

HOUSE AMENDMENTS TO HOUSE BILL 2714

By COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND RURAL
COMMUNITIES

April 8

1 On page 1 of the printed bill, line 2, after “species” insert “; creating new provisions; amending
2 ORS 783.635; and declaring an emergency”.

3 Delete lines 4 through 31 and delete page 2 and insert:

4 “**SECTION 1.** ORS 783.635 is amended to read:

5 “783.635. (1) Except as authorized by this section, the discharge of ballast water in the waters
6 of this state is prohibited.

7 “(2) An owner or operator of a vessel may discharge ballast water in the waters of this state:

8 “(a) If the owner or operator has conducted a complete open sea or coastal exchange of ballast
9 water prior to entering the waters of this state. The open sea or coastal exchange must be per-
10 formed using either of the following methods:

11 “(A) Flow-through exchange. A flow-through exchange occurs when an amount of ocean water
12 equal to or exceeding three times the capacity of the vessel’s ballast water tank is pumped into an
13 opening in the ballast water tank while the existing ballast water is discharged through another
14 opening.

15 “(B) An empty and refill exchange. An empty and refill exchange occurs when a ballast water
16 tank is pumped empty to the point that the pump loses suction and then is refilled with ocean water.

17 “(b) Without performing an open sea exchange or a coastal exchange of ballast water if:

18 “(A)(i) The owner or operator reasonably believes that an exchange would threaten the safety
19 of the vessel; or

20 “(ii) The exchange is not feasible due to vessel design limitations or equipment failure; and

21 “(B) The vessel discharges only the amount of ballast water that is operationally necessary.

22 “(c) **If the ballast water is discharged in a manner consistent with standards and proce-
23 dures adopted by the Environmental Quality Commission under subsection (4) of this section.**

24 “(3) An owner or operator who discharges ballast water in the waters of this state under sub-
25 section (2)(b) of this section is subject to the reporting requirements under ORS 783.640.

26 “(4)(a) **The Environmental Quality Commission may adopt by rule standards and proce-
27 dures that the commission considers necessary to carry out the provisions of ORS 783.625
28 to 783.640. The standards and procedures must minimize the risk of introducing aquatic
29 invasive species into the waters of this state and must be based on the availability of treat-
30 ment technology. Rules adopted under this subsection include, but are not limited to:**

31 “(A) **Standards for the discharge of ballast water into the waters of this state and ap-
32 propriate timelines for the implementation of the standards. In adopting the standards, the
33 commission shall consider the extent to which treatment technology is feasible, practicable
34 and commercially available, or expected to be available, by the proposed implementation
35 timelines.**

1 “(B) Emergency response procedures for managing high-risk ballast water. The rules
2 must define high-risk ballast water in light of the source of the water and other applicable
3 factors. The procedures must establish notification and consultation requirements, as well
4 as feasible alternative ballast water management strategies.

5 “(C) Procedures for implementing alternative ballast water management strategies for
6 the exemptions specified in subsection (2)(b) of this section.

7 “(b) To the extent practicable, the commission shall adopt rules under this subsection
8 consistent with relevant rules adopted by the States of California and Washington.

9 “SECTION 2. In adopting rules under ORS 783.635, the Environmental Quality Commis-
10 sion shall consult with the Shipping Transport of Aquatic Invasive Species Task Force cre-
11 ated under section 3 of this 2009 Act.

12 “SECTION 3. (1)(a) There is created the Shipping Transport of Aquatic Invasive Species
13 Task Force.

14 “(b) The President of the Senate and the Speaker of the House of Representatives shall
15 each appoint two members from among members of the Legislative Assembly to serve in an
16 advisory capacity to the task force.

17 “(c) The Director of the Department of Environmental Quality may appoint members to
18 the task force to provide equitable representation from individuals who represent the inter-
19 ests of this state and federal, State of Washington, maritime industry, environmental and
20 academic interests.

21 “(2) The purpose of the task force is to study and make recommendations:

22 “(a) For combating the introduction of aquatic nonindigenous species associated with
23 shipping-related transport into the waters of this state;

24 “(b) For identifying sources of funding to support and maintain the ballast water program
25 established in ORS 783.625 to 783.640; and

26 “(c) For changes to the ballast water program established in ORS 783.625 to 783.640, in-
27 cluding but not limited to the following considerations:

28 “(A) Shipping industry compliance with ORS 783.625 to 783.640;

29 “(B) Practicable and cost-effective ballast water treatment technologies;

30 “(C) Appropriate standards for discharge of treated ballast water into the waters of this
31 state;

32 “(D) The compatibility of ORS 783.625 to 783.640 with new laws enacted by the United
33 States Congress, regulations promulgated by the United States Coast Guard and ballast wa-
34 ter management programs established by the States of Alaska, California and Washington
35 and the Province of British Columbia;

36 “(E) Practicable and cost-effective techniques to combat the introduction of aquatic
37 nonindigenous species associated with shipping-related transport into the waters of this
38 state; and

39 “(F) Appropriate regulations and standards to combat the introduction of aquatic
40 nonindigenous species associated with shipping-related transport into the waters of this
41 state.

42 “(3) The Department of Environmental Quality may provide staff support or coordination
43 assistance to the task force.

44 “(4) All agencies of state government, as defined in ORS 174.111, are directed to assist
45 the task force in the performance of its duties and, to the extent permitted by laws relating

1 to confidentiality, to furnish such information and advice as the members of the task force
2 consider necessary to perform their duties.

3 “(5) A majority of the members of the task force constitutes a quorum for the trans-
4 action of business.

5 “(6) Official action by the task force requires the approval of a majority of the members
6 of the task force.

7 “(7) The task force shall elect one of its members to serve as chairperson.

8 “(8) The task force shall submit a report, including recommendations for legislation, to
9 an interim committee of the Legislative Assembly related to natural resources no later than
10 June 1, 2010.

11 “(9) Notwithstanding ORS 171.072, members of the task force who are members of the
12 Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-
13 teers on the task force. Other members of the task force are not entitled to compensation
14 or reimbursement for expenses and serve as volunteers on the task force.

15 “(10) As used in this section:

16 “(a) ‘Aquatic nonindigenous species’ means any species or other viable biological material
17 that enters an ecosystem beyond its historic range.

18 “(b) ‘Waters of this state’ has the meaning given that term in ORS 783.625.

19 “SECTION 4. Section 3 of this 2009 Act is repealed on January 2, 2012.

20 “SECTION 5. This 2009 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
22 on its passage.”.

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