

**State of California  
Office of Administrative Law**

In re:  
State Lands Commission

Regulatory Action:

Title 02, California Code of Regulations

Adopt sections:

Amend sections: 2292, 2293

Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION

Government Code Sections 11346.1 and  
11349.6

OAL Matter Number: 2025-0606-02

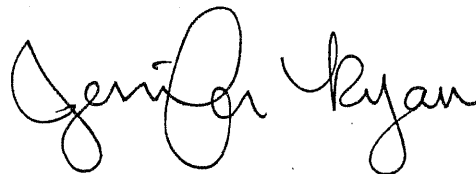
OAL Matter Type: Emergency (E)

In this emergency rulemaking action, the State Lands Commission seeks to amend performance standards and compliance assessment for the discharge of ballast water for vessels operating in California waters to require ballast water exchange in near-coastal waters, in addition to complying with existing performance standards.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 6/16/2025 and will expire on 12/16/2025. The Certificate of Compliance for this action is due no later than 12/15/2025.

Date: June 16, 2025



Jenifer Ryan  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Jennifer Lucchesi, Executive  
Officer

Copy: Nina Tantraphol

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2025-0606-02</b>	EMERGENCY NUMBER <b>E</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Lands Commission		AGENCY FILE NUMBER (If any)	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**JUN 16 2025**  
1:54 pm  
*[Signature]*

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Emergency Rulemaking for Article 4.7 Performance Standards		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 2		AMEND 2292 and 2293	
3. TYPE OF FILING		REPEAL	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Nina Tantraphol		TELEPHONE NUMBER 916-574-0452	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Nina.Tantraphol@slc.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

Signed by: SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Grace Kato</i>	DATE 5/22/2025
TYPED NAME AND TITLE OF SIGNATORY Grace KatoPorter Acting Executive Officer	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**JUN 16 2025**

**Office of Administrative Law**

## EXPRESS TERMS

### TITLE 2. ADMINISTRATION DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION

#### ARTICLE 4.7. PERFORMANCE STANDARDS AND COMPLIANCE ASSESSMENT FOR THE DISCHARGE OF BALLAST WATER FOR VESSELS OPERATING IN CALIFORNIA WATERS

*Staff has illustrated changes to the original text in the following manner: proposed language is underlined; deletions from the original text are shown in strikeout using a "-".*

**California State Lands Commission staff proposes to amend Article 4.7 of Chapter 1, Division 3 of Title 2 of the California Code of Regulations, to read as follows:**

#### **Section 2292 Definitions**

Unless the context otherwise requires, the following definitions shall govern the construction of this Article:

(a) "Ballast Water Capacity" means the total volumetric capacity of any tanks, spaces, or compartments on a vessel used for carrying, loading or discharging ballast water, including any multi-use tank, space or compartment designed to allow carriage of ballast water.

(b) "Ballast Water Sample" means a unit of ballast water that may be collected for compliance assessment or research purposes.

(c) "Ballast Water Treatment System," also referred to as a "Ballast Water Management System," means any system that processes ballast water to remove, kill, or render nonviable organisms in ballast water prior to discharge or to avoid the uptake or discharge of organisms.

(d) "Colony Forming Unit" means a measure of viable bacteria in a sample.

(e) "Commission" means the California State Lands Commission.

(f) "Detailed Analysis" means a direct measurement of the organism's concentration in a representative sample to assess compliance with the discharge standards.

(g) "Exchange" means to replace the water in a ballast tank using either of the following methods:

(1) "Flow through exchange," which means to flush out ballast water by pumping three full volumes of near-coastal waters through the tank, continuously displacing water from the tank, to minimize the number of original coastal organisms remaining in the tank.

(2) "Empty/refill exchange," which means to pump out, until the tank is empty or as close to 100 percent empty as is safe to do so, the ballast water taken on in ports, or estuarine or territorial waters, then to refill the tank with near-coastal waters.

~~(g)~~(h) "Functionality Monitoring" means monitoring of the applicable operational performance parameters to verify that the ballast water treatment system is operating according to the manufacturers' specifications.

~~(h)~~(i) "Indicative Analysis" means a rapid preliminary assessment of the organism concentration in a representative sample of the ballast water volume of interest using biological, chemical, or physical parameters.

(j) "Land" has the same meaning as "land" in Public Resources Code section 71200(i).

~~(j)~~(k) "mL" means milliliter.

