

approved BWMS and comply with the discharge standard, or employ an approved alternative ballast water management method per § 151.1510(a)(1) and (4).

TABLE 151.1512(b)—IMPLEMENTATION SCHEDULE FOR BALLAST WATER MANAGEMENT DISCHARGE STANDARDS FOR VESSELS USING COAST GUARD APPROVED BALLAST WATER MANAGEMENT SYSTEMS

	Vessel's ballast water capacity	Date constructed	Vessel's compliance date
New vessels	All	On or after December 1, 2013.	On delivery.
Existing vessels	Less than 1500 m ³	Before December 1, 2013	First scheduled drydocking after January 1, 2016.
	1500–5000 m ³	Before December 1, 2013	First scheduled drydocking after January 1, 2014.
	Greater than 5000 m ³	Before December 1, 2013	First scheduled drydocking after January 1, 2016.

■ 9. Add new § 151.1513 to read as follows:

§ 151.1513 Extension of Compliance Date.

The Coast Guard may grant an extension to the implementation schedule in § 151.1512(b) of this subpart only in those cases where the master, owner, operator, agent, or person in charge of a vessel subject to this subpart can document that, despite all efforts, compliance with the requirement under § 151.1510 is not possible. Any extension request must be made no later than 12 months before the scheduled implementation date listed in § 151.1512(b) of this subpart and submitted in writing to the Commandant (CG–522), U.S. Coast Guard Office of Operating and Environmental Standards, 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126. Summary information concerning all extension decisions, including the name of the vessel and vessel owner, the term of the extension, and the basis for the extension will be promptly posted on the Internet. Extensions will be for no longer than the minimum time needed, as determined by the Coast Guard, for the vessel to comply with the requirements of § 151.1510.

■ 10. Revise newly redesignated § 151.1515 as follows:

§ 151.1515 Ballast water management alternatives under extraordinary conditions.

(a) As long as ballast water exchange (BWE) remains an option under the schedule in § 151.1512(b) of this subpart, the master of any vessel subject to this subpart who uses BWE to meet the requirements of this subpart and, due to weather, equipment failure, or other extraordinary conditions, is unable to effect a BWE before entering the U.S. Exclusive Economic Zone, and intends to discharge ballast water into the waters of the United States, must request permission from the Captain of the Port (COTP) to exchange the vessel's ballast water within an area agreed to by the COTP at the time of the request and

then discharge the vessel's ballast water within that designated area.

(b) Once BWE is no longer an option under the schedule in § 151.1512(b) of this subpart, if the ballast water management system required by this subpart stops operating properly during a voyage or the vessel's BWM method is unexpectedly unavailable, the master, owner, operator, agent, or person in charge of the vessel must ensure that the problem is reported to the COTP as soon as practicable. The vessel may continue to the next port of call, subject to the directions of the COTP or the Ninth District Commander, as provided by 33 CFR part 160.

■ 11. Revise § 151.1516(a) to read as follows:

§ 151.1516 Compliance Monitoring.

(a) The master of each vessel equipped with ballast tanks must provide, as detailed in § 151.2070 of this part, the following information, in written form, to the Captain of the Port (COTP):

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■ 12. Revise subpart D of part 151 to read as follows:

Subpart D—Ballast Water Management for Control of Nonindigenous Species in Waters of the United States

Sec.

- 151.2000 Purpose and scope.
- 151.2005 Definitions.
- 151.2010 Applicability.
- 151.2013 Severability.
- 151.2015 Exemptions.
- 151.2020 Vessels in innocent passage.
- 151.2025 Ballast water management requirements.
- 151.2026 Alternate management systems.
- 151.2030 Ballast water discharge standard (BWDS).
- 151.2035 Implementation schedule for approved ballast water management methods.
- 151.2036 Extension of compliance date.
- 151.2040 Discharge of ballast water in extraordinary circumstances.
- 151.2050 Additional requirements—nonindigenous species reduction practices.

- 151.2055 Deviation from planned voyage.
- 151.2060 Reporting requirements.
- 151.2065 Equivalent reporting methods for vessels other than those entering the Great Lakes or Hudson River after operating outside the U.S. Exclusive Economic Zone or Canadian equivalent.
- 151.2070 Recordkeeping requirements.
- 151.2075 Enforcement and compliance.
- 151.2080 Penalties.

Authority: 16 U.S.C. 4711; Department of Homeland Security Delegation No. 0170.1.

Subpart D—Ballast Water Management for Control of Nonindigenous Species in Waters of the United States

§ 151.2000 Purpose and scope.

This subpart implements the provisions of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701–4751), as amended by the National Invasive Species Act of 1996.

§ 151.2005 Definitions.

(a) Unless otherwise stated in this section, the definitions in 33 CFR 151.1504, 33 CFR 160.204, and the United Nations Convention on the Law of the Sea apply to this subpart.

(b) As used in this subpart:
Captain of the Port (COTP) means the Coast Guard officer designated by the Commandant to command a COTP Zone as described in part 3 of this chapter.

Constructed in respect of a vessel means a stage of construction when—

- (1) The keel of a vessel is laid;
- (2) Construction identifiable with the specific vessel begins;
- (3) Assembly of the vessel has commenced and comprises at least 50 tons or 1 percent of the estimated mass of all structural material, whichever is less; or
- (4) The vessel undergoes a major conversion.

Exchange means to replace the water in a ballast tank using one of the following methods:

- (1) *Flow-through exchange* means to flush out ballast water by pumping in mid-ocean water at the bottom of the

IMO regulation

- Status ratification
 - 33 Countries (30 needed)
 - 26.6% tonnage (35% needed)
- Planning
 - Dry Docking / New Buildings
 - Planning is crucial
 - 2016 - all ships

2009	Newbuilds with ballast water tank capacities <5000 m3
2012	All newbuilds

2014	Vessels with ballast water tank capacities of 1500-5000 m3
2016	All existing vessels

Proposed USCG Regulations

	Ballast Water Tanks	Construction Date	Compliance Date
New Vessels	Less than 1,500 m ³	On or After 1 st December 2013	On Delivery
	Less than 1,500 m ³	Before 1 December, 2013	First scheduled drydocking after 1 st January 2016
Existing Vessels	Between 1,500 m ³ to 5,000 m ³	Before 1 December, 2013	First scheduled drydocking after 1 st January 2014
	Greater than 5,000 m ³	Before 1 December 2013	First scheduled drydocking after 1 st January 2016