

MARINE SAFETY ADVISORY

To: Masters, Owners
Subject: BALLAST REQUIREMENTS IN UKRAINIAN WATERS
Date: 21 Jan 2008

1. Purpose.

The purpose of this Advisory is to advise shipowners/operators, Masters and Recognized Organizations of the Ballast Requirements in Ukrainian Waters. These requirements are set by the "Decision of the Odessa Regional Soviet of People's Deputies No.22-XXII dd. 13.09.04: Measures on Reinforcement of Responsibility of Vessels in Cases of Pollution at Odessa Region"; and the Law of Ukraine Number 162/95 BP (1995).

2. Background and Information.

Please be advised that there are new aspects of deballasting regulations when calling a Ukrainian port. Under the State Inspection for Protection of Black Sea (SIPBS), vessels are permitted to deballast only if the ballast water content admixtures do not exceed certain levels. For example, the ballast water may not exceed 0.05 mg/liter of oil products, 0.05 mg/liter of metals nor 5 mg/liter of various suspended substances. While the 5 mg/liter level of suspended substances has been accepted as permissible by the authorities on certain occasions, on other occasions the permissible level has been set lower. Unfortunately, therefore, it is not possible to predict with any certainty what the acceptable level might be on any given occasion in any given port. If the contents of the above components exceed the allowed level, then the vessel is prohibited to discharge ballast.

SIPBS has the right (and uses this right in all cases) to charge the Master with a penalty for damage to the environment. According to local regulations, if the Master proceeds to deballast the vessel, then he will be assessed a fine.

The shipowner will also be assessed fines in the following amounts:

\$270 for 1kg of organic substances
\$132 for 1kg of suspended substances
\$329 for 1kg of crude oil, fuel oil, oil fats
\$54 for 1kg of salts of heavy metals
\$381 for 1 kg of detergents
\$140 for 1kg of fecal waters

The total amount of the fine is calculated as follows:

- The SIPBS laboratory determines the concentration of admixtures in the ballast water.
- This figure is multiplied by total quantity of the ballast to be discharged.
- The result shows the total amount of polluting substance which would be discharged at sea.
- Then the relevant fine rate is applied to this figure.
- If a vessel deballast dirty water owner/master also will pay administrative fine \$252.00

The estimated fine to the vessel in our practice could range from about \$252,00 to \$7000 USD (but it could be more).

Previously, to avoid the fines, the Master could decide to load enough of the cargo to assure vessel's stability and then leave the port's aquatorium in order to initiate deballasting outside the 12 mile zone of the Ukrainian port.

Since 2003 the Law #162/95 BP extends the Exclusive Marine Economic Zone of the Ukraine up to 200 miles. Even if a vessel exchanges her ballast water outside the 12 miles zone she can be subjected for a fine in case polluted ballast water has been discharged.

Yet recently, a ship sailed outside the 12 mile zone for a full ballast exchange and was fined for polluting the marine economic zone of Ukraine, which extends 200 miles under Law #162/95 BP (1995). The Law was passed in 2003, but this is the first indication of legal proceedings using this law against a ship in this circumstance. The first fine was levied at the Port of Ilyichevsk, but now this problem could be in all Ukrainian Ports.

3. Compliance

We wish to advise all concerned to closely observe the strict regulations noted above, and offers the following guidelines for calling a Ukrainian port:

- All ship's ballast tanks should be well-maintained. They should be painted, and there should be no rust or loose scale inside. Otherwise, the analysis may show that the content of iron in ballast water exceeds the permissible limit. However, practice has shown that freshly painted ballast tanks can also create problems. If the paint is not of a high quality, some paint particles or components may find their way into the ballast water, and the analysis may show excessive oil product content.
- The master/crew should try to take ballast in places where the water is visually clean and avoid places with accumulations of seaweed as, otherwise, extra suspended matter will be found in the ballast sample. It is recommended that ballast be exchanged several times and generally refrain from having more ballast onboard than is necessary from the point of view of the vessel's stability calculations.
- In advance of the ship's arrival, arrangement should be made for a P&I Surveyor to be present during sampling. Upon berthing, a representative of SIPBS will visit the vessel to take samples of the ballast water. The vessel's representative should be present on board the ship during sampling to ensure that SIPBS takes samples from the opened manhole of the ballast tank, not from the ballast pipe flange in the engine room (which can be rusty or soiled and which can result in excessive oil product content in the ballast water sample).
- In addition, the sample should not be taken not from the surface, which may bear some oil film patches, nor from the tank bottom, where some dirt and suspended matters are likely to accumulate, but should be taken from the middle level of the tank where the water is likely to be cleanest.
- Finally It would therefore be prudent to dump unnecessary ballast before entering the Ukrainian marine economic zone or arriving at Ukrainian ports.