

STATE LANDS COMMISSION

**REGULATIONS AMENDING THE DATE OF IMPLEMENTATION OF THE
PERFORMANCE STANDARDS FOR THE DISCHARGE OF BALLAST WATER FOR
VESSELS OPERATING IN CALIFORNIA WATERS**

Initial Statement of Reasons

Title 2, Division 3, Chapter 1, Article 4.7

SPECIFIC PURPOSE OF THE REGULATION

Senate Bill 1781 (Chapter 696, Statutes of 2008) amended Section 71205.3 of the Public Resources Code and modified the implementation schedule for the performance standards for the discharge of ballast water. The purpose of the amendment to Article 4.7 is to modify Section 2294 Implementation Schedule for Interim Performance Standards for Ballast Water Discharges to reflect the change in statute.

NECESSITY

The amendment to Section 2294 Implementation Schedule for Interim Performance Standards for Ballast Water Discharges of Article 4.7 is necessary to make the regulations consistent with the governing statute (PRC Section 71205.3), as amended by Senate Bill 1781 (Chapter 696, Statutes of 2008).

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

Not Applicable

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

The Commission Staff has determined that there are no alternatives which would be more effective in carrying out the purposes of the proposed regulation or would be as effective and less burdensome to affected private parties.

SMALL BUSINESS IMPACTS.

The commission finds that the adoption of the amendment to Title 2, Division 3, Chapter 1, and Article 4.7 will not have a significant adverse impact on small business. None of the businesses that will be governed by these proposed regulations can be considered a "small business" as defined in Government Code Section 11342.610.

Title 2, Division 3, Chapter 1, Article 4.7

The following is the initial statement of reasons for each of the regulations. Prior to the explanation for each provision, the text of the regulation is set forth, indented and underlined.

Performance Standards for the Discharge of Ballast Water For Vessels Operating in California Waters

Section 2294. Implementation Schedule for Interim Performance Standards for Ballast Water Discharges

Section 2293 applies to vessels in accordance with the following schedule:

- (a) Beginning January 1, 2010 ~~2009~~, for vessels constructed on or after that date with a ballast water capacity of less than or equal to 5,000 metric tons.
- (b) Beginning January 1, 2012, for vessels constructed on or after that date with a ballast water capacity greater than 5,000 metric tons.
- (c) Beginning January 1, 2014, for vessels constructed before January 1, 2009, with a ballast water capacity of 1,500 metric tons or more but not more than 5,000 metric tons.
- (d) Beginning January 1, 2016, for vessels constructed before January 1, 2009, with a ballast water capacity of less than 1,500 metric tons or greater than 5,000 metric tons.

SPECIFIC PURPOSE OF THE REGULATION

This section presents and describes the implementation schedule for the interim performance standards described in Section 2293. Senate Bill 1781 (Chapter 696, Statutes of 2008) amended Section 71205.3 of the Public Resources Code and modified the implementation schedule for the performance standards for the discharge of ballast water. The purpose of the amendment to Article 4.7 is to modify Section 2294 Implementation Schedule for Interim Performance Standards for Ballast Water Discharges to reflect the change in statute.

NECESSITY

The amendment to Section 2294 Implementation Schedule for Interim Performance Standards for Ballast Water Discharges of Article 4.7 is necessary to make the

regulations consistent with the governing statute (PRC Section 71205.3), as amended by Senate Bill 1781 (Chapter 696, Statutes of 2008).

**ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD
LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS.**

The Commission Staff has determined that there are no alternatives which would be more effective in carrying out the purposes of the proposed regulation or would be as effective and less burdensome to affected private persons.