

Subject

Application method and additional information of extension of implementation of USCG ballast water management regulation

ClassNK

Technical Information

No. TEC-1049

Date 15 October 2015

To whom it may concern

The United States Coast Guard (USCG) has issued the rule with regard to obligation of installation of ballast water management system for the vessels engaged in U.S. waters. The rule is entitled as "Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters", Vol.77, Federal Register Reg.17254, on 23 March 2012 (Please refer our Technical information TEC No.0903).

Relating to the above, on 25 September 2013, USCG published the Policy letter regarding the provision to grant an extension to the implementation schedule for ballast water management discharge standards for vessels using USCG approved ballast water management systems as provided in 33CFR151.1513 and 151.2036. (Please refer our Technical information TEC No.0971).

On 10 September 2015, USCG published revised Policy Letter regarding the application of the extension (attachment1), Application tips for extended compliance dates under USCG Ballast Water Management regulations (attachment 2), and Application for extended compliance date under U.S. Coast Guard Ballast Water Management (BWM) Regulations) (attachment 3).

USCG's policy regarding the extension has not changed significantly. However, there are some changes for application method of the extension, and notable amendments and useful information are as follows:

1. Vessels that choose to install AMS may also apply for an extension.
2. Removed 5-year limit on a vessel's cumulative extension.
3. When the application regarding the extension is done, removed requirement to provide copy of a vessel's Ballast Water Management Plan. A statement that a vessel has a BWM Plan that the vessel will follow for discharges that take place in waters of the U.S. is sufficient.
4. Paper applications are not acceptable. Extension requests must be submitted electronically as an e-mail.
5. When the application regarding the extension is done, application with Excel spreadsheet file (i.e. attachment3) titled "BWM extension application - INSERT VESSEL NAME" to be submitted.
6. Sub section regarding supplemental extension process is added the revised Policy Letter (i.e. attachment1) as 5(b).
7. Submit vessels with same calendar year of original compliance date, and same reasons why they cannot comply with requirement at the same time.
8. Submit application within 12-24 months of a vessel's original compliance date.
9. Identify application as "supplemental" in email subject line and in application spreadsheet (i.e. attachment3).

(To be continued)

NOTES:

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10. Application should be prepared in a format that provides OCR (i.e. optical character recognition).
11. USCG computer network cannot display email messages in HTML format, so, application spreadsheet (i.e. attachment3) and other documents to be utilized.
12. A vessel may request to cancel an application or approved extension letter. The vessel may continue to conduct ballast water exchange until the revised compliance date, or request a revised extension at least 12 months before the revised compliance date.

Electronic data (attachment 1, 2, and 3) can be downloaded from Regulations and Policy Documents Folder of U.S. Coast Guard's Internet portal (<http://homeport.uscg.mil/ballastwater>).

For any questions about the above, please contact:

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Attachment:

1. EXTENSION OF IMPLEMENTATION SCHEDULE FOR APPROVED BALLAST WATER MANAGEMENT METHODS, Revision 1
2. Application tips for extended compliance dates under USCG Ballast water management regulations
3. Application for extended compliance date under U.S. Coast Guard Ballast water management (BWM) regulations

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Homeland Security

United States
Coast Guard



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From: S. J. KELLY, CAPT
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16711
CG-OES Policy Letter
No. 13-01, Revision 1
10 September 2015

To: Distribution

Subj: EXTENSION OF IMPLEMENTATION SCHEDULE FOR APPROVED BALLAST
WATER MANAGEMENT METHODS, Revision 1

Ref: (a) Title 33 Code of Federal Regulations (CFR) Part 151 Sections 1513 & 2036
(b) Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters
(Federal Register/Volume 77, No. 57/March 23, 2012/page 17254)

1. **PURPOSE.** This policy letter provides revised guidance to vessel owners and operators seeking to extend compliance dates for implementing approved Ballast Water Management (BWM) methods. Reference (a) contains provisions for the Coast Guard to grant an extension to a vessel's original compliance date under the implementation schedule in 33 CFR 151.1512 and 151.2035. Every extension request and supplemental extension request must document that, despite all efforts, compliance with the requirement under 33 CFR 151.1510 or 33 CFR 151.2025 by the date stipulated in the implementation schedule, or the end date specified in the current extension granted by the Coast Guard, is not possible for the subject vessel.¹

2. **ACTION.** Area, District, and Sector Commanders and Captains of the Port should ensure that the provisions of this policy are brought to the attention of the appropriate individuals in the maritime industry. Internet release is authorized.

