Gard Alert: Prepare to manage ballast water

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IMO's Ballast Water Management Convention is set to enter into force on 8 September 2017 and preparatory work to ensure timely compliance should not be postponed.

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The International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Ballast Water Management or BWM Convention) was adopted by the IMO in February 2004 and will enter into force 12 months after ratification by 30 states, representing 35 per cent of the world's merchant shipping tonnage. On 8 September 2016 Finland became the 52nd state to sign the Convention. According to a press briefing by the IMO, Finland's signature raises the combined tonnage of the contracting states to 35.1441 per cent, sufficient to pass the tonnage threshold and bring the BWM Convention into force on 8 September 2017.

Key requirements

The BWM Convention will apply to all vessels that carry ballast water and are engaged in international voyages. From **8 September 2017** , shipowners and operator are required to:

• have an approved ballast water management plan onboard;

• manage their ballast water on every voyage according to the plan, and with due regard to the safety of the vessel, e.g. by exchanging ballast mid-ocean, treating it onboard before discharge or discharging it to a reception facility/barge;

• assign a competent officer to manage ballast water and to train the officers and crew so that they can carry out their respective duties;

• maintain a ballast water record book which must be up to date at all times; and

• for a vessel of 400 gross tonnes and above, undertake a survey and be issued with an international ballast water management certificate.

Compliance schedule

The Convention imposes a challenging ballast water discharge standard which will be phased in over time. The requirement for exchange of ballast water mid-ocean (regulation D-1) applies from 8 September 2017 although this is an intermediate solution only. Most vessels will need to install an approved ballast water treatment system eventually (regulation D-2). However, the "expiry" of the Convention's original timeline for D-2 compliance, as described in regulation B-3, has resulted in uncertainty regarding actual compliance dates.

In April 2016, at its 69th session, the Marine Environment Protection Committee (MEPC) approved draft amendments to regulation B-3 of the BWM Convention setting out new deadlines for the installation of type approved ballast water treatment systems onboard vessels. The MEPC 69 draft amendments are set out in Resolution A.1088(28) and state that a vessel's date of compliance with the BWM Convention will be determined by her construction date and the date of her International Oil Pollution Prevention (IOPP) certificate renewal:

• vessels constructed (keel laid) before 8 September 2017 must install a ballast water treatment system by first IOPP renewal survey after this date; and

• vessels constructed (keel laid) at or after 8 September 2017 will have to install a system upon delivery.

Contrary to expectations, the MEPC 70 did not reach consensus on the amendments to regulation B-3 at their meeting in October 2016. It is understood that the MEPC stands by its decision to link a vessel's date of compliance to her IOPP certificate renewal, but may consider an enforcement scheme that allows vessels more time to install ballast water treatment systems. A proposal for alternative draft amendments to regulation B-3, that would allow for compliance by the second renewal survey in certain circumstances, was put forward at MEPC 70.

The text of the Convention covering implementation dates can only be changed after entry into force of the Convention on 8 September 2017. The two proposals for amendments of regulation B-3 will therefore be considered at MEPC 71 in May 2017 for possible adoption at MEPC 72 in spring 2018 (tentative dates only).

Recommendations

Regardless of the outcome of MEPC71 in May 2017 as regards an amended timeline for D-2 compliance, Members and clients planning to install a ballast water treatment system are advised to start the preparatory work as soon as possible. Although, in most cases, a vessel must be taken out of service for the period of installation, proper planning of the installation period well in advance can save time and money, especially if the installation coincides with a scheduled dry docking. Below are some key elements of the preparatory work.

• Ensure that the obligations under the BWM Convention, and under other national and local regulations, are fully understood and develop a thorough strategy for complying with the applicable standards. Particular attention should be paid to the position in the US. Since the US Environmental Protection Agency has published its own regulation, which still needs to be harmonised with the US Coast Guard's regulation, two separate pieces of legislation currently apply to ballast water discharges in the US.

• Carry out a feasibility study for each vessel to evaluate the suitability of available ballast water treatment system solutions. Issues to consider are: vessel type and operating profile, ballast capacity and rates, space requirements (e.g. footprint/ volume of treatment system as well as provisions for safe storage of substances), integration with existing systems (e.g. power requirements and electrical equipment protection), health and safety (e.g. chemical hazards) and additional crew workload (e.g. operation and maintenance requirements).

• Consider the "time factor". Availability and delivery times for approved treatment systems will vary depending on demand, as will shipyard capacity. The time it takes to involve the vessel's classification society and/or flag state should also be taken into account. And, since many shipowners may opt to conduct the IOPP survey ahead of time to postpone the installation of a ballast water treatment system, there may be future time periods that will be particularly busy for yards and classification societies.

• Once a ballast water treatment system solution has been selected, officers and crew must be properly trained and be competent to carry out their assigned ballast water management duties and functions. Procedures for training and familiarisation for the BWM Convention should be incorporated in the company's safety management system (SMS) and should include, but not be limited to, the following:

• introduction to ballast water management and all relevant rules and regulations;

• familiarisation with the vessel's ballast water management plan and assigned duties;

• operation and maintenance of the vessel's ballast water management treatment system;

• emergency procedures; and

• making entries and recordkeeping in the vessel's ballast water record book.

Further information is available on IMO's ballast water management website and a link to the current list of IMO approved ballast water management systems can be found here . Members and clients should note that IMO's BWM guidelines are still under review and are being revised by the MEPC and the progress of the proposed amendments should be followed closely, see MEPC meeting summaries .