



GUIDELINES FOR INDUSTRY

WASTE MANAGEMENT POLICY (SHIPS' BALLAST WATER) DOMESTIC BALLAST WATER ACCREDITATION AGREEMENTS – GUIDELINES FOR APPLICANTS

Publication 995.1 May 2007

INTRODUCTION

These guidelines provide general advice and information to assist ship owners and masters in applying for a domestic ballast water accreditation agreement ('accreditation agreement') with EPA Victoria ('the Authority') and maintaining accreditation once granted.

Marine pests pose a significant threat to the biodiversity and ecological processes in Victoria's unique marine environment. The movement of ships' ballast water between ports is a significant vector for the introduction of marine pests. By managing the discharge of domestic ballast water (as defined in the Protocol for Environmental Management) environmental, social and economic benefits derived from the marine environment will be protected.

Accreditation agreements are intended for ships that visit Victorian ports on a regular basis (10 or more visits per annum) and are designed to reward a high level of environmental performance by reducing the administrative and cost burden on individual ships and their agents.

Ships that can demonstrate compliance with the *Waste Management Policy (Ships' Ballast Water)* of 2004 ('the Policy') and *Environment Protection (Ships' Ballast Water) Regulations 2006* ('the Regulations'), an understanding of Victoria's ballast water management requirements, and that regularly visit Victorian ports may be eligible to enter into an accreditation agreement with the Authority.

WHAT IS AN ACCREDITATION AGREEMENT?

An accreditation agreement is an agreement between the Authority and a ship's owner and is valid only for voyages into Victorian State waters (within 12 nautical miles of the Victorian coastline). An accreditation agreement specifies certain journeys and ballast water management arrangements that will be exempt from the standard reporting requirements specified in the Regulations and the Policy.

Additionally, accredited ships are subject to reduced fees for visits to Victorian ports to reflect a reduced service from the Authority.

ELIGIBILITY FOR ACCREDITATION

The Authority will only accredit ships where it is confident that domestic ballast water will be managed in accordance with the Policy and Regulations.

In order to be granted and maintain accreditation, applicants should demonstrate compliance with the following criteria:

1. Regularity of visits to Victorian waters

Ships should visit a Victorian port at least 10 times per annum. This is to ensure that the ship's master and crew are familiar with the requirements of the Policy and Regulations. Ships should have been visiting a Victorian port for a period of at least six months prior to lodging an accreditation agreement application, to ensure familiarisation with Victoria's ballast water management requirements. The Authority may consider accreditation for a ship that has been visiting for a period of less than six months if the ship is a frequent and regular visitor (for example, a ship that visits a Victorian port on a weekly basis).

2. Environmental performance

The ship's owner and master must demonstrate a consistent, high level of performance in ballast water management and an ongoing capacity to maintain this performance. For example, this could include:

- accurate completion of EPA ballast water report forms and logs
- punctual submission of forms and logs to EPA
- demonstrated ability to use the Ballast Water Decision Support System (BWDSS) or approved risk-assessment tool where necessary in accordance with the Policy
- compliance with Victorian environmental legislation.

The Authority will also consider a company's broader environmental performance history when assessing an application.

3. Environmental commitment/policy

The ship's owner and master must be committed to protecting the Victorian marine environment from introduced pest species. This commitment should be reflected in an environmental statement or policy and, more specifically, ballast water management arrangements.

4. Environmental procedures

The ship's owner and master must have suitable environmental procedures or systems in place to ensure a high level of environmental performance. Documented operational procedures on board the ship must incorporate appropriate ballast water management, including handover procedures.

HOW TO APPLY FOR ACCREDITATION

Who can apply?

The owner of the ship must apply for an accreditation agreement.

A ship's owner is defined in the *Marine Act 1988*. That is; 'owner', in relation to a ship, includes the charterer and any person having possession of the ship. Accordingly, a charterer may apply for accreditation as owner of the ship. A letter from the shipowner permitting this arrangement should be provided to the Authority to demonstrate appropriate control and responsibility for the shipping operations.

Although the master is not a signatory to the accreditation agreement, the master and the owner are the parties legally responsible for pollution, pursuant to Section 63 of the *Environment Protection Act 1970* ('the Act'), which reads:

If an offence is committed against this Act with respect to the discharge or emission of wastes or pollutants or noise from any ship, the owner and the master of the ship are each guilty of the offence.

Application form

The application for an accreditation agreement must be made on *Application Form: Victorian Domestic Ballast Water Accreditation Agreement* (Appendix A of this guideline), together with a Certificate of Incorporation. If the applicant is not the owner of the vessel, the application must include a letter from the ship's owner permitting the applicant to act on behalf of the owner. The Authority will only consider applications that are accompanied with this information.

