Preparing for Compliance with USCG Ballast Water Discharge Standards

For many existing vessels, the USCG implementation schedule to achieve ballast water discharge standards (BWDS) begins 1 January 2016. USCG ballast water management (BWM) regulations have been in effect since 21 June 2012. Since January 2014, the USCG has issued shipowners with extensions to compliance dates due to the fact that no ballast water management system (BWMS) has been approved to meet the USCG standards.

This ABS Trends explains the latest USCG extension policy and their clarification on the meaning of "first scheduled drydocking after 1 January 2016". This Trends also suggests preparations for compliance with USCG BWDS when USCG approved BWMS become available.

Revised USCG Extension Policy

As of September 2015, the USCG has granted over 2100 ships extensions on the basis that no USCG type approved BWMS are available. Where requested, ships with first scheduled drydockings in 2014, 2015, and 2016 have been granted extensions to firm dates of 1 January 2016, 1 January 2017, and 1 January 2018, respectively. The USCG has recently published Revision 2 to CG-OES Policy Letter No. 13-01 "Extension of Implementation Schedule for Approved Ballast Water Management Methods." The revised policy for extensions to the implementation schedule for approved BWM methods can be reviewed on the USCG BWM Program website - http://homeport.uscg.mil/ballastwater. The Policy Letter requires the use of an application spreadsheet that can be downloaded from the website.

The revised Policy Letter requires shipowners to submit extension requests via email to the USCG at environmental_standards@uscg.mil. Extension requests by mail are no longer accepted. Extension requests are to be submitted 12 to 24 months prior to the vessel’s original compliance date, which is the first scheduled drydocking after 1 January 2014 for vessels with ballast water capacity between 1500 and 5000 m³ and after 1 January 2016 for vessels with ballast water capacity less than 1500 m³ and greater than 5000 m³.

Information Required

The extension request email is required to:

- Provide vessel specific information to support the extension request and
- Include the USCG Excel-based “Application for Extended Compliance Date under U.S. Coast Guard Ballast Water Management (BWM) Regulations” (i.e., USCG Excel-based Application).

All documentation submitted must be completed in English. The extension request, if scanned as a separate letter attached to the email, should permit optical character recognition (OCR) of text or be supplied in a form that allows for copying text (i.e., Microsoft Word, etc.).

In certain circumstances, a party may be unable to meet the 12 month extension request requirement (e.g., if establishing new ownership of the vessel). In such cases, the extension request should be submitted as early as possible with supporting documentation justifying the party’s reason for not meeting the regulatory deadline.

At this time, public knowledge that no USCG type approved BWMS has been listed on the USCG Maritime Information Exchange Approved Equipment List website (http://cgmix.uscg.mil/Equipment/Default.aspx) may provide sufficient basis for requesting an extension. Extension letters addressing non-
availability of suitable onshore facilities for treatment or issues with use of water from a U.S. public water supply will aid the USCG in making its decision.

The USCG no longer requires a BWM Plan to be submitted, but a statement that the BWM Plan will be followed for discharges that take place in waters of the U.S. will aid the USCG in making its decision. If the vessel has sought a classification society safety exemption from ballast water exchange, the extension request must include the details of the safety exemption and the operational practices that have been adopted.

Terms of Extended Compliance Dates

Existing extensions have been granted to fixed dates. The revised policy removes the 5-year limit on a vessel’s cumulative extension. The removal of the 5-year cumulative extension limit does not affect the 5-year limit that a vessel may use a USCG accepted Alternate Management System after its original compliance date under 33 CFR 151.1510 or 151.2025.

The revised Extension Policy Letter indicates that the terms for approved extended compliance dates will be granted to the next scheduled drydocking after the vessel’s original compliance date for extensions granted after publication of the revised policy. This revised policy does not impact existing extensions.

Multiple Vessel (i.e., Batch) Submittals

The revised Extension Policy Letter allows extension requests for multiple vessels (i.e., “batch” application) for original compliance dates in the same calendar year and the same reason for the request. Additional information may be needed to support a batch application. ABS developed a template to assist submitting additional documentation.

Supplemental Extensions

Supplemental extensions beyond approved extension terms are allowed and may be submitted when a granted extension expiration date is approaching and no suitable BWMS options are available. A supplemental extension request should be submitted not less than 90 days prior to the end or termination.
date specified in the prior extension granted by the USCG. Supplemental extension requests are to follow the revised Extension Policy Letter and use of the Excel-based application spreadsheet is allowed.