(l) "Near-coastal waters" means waters that are more than 50 nautical miles from land and at least 200 meters (656 feet, 109 fathoms) deep.

(m) "Port" has the same meaning as "port" in Public Resources Code section 71200(n).

~~(j)~~(n) "Public Water System" is defined the same as in Title 40 of the Code of Federal Regulations, section 141.2 (7-1-20 Edition), which is hereby incorporated by reference.

~~(k)~~(o) "Sampling Port" means the equipment installed in the ballast water piping through which representative samples of the ballast water being discharged are extracted.

~~(f)~~(p) "System Design Limitations" or "SDLs" are the physical or operational parameters important to the proper operation of the ballast water treatment system and designed to achieve the discharge performance standards (for example, minimum and maximum flow rates, time between ballast uptake and discharge, water quality limitations, operating environmental conditions, filter pressure, or ultraviolet transmittance).

~~(m)~~(q) "Vessel" has the same meaning as in Section 71200, Public Resources Code, subdivision (r).

Authority cited: Sections 71201.7 and 71205.3, Public Resources Code.

Reference: Sections 71200, 71201.7, 71204, 71205.3 and 71206, Public Resources Code.

### **Section 2293. Performance Standards for Ballast Water Discharges.**

The provisions under this Section apply only to vessels that discharge ballast water in California waters.

(a) Federal Performance Standards for Ballast Water Discharges.

(1) Notwithstanding section 2296, the owner or operator of a vessel shall not discharge ballast water in California waters unless the ballast water discharge performance standards set forth in Section 151.2030(a) of Title 33 of the Code of Federal Regulations, or as that regulation may be amended, are met.

(2) The performance standards in Section 2293, subdivision (a)(1), must be met according to the implementation schedule in Section 151.2035(b) of Title 33 of the Code of Federal Regulations, or as that regulation may be amended, unless either of the follow conditions are met:

(A) The owner or operator of a vessel has been granted an extension to the vessel's compliance date by the United States Coast Guard pursuant to Section 151.2036 of Title 33 of the Code of Federal Regulations, or as that regulation may be amended; or

(B) The vessel is using water from a Public Water System as ballast water pursuant to Section 2296.

(b) This subdivision applies only to vessels with ballast water sourced from waters with a measured salinity of less than 18 parts per thousand and arriving at ports in the San Francisco Bay area east of, and including, the port of Rodeo, extending to the Ports of Stockton and Sacramento. In addition to meeting the ballast water discharge performance standards incorporated in subdivision (a), the master, operator, or person in charge of a vessel subject to this subdivision must:

(1) Conduct a ballast water exchange in near-coastal waters; and

(2) Ensure that the salinity of discharged ballast water is equal to or greater than 30 parts per thousand.

~~(b)~~ (c) Interim California Performance Standards for Ballast Water Discharges.

No later than January 1, 2030, the owner or operator of a vessel must comply with the interim California performance standards for the discharge of ballast water. The interim performance standards for the discharge of ballast water in California require that ballast water discharged will contain:

- (1) No detectable living organisms that are greater than or equal to 50 micrometers in minimum dimension;
- (2) Fewer than 0.01 living organisms per mL that are less than 50 micrometers in minimum dimension and greater than or equal to 10 micrometers in minimum dimension;
- (3) For living organisms that are less than 10 micrometers in minimum dimension:
  - (A) fewer than 1,000 bacteria per 100 mL;
  - (B) fewer than 10,000 viruses per 100 mL;
  - (C) concentrations of microbes that are less than:
    - 1. 126 colony forming units per 100 mL of *Escherichia coli*;
    - 2. 33 colony forming units per 100 mL of Intestinal enterococci; and
    - 3. 1 colony forming unit per 100 mL or 1 colony forming unit per gram of wet weight of zoological samples of Toxicogenic *Vibrio cholerae* (serotypes O1 and O139).

~~(e)~~(d) Final California Performance Standards for Ballast Water Discharges.

No later than January 1, 2040, the owner or operator of a vessel to which this Article applies, must implement and meet the final performance standards for the discharge of ballast water. The final performance standards for the discharge of ballast water in California waters require that the ballast water discharged must have zero detectable living organisms for all organism size classes.

Authority cited: Sections 71201.7 and 71205.3, Public Resources Code.

Reference: Sections 71201.7 and 71205.3, Public Resources Code.