3. **DIRECTIVES AFFECTED.** CG-OES Policy Letter 13-01 dated Sept 23, 2013 is superseded.

4. **BACKGROUND.** Reference (b) became effective on June 21, 2012, and established a quantitative ballast water discharge standard (BWDS) and approved BWM methods for many of the non-recreational vessels equipped with ballast tanks that operate in waters of the U.S. Exemptions from applicability of the regulations finalized by Reference (b) are detailed in 33 CFR 151.1502 (Subpart C – Great Lakes and Hudson River) and 33 CFR 151.2015 (Subpart D – Waters of the United States). The compliance dates for implementation of approved BWM methods vary based on a vessel's ballast water capacity and construction date. The implementation schedule for compliance with approved BWM methods for Subpart C is shown in Table 151.1512(b), and the implementation schedule for Subpart D is shown in

¹ Some vessels that are not covered by the applicability requirements of Reference (b) may still be subject to the ballast water management requirements of the U.S. EPA Vessel General Permit (VGP) issued under Section 402 of the Clean Water Act. Please note statement in Section 6 of this policy letter regarding EPA's policy on Coast Guard extension letters. A discussion of the VGP is beyond the scope of this policy letter. The EPA's 2013 VGP can be found on the Internet at <http://water.epa.gov/polwaste/npdes/vessels/Vessel-General-Permit.cfm>

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Table 151.2035(b). All owners and operators of vessels equipped with ballast water tanks and operating in waters of the U.S. (including the Great Lakes) must follow applicable BWM requirements when conducting ballast operations in waters of the U.S.

5. EXTENSION REQUESTS AND SUPPLEMENTAL EXTENSION REQUESTS.

5(a). PROCEDURES FOR EXTENSION APPLICATION:

The Coast Guard may grant an extension to the implementation schedule listed in 33 CFR 151.1512(b) or 33 CFR 151.2035(b) only in cases where the master, owner, operator, agent or person in charge of a vessel can document that, despite all efforts, compliance with the requirement under 33 CFR 151.1510 or 33 CFR 151.2025 is not possible. Circumstances that may merit an extension request include limited availability (or no availability) of Coast Guard type-approved BWMS (including constrained shipyard capability and capacity to install the system prior to the deadline) and lack of availability of, or ability to use exclusively, water from a U.S. public water system (PWS). Every realistic option should be exhausted before an extension request is submitted. Extensions will be granted for no longer than the minimum time needed, as determined by the Coast Guard, for the vessel to comply with the requirements in 33 CFR Subparts C or D.

Vessels that intend to retain ballast water on board when operating in waters of the U.S., or intend to discharge ballast water to a facility onshore or to another vessel for purposes of treatment, do not need an extension. These approved BWM methods must be included in the vessel's BWM Plan.

Vessel owners and operators requesting an extension or supplemental extension of compliance date should recognize the Coast Guard determines "original compliance date" by the following implementation schedule as listed in 33 CFR 151.1512(b) or 33 CFR 151.2035(b):

- A. For vessels constructed on or after December 1, 2013: the date of vessel delivery.
- B. For vessels constructed before December 1, 2013, and
 1. having less than 1500 m³ ballast water capacity: the date of the first scheduled drydocking after January 1, 2016; or
 2. having 1500-5000 m³ ballast water capacity: the date of the first scheduled drydocking after January 1, 2014; or
 3. having greater than 5000 m³ ballast water capacity: the date of the first scheduled drydocking after January 1, 2016.

Determining the correct original compliance date is critical, as extension requests must be submitted at least 12 months prior to this date. In certain circumstances, a party may be unable to meet the 12 month requirement (e.g., 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.

Extension requests must be written in English and submitted electronically as an e-mail, with an application spreadsheet with required information attached, to:
environmental_standards@uscg.mil

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A copy of the recommended format for the application spreadsheet is available for download on the Coast Guard's Internet portal at <http://homeport.uscg.mil/ballastwater>, in the "Regulations and Policy Documents" folder where this policy letter is located.

