

ANAVE – Circular de Régimen Interior

Madrid, 2 de febrero de 2017
Ref: SMA 6/2017/ES

Asunto: Gestión del agua de lastre - Sobre la concesión de extensiones por los EEUU una vez existen equipos homologados.

Muy Srs. nuestros:

En la reunión del grupo de trabajo de ANAVE sobre el Convenio de agua de lastre del pasado día 25 de enero, algunas empresas se interesaron sobre cómo afectaría la aprobación de varios equipos de tratamiento del agua de lastre por los EEUU a la concesión de extensiones a la fecha de aplicación de sus normas específicas sobre tratamiento de lastre, que como saben, entraron en vigor hace ya unos años.

Sobre este asunto, les adjuntamos un Boletín Informativo del USCG (**Anexo 1**) y un artículo firmado por el RA Paul F. Thomas (del USCG) (**Anexo 2**), que resultan muy aclaratorios:

- Se confirma que las cartas de extensión ya emitidas seguirán siendo válidas hasta la fecha de expiración que figura en las mismas;
- Aclara que, aunque se seguirán concediendo extensiones, a partir de ahora las solicitudes deberán venir acompañadas de documentación que ponga de manifiesto que resulta imposible instalar un equipo de los aprobados en el buque concreto para el que se solicita;
- Explica que las extensiones se concederán por el mínimo tiempo necesario para poder cumplir con las normas norteamericanas. Se cita como ejemplo que si un buque pospone su varada 3 meses, la carta de extensión se concederá por un periodo de 3 meses;
- Se informa de que no se han emitido cartas de extensión a ningún buque cuya fecha de cumplimiento fuera el 1 de enero de 2019 o posteriormente. Si un buque ha solicitado una carta de extensión pero no ha recibido respuesta, dado que el criterio de concesión ha cambiado (por existir ahora equipos aprobados), deberá remitirse información adicional.

Sobre este mismo asunto, las cartas de extensión que vienen concediendo el USCG, amplían el plazo para el cumplimiento de las normas de gestión de agua de lastre hasta “*Next scheduled drydocking after...*”. Una empresa naviera nos ha preguntado si una inspección a flote efectuada “en lugar de una varada en seco” debe considerarse como “varada programada” a este fin.

Adjuntamos como Anexo 3 otro Boletín informativo del USCG en el que aclaran que “una inspección a flote en lugar de en dique seco” **no es** una varada programada (*Next scheduled drydocking*). Como consecuencia, cuando esté redactada en estos términos, no se exigirá al buque instalar equipos de tratamiento del agua de lastre hasta la siguiente varada programada.

Saludos cordiales,

Manuel Carlier
Director General

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Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Office of Operating and Environmental Standards
2703 Martin Luther King Jr Ave, SE, STOP 7509
Washington, DC 20593-7509

OES-MSIB Number: 14-16
Date: December 2, 2016
E-Mail: environmental_standards@uscg.mil

Ballast Water Management (BWM) Extension Program Update

On December 2, 2016, the Marine Safety Center announced the approval of the first Coast Guard type approved Ballast Water Management System (BWMS). This bulletin provides answers to frequently asked questions concerning: 1) the extension program, 2) vessel compliance dates, and 3) use of Alternate Management Systems (AMS).

Title 33, Code of Federal Regulations Part 151, Subparts C and D ([33 C.F.R. 151 Subparts C](#) and [D](#)) allow the Coast Guard to grant an extension to a vessel's compliance date if the master, owner, operator, agent, or person in charge (collectively "owner/operator") documents that, despite all efforts, compliance with one of the approved ballast water management methods, including installation of a Coast Guard type approved BWMS, is not possible. **Now that a type approved BWMS is available, any owner/operator requesting an extension must provide the Coast Guard with an explicit statement supported by documentary evidence (e.g., a delay in commercial availability) that installation of the type approved system is not possible for purposes of compliance with the regulatory implementation schedule.**

Will the Coast Guard honor my existing extension letter?

Extension letters will remain valid until the extended compliance date specified in the extension letter. Upon expiration of the extension, a vessel must have implemented one of the approved ballast water management methods specified in [33 C.F.R. § 151.1510](#) or [§ 151.2025](#). Supplemental extensions may be requested; however, if a type approved BWMS is available, requests must provide the necessary evidence to show why compliance is not possible (see below for examples of appropriate documentation).

Will the Coast Guard continue to grant extensions now that a BWMS has received Coast Guard type-approval?

