

## Coast Guard, DHS

## § 151.1512

conducted under paragraph (c)(1) of this section that technology to achieve a significant improvement in ballast water treatment efficacy could be practicably implemented, the Coast Guard will report this finding and will, no later than January 1, 2017, initiate a rulemaking that would establish performance standards and other requirements or conditions to ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels. If the Coast Guard subsequently finds that it is not able to meet this schedule, the Coast Guard will publish a notice in the FEDERAL REGISTER so informing the public, along with an explanation of the reason for the delay, and a revised schedule for rule making that shall be as expeditious as practicable.

(3) When conducting the practicability review as required by paragraph (c)(1) of this section, the Coast Guard will consider—

(i) The capability of any identified technology to achieve a more stringent ballast water discharge standard, in whole or in part;

(ii) The effectiveness of any identified technology in the shipboard environment;

(iii) The compatibility of any identified technology with vessel design and operation;

(iv) The safety of any identified technology;

(v) Whether the use of any identified technology may have an adverse impact on the environment;

(vi) The cost of any identified technology;

(vii) The economic impact of any identified technology, including the impact on shipping, small businesses, and other uses of the aquatic environment;

(viii) The availability, accuracy, precision, and cost of methods and technologies for measuring the concentrations of organisms, treatment chemi-

cals, or other pertinent parameters in treated ballast water as would be required under any alternative discharge standards;

(ix) Any requirements for the management of ballast water included in the most current version of the U.S. Environmental Protection Agency's Vessel General Permit and any documentation available from the EPA regarding the basis for these requirements; and

(x) Any other factor that the Coast Guard considers appropriate that is related to the determination of whether identified technology is performable, practicable, and/or may possibly prevent the introduction and spread of non-indigenous aquatic invasive species.

[USCG-2001-10486, 77 FR 17305, Mar. 23, 2012]

### **§ 151.1512 Implementation schedule for approved ballast water management methods.**

(a) In order to discharge ballast water into the waters of the United States, the master, owner, operator, agent, or person in charge of a vessel subject to §151.1510 of this subpart must either ensure that the ballast water meets the ballast water discharge standard as defined in §151.1511(a), use an AMS as provided for under §151.1510(a)(1) or ballast exclusively with water from a U.S. public water system, as described in §151.1510(a)(4), according to the schedule in paragraph (b) of this section.

(b) *Implementation Schedule for the Ballast Water Management Discharge Standard for vessels using a Coast Guard approved BWMS to manage ballast water discharged to U.S. waters.* After the dates listed in Table 151.1512(b), vessels may use a USCG-approved BWMS and comply with the discharge standard, or employ an approved alternative ballast water management method per §151.1510(a)(1) and (4).

**§ 151.1513**

**33 CFR Ch. I (7–1–12 Edition)**

**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 <sup>3</sup> .....	Before December 1, 2013.	First scheduled drydocking after January 1, 2016.
	1500–5000 m <sup>3</sup> .....	Before December 1, 2013.	First scheduled drydocking after January 1, 2014.
	Greater than 5000 m <sup>3</sup> ..	Before December 1, 2013.	First scheduled drydocking after January 1, 2016.

[USCG–2001–10486, 77 FR 17305, Mar. 23, 2012]

**§ 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.

[USCG–2001–10486, 77 FR 17306, Mar. 23, 2012]

**§ 151.1514 Vessel safety.**

Nothing in this subpart relieves the master of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility.

[CGD 91–066, 58 FR 18334, Apr. 8, 1993. Redesignated by USCG–2001–10486, 77 FR 17305, Mar. 23, 2012]

**§ 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 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.

[USCG–2001–10486, 77 FR 17306, Mar. 23, 2012, as amended at 77 FR 33970, June 8, 2012]

**§ 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