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BLOG

Coast Guard Makes Ballast Water Compliance Easier

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On September 10, 2015, the U.S. Coast Guard issued new ballast water compliance guidance that simplifies and clarifies the process by which vessels can seek extensions to come into compliance with ballast water discharge standards.

Regulations issued by the Coast Guard, which became effective on June 21, 2012, established stringent quantitative ballast water discharge standards for vessels operating in U.S. waters. The regulations provide an implementation schedule such that most existing vessels will be required to have installed a Coast Guard-type approved ballast water management system by their first scheduled drydocking after January 1, 2016.

As the rigorous testing necessary to approve systems has proceeded more slowly than the regulatory implementation schedule, the Coast Guard has had a process whereby vessel owners can seek an extension of time to comply with the 2012 standards. Prior to the issuance of the new guidance, requests could be submitted to the Coast Guard "no later than 12 months before the [vessel's] scheduled implementation date" when someone acting on behalf of the vessel "can document, despite all efforts," that compliance with the new standards is not possible.

As of September 14, approximately 2,000 vessels had already been granted compliance extensions in each instance because of the lack of Coast Guard type approved compliant ballast water systems. Most of the extensions are either to January 1, 2017, or January 1, 2018.

The new guidance, which supersedes earlier extension guidance issued on September 25, 2013, simplifies the application process for a compliance extension (such as no longer requiring submission of a vessel's Ballast Water Management Plan), alleviates certain requirements (such as removing the five-year cumulative limit on extensions), and otherwise clarifies the extension process. The new guidance, like the old guidance, continues to require a showing that compliance with the current implementation schedule "is not possible" "despite all efforts" and also continues to require extension requests to be submitted at least 12 months in advance of the vessel's original compliance date.

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