Commercial seagoing ships operating in U.S. waters (within 12 nautical miles) and not otherwise exempted are required to manage ballast water in one of five ways: 1. Use a U.S. type-approved BWMS to meet the discharge standard; 2. Temporarily use a foreign type-approved BWMS that has been accepted by the U.S. Coast Guard as an Alternate Management System (AMS); 3. Use and discharge ballast water obtained exclusively from a U.S. Public Water System (PWS); 4. Discharge ballast water to a reception facility; 5. Do not discharge ballast water inside 12 nautical miles.

Extensions are allowed for by regulation ([33 C.F.R. § 151.2036](#)). Therefore, the Coast Guard **will continue to accept requests for extensions.** An extension to a vessel's compliance date may be granted in cases where the ship owner/operator can document that despite all efforts, compliance with the requirements listed above is not possible. If an applicant is unable to clearly document that compliance is not possible, the vessel will not be granted an extension and will have to employ one of the approved ballast water management methods specified in [33 C.F.R. § 151.1510](#) or [§ 151.2025](#).

If granted, the length of the extension will be for the minimum time needed, as determined by the Coast Guard and based on the documentation provided, for the vessel to comply with the ballast water discharge standard and other regulatory requirements. For example, if an applicant provides documentation that a vessel's drydocking was postponed by three months, that applicant may receive a letter extending compliance for only three months. These determinations will be made on a case-by-case basis.

Examples of additional documentation in support of extension requests:

- Written correspondence between the owner/operator and the applicable BWMS manufacturer(s) that confirm BWMS are not available for installation on that particular vessel or class of vessels until after the compliance date.
- Vessel design limitations with type approved BWMS currently available.
- Safety concerns related to installing type approved systems currently available.
- Any other situation that may preclude a vessel from being fitted with a type approved system.

What if the Coast Guard has received, but has not approved, my extension application?

The Coast Guard has not issued extension letters to vessels with compliance dates on or after January 1, 2019. Now that a type approved system is available, the status of these applications will be changed from "received" to "held in abeyance" since the application's original criteria are no longer valid. In order to receive approval for an extension, additional information must be submitted including appropriate documentation as to why compliance with the requirements is not possible.

How will the availability of a type approved system affect my vessel's compliance date and/or AMS status?

The vessel's compliance date will remain the same. Any vessel with an AMS will still be allowed to use that AMS for up to five years after the compliance date. It is recommended owners/operators review [Coast Guard MSIB 10-16](#).

How will the Coast Guard verify my compliance with the regulations?

Coast Guard Port State Control Officers may verify compliance with the regulations at any time while the vessel is in waters subject to the Coast Guard's jurisdiction, and Coast Guard Marine Inspectors may verify compliance with the regulations at any time. In order to prevent delays to vessel schedules, the master, owner, operator, agent, or person in charge of a vessel is reminded to keep BWM records onboard the vessel and immediately available for review by Coast Guard officials. Such records may include, but are not limited to: BWM plan, current extension letter granted to the vessel, vessel certificates, contracts and/or records verifying the date the vessel entered its last dry dock, BWMS installation documents, and vessel log books. Failure to comply with the ballast water regulations may result in civil or criminal penalties as provided at [33 C.F.R. § 151.2080](#).

Where can I get more information?

The Coast Guard's Internet portal at <http://homeport.uscg.mil/ballastwater> provides access to regulations, policy letters, informational bulletins, and extension application status to help the maritime industry comply with the BWM requirements. Please send questions not answered on Homeport regarding the Coast Guard's BWM extension program and requests for compliance extension to: environmental_standards@uscg.mil

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US Coast Guard – Ballast Water Management - Beyond Type Approval



By [RADM Paul F. Thomas](#) 2017-01-25 15:30:00

Since September of last year, when the implementation date of the International Ballast Water Management (BWM) Convention became clear, all eyes have been focused on the U.S. Type Approval Process.

Ship owners and operators have been concerned, in particular, with the differences between the U.S. and International Type approval processes and the potential that BWMS meeting the more stringent U.S. requirements may not be available prior to the entry into force of the International BWM Convention in 2017.

In December 2016, the Coast Guard type approved three BWMSs, and we expect to see more systems submitted for type approval early this year. The type approved systems currently available treat ballast water with filtration and either chlorination (EC) or ultraviolet light (UV) **to reduce the number of living organisms to less than the regulatory limits**. Information on the U.S. type approved systems is available at the Coast Guard “Maritime Commons” [blog](#), Maritime Information Exchange ([CGMIX](#)), and Homeport internet [portal](#).

The Coast Guard recognizes that a range of BWM options are necessary for the global fleet to manage ballast water effectively, including a range of BWMS sizes and treatment types. Even as we continue to focus on type approving additional BWMS, vessel owners and operators need to look beyond type approval to the challenges associated with fitting and operating the systems and planning for compliance with U.S. and International standards.

