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Regulators Take Aim at Ocean Discharge, Land Runoff

ORANGE COUNTY BUSINESS JOURNAL STAFF

Ship and boat operators and businesses that discharge into waterways beware: New regulations are coming your way.

Gov. Arnold Schwarzenegger last week signed two bills by state Sen. Joseph Simitian, D-Palo Alto, to clamp down on water pollution.

The first one, SB 497, requires the California State Lands Commission next year to adopt rules on the discharge of ballast water from ships. The rules would require ship operators to treat the water before discharging it.

When ships leave port, they take on ballast water for stability. When the ships reach their destinations, they empty their ballast water.

The process transfers plants and animals – such as clams and crabs – native to one area of the globe to another, impacting waterway habitats.

The goal of the legislation is to rid ballast water of all sea life by 2020, requiring ship operators to treat the ballast water before discharging it in California ports and marinas. It will be up to the

state lands commission to come up with the timetables and exact standards.

Shipping companies, which opposed California's effort to set standards for what is regarded as a global issue, fought for regular reviews of the regulations to ensure they aren't too far ahead of treatment technology.

"We really don't know what it's going to take to meet the standards," said John Berge, vice president of the Pacific Merchant Shipping Association in San Francisco. "Obviously, there will have to be some sort of onboard treatment systems installed on all ships calling on California ports. But as of now, the technology simply isn't there yet."

Setting a benchmark actually might be a good thing, since "that would give the technology developers something to strive for," Berge said.

As for the ultimate cost to the shippers, much hinges on how costly treatment technologies prove to be, he said.

The other bill Schwarzenegger signed, SB 729, also by Simitian, gives more

power to the State Water Resources Control Board and regional water boards to monitor water quality and impose penalties for violations.

Construction companies and industrial plants that discharge water will have to make sure they are in compliance with existing regulations or face a higher risk of penalties.

How much higher that risk will be depends on funding levels for the water quality control boards to hire additional inspectors.

The issue is "definitely a big priority here," said Steve Cox, director of risk management at the Newport Beach office of St. Louis-based McCarthy Building Cos., one of the Orange County's largest construction companies.

"In Orange County and San Diego, everything is paved and there's not a whole lot of land to build on which makes more opportunities to pollute through runoff."