

Ballast Water Management Compliance

Addendum to Vessel Agent's Handbook
July 1, 2016

MSU Portland

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This addendum provides expanded information on the U.S. Ballast Water Discharge Standards implementation schedule within 33 CFR 151 Subpart D, which ballast water management methods are acceptable, and resources to assist vessel agents manage vessel applicable to the new U.S. ballast water regulations.

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Discussion:

Vessels equipped with ballast tanks that operate in the waters of the United States must employ one of the ballast water management methods described in 33 CFR 151, Subpart D prior to discharging ballast water within 12 nautical miles of the mean low water line along the Sector Columbia River COTP Zone coast.

The management method of ballast water exchange (flow-through or empty/refill), which occurs in an area 200 nautical miles from any shore prior to discharging, is being phased out and replaced with the management method of ballast water treatment through a USCG approved ballast water management system (BWMS). Vessels beyond their ballast water management compliance date, located in 33 CFR Table 151.2035(b), are no longer authorized to utilize ballast water exchange as an acceptable method of ballast water management.

Information about Coast Guard type-approved BWMS is available at the Coast Guard: Maritime Commons blog: <http://mariners.coastguard.dodlive.mil/tag/ballast-water/> Maritime Information Exchange (CGMIX): <http://cgmix.uscg.mil/Equipment/Default.aspx> Homeport internet portal: <http://homeport.uscg.mil/ballastwater>

The United States is **not** signatory to the International Convention for the Control and Management of Ship's Ballast Water and Sediment (BWM Convention). Vessels discharging ballast water into the waters of the U.S. **must** comply with the requirements of 33 CFR 151.

Exemptions:

33 CFR 151.2015(b) exempts the following vessels from meeting ballast water management, reporting, and recordkeeping requirements:

- Crude oil tankers engaged in coastwise trade.
- Vessels that operate exclusively within one Captain of the Port (COTP) Zone.

33 CFR 151.2015(c) exempts the following vessels from meeting ballast water management requirements, however ballast water reporting and recordkeeping are still required:

- Seagoing vessels that operate in more than one COTP Zone, do not operate outside of the Exclusive Economic Zone (EEZ), and are less than or equal to 1,600 gross register tons or less than or equal to 3,000 gross tons (International Convention on Tonnage Measurement of Ships, 1969).
- Non-seagoing vessels.
- Vessels that take on and discharge ballast water exclusively in one COTP Zone.

Extensions:

33 CFR 151.2036 allows the Coast Guard to grant an extension of a vessel's compliance date to an owner/operator who has documented that, despite all efforts, compliance with one of the approved ballast water management methods is not possible.

If a type-approved system is not available for a vessel, and compliance with the other approved ballast water management methods is not possible, the vessel owner/operator may apply for an extension of the vessel's compliance date. Whether a type-approved system is "available" will be

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based on evidence submitted by the vessel owner/operator with the application for extension. The length of compliance date extensions, when granted, will be based on the availability of Coast Guard type-approved systems and detailed installation plans. Vessel owners and operators should anticipate that this will not typically align with scheduled dry docking.

The Coast Guard's Internet portal at <http://homeport.uscg.mil/ballastwater> provides access to regulations, policy letters, informational bulletins, vessel extension status, and lists of approved BWMS and AMS to help the maritime industry comply with the BWM requirements. Please send questions not answered on Homeport regarding the Coast Guard's BWM extension program and requests for compliance extension to: environmental_standards@uscg.mil.

Implementation Schedule for Approved Ballast Water Management Methods:

To discharge ballast water into waters of the United States, the master, owner, operator, agent, or person in charge of a vessel subject to 33 CFR 151.2025 **must** either ensure that the ballast water meets the ballast water discharge standard as defined in § 151.2030(a) [by employing a Coast Guard approved ballast water management system (BWMS)], use an Alternative Management System (AMS) as described in § 151.2025(a)(3), or ballast exclusively with water from a U.S. public water system (PWS), as described in § 151.2025(a)(2), according to the schedule in Table 151.2035(b).

After the dates listed in Table 151.2035(b), vessels may use a USCG-approved BWMS and comply with the discharge standard, use PWS per § 151.2025(a)(2), or use a previously installed AMS per § 151.2025(a)(3).

If using an AMS, the master, owner, operator, agent, or person in charge of the vessel subject to the ballast water discharge standard (BWDS) may employ the AMS for no longer than 5 years from the date they would otherwise be required to comply with the BWDS in accordance with Table 151.2035(b).

Table 151.2035(b) - Implementation Schedule for Approved Ballast Water Management Methods

	Vessel's ballast water capacity	Date constructed	Vessel's compliance date
New vessels	All	On or after December 1, 2013	On delivery.
Existing vessels	Less than 1500 m ³	Before December 1, 2013	First scheduled drydocking after Jan. 1, 2016.
	1500-5000 m ³	Before December 1, 2013	First scheduled drydocking after Jan. 1, 2014.
	Greater than 5000 m ³	Before December 1, 2013	First scheduled drydocking after Jan. 1, 2016.

[USCG-2001-10486, 77 FR 17306, Mar. 23, 2012, as amended by USCG-2015-0433, 80 FR 44281, July 27, 2015]

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Enforcement:

Vessels beyond their compliance date, without a Coast Guard approved extension letter, will be prohibited from discharging any untreated ballast water into the waters of the United States. Untreated ballast water shall be retained onboard, but may be redistributed throughout ballast tanks to accommodate stability while the vessel conducts cargo operations.

Discharges of untreated ballast water into the waters of the United State, in violation of 33 CFR 151 Subpart D, can result in a civil penalty of up to \$35,000. Each day of a continuing violation constitutes a separate violation.

If ballast water must be discharged to conduct cargo operations, the vessel will be directed to use one of the following methods:

1. Treat all ballast water using an approved BWMS or AMS prior to the discharge ballast water into the waters of the United States. If your vessel must proceed to sea to facilitate ballast water treatment, your vessel must proceed beyond 12 nautical miles before discharging and taking in new ballast water. If your vessel must proceed to sea to conduct a ballast water exchange, your vessel must proceed beyond 200 nautical miles;
2. Discharge untreated ballast water to a facility onshore or to another vessel for the purposes of treatment.

Discharge of Ballast Water in Extraordinary circumstances:

If the installed BWMS required by 33 CFR 151, Subpart D stops operating properly during a voyage, or the vessel's BWM method is unexpectedly unavailable, the person directing the movement of the vessel must ensure that the problem is reported to the Sector Columbia River Command Center or MSU Portland Port State Control office as soon as practicable.

The Coast Guard will normally allow a vessel that cannot practicably meet the requirements of 33 CFR 151.2025(a)(1) because its installed BWMS is inoperable, or the vessel's BWM method is unexpectedly unavailable, to employ one of the other ballast water management (BWM) listed in 33 CFR 151.2025(a) .

If the Sector Columbia River COTP approves such an allowance, the vessel must discharge only that amount of ballast water operationally necessary to ensure the safety and stability of the vessel for cargo operations. Ballast water records must be made available to the COTP upon request.