

Subject

Ballast Water Management System Extension Program
Update regarding USCG ballast water management

ClassNK

Technical Information

No. TEC-1099

Date 10 January 2017

To whom it may concern

United States Coast Guard (USCG) has already published the Policy Letter regarding the provision to grant extension to the implementation schedule for approved ballast water management methods as provided in 33CFR151 Subparts C and D. (Please refer to ClassNK Technical Information No.TEC-1056)

USCG published Marine Safety Information Bulletin (14-16) announced the approval of the first Coast Guard type approved Ballast Water Management System (BWMS) and stated that any owner/operator requesting an extension must provide USCG with an explicit statement supported by documentary evidence that installation of the type approved system is not possible for purposes of compliance with the regulatory implementation schedule.

The main contents for extension are as below.

1. Handling of the existing extension letter

Extension letters will remain valid until the extended compliance date specified in the extension letter. Supplemental extensions may be requested; however, if a type approved BWMS is available; requests must provide the necessary evidence to show why compliance is not possible as shown in paragraph 3.

2. Future extensions

An extension to a vessel's compliance date for the minimum time needed, as determined by USCG may be granted in cases where the ship owner/operator can document that despite all efforts, compliance with the requirements listed below is not possible.

- Use a U.S. type-approved BWMS to meet the discharge standard;
- Temporarily use a foreign type-approved BWMS that has been accepted by USCG as an Alternate Management System (AMS) (As for AMS, please refer to ClassNK Technical Information No.TEC-0971);
- Use and discharge ballast water obtained exclusively from a U.S. Public Water System (PWS);
- Discharge ballast water to a reception facility;
- Do not discharge ballast water inside 12 nautical miles

(To be continued)

NOTES:

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3. Examples of additional documentation in support of extension requests:
 - Written correspondence between the owner/operator and the applicable BWMS manufacturer(s) that confirm BWMS are not available for installation on that particular vessel or class of vessels until after the compliance date.
 - Vessel design limitations with type approved BWMS currently available.
 - Safety concerns related to installing type approved systems currently available.
 - Any other situation that may preclude a vessel from being fitted with a type approved system.
4. In cases where the extension application that is received by USCG has not been approved USCG does not issued extension letters to vessels with compliance dates on or after 1 January 2019. Now that a type approved system is available, the status of these applications will be changed from "received" to "held in abeyance" as the application's original criteria is no longer valid. In order to receive approval for an extension, additional information must be submitted as shown in paragraph 3.
5. Effect of the availability of a type approved system on vessel's compliance date and/or AMS status
The vessel's compliance date will remain the same. Any vessel with an AMS will still be allowed to use that AMS for up to five years after the compliance date.

For further details, please refer to the attached Marine Safety Information Bulletin (14-16).

For any questions about the above, please contact:

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Attachment:

1. Marine Safety Information Bulletin, December 2, 2016 (OES-MSIB Number: 14-16)



Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Office of Operating and Environmental Standards
2703 Martin Luther King Jr Ave, SE, STOP 7509
Washington, DC 20593-7509

OES-MSIB Number: 14-16
Date: December 2, 2016
E-Mail: environmental_standards@uscg.mil

Ballast Water Management (BWM) Extension Program Update

On December 2, 2016, the Marine Safety Center announced the approval of the first Coast Guard type approved Ballast Water Management System (BWMS). This bulletin provides answers to frequently asked questions concerning: 1) the extension program, 2) vessel compliance dates, and 3) use of Alternate Management Systems (AMS).

Title 33, Code of Federal Regulations Part 151, Subparts C and D ([33 C.F.R. 151 Subparts C](#) and [D](#)) allow the Coast Guard to grant an extension to a vessel's compliance date if the master, owner, operator, agent, or person in charge (collectively "owner/operator") documents that, despite all efforts, compliance with one of the approved ballast water management methods, including installation of a Coast Guard type approved BWMS, is not possible. Now that a type approved BWMS is available, any owner/operator requesting an extension must provide the Coast Guard with an explicit statement supported by documentary evidence (*e.g.*, a delay in commercial availability) that installation of the type approved system is not possible for purposes of compliance with the regulatory implementation schedule.