Further information to be supplied

Applicants must also provide evidence of:

- the owner's environmental policy or statement, particularly regarding efforts to minimise introduction of marine pests

- how ballast water management has been incorporated into the ship owner's operational and handover procedures
- other environmental procedures or systems that have been put in place (such as waste management).

Interviews with the ship's owner and master(s)

The ship's owner or master(s) should arrange a suitable time to meet with EPA officers.

During the interview, the EPA officers will require the owner and master(s) to:

- demonstrate a good understanding of the statutory requirements for domestic ballast water management in Victoria
- indicate how ballast water management has been incorporated into the ship's operational procedures
- demonstrate good general environmental management for the ship.

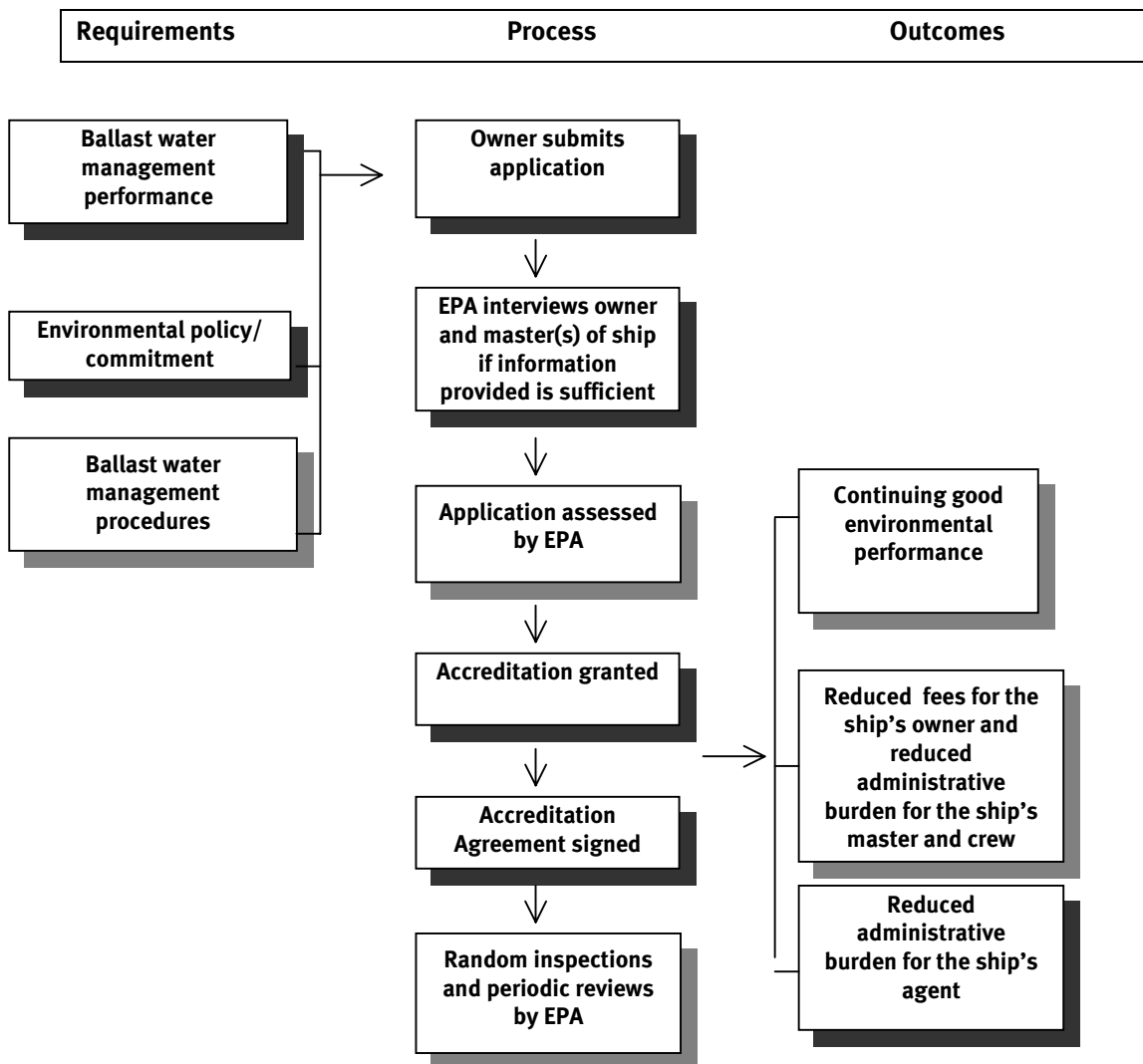
A ballast water inspection may also be conducted at the time of the interview.

Evidence of Victoria's ballast water management requirements must be available on board, either in hard copy or electronic form.