The revised Extension Policy Letter indicates that if a vessel’s next scheduled drydocking is less than two years away, the USCG may grant an extension (or supplemental extension) to the second scheduled drydocking that the applicant provides. The application spreadsheet requests the subsequent drydocking dates.

Cancellation of Approved Extension Requests

The USCG lists approved extensions in the Marine Information for Safety and Law Enforcement (MISLE) system. If a ship does not need a USCG granted extension, a request for cancellation of the approved extension request is recommended so that correct vessel compliance dates are recorded in the MISLE. To cancel a USCG granted extension, the shipowner or operator should email the USCG and provide the vessel name and IMO number. The USCG may also be aided by including “Cancellation” and the vessel name in the email subject.

The USCG has provided a ballast water series on the Coast Guard Maritime Commons (blog site for maritime professionals). To read these blogs, refer to: http://mariners.coastguard.dodlive.mil/2015/12/02/1222015-ballast-water-series-from-the-coast-guards-assistant-commandant-for-prevention-policy/

Next Step – Identifying Suitable BWMS

The next step should be planning for compliance with the BWDS. This is complicated because the USCG has not approved any BWMS. At this time, the date for USCG approval of a BWMS is unknown.

In March 2015, three UV-based BWMS approval packages were submitted to the USCG. The three UV-based BWMS vendors used alternative methods for testing the BWMS. The USCG has stated that the alternative methods will be evaluated but must ensure the alternative methods provide an “equivalent level of protection consistent with the approach of the current ETV protocol.” The three UV based BWMS tested under alternative methods will require additional review and consideration by the USCG. The USCG has not provided a timeline for review of the alternative methods used for the three UV-based BWMS.

Numerous BWMS vendors are conducting USCG testing but no additional official statements have been made regarding completion of all required testing. USCG testing for BWMS is estimated to require approximately 24 months. USCG approval of a BWMS is not anticipated in 2015.

Regardless of the delays in USCG approval of BWMS, shipowners and ship managers need to be evaluating BWMS with regard to suitability for installation on their vessels and identifying challenges for each BWMS considered. Shipowners should identify the technologies suitable for the design and operation of their ships and work with BWMS vendors to determine appropriate models. ABS recommends that BWMS evaluation activities be documented because this documentation may be useful for USCG extension requests.

Evaluating BWMS

Shipowners should identify BWMS that are suitable for their ship design and operation. BWMS include many different technologies and have different limitations, treatment rated capacities, vendor service network capabilities, and hazards associated with the equipment as well as different capital and operating costs.

Since uncertainty exists regarding when USCG approved BWMS may be available, shipowners and ship managers should document the following items:

- Suitable BWMS vendors and models,
- USCG type approval testing status of identified BWMS,
- Estimated delivery times of suitable BWMS,
- Installation options, and
- Drydock availability.

After the USCG approval of a BWMS, documentation of these items may be needed when submitting extension and supplemental extension requests. ABS is available to assist shipowners and managers with evaluating BWMS and proper supporting documentation.

Identifying Installation Options

Shipowners should create detailed BWMS installation plans. Some installations could technically occur with the vessel in-service, but where the extent of
integration into the ship's systems requires the work to be completed only in drydock, planning should identify these limitations. Additional time for initial startup and commissioning of the BWMS should be considered.

**Future Steps and ABS Assistance**

Shipowners and managers need to clearly identify the USCG BWDS implementation date for their vessels and plan for compliance. At this time, the documentation required for USCG extension requests is relatively straightforward. Extension and supplemental extension requests will likely require documentation of BWMS models suitable for a specific vessel or design, lack of shipyard capability or capacity to install a BWMS, and other unanticipated delays. Shipowners and operators should continue investigating and documenting options for compliance.

ABS will continue to provide guidance and assistance to shipowners and managers for compliance with BWM requirements. Please email EnvironmentalPerformance@eagle.org to obtain copies of the ABS templates for USCG extension requests. ABS is also available to assist shipowners and managers in evaluating BWM technologies. Questions and requests for assistance can be sent by email to EnvironmentalPerformance@eagle.org.

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**Application for Extended Compliance Date under U.S. Coast Guard Ballast Water Management (BWM) Regulations**

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**VEssel INFORMATION**

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<th>Constructed Date (as defined in 33 CFR 151.1504 or 151.2005)</th>
<th>Original Compliance Date (MM/DD/YYYY)</th>
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ABS TRENDS • December 2015