

Client Alert 22-2014 August 8, 2014

BALLAST WATER MANAGEMENT STANDARD - IMPLEMENTATION IN US WATERS EXTENSION REQUESTS FOR BWTS INSTALLATION

Several of our clients have been advised over the past week by their Flag Administrations and/or the International Chamber of Shipping (ICS) of the possibility to obtain an extension to the due date for installation of an approved Ballast Water Treatment System (BWTS) aboard their vessels for use in US waters, due to the fact that "a *Coast Guard type-approved ballast water management system is not available*".

This Alert is intended to clarify the requirements and applicability of current legislation, following our most recent communication with the Environmental Standards Division at U.S. Coast Guard Headquarters in Washington, D.C.

As you would recall, our earlier Client Alert 32-2013 on this subject (dated December 03, 2013, copy attached) explained the various BWTS implementation schedules for vessels. It also referenced the USCG's Policy Letter 13-01 (copy attached), which contained the eligibility requirements and process to be followed when applying for an extension to the BWTS installation deadline(s). One of the requirements stated therein was that applications must be made at least 12 months before the mandatory installation date, except in "rare circumstances" such as new ownership of a vessel. This indicated that a vessel with ballast capacity between 1500 M3 and 5000 M3 that had less than 12 months remaining until her first scheduled drydocking after 01 January 2014 (and did not fall under the "rare circumstances" category) would no longer be eligible for an extension.

On receipt of the correspondence from Flag/ICS, we clarified the matter with the USCG and are pleased to report that extension applications for vessels with ballast capacity between 1500 M3 and 5000 M3 are still acceptable, even when the time remaining until the next scheduled drydocking is less than 12 months. The USCG has confirmed that they will review such extension requests as long as, in their words, "an explanation of the circumstances as to why the extension request was not previously submitted is provided." **Please note this currently applies only to vessels with ballast capacities between 1500 M3 and 5000 M3.** At the time of sending this Alert, over 160 vessels had already received an extension from the USCG.

Note : **All extensions have been granted until 01 January 2016** (not the first scheduled drydocking after 01 January 2016).

Based on the above information, we recommend that operators seeking an extension submit their applications to the USCG without delay, in accordance with the guidance contained on page 3 of the attached USCG Policy Letter 13-01. Please note that you would be applying for an extension due to the unavailability of any USCG type-approved BWTS at the present time. This is not related to the availability of several BWTS that have Alternate Management System (AMS) notation. Those systems carry AMS notation so they can be used by vessels in US waters, while the full type-approval process is conducted by the USCG. At this time, it is not know how many of the systems with AMS notation will receive full type-approval, or when this might occur. This AMS notation is granted to each manufacturer for a period of up to 5 years. The most recent list of such equipment is attached, dated 23 July 2014.

Please direct queries (if any) to ecm@ecmmaritime.com .

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