

# International Chamber of Shipping

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24<sup>th</sup> February 2012

To: **MARINE COMMITTEE**

MC(12)11

Copy: **Construction & Equipment Sub-Committee**

**Environment Sub-Committee**

**All Full and Associate Members (for information)**

## NEW YORK STATE VESSEL DISCHARGE WAIVER EXTENSION

**Action required: Members are invited to note that the New York State Department has agreed Extensions for Conditions 2, 3 and 4 of the current VGP 401 Certification that demand more stringent ballast water management standards, and prohibition of graywater and bilge water discharges until December 19 2013, which is the date of expiry of the current VGP. The need for receipt of a waiver notification remains. The New York State Department letter advising of acceptance of the extension is attached as Annex to this circular.**

The Chamber of Shipping of America has advised that the state of New York has reconsidered its requirements with regard to "New York Extensions for Conditions 2, 3 and 4 of the current VGP 401 Certification" and granted an extension of the requirements. The CSA explanatory note on the extension follows:

"Please find attached a piece of good news! The state of New York has extended its requirements for its more stringent ballast water management standards, and prohibition of graywater and bilgewater discharges. For those vessels which were granted waivers, these provisions would have applied in August 2013. The implementation date for these requirements has been extended to December 19, 2013 which is the day the current VGP. While these issues are far from over, it does align the application of any new requirements with the issuance of the next VGP and the New York 401 certification which will be attached to the new VGP. Based on our reading of this letter, this extension applies to vessels which requested and received a waiver, thus vessels which have not yet received a waiver but find themselves newly trading to New York waters, should, to be safe, submit a waiver request in accordance with the process established in the 401 certification attached to the current VGP."

The New York State Department letter advising of acceptance of the extension is attached as Annex to this circular for reference.

D H Tongue

Director, Regulatory Affairs

# New York State Department of Environmental Conservation

Assistant Commissioner

Office of Water Resources, 14<sup>th</sup> Floor

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Joe Martens  
Acting Commissioner

FEB 16 2012

Re: New York State DEC Division of Water  
EPA VGP CWA 401 Certification Conditions  
Vessel Extension Letter  
Condition 2 Ballast Water

Dear Sir or Madam:

The New York State Department of Environmental Conservation (Department) has reviewed ship owners' request for an extension to the implementation date for Condition 2, 3, 4 and 5 of New York's Clean Water Act 401 Water Quality Certification (WQC) to the Environmental Protection Agency's (EPA's) 2008 Vessel General Permit (VGP). New York's WQC is incorporated into the VGP by reference.

After a review of the requests for extension, the Department has determined that the information provided by the ship owners has demonstrated that:

- 1 There is a shortage in supply of the technology necessary to meet the limits set forth in the certificate, or a vessel-specific engineering constraint, or other factor related to the availability and installation of technology beyond the vessel owner/operator's control, that delays the technology being available and installed in time to comply with this standard; and/or
- 2 The unavailability of supply or installation constraint is the only reason the compliance deadlines cannot be met; and/or
- 3 The vessel has exhausted all other options to comply with these standards.

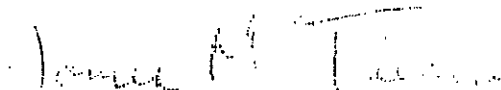
The Department remains concerned about the economic and ecological impacts of aquatic invasive species and untreated grey water and bilge water discharges, including their negative impacts on the fish and wildlife resources of New York and other states. Consistent with its December 17, 2008 statement in the WQC the Department finds an ongoing need for discharge standards that will reduce these ecological and economic impacts in a way that meets the requirements of federal and state law, including state water quality standards. The economic disruption to communities just from the zebra mussel alone has already cost billions of dollars. The effects of other invasive species such as the round goby, spiny flea and Asian shore crab continue to threaten the economic vitality of the fishing and recreational waters of New York and the Great Lakes.

*For the reasons set forth above, by copy of this letter, the Department extends the implementation date for your vessel(s), and all other similarly situated vessels, to comply with*

*Condition 2, 3, 4 and 5 of New York's WQC to midnight December 19, 2013.* Specifically, the extension applies to the compliance deadline for 1) ballast water discharge standards for existing vessels, 2) ballast water discharge standards for new vessels (constructed on or after January 1, 2013), 3) grey water discharge prohibition, and 4) bilge water discharge prohibition.

If you have any questions, please contact Don Tuxill at (518)402-8168. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "James M. Tierney". The signature is written in a cursive, somewhat stylized script.

James M. Tierney  
Assistant Commissioner