Understand the Type Approval Certificate. BWMS type approvals are not the same as type approvals for more passive and less complex systems, such as life saving or firefighting equipments. BWMS type approvals are highly technical and very complex. System requirements such as flow rates, power level, water temperature and hold time vary greatly,

not only between system type (i.e. between UV and EC), but also between systems of the same type produced by different manufacturers. An approved system will be compliant with the discharge standard only if it is operated as specified in the type approval. Most often the type approval will reference the manufacturer's operating manual for the system. It is incumbent on owner/operators to evaluate the technical specifications of each BWMS to ensure the system they intend to install fits the operating profile of the vessel on which it is intended to be installed.

In order to assist owner/operators with this decision, the Coast Guard lists key system parameters on the U.S. Coast Guard Certificate of Approval. Other key parameters such as power consumption, system dimension and space requirements can be found in the system specific operations manuals. I strongly urge vessel owners/operators to work closely with system manufacturers to evaluate potential BWMSs to ensure the system they choose adequately fits their needs and the needs of their fleet.

Understand the new compliance date extension process. There are now type approved systems available and, accordingly, the Coast Guard has transitioned to a post-type approval extension regime. It is important for the vessel owner/operator to understand the new extension request requirements. Previously, it was relatively simple for a vessel owner/operator to document that, despite all efforts, compliance with one of the accepted ballast water management methods, including installation of a Coast Guard type approved BWMS, was not possible. Now that three BWMSs have been type approved, it changes the way we approach these requests. Operators can no longer request an extension simply citing there is no Coast Guard type approved system available. Each extension request requires an explicit statement supported by documentary evidence that one of the accepted methods in the regulations, including installation of a Coast Guard type approved system, is not possible for purposes of compliance with the regulatory implementation schedule.

Other factors that we consider when evaluating an extension request include the lead time required to contract and install a U.S. type approved system, issues related to limited market and manufacturing capabilities, and limited shipyard capacity. The Coast Guard will no longer accept batch applications for extensions; instead, each vessel must be evaluated individually. Lastly, vessels equipped with a foreign type approved BWMS that has been accepted as an Alternate Management System (AMS) will likely not receive an extension because the vessel is already considered to be in compliance. As per the US regulations, vessels may use an AMS for up to 5 years past the vessel's compliance date.

To date, the USCG has received over 13,000 requests for extensions to vessel compliance dates, granted just under 12,000 requests, and recently denied 9 requests. Due to the volume of these requests and time that it takes to review them, it is extremely important for vessel owners/operators to pay close attention to the extension requirements. An extension request must be submitted at least 12 months prior to the vessel's compliance date, and supplemental requests must be filed 90 days before the termination date specified in the previous extension. Supplemental requests will be granted only for delays caused by unforeseen circumstances or situations beyond the control of the owner or operator.

Plan for compliance. It is imperative that vessel owners/operators review and update vessel Ballast Water Management plans routinely and especially now that type approved systems are available. Ballast water exchange and the use of Coast Guard accepted AMS are being phased out as compliance options.

This means that vessel owners/operators must understand the accepted BWM method(s) that

will be used, train the crew in proper procedures and use of any BWM equipment, and incorporate ballast water management into the vessel's Safety Management System. The core of this approach is the BWM plan (BWMP).

A comprehensive plan addresses a broad spectrum of items. Here are some general issues that must be addressed in detail in a ship-specific BWMP.

- 1 Training requirements for the crew;
- 2 Safety procedures related to ballast water management methods, equipment and practices, including incorporation of BWM into Safety Management Systems;
- 3 Specific actions for meeting the BWM requirements, documentation procedures, crew training requirements, contingency plans for the failure or inoperability of intended ballast water management methods and corrective action plans and procedures, and inclusion or specific reference to any information necessary to conduct ballast water management in accordance with the plan, taking into account any conditions and factors specific to the vessel;
- 4 Detailed fouling maintenance and sediment removal procedures;
- 5 Procedures for coordinating the shipboard BWM strategy with Coast Guard authorities including procedures for informing the Coast Guard of any problems in managing ballast water intended for discharge into U.S. waters;
- 6 Identification of the designated officer in charge of BWM;
- 7 Detailed procedures for meeting the reporting requirements for ports and places in the U.S. visited by the vessel (different reporting procedures exist for Great Lakes, upper Hudson River, and other locations).

Ballast water management compliance is being actively enforced in the U.S. Every domestic vessel inspection or Port State Control examination includes an assessment of compliance with the BWM requirements. U.S. Coast Guard inspectors will follow the existing compliance approach where they certify documents and records, crew knowledge, equipment condition and operation, and sample BW discharge for analysis if warranted. Failure to comply with the applicable requirements may result in penalties.

