

23rd Admiralty and Maritime Law Conference
South Texas College School of Law
Houston, Texas



Regulatory Challenges and Enforcement: Ballast Water, Air Emissions and Marine Casualties

Jeanne M. Grasso

October 17, 2014

The information contained herein is abridged and summarized from numerous sources, the accuracy and completeness of which cannot be assured. This should not be construed as legal advice or opinion and is not a substitute for the advice of counsel.



Scope of This Presentation

- Overview of key U.S. maritime regulatory issues
 - EPA's Vessel General Permit
 - Ballast Water
 - MARPOL Annex VI / ECA
 - Marine Casualty Reporting

EPA's 2013 Vessel General Permit

- **Effective date December 19, 2013**
- **27 discharges covered**
 - Lots of recordkeeping
- **Some key differences from 2008 VGP**
 - 1) Ballast water (numeric limits)
 - 2) Oil-to-Sea Interfaces /
Environmentally Acceptable Lubricants
 - 3) Monitoring requirements for ballast water, bilge water, graywater and exhaust gas scrubber effluent



EPA's 2013 Vessel General Permit (cont.)

- **Some key differences (cont.)**
 - 4) Administrative improvements
 - Recordkeeping (electronic okay)
 - Consolidation of reporting into one Annual Report (on line)
- **Enforcement on the rise**
- NOI requirements
 - Routine inspections (outside 3 miles)
 - Documentation



U.S. Ballast Water Management

- **Mandatory ballast water management and reporting**
 - Applies to vessels operating in U.S. waters with ballast tanks
 - Civil and criminal penalties for non-compliance
- **Coast Guard Final Rule (March 2012) – Options:**
 - Install and operate a USCG type-approved BWMS on a phased-in schedule
 - Use only water from the U.S. public water system
 - Do not discharge ballast water in U.S. waters
 - Discharge to a shore-based treatment facility
 - Complete BWE at least 200 nm from shore until required to have BWMS
 - Alternate Management System or Extension

5

BWM Requirements Comparison Coast Guard – EPA VGP

Requirement	USCG	EPA VGP
Discharge Standard	IMO	IMO
BWMS Approval	USCG Type approval	None (BAT)
BWMS Performance Testing	46 CFR 162.060	None
BWMS Installation – New Vessels	Keel laid after 1 Dec 2013: Upon Delivery	Same as USCG
BWMS Installation – Existing Vessels	First drydocking after: <1,500 m ³2016 1,500 -5,000 m ³ ...2014 >5,000 m ³2016	Same as USCG
Extensions	Yes	No

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Regulatory Challenges and Enforcement: Ballast Water, Air Emissions and Marine Casualties

Also available as part of the eCourse

[Admiralty and Maritime Law: Regulatory Challenges and Enforcement](#)

First appeared as part of the conference materials for the
23rd Annual Admiralty and Maritime Law Conference session

"Regulatory Challenges and Enforcement: Ballast Water, Air Emissions and Marine Casualties"