The vessel specific information shall include:

1. Vessel Name (do not include designations such as M/V unless part of official name);
2. Vessel IMO number (or other official number if vessel does not have IMO number);
3. Total ballast water capacity in cubic meters (m³);
4. Scheduled delivery date after December 1, 2013 for a new vessel (See 33 CFR 151.1512(b) or 151.2035(b) for definition of "new vessel"; and 33 CFR 151.1504 or 151.2005 for definition of "constructed"); or
5. Last drydocking date and first scheduled dry docking date after January 1, 2014 or January 1, 2016, as applicable, for an existing vessel; and
6. Company name and mailing address, and email addresses of contacts.

The following information will aid the Coast Guard in making its decision:

1. Documentation from shipyards indicating a lack of capability or capacity to install a BWMS on the vessel to comply with the implementation schedule;
2. Documentation of non-availability of suitable onshore facilities or another vessel to receive untreated ballast water;
3. Documentation of non-availability of water from a U.S. public water system that can be used as ballast water;
4. Documentation attesting that Coast Guard type approved BWMS suitable for specific vessels of a particular design are not yet available;
5. A statement that the vessel has a BWM plan that the vessel will follow for discharges that take place in waters of the U.S.;
6. Estimate as to when the vessel will be able to implement an approved BWM method;
7. If the vessel will conduct ballast water exchange during the extension period, the request should include a statement that the vessel will conduct complete ballast water exchange in an area 200 nautical miles from any shore prior to discharging ballast water into waters of the U.S., unless the provisions of 33 CFR 151.2040 apply, or otherwise if so required by a U.S. state;
8. In cases where the vessel has sought a classification society "safety exemption" from conducting ballast water exchange, the extension request must detail the reasons for the safety exemption and how operational practices have been adapted so that only the amount of ballast water operationally necessary is discharged into waters of the U.S.

5(b). PROCEDURES FOR SUPPLEMENTAL EXTENSION APPLICATION:

If an extended compliance date proves insufficient due to unanticipated delays or changes in circumstances, a vessel's owner, operator, agent, master, or person in charge may submit a supplemental extension request for the vessel. The 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 Coast Guard. The supplemental request must reference the original vessel name and IMO number and clearly state the reason(s) why the vessel needs additional time to comply with the BWM requirements, including situation-specific documentation.

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To minimize redundancy, if all documented reasons provided in the initial extension request are unchanged, a declarative statement to that effect can be made for each vessel identified in the request for a supplemental extension. Additionally, if an owner or operator has more than one vessel with the same expiring extension date, then all such vessels may be covered by one request.

The vessel specific information shall include:

1. Vessel Name (do not include designations such as M/V unless part of official name);
2. Vessel IMO number (or other official number if vessel does not have IMO number);
3. Reason that supplemental extension is requested;
4. If applicable, a declarative statement that all documented reasons provided in the initial extension request are unchanged; and
5. Changes to company name or mailing address, and email addresses of contacts.

6. REVIEW AND NOTIFICATION OF RESULTS. Extension requests will be evaluated based on the information and documentation provided. As the Coast Guard may need further clarification prior to making a decision, current contact information must be provided with all submittals (names, phone numbers, and e-mail addresses).

The Coast Guard will respond to all extension requests with a rationale for the decision. When an extension is granted, the duration of the extension will be specified in the decision letter, a copy of which must be retained onboard the vessel. The letter must also be available to Coast Guard vessel inspectors and port state control officers, as well as other federal, state, and local officials with jurisdiction over ballast water discharges into waters of the U.S. A vessel's approved extension letter may be transferred to a new owner for the remainder of its extended compliance date.

A copy of the decision letter will be uploaded to the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) Database so Coast Guard field personnel can verify a vessel's compliance status. Summary information concerning all approved extensions, including the vessel name and vessel owner/operator, duration of the extension, and basis for the extension, will be posted in the "Regulations and Policy Documents" folder on the U.S. Coast Guard's Internet portal at <http://homeport.uscg.mil/ballastwater>.

Vessel owners and operators should be aware that the Environmental Protection Agency (EPA) 2013 Vessel General Permit (VGP) contains ballast water treatment technology requirements. In Section 1.9 of the 2013 VGP, the EPA advises that "where the U.S. Coast Guard has granted or denied an extension request pursuant to 33 CFR 151.2036, that information will be considered by EPA, but is not binding on EPA." As such, vessel owners/operators are encouraged to contact EPA at the earliest opportunity to inquire about their vessel's status regarding 2013 VGP ballast water technology requirements.

7. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to, nor does it impose, legally-binding requirements on any party. It represents the Coast Guard's current view on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying existing statutory and regulatory requirements.

