



16450
MOC Policy Letter 04-06

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From: Commandant (G-MOC)

M. B. Kaur, Capt

To: Distribution

Subj: GUIDANCE FOR BALLAST WATER REGULATIONS

- Ref:
- a. Penalties for Non-Submission of Ballast Water Management Reports, Final Rule, June 14, 2004 (69 FR 32864)
 - b. Mandatory Ballast Water Management Program for U.S. Waters, Final Rule, July 27, 2004 (69 FR 44952)
 - c. Navigation and Vessel Inspection Circular 07-04

1. **Purpose:** To provide guidance for Coast Guard personnel, vessel owners and operators and persons-in-charge concerning compliance with and enforcement of ballast water regulations.

2. **Discussion:**

a. Ballast water regulations regarding reporting requirements and mandatory management practices were recently published as references (a) and (b). Guidance on compliance with and enforcement of reporting requirements was also published as reference (c). This policy letter provides additional guidance to reference (a) and (b) in response to numerous questions raised by the commercial vessel industry and Coast Guard personnel. This guidance will be included in Change 1 of NVIC 07-04 to be published in the near future. The paragraphs below provide clarification for various portions of the regulations. The following specific guidance is provided to address the unique operations of certain segments of the commercial vessel industry.

b. **Ballast Tanks:** Ballast tanks for the purposes of these rules are tanks used for ballast as described by 33 CFR 151.2025. This definition applies for both reporting and recordkeeping requirements as well as ballast water management requirements. Tanks filled with water solely for the purpose of inspection and repair are not considered ballast tanks for the purpose of these rules.

c. **Ballast Water:** Ballast water is defined under 33 CFR 151.1504. Water sealed in ballast tanks, and water in permanently ballasted tanks changed only in connection with dry docking is not considered ballast water for the purpose of these rules. Water taken into ballast tanks from commercial or municipal fresh water sources is also not considered ballast water for the purpose of these rules. Vessels which operate exclusively with permanent ballast water and/or water from commercial or municipal sources in ballast tanks are not subject to the requirements of 33 CFR 151 parts C and D.

d. **Port or Place of Destination:** Vessels equipped with ballast tanks are subject to reporting and recordkeeping requirements of 33 CFR 151.2040 and 151.2045.

(1) For barges equipped with ballast tanks, reports must be submitted only for stops for cargo operations, after entering a COTP zone. Owners, operators or persons-in-charge of barges are not required to submit a report under these rules when the vessel stops only for fleeting, waiting for locks or purposes other than those stated above.

(2) For towing vessels equipped with ballast tanks, reports must be submitted only for vessel stops to conduct fueling operations after entering a COTP zone. Owners, operators or persons-in-charge of towing vessels are not required to submit a report under these rules when the vessel stops only for fleeting, waiting for locks or purposes other than those stated above.

(3) Because of the unique configuration of the boundary between the zones of COTP Morgan City and COTP New Orleans, vessels which operate exclusively within these zones are not required to report or maintain records under 33 CFR 151.2040 and 151.2045. Vessels equipped with ballast tanks anchoring or mooring at a port or place in one of these zones after operating solely in the other zone are not required to submit a report.

e. **Exemptions:** In accordance with 33 CFR 151.2010 (c) of reference (a), vessels operating exclusively in a single COTP zone are exempt from reporting and recordkeeping under 33 CFR 151.2040 and 151.2045. Vessels that operate in more than one COTP zone, but conduct ballast operations exclusively in one COTP zone are not required to report or maintain records under 33 CFR 151.2040 and 151.2045. For example, a vessel, which operates in more than one COTP zone but which only ballasts in connection with cargo operations at a particular facility, or in connection with going under low bridges, does not have to report under 33 CFR 151.2040 if all their ballast operations occur within a single COTP zone.

f. **Recordkeeping:** Unmanned barges and uninspected vessels may maintain records ashore, under the control of the owner or other responsible person. These records shall be produced as required by Coast Guard personnel in connection with any compliance activity.

g. **Ballast Water Reporting Form:**

(1) A vessel's official number shall be entered for IMO number whenever a vessel does not have an IMO number.

(2) For volumes reported in Sections 3 and 5, gallons may be substituted for cubic meters and metric tons. The abbreviation **gal** may be used.

(3) For vessels in coastwise service, the AGENT field in Section 2 may be used to reflect charterer by preceding the entry with **CH:**, or operator by preceding the entry with **OP:**.

(4) Locations on the inland rivers may be depicted using abbreviations for the river and river mile. For example Lower Mississippi River 234 may be entered **LMR 234**.

(5) Vessels unable to measure temperature may enter water temperature as reported by weather radio.

(6) Vessels unable to measure salinity may report **1.0** for fresh water or **n/a** for salt water.

(7) Integrated or articulated tug and barge units may file a single report for the unit as applicable.

(8) Under 33 CFR 151.2043 of reference (a), vessel owners with vessels operating exclusively within the U.S. EEZ or the Canadian equivalent, and which anticipate reporting more

than 10 times in a calendar month, may apply for an Equivalent Reporting Program now being developed. This program will provide vessel specific reporting forms which may be filled out on line and submitted once a month for the reports covering the preceding month. The details of this program are not yet available but will be provided under Change 1 of reference (c).

h. **Enforcement:** In order to allow for the widest dissemination of the information above, and to assist vessel owners and operators applying these requirements for the first time, enforcement of the final rules in references (a) and (b) will begin not earlier than 1 November 2004.

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