Will the Coast Guard honor my existing extension letter?

Extension letters will remain valid until the extended compliance date specified in the extension letter. Upon expiration of the extension, a vessel must have implemented one of the approved ballast water management methods specified in [33 C.F.R. § 151.1510](#) or [§ 151.2025](#). Supplemental extensions may be requested; however, if a type approved BWMS is available, requests must provide the necessary evidence to show why compliance is not possible (see below for examples of appropriate documentation).

Will the Coast Guard continue to grant extensions now that a BWMS has received Coast Guard type-approval?

Commercial seagoing ships operating in U.S. waters (within 12 nautical miles) and not otherwise exempted are required to manage ballast water in one of five ways: 1. Use a U.S. type-approved BWMS to meet the discharge standard; 2. Temporarily use a foreign type-approved BWMS that has been accepted by the U.S. Coast Guard as an Alternate Management System (AMS); 3. Use and discharge ballast water obtained exclusively from a U.S. Public Water System (PWS); 4. Discharge ballast water to a reception facility; 5. Do not discharge ballast water inside 12 nautical miles.

Extensions are allowed for by regulation ([33 C.F.R. § 151.2036](#)). Therefore, the Coast Guard will continue to accept requests for extensions. An extension to a vessel's compliance date may be granted in cases where the ship owner/operator can document that despite all efforts, compliance with the requirements listed above is not possible. If an applicant is unable to clearly document that compliance is not possible, the vessel will not be granted an extension and will have to employ one of the approved ballast water management methods specified in [33 C.F.R. § 151.1510](#) or [§ 151.2025](#).

If granted, the length of the extension will be for the minimum time needed, as determined by the Coast Guard and based on the documentation provided, for the vessel to comply with the ballast water discharge standard and other regulatory requirements. For example, if an applicant provides documentation that a vessel's drydocking was postponed by three months, that applicant may receive a letter extending compliance for only three months. These determinations will be made on a case-by-case basis.

Examples of additional documentation in support of extension requests:

- Written correspondence between the owner/operator and the applicable BWMS manufacturer(s) that confirm BWMS are not available for installation on that particular vessel or class of vessels until after the compliance date.
- Vessel design limitations with type approved BWMS currently available.
- Safety concerns related to installing type approved systems currently available.
- Any other situation that may preclude a vessel from being fitted with a type approved system.

What if the Coast Guard has received, but has not approved, my extension application?

The Coast Guard has not issued extension letters to vessels with compliance dates on or after January 1, 2019. Now that a type approved system is available, the status of these applications will be changed from "received" to "held in abeyance" since the application's original criteria are no longer valid. In order to receive approval for an extension, additional information must be submitted including appropriate documentation as to why compliance with the requirements is not possible.

How will the availability of a type approved system affect my vessel's compliance date and/or AMS status?

The vessel's compliance date will remain the same. Any vessel with an AMS will still be allowed to use that AMS for up to five years after the compliance date. It is recommended owners/operators review [Coast Guard MSIB 10-16](#).

How will the Coast Guard verify my compliance with the regulations?

Coast Guard Port State Control Officers may verify compliance with the regulations at any time while the vessel is in waters subject to the Coast Guard's jurisdiction, and Coast Guard Marine Inspectors may verify compliance with the regulations at any time. In order to prevent delays to vessel schedules, the master, owner, operator, agent, or person in charge of a vessel is reminded to keep BWM records onboard the vessel and immediately available for review by Coast Guard officials. Such records may include, but are not limited to: BWM plan, current extension letter granted to the vessel, vessel certificates, contracts and/or records verifying the date the vessel entered its last dry dock, BWMS installation documents, and vessel log books. Failure to comply with the ballast water regulations may result in civil or criminal penalties as provided at [33 C.F.R. § 151.2080](#).

Where can I get more information?

The Coast Guard's Internet portal at <http://homeport.uscg.mil/ballastwater> provides access to regulations, policy letters, informational bulletins, and extension application status 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

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