



Client Alert 05-2017

March 07, 2017

U.S. Ballast Water Management Standard

Update on the Ballast Water Management (BWM) Extension Program

Further to our Client Alert 02-2017 containing guidance from the U.S. Coast Guard on applying for extensions to compliance dates under the Ballast Water Management (BWM) Standard, the Office of Operating and Environmental Standards (OES) has now released an update to their enforcement policy under the extension program.

Full details are provided in the new **Marine Safety Information Bulletin (MSIB) 003/2017** (copy attached).

The contents of MSIB 003/2017 make it clear that in the wake of three ballast water treatment systems (BWTS) being granted full type-approval by the U.S. Coast Guard in December 2016, their policy of granting extensions has now become considerably more strict, with extensions only being issued to vessels that successfully prove their inability to acquire and/or install a type-approved BWTS by their compliance dates.

The attached MSIB 003/2017 provides the duration of extensions that can be expected, based on several different scenarios which are described below:

- For extension applications based on “unavailability” of a type-approved system, the Coast Guard will review the evidence provided. The length of extensions, when granted, will be based on the availability of Coast Guard type-approved systems and detailed installation plans. **The extension may not typically align with the vessel’s scheduled drydocking.**
- For vessels with a compliance date up to and including December 31, 2018 :
 - Extension requests with no justification as to why compliance is not possible **will be denied.**
 - If an operator has identified a Coast Guard type-approved BWTS (referred to as a “BWMS” in the MSIB) but cannot install it in time for the vessel’s compliance date, a strategy and detailed installation plan should be provided, describing how a BWTS would be installed before expiration of the extension. In such cases, **extensions granted should not be expected to exceed 18 months.**
 - If an operator has identified that no Coast Guard type-approved BWTS is available in time for the vessel’s compliance date, a strategy and timeline should be provided for acquiring and installing such a BWTS before the expiration of the extension. In such cases, **extensions granted should not be expected to exceed 30 months.**
- For vessels with a compliance date between January 01, 2019 and December 31, 2020, the Coast Guard will only begin reviewing extension applications 18 months prior to the vessel’s compliance date. Please bear this in mind when submitting applications. Also, requests will be evaluated based on the availability of type-approved systems and market conditions at the time, so operators must submit all the information they have available, to support their application.

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- For vessels with a compliance date of January 01, 2021 and later, the Coast Guard does not anticipate granting extensions.

In addition to the foregoing information, the MSIB emphasizes the following details, as has been done in previous releases:

- **Vessels with an AMS-approved system installed are not eligible for extensions**, as their systems are compliant for up to 5 years from the vessel's compliance date. If fitted, these systems are expected to be operated in U.S. waters.
- **Existing extension letters** remain valid until the expiration date stated in the letter, and **are transferrable when a vessel changes ownership/management.**
- Extension requests should be submitted 12-16 months before a vessel's compliance date. Requests that are submitted in less than the stipulated timeframe are in jeopardy of being denied.
- Once an extension has been issued, the operator should plan on ensuring the vessel is compliant in time for its (extended) compliance date. Supplemental extensions should not be anticipated.

Also attached is the latest version of the Coast Guard spreadsheet to be used for all extension applications.

All questions to the Coast Guard regarding extensions should be directed to environmental_standards@uscg.mil, rather than individuals who may correspond with applicants.

Additional Ref : Previous ECM Client Alerts 24-2016, 25-2016 and 02-2017.

Source : US Coast Guard Homeport portal.