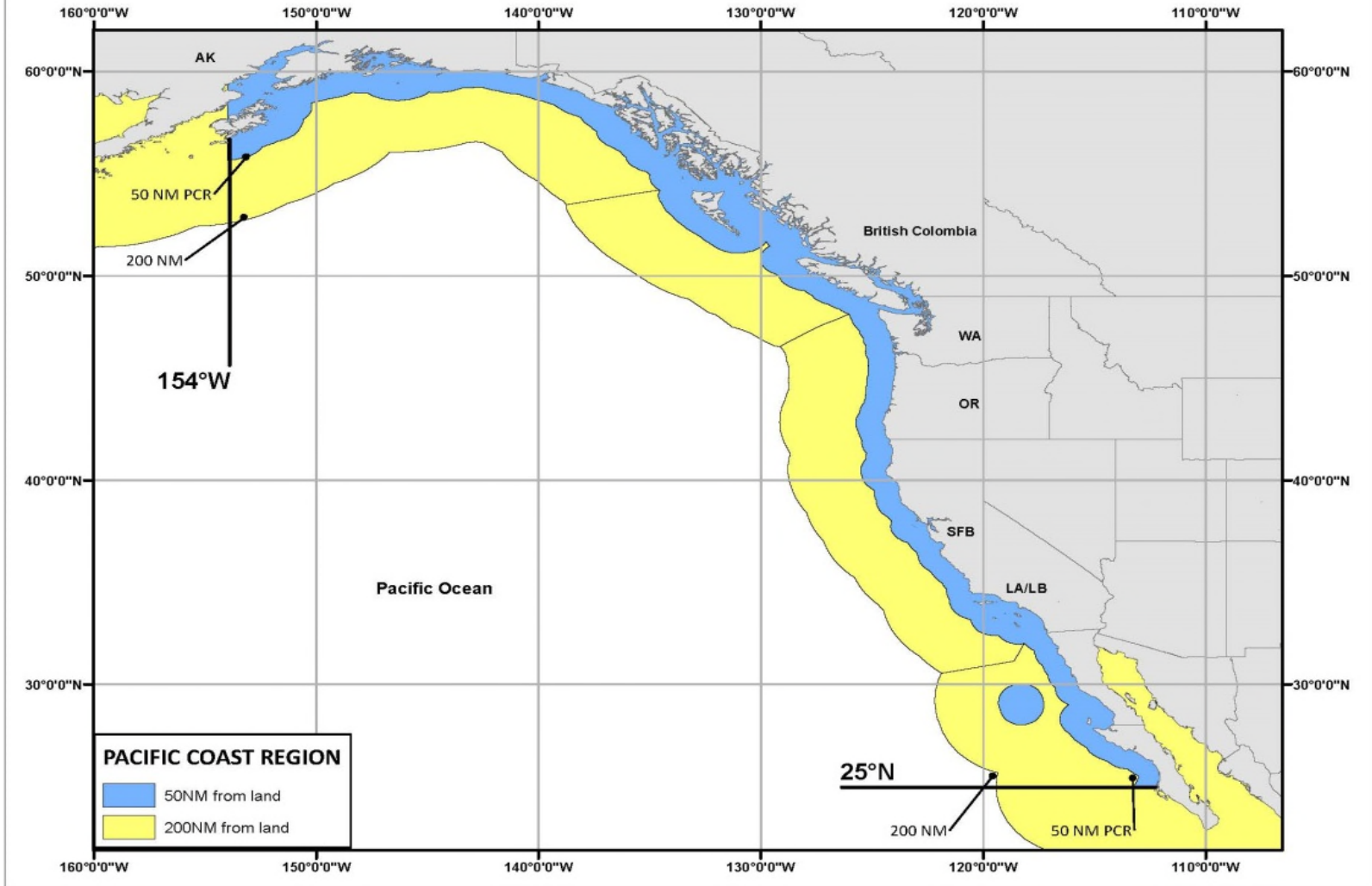
# ARTICLE 4.6: Ballast Water Management Regulations

## 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



# PACIFIC COAST REGION



# 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](http://www.slc.ca.gov)

CSLC offices – Sacramento and Long Beach

For more information:

[raya.nedelcheva@slc.ca.gov](mailto:raya.nedelcheva@slc.ca.gov)

(916) 574-2568

