

Highlights and Tips for Application - Extended Compliance Dates under USCG Ballast Water Management regulations (revised 06 Mar 2017)

The revised Extension Policy Letter explains how to apply for an extended compliance date. Changes from the original (25 Sept 2013) and Revision 1 (10 Sept 2015) versions include:

1. Vessels that choose to install a foreign type-approved Ballast Water Management System (BWMS) which the Coast Guard has accepted as an Alternate Management System (AMS) may also apply for an extension. (*Now that CG type-approved systems are available, MSIB 003-17 below modifies this determination.*)
2. Removes original Policy Letter's 5-year limit on a vessel's cumulative extension. This change does not affect the 5-year limit under 33 CFR 151.1510 or 151.2025 that a vessel may use an AMS after its original compliance date.
3. Removes original Policy Letter's text regarding length of an approved extension (see "maximum duration of an extension" on page 2). The Coast Guard does not issue open-ended or 5-year extensions.
4. Aligns policy with corrected citation in 33 CFR 151.2036 to reference approved BWM methods in 151.2025, rather than the ballast water discharge standard in 151.2030 (see technical amendments published 27 July 2015 (80 FR 44274)).
5. Simplifies application process and document requirements, (*batch option no longer available, see MSIB 14-16 below*).
6. Removes the requirement to provide a copy of a vessel's Ballast Water Management (BWM) Plan. A statement that a vessel has a BWM Plan that the vessel will follow for discharges that take place in waters of the U.S. is sufficient.
7. Adds statement that ballast water exchange provisions include options for vessels under 33 CFR 151.2040 due to a voyage's route, or the master's safety or stability concerns.
8. Paper applications by mail are no longer acceptable. Extension requests must be submitted electronically as an e-mail, with an Excel spreadsheet with required information attached, to: environmental_standards@uscg.mil
9. Application must now include Excel spreadsheet file titled "Extension Application" with company and vessel information.
10. Supplemental extension process has new sub-section to clarify application requirements.
11. A vessel's approved extension letter may be transferred to a new owner for the remainder of its extended compliance date.
12. Adds new section 5 which provides detailed definitions of "original compliance date" and "first scheduled drydocking" to clarify the dates vessels should use when they apply for an extended compliance date.
13. Adds new paragraph in section 6(a) which revises the terms of extension to the "next scheduled drydocking" after a vessel's original compliance date. For vessels that have received extension letters prior to the publication date of this Policy Letter, Revision 2 (dtd 16 Nov 2015), the Coast Guard will apply the new terms if/when a supplemental extension is applied for. (*See MSIB 003-17 below for updates to terms of extension.*)

MSIB 14-16 was issued on 02 December 2016 following Marine Safety Center's announcement of the first U.S. type-approved system. The following are noted policy changes and highlights to the extension program as a result of the announcement:

1. "Batch" applications may no longer be accepted. Each application must be vessel-specific to ensure accurate processing of applications.
2. AMS 5-year periods commenced following the type-approval announcement. The 5-year period is based on the vessel's original or extended compliance date, whichever is the later date.
3. Extensions may be granted for a specific time period, instead of "until the next scheduled drydocking".
4. Additional documentation may be needed in order to process applications. In addition, applicants may receive an email from staff asking for clarifications to the application.
5. Priority will be determined based solely on the order an application is received. Priority is no longer given to vessels which "urgently" need extensions. Applicants are reminded to submit their application prior to 12 months of the compliance date, as per regulation.

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This allows staff the time needed to thoroughly review the information contained in each application, and ask clarifying questions of the applicant, if necessary.

6. Updates to applications already entered into the processing queue will result in the application being moved to the end of the queue.
7. To ensure adequate time for review, supplemental applications must also be submitted prior to 12 months of the extended compliance date already issued, per current regulation. This negates the 90 day recommendation permitted by CG-OES Policy Letter No. 13-1, Revision 2 specific to supplemental extension requests.