Schedules

A schedule will be drawn up for each ship that is to be accredited. The schedule will outline details such as the ship's particulars, voyage details and requirements for additional information. During the interview process, EPA officers will discuss the requirements of the schedule for the ship with the ship's owner and master(s).

ACCREDITATION AGREEMENT FLOWCHART



GRANTING ACCREDITATION

The Authority will grant accreditation if satisfied that the application meets the requirements outlined in this guideline and the *Protocol for Environmental Management (Domestic Ballast Water Management in Victorian State Waters)* ('the PEM').

The applicant will be advised in writing of the Authority's decision and, if the decision is to grant accreditation, the applicant will be provided with a draft accreditation agreement and schedule for comment.

If the Authority determines that an applicant is unsuitable for accreditation, the Authority will notify the applicant and provide advice as to why the accreditation was not granted.

MAINTAINING ACCREDITATION

Accreditation is granted to a ship subject to the requirements of accreditation being maintained.

The master is responsible for:

- maintaining a ballast water log maintained on the ship
- communicating with the Authority in the event of any change in domestic ballast water management
- payment of fees in accordance with the Regulations.

The master and owner are responsible for:

- ongoing compliance with the Regulations and Policy requirements set out in the PEM
- communicating with the Authority regarding changes to ownership or master.

Ballast water log

As part of the accreditation agreement ships will be required to maintain a ballast water log to ensure that ballast water management arrangements are recorded accurately and comprehensively. For example, all domestic ballasting operations, including uptake, exchange and discharge are to be recorded in the ships' ballast water log for each visit to a Victorian port. The log should meet standards for record keeping under the *International Convention for the Control and Management of Ship's Ballast Water and Sediments*.

Notification of changes in ballast water management

The master must advise the Authority at least 24 hours prior to arrival in Victorian waters of any changes to ballast water management from that

documented in the schedule to the accreditation agreement (for example, uptake location, proposed discharge location, intention to discharge or conditions preventing ballast water management). Information must be provided using the standard Victorian Ballast Water Report Form and Ballast Water Log.

Changes in ship's circumstances

Where the accreditation agreement is restricted in operation to regular masters, the accredited party must advise the Authority if a new master (i.e., a master not listed in the schedule as a regular master) will be visiting Victorian State waters. This must occur at least 24 hours prior to arrival in Victorian waters, in order to allow for communication between the Authority and the master. If the Authority is satisfied that an appropriate handover has been conducted and the new master is adhering to the requirements as listed in the schedule for that ship, they will not have to submit ballast water forms or logs. If, however, the Authority is not satisfied that the new master is adhering to the agreement, then the master must revert back to standard reporting requirements as outlined in the PEM.

If the new master is to become a regular master on this ship, then the Authority will determine whether the master meets the requirements as outlined in the ship's accreditation agreement and will amend the schedule as necessary.

Changes in ship details (such as name or contact details) must be conveyed to the Authority in writing within 14 days of the change or at least 24 hours prior to arrival in Victorian waters, whichever occurs first.

If there is a change in owner or current charter arrangements, the accreditation agreement will be revoked and the ship will revert to standard reporting arrangements. The Authority must be advised within 14 days of the change or at least 24 hours prior to arrival in Victorian waters, whichever occurs first. The new owner will need to re-apply to the Authority for a new accreditation agreement.

MONITORING OF ACCREDITATION

A number of checks and balances are integrated into Victoria's ballast water management system to monitor performance. These include:

- subsequent periodic reviews by the Authority
- random inspections by the Authority

Reviews and inspections by the Authority

The Authority will review an accreditation agreement periodically. As part of the review, the Authority may request that the owner and master make available documents relating to ballast water management. These may include the ballast water log, deck logs, related environmental statements or policies and procedures, and any other document demonstrating compliance with the Policy and Regulations.

In addition to these reviews, the Authority may conduct random ballast water compliance inspections to ensure that the ship's master and crew are complying with the Policy and Regulations.

FEES

Fees payable by or on behalf of the owner of a ship are prescribed in the Regulations and summarised below:

- Regular visit fee - 21 fee units per visit to a Victorian port.
- Accredited ship visit fee - 10 fee units per visit to a Victorian port.
- The ship's owner may apply to the Authority to pay a fee of 200 fee units to enter into an annual fee cap agreement for the ship. An annual fee agreement is available for payment of the fee either annually or in four quarterly instalments

PENALTIES AND LOSS OF ACCREDITATION

Loss of Accreditation

If there is reason to believe that the conditions of accreditation are not being adhered to, the Authority may require a review of the ship's performance at any time.