Plan for contingencies. Vessels that have reached their compliance date will not be allowed to discharge unmanaged ballast water into U.S. waters. The ballast water management plan should address what the vessel will do if the intended method of BWM is unexpectedly unavailable (e.g. the BWMS stops operating, a reception facility or PWS is temporarily unavailable, etc). This plan is critical to the safe and efficient operation of the vessel.

This year, the Coast Guard will publish more guidance on the ballast water management program. Specifically, we will continue to clarify details with regard to our compliance program and compliance date extensions. All of the outreach and guidance documents developed will be posted on the Homeport website. I look forward to continued dialogue between the Coast Guard and industry as we work to reduce the threats of ballast-mediated biological invasions in U.S. waters.



Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
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MSIB Number: 13-15
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Ballast Water Management (BWM) Program Update

This bulletin provides an update on aspects of the Coast Guard's Ballast Water Management (BWM) program. It includes guidance to comply with Title 33, Code of Federal Regulations (CFR) Part 151, Subparts C and D. It also announces a change to the terms of extended compliance dates the Coast Guard will issue to vessels.

Drydocking Dates

The "original compliance date" for a vessel is determined by the Implementation Schedule in either Table 151.1512(b) for Subpart C or 151.2035(b) for Subpart D. New vessels (those constructed on or after December 1, 2013) must use an approved BWM method by their delivery date. Existing vessels (those constructed before December 1, 2013) must use an approved BWM method by their original compliance date. An existing vessel's original compliance date depends upon the vessel's ballast water capacity and is set as the first scheduled drydocking date after a date specified in either Table 151.1512(b) or 151.2035(b), as applicable.

The BWM regulations do not define "first scheduled drydocking". The following guidance is applicable to the first scheduled drydocking and other drydocking dates for existing vessels:

- In all cases, a vessel's "first scheduled drydocking" date for the purposes of compliance with the BWM implementation schedule is the date the vessel enters a drydock. For example, if a vessel enters drydock on or before December 31, 2015 and does not leave drydock until after January 1, 2016, the drydock is not considered the "first scheduled drydocking after January 1, 2016" for purposes of compliance;
- A drydocking begun after the date specified in either Table 151.1512(b) or 151.2035(b), as applicable, which is necessary for emergency repairs is not considered the first scheduled drydocking. However, if this drydocking satisfies the Administration for endorsing the Certificate of Inspection, passenger ship safety certificate, cargo ship safety certificate, or cargo ship safety construction certificate as the required survey of the bottom of the ship, this drydocking date is considered the first scheduled drydocking;
- A scheduled drydocking begun after the date specified in either Table 151.1512(b) or 151.2035(b), as applicable, to satisfy a statutory bottom survey requirement or to accomplish planned work (such as a drydocking to install exhaust gas cleaning equipment or to install a new bottom coating system), as opposed to emergency work, is considered the "first scheduled drydocking".

An underwater inspection in lieu of drydocking (UWILD) is not considered the “first scheduled drydocking”; instead:

- For vessels that undergo one UWILD and one drydocking for statutory purposes every five years, the first scheduled drydocking is the first drydocking conducted for statutory purposes after the date specified in either Table 151.1512(b) or 151.2035(b), as applicable;
- For vessels that do not routinely undergo drydockings, their original compliance date is 1 January 2014 or 1 January 2016, depending on the vessel’s ballast water capacity.

The Coast Guard recommends vessel owners maintain, in contracts, records, or logbooks, documentation of the date the vessel entered/left the drydock and the reason why the vessel was drydocked, and be prepared to present the information to Coast Guard compliance personnel if there are any questions concerning the vessel's compliance.

Extended Compliance Date

A vessel that discharges ballast water in waters of the U.S. after its original compliance date must comply with the requirements under 33 CFR 151.1512 or 151.2035 for approved BWM methods. However, the master, owner, operator, agent, or person in charge of a vessel may apply to the Coast Guard for an extended compliance date if they can document that, despite all efforts, compliance with the requirement under 33 CFR 151.1510 or 151.2025 is not possible.

The Coast Guard is revising the terms of extended compliance dates, and will issue a revised CG-OES Policy Letter 13-01. A vessel’s extended compliance date will now be the “next scheduled drydocking” after the vessel’s original compliance date. Existing extension letters will not be re-issued, but this change in terms will be made when a vessel applies for a supplemental extension. Information on applying for an extended compliance date is available at <http://homeport.uscg.mil/ballastwater> in the “Regulations and Policy Documents” sub-folder.

Questions regarding interpretation of “first scheduled drydocking” should be sent to CGCVC@uscg.mil.

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