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Distribution: COMDT (CG-CVC)
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USCG Marine Safety Center (MSC)
All Area/District(p) offices
All Sectors/MSUs/MSDs

Application Tips for Extended Compliance Dates under USCG Ballast Water Management regulations

The revised Extension Policy Letter explains how to apply for an extended compliance date. Changes from the original version include:

1. Vessels that choose to install a foreign type-approved Ballast Water Management System (BWMS) which the Coast Guard has accepted as an Alternate Management System (AMS) may also apply for an extension. The revised letter removed any mention of AMS regulations and policy letter from reference list and original text on page 2 to avoid confusion.
2. Removed 5-year limit on a vessel's cumulative extension, which was not required by 2012 BWM regulations. This does not affect 5-year limit under 33 CFR 151.1510 or 151.2025 that a vessel may use an AMS after its original compliance date.
3. Removed original text that confused applicants regarding length of an approved extension ("maximum duration of an extension" on page 2 was intended to refer to a cumulative length). The Coast Guard does not issue open-ended or 5-year extensions.
4. Aligns with corrected citation in 33 CFR 151.2036 to reference approved BWM methods in 151.2025, rather than the ballast water discharge standard in 151.2030 (see technical amendments published 27 July 2015, in 80 FR 44274).
5. Simplified application process and document requirements, such as highlighting option for "batch" applications.
6. Removed requirement to provide copy of a vessel's Ballast Water Management (BWM) Plan. A statement that a vessel has a BWM Plan that the vessel will follow for discharges that take place in waters of the U.S. is sufficient.
7. Added statement that ballast water exchange provisions include options for vessels under 33 CFR 151.2040. (The template for approval letters will be updated separately.)
8. Paper applications by mail are no longer acceptable. Extension requests must be submitted electronically as an e-mail, with an application spreadsheet with required information attached, to: environmental_standards@uscg.mil
9. Application must now include Excel spreadsheet file titled "BWM extension application - INSERT VESSEL NAME" with company and vessel information. This will help reduce processing time and errors in approval letters.
10. Supplemental extension process has new sub-section to clarify application requirements.
11. A vessel's approved extension letter may be transferred to a new owner for the remainder of its extended compliance date.

TIPS FOR APPLICANTS:

1. Acknowledgement of Receipt: The Coast Guard computer network does not allow automatic emails to acknowledge receipt, or establishment of an on-line application website. Coast Guard staff does send each applicant a receipt message in the order received, but the volume of requests for 2016 vessels and beyond prohibits timely receipts.
2. Batch application: Submit vessels with same calendar year of original compliance date, and same reasons why they cannot comply with requirement, so the Coast Guard can process similar company vessels at the same time.
3. Submit application within 12-24 months of a vessel's original compliance date. The Coast Guard issues approval letters for one "compliance year" at a time, so this helps process vessels for which it can grant extended compliance dates. This also avoids errors in approval letter due to owner or vessel name change that may occur after application is processed but placed on hold.
4. Length of extension: The Coast Guard coordinates extensions with the U.S. Environmental Protection Agency on an annual basis, and currently issues extended compliance dates for up to 2 years at a time. The "extended compliance date" is a fixed

Application Tips for Extended Compliance Dates under USCG Ballast Water Management regulations

- date and should not be confused with a vessel's "original compliance date" as determined by the Implementation Schedule in 33 CFR 151.1512 or 151.2035.
5. Supplemental extension: Identify application as "supplemental" in email subject line and in application spreadsheet.
 6. Application, if attached as separate letter file, should be scanned in a format that provides optical character recognition (OCR), or in application that allows copying text (MS Word, etc.).
 7. The Coast Guard computer network no longer displays email messages in HTML format, so please attach application spreadsheet and other documents as needed.
 8. Cancellation: A vessel owner or operator may request to cancel an application or approved extension letter, due to a dry dock date taking place in an earlier year, etc. The vessel may continue to conduct ballast water exchange until the revised compliance date, or request a revised extension at least 12 months before the revised compliance date. The Coast Guard will update its application database, remove the vessel's name from Excel spreadsheet of approved extensions on Homeport, and remove approval letter from vessel's entry in MISLE.
 9. Please direct any questions to environmental_standards@uscg.mil

Extension Policy Letter and spreadsheet at: <http://homeport.uscg.mil/ballastwater> Email application package to: environmental_standards@uscg.mil