



Ship Type: All Trade Area: USA

Bulletin 372 - 07/04 - USCG Enforcing Ballast Water Management Regulations - USA

We have been advised that from 13th August 2004, the USCG will begin enforcing US ballast water management regulations. The master, owner, operator or person-in-charge of any ship equipped with ballast water tanks that is bound for ports or places in US waters must ensure that complete and accurate Ballast Water Management (BWM) reports are submitted in accordance with 33 CFR 151.2041, and signed BWM records are kept on board the ship for a minimum of two years in accordance with 33 CFR 151.2045.

The final rule titled "Penalties for Non-submission of Ballast Water Management Reports," (33 CFR 151, subpart D, as amended 14th June 2004) implements a maximum US \$27,500 a day civil penalty and class C felony provisions for failing to submit BWM reports and failing to maintain BWM records. The final rule also expands existing BWM reporting and record keeping requirements to include all ships equipped with ballast water tanks that transit to any US port or place of destination, regardless of whether the ship operated outside the Exclusive Economic Zone (EEZ) of the US or equivalent Canadian zone.

We expect that the USCG Captain of the Port (COTP) will in most cases take a tiered approach to enforcement actions starting with Letters of Warning (LOW), Notices of Violation (NOV), Civil Penalties, suspension and revocation (S&R), Captain of the Port Orders and then, in a worst case situation, criminal charges. Conversely, COTP'S may also consider including superior compliance recognition programs for those operators who continuously show superior compliance with new or existing BWM requirements.

The only ships that are exempt from the mandatory BWM requirements under the final rule are:

- Ships that operate exclusively within one COTP zone;
- Crude oil tankers engaged in coastwise trade; and
- Ships of the Department of Defense, Coast Guard, or any of the armed services as defined within 33 USC 1322 (a) and (n).

The table on the following page shows the details of sending the Ballast Water Management Report Form found at the end of this Advisory.

Source of Information: Corbett and Holt, LLC / Gallagher Marine Systems Inc
[National Ballast Information Clearinghouse \(NBIC\)](#)

TABLE 1:**Where to send this form [reprinted from 33 CFR Part 151, Subpart D, Appendix]**

Vessels equipped with ballast water tanks bound for all ports or places within the waters of the United States after operating outside the EEZ (which includes the equivalent zone of Canada).

Bound for	<u>You must submit your report as detailed below.</u>
The Great Lakes	<p>Fax the information at least 24 hours before the vessel arrives in Montreal, Quebec, to the USCG COTP Buffalo, Massena Detachment (315-764-3283) or to the Saint Lawrence Seaway Development Corporation (315-764-3250).</p> <p>In lieu of faxing, vessels that are not U.S. or Canadian flagged may complete the ballast water information section of the St. Lawrence Seaway "Pre-entry Information from Foreign Flagged Vessel Form".</p>
Hudson River north of the George Washington Bridge	<p>Fax the information to the COTP New York at (718-354-4249) at least 24 hours before the vessel arrives at New York, New York.</p> <p>* Note: Vessels entering COTP New York Zone which are not bound up the Hudson River north of George Washington Bridge should submit the form in accordance with the instructions in the following block.</p>
All other U.S. Ports	<p>Report before departing the port or place of departure if voyage is less than 24 hours, or at least 24 hours before arrival at the port or place of destination if the voyage exceeds 24 hours; and submit the required information to the National Ballast Information Clearinghouse (NBIC) by one of the following means:</p> <p>Via the Internet at http://invasions.si.edu/ballast.htm; E-mail to NBIC@BALLASTREPORT.ORG; Fax to 301-261-4319; or Mail the information to U.S. Coast Guard, c/o SERC, P.O. Box 28, Edgewater, MD 21037-0028.</p>

Vessels that have not operated outside the EEZ, which are equipped with ballast water tanks and are bound for all ports or places within the waters of the United States.

Bound for	<u>You must submit your report as detailed below:</u>
All U.S. ports including the Great Lakes and Hudson River North of George Washington Bridge	<p>Report before departing the port or place of departure if voyage is less than 24 hours, or at least 24 hours before arrival at the port or place of destination if the voyage exceeds 24 hours; and submit the required information to the National Ballast Information Clearinghouse (NBIC) by one of the following means:</p> <p>Via the Internet at http://invasions.si.edu/ballast.htm; E-mail to NBIC@BALLASTREPORT.ORG; Fax to 301-261-4319; or Mail to U.S. Coast Guard, c/o SERC, P.O. Box 28, Edgewater, MD 21037-0028.</p>

If any information changes, send an amended form before the vessel departs the waters of the United States.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The Coast Guard estimates that the average burden for this report is 35 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MSO), U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-001, or Office of Management and Budget, Paperwork Reduction Project (2115-0598), Washington, DC 20503

BALLAST WATER REPORTING FORM
 IS THIS AN AMENDED BALLAST REPORTING FORM? YES NO

1. VESSEL INFORMATION

2. VOYAGE INFORMATION

3. BALLAST WATER USAGE AND CAPACITY

Vessel Name:	Arrival Port:	<i>Specify Units Below (m³, MT, LT, ST)</i>		
IMO Number:	Arrival Date:	Total Ballast Water on Board:		
Owner:	Agent:	Volume	Units	No. of Tanks in Ballast
Type:	Last Port:		m3	
GT:	Country of Last Port:	Total Ballast Water Capacity:		
Call Sign:	Next Port:	Volume	Units	Total No. of Tanks on Ship
Flag:	Country of Next Port:		m3	

4. BALLAST WATER MANAGEMENT

Total No. Ballast Water Tanks to be discharged:

Of tanks to be discharged, how many: Underwent Exchange: Underwent Alternative Management:

Please specify alternative method(s) used, if any: _____

If no ballast treatment conducted, state reason why not: _____

Ballast management plan on board? YES NO Management plan implemented? YES NO

IMO ballast water guidelines on board [res. A.868(20)]? YES NO

5. BALLAST WATER HISTORY: Record all tanks to be deballasted in port state of arrival; IF NONE, GO TO #6 (Use additional sheets as needed)

Tanks/ Holds List multiple sources/tanks separately	BW SOURCES				BW MANAGEMENT PRACTICES						BW DISCHARGES			
	DATE DD/MM/YY	PORT or LAT. LONG.	VOLUME (units)	TEMP (units)	DATE DD/MM/YY	ENDPOINT LAT. LONG.	VOLUME (units)	% Exch	METHOD (ER/FT/ ALT)	SEA HT. (m)	DATE DD/MM/YY	PORT or LAT. LONG.	VOLUME (units)	SALINITY (units)
			m3	C			m3		ER				m3	sg
			m3	C			m3		ER				m3	sg
			m3	C			m3		ER				m3	sg
			m3	C			m3		ER				m3	sg
			m3	C			m3		ER				m3	sg
			m3	C			m3		ER				m3	sg
			m3	C			m3		ER				m3	sg

Ballast Water Tank Codes: Forepeak = FP, Aftpeak = AP, Double Bottom = DB, Wing = WT, Topside = TS, Cargo Hold = CH, Other = O

6. RESPONSIBLE OFFICER'S NAME AND TITLE, PRINTED AND SIGNATURE: _____