Where the Authority finds a ship is not performing satisfactorily and failing to comply with the Policy and Regulations (such as failing to maintain a ballast water record book or not advising the Authority of changes in ballast water management or changes in the ship's circumstances), the Authority may revoke the accreditation agreement. In such cases, the ship will be required to undertake standard reporting procedures and will be charged a regular ship per-visit rate of 21 fee units. Where the ship's owner and master(s) demonstrate a renewed commitment, the Authority

may determine to reissue the ship's accreditation agreement.

Penalties

The Regulations were created under section 71 of the *Environment Protection Act 1970*. The Regulations and the Act set out substantial penalties regarding pollution incidents. In the event of a discharge or emission of wastes or pollutants from a ship, both the owner and master of the ship would be held responsible for the offences committed against the Act or Regulations. Specifically:

- the owner and master of a ship must ensure there is no discharge of domestic ballast water in Victorian State waters unless written authorisation to discharge has been received from the Authority. The owner is liable to a penalty not exceeding 50 penalty units if found guilty in this instance
- a person found guilty of providing false or misleading information to the Authority is liable to a penalty not exceeding 2400 penalty units.
- An owner of a ship found guilty of failing to pay the fee prescribed in the Regulations is liable to a penalty not exceeding 20 penalty units.

RELATED DOCUMENTS

- *Waste Management Policy (Ships' Ballast Water)*.
- *Environment Protection (Ships' Ballast Water) Regulations 2006*.
- *Protocol for Environmental Management (Domestic Ballast Water Management in Victorian State Waters)*.
- *Environment Protection Act 1970*.
- *Marine Act 1988*.



APPENDIX A

Environment Protection Act 1970

APPLICATION FORM: VICTORIAN DOMESTIC BALLAST WATER ACCREDITATION AGREEMENT

Clause 15(1) of the Waste Management Policy (Ships Ballast Water) states that a ship owner may apply to EPA Victoria to enter into a domestic ballast water accreditation agreement.

Please read EPA publication 995.1, Waste management policy (Ships ballast water) domestic ballast water accreditation agreements – Guidelines for applicants, for details of requirements, and ensure all sections of this form are completed.

APPLICANT'S DETAILS:

Form with multiple rows for applicant details including owner information, contact details, ship information, and voyage details.





APPLICATION FORM: VICTORIAN DOMESTIC BALLAST WATER ACCREDITATION AGREEMENT

Details of standard ballast water management for the voyages listed (add attachment if necessary):

1. Type of ballast (e.g., no ballast, fresh water, in port (specify), open sea etc)

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2. Ballast water capacity (e.g., list all of the ballast water tanks and their capacity):

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3. Ballast water pump capacities (e.g., list all of the pumps and their current estimated capacity):

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4. Type of treatment used (e.g., retained on board/internal transfer/exchange (flow through /empty refill)):

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5. Is gravity used for pumping?

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6. Is there an unpumpable volume in any of the tanks?

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7. How often are the ballast tanks/pumps inspected?

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8. What is the maintenance schedule for ballast tanks/pumps?

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9. Specify the date of the last dry dock:

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APPENDIX A

Environment Protection Act 1970

APPLICATION FORM: VICTORIAN DOMESTIC BALLAST WATER ACCREDITATION AGREEMENT

APPLICATION REQUIREMENTS:

Important: Please attach full details for items below. Refer to EPA Publication no. 995, Waste Management Policy (Ships Ballast Water) Domestic Ballast Water Accreditation Agreements - Guidelines for Applicants, for details of requirements.

1. Environmental performance: (a) Performance to date; and (b) Capacity to maintain and/or improve performance. 2. Environmental commitment/policy (a) Environmental statement or policy; and (b) Statement or policy regarding the ship's and/or owner's commitment to protecting the Victorian marine environment from introduced marine pests. 3. Environmental procedures (a) Evidence of the incorporation of ballast water management into the ship's and/or owner's operational procedures; and (b) Examples of any other environmental procedures or systems in place. Ballast water logbook set up? YES NO (please circle)

CERTIFICATION BY APPLICANT:

Please certify that all of the information supplied is accurate and correct

Table with 2 columns: Surname, Other names, Position in company, Signature, I certify that the information contained in this application for accreditation is accurate, Date.

Applications made by or on behalf of business names or unincorporated associations will not be accepted. The completed application should be forwarded to:

Ballast Water Officer
Water and Catchment Unit
EPA Victoria
GPO Box 4395QQ
Melbourne VIC 3001

The personal information on this form and any correspondence, notice or other document issued following processing of this information will be stored and used by EPA for the purposes of administering the Environment Protection Act 1970. You may access this information by contacting the EPA Privacy Information Officer. This information may be disclosed to another government organisation, including to a Tribunal or Court, where required for the purpose of administering or enforcing the Environment Protection Act or any other relevant laws.

