



January 12, 2018
NTC 04-2018

CSI Notice to Clients 04-2018

SUBJECT: CONTINGENCY PLANNING FOR BALLAST WATER MANAGEMENT

The U.S. Coast Guard expects all ballast water discharged to U.S. waters to be managed and reported in compliance with federal regulations. As with other environmental laws and regulations, planning for compliance requires planning for contingencies. For ballast water, contingency planning should be included in the vessel-specific ballast water management plan (BWMP).

The BWMP should provide succinct directions and alternate measures to be taken if a ballast water management system (BWMS) is inoperable or the vessel's intended compliance method is unexpectedly unavailable. The BWMP should provide contingency measures that are specific to the vessel, its operational profile, and its intended ballast water management method. The BWMP should also outline the procedure for consulting with the Captain of the Port (COTP) and reporting to the National Ballast Information Clearinghouse (NBIC).

If a BWMS stops operating properly during a voyage, or the intended management method is unexpectedly unavailable, regulations in 33 CFR 151.1515 and 33 CFR 151.2040 require that the vessel owner or operator inform the nearest COTP as soon as practicable. Although it is not required by the regulations, we recommend that the vessel owner or operator also contact the destination COTP as soon as practicable to identify options for compliance with the ballast water regulations.

If a vessel representative contacts the COTP regarding a vessel in U.S. waters with unmanaged ballast water or an inoperable BWMS, the first question the COTP might ask is, "What does your BWMP direct you to do?" The second question may be, "How do you plan to comply with the regulations?" Additional information the COTP may request includes the length of time the system has been inoperable, the suspected cause of failure, repairs already completed, a schedule for proposed corrective action, and other operational data. The COTP will use this information to confirm the BWMS meets the "unexpectedly unavailable" threshold under 33CFR 151.2040 (b). Specifically, the COTP needs to determine if attempts to repair the BWMS are supported by communications with the manufacturer and other compliant ballast water management methods are available.

The Coast Guard has transitioned from program implementation to compliance and enforcement. As with other instances of potential noncompliance, if a vessel is discovered to not be following the regulations, the COTP may impose operational



controls that restrict the vessel's movement or cargo operations, a monetary penalty, and a higher priority consideration for future examinations. Restrictions in cargo operations can be significant and include port, agent or pilot fees, additional fuel costs, and cargo delays. There is also the potential for prosecution if there is evidence of criminal intent.

CSI is always available to assist our clients. Should you have any questions concerning the above, or need assistance in modifying your BWMP to include contingency planning, please contact us at csi@compliancesystemsinc.com.

For additional information and services, please visit our website:

<http://compliancesystemsinc.com/>