MSIB 03-17 was issued on 06 March 2017 alongside a Maritime Commons Blog announcing changes to the U.S. Coast Guard's Extension Program. The following are noted policy changes and highlights to the extension program:

1. The length of extensions will be based on the availability of CG type-approved system and detailed installation plans.
2. Extensions will no longer align with scheduled dry docking dates and will contain an "expiry date". Extensions are no longer valid after the expiry date has passed.
3. Owners and operators should not anticipate that they will receive any further extensions to those granted after 06 March 2017. They should plan their operations to ensure that the vessel will be in compliance with U.S. BW regulations after the expiry date.
4. Any application that has been submitted with less than 12 months notice prior to the vessel's compliance date is in jeopardy of being denied.
5. Applications for vessels with compliance dates before and including December 31, 2018 will be evaluated based on 1) the applicant's justification as to why compliance is not possible, and 2) the applicant's strategy, or plan, for how the vessel will come in to compliance with the regulations, including detailed timelines for installation.
6. Vessels which have applied for an extension and have compliance dates from 2019 to 2021 will be processed 18 months prior to the vessel's compliance date.
7. Applications for vessels with compliance dates on or after January 1, 2021 will not be granted. Instead, vessel owners and operators should plan for compliance.
8. Vessels with installed AMS are already in compliance, and do not need extensions. Extension requests for these vessels will be denied.
9. If a vessel is not past its compliance date and installing an AMS is being considered as a compliance method, the vessel owner/operator should evaluate whether a CG type-approved system is available for the vessel. If it is determined that such a system is not available, an AMS can be installed before the compliance date and used for up to five years after the vessel's compliance date.
10. Extensions, once granted, are valid until the date specified on the letter, and may be transferred to a new owner/operator for the remainder of its term.

TIPS FOR APPLICANTS:

1. Acknowledgement of Receipt: The Coast Guard computer network does not allow automatic emails to acknowledge receipt or establishment of an on-line application website. The anticipated volume of requests precludes manual acknowledgement of receipt.
2. Batch applications no longer permitted: Owner/Operators may no longer submit a batch application for vessels which have the same reasons why compliance is not possible. Each application must be submitted separately, with vessel-specific justification for why the extension is requested. Each application must also be submitted in its own email to facilitate correspondence between processor and applicant.
3. Submit application within 12-18 months of a vessel's compliance date. Applications received with less than 12 months notice are in jeopardy of being denied. Applications received for vessels with compliance dates on or after January 1, 2019 will be entered as "received". They will be reviewed 18 months prior to their compliance date, with notice

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- given to the applicant. Applications received for vessels with compliance dates on or after January 1, 2021 will not be granted, and owners should plan for compliance.
4. Length of extension: This will be a specific date. Once the "extension expiry date" has passed, the extension will no longer be valid. Owners/operators should anticipate that this date will not typically align with scheduled dry docking dates, and must plan accordingly so that the vessel is in compliance upon expiry of the letter. The issuance of supplemental extensions should not be anticipated.
 5. The "drydocking date" in the application form is determined by the actual date that the vessel ENTERS, or will enter, drydock. It is NOT the date found within the survey ranges on the vessel's certificates.
 6. For applicants applying for a supplemental extensions to extensions issued prior to 06 March 2017 which are affected by unexpected drydock shifts, be sure to firm your drydock date with the drydock prior to submitting your request for extension. The USCG will update existing letters only up to 3 months later than the original issuance in order to accommodate these unexpected changes. Owners and operators should provide explicit documentation as to the reason for the unexpected drydock shift. Documentation from the drydock explaining the delays will likely satisfy the decision to grant a supplemental extension. Further issuance of supplemental extensions should not be anticipated, so it's important to firm the drydock date prior to re-applying for a supplemental extension.
 7. Use the current version of the application spreadsheet. The current version contains non-shaded fields coded as "required", be sure to complete all required fields. The current version also contains "vessel type" buttons, and "BWMS" buttons, which need to be completed. Additional email fields (shaded) are not required to be filled in, as they are optional. If additional space is needed, please attach documentation as a separate letter file and send in ONE email together with the application. This should be scanned in a format that provides optical character recognition (OCR), or in application that allows copying text (e.g., MS Word)
 8. Submit the application only to: environmental_standards@uscg.mil Applications submitted to any other individual or office may not be entertained. Please refrain from submitting the application multiple times. Be aware that it may take upwards of one to two weeks to receive a confirmation email, depending on the amount of applications under review. If two weeks has passed, and you have not received a confirmation of receipt email, please check your email system for "non-delivery" messages, and re-submit your application.
 9. Owner change or Vessel name change. The extension letter is issued to a vessel using its IMO or official number, which do not change. Therefore, any extension letter is transferrable to a new owner/operator without the owner having to apply for one. Vessels which change names do not need to be issued new extension letters because they have the same IMO/O.N.
 10. Cancellation: A vessel owner or operator may request to cancel an application or approved extension letter. The Coast Guard will update its application database and indicate the status as "rescinded."
 11. All questions regarding extensions should be directed to:
environmental_standards@uscg.mil
 12. All questions regarding compliance with the regulations should be directed to:
cgcvc@uscg.mil