



Die Senatorin für Klimaschutz, Umwelt, Mobilität, Stadtentwicklung
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Datum und Zeichen
Ihres Schreibens

Mein Zeichen
(bitte bei Antwort angeben)
34

Bremen, 09. November 2021

General Ruling for the Handling of Wastewater from Vessels in the Ports of Bremen)

Acting pursuant to Sections 8(1), 9(1) no. 4, 12(1) and (2), 13 and 57(1) of the Federal Water Resources Act [WHG] of 31 July 2009 (Federal Law Gazette I p. 2585), last amended by Art. 3 of the Act of 2 June 2021 (Federal Law Gazette I 1699), the Senator for Climate Protection, Environment, Mobility, Urban Development and Housing issues the following

General Ruling

1. The following permit is issued under water resources law for the discharge of ballast water from treatment systems according to the D2 standard using active substances in the port area according to the Bremen Port Area Ordinance of 24 April 2001 (Bremen Law Gazette 2001, p. 91, 237), last amended by Article 2 of the Ordinance of 4 November 2020 (Bremen Law Gazette p. 1270, 1276), most recently Annexes 1, 9, 10, 11, 13 and 14 amended by the Ordinance of 23 October 2012 (Bremen Law Gazette p. 441). The permit shall be conditional upon adherence to the terms of use and requirements as detailed hereafter.
2. This General Ruling enters into force on the day of its promulgation and shall remain in effect until further notice.



The following ancillary provisions apply to the permit

Terms of use

1. Treatment systems that use active substances to meet the D2 standard must, prior to discharge, comply with the maximum concentration of active substance, measured as Cl₂ (free chlorine), as specified in the type approval certificate.
2. The provisions laid out in the type approval certificate must be adhered to, in particular regarding the rated power of the system, the maximum dosage of active substance, the permissible water temperature during ballast water intake and the salinity range.

Conditions

1. The system must be operated in accordance with the type approval certification as specified in the operating manual issued by the manufacturer.
2. A copy of the type approval certificate – which shall state the test protocol and the summary of the test results for type approval – shall be made available on board for inspection at any time.
3. The ballast water record book and the ballast water management plan shall be made available on board at all times for inspection.
4. The results of self-monitoring, in particular the measurement of active substances prior to discharge as well as system and operational alarms, shall be documented, retained for a period of 24 months and kept on board at all times for inspection.
5. The water authority must be informed of the start, end and volume of discharge (m³ per discharge process) by written notification to the official email address ballastwater@umwelt.bremen.de.
6. The waste produced during ballast water treatment shall be properly recycled or disposed of.
7. A sign or adhesive sticker with the following legible information must be attached in every system: Manufacturer, type, serial no., date of manufacture and rated power.

Notes

1. Pursuant to Article 13 Water Resources Act [WHG], this regulation is issued with the proviso that
 - a) additional requirements may be placed on the quality of substances to be discharged,
 - b) further measures for the monitoring of water use and its consequences may be ordered at a later date.
2. Pursuant to Article 101 WHG, official monitoring of the systems, facilities and processes that are of significance for use of the water bodies shall be tolerated as a mandatory obligation. Access to vessels shall be permitted in particular for the purpose of checking whether use is within the permissible scope and whether subsequent orders must be issued pursuant to Section 13 WHG. Furthermore, and for the same purpose, systems and facilities must be made accessible, information must be provided, workers, documents and tools must be made available and technical investigations and tests must be made possible.

3. This General Ruling does not replace any administrative acts that may be required under other legal provisions.
4. Explicit reference is made to the Bremen Port Regulations of 24 April 2001 (Bremen Law Gazette 2001, p. 91, 237), last amended by Article 3 of the Ordinance dated 23 June 2021 (Bremen Law Gazette p. 537).
5. Where substances classified as water hazards have entered a body of water, the port authority (Bremen: Phone +49 421 361-8438, Bremerhaven: Phone +49 471 596-13417), the water authority (Bremen: Phone +49 152 09093066, Bremerhaven: Phone +49 471 596-13159) or the nearest police station must be notified without delay.

For further information and advice on dealing with ballast water and other vessel wastewater such as scrubber and domestic wastewater, as well as contact persons at the water authority and the port authority, please refer to the websites of the Senator for Climate Protection, Environment, Mobility, Urban Development and Housing, <https://www.bauumwelt.bremen.de/umwelt/detail.php?gsid=bremen213.c.31345.de>, and the Hanseatic City of Bremen Port Authority, https://www.hbh.bremen.de/info_service/information-1842.

The official announcements can be viewed at the websites www.amtliche-bekanntmachungen.bremen.de and www.amtliche-bekanntmachungen.bremerhaven.de. Furthermore, the official announcements are available for inspection free of charge during normal office hours at the local offices (*Ortsämter*) in the municipality of Bremen and at the council offices (*Magistrat*) in the municipality of Bremerhaven (refer also to the Bremen Law Gazette 2014 p. 551).

Reasons

Re. 1.

The discharge of ballast water into a body of water is classified as use within the meaning of Section 9(1) no. 4 WHG and, pursuant to Section 8 WHG, shall require a permit issued by the water authority in accordance with Section 10 WHG. The provisions set out in Section 57 WHG must be adhered to for the discharge of wastewater into a body of water.

Pursuant to Section 10 WHG, the permit grants the revocable authority to use a body of water for a specific purpose in a manner that is determined in regard to its nature and extent. The permit may be granted, pursuant to Section 13(2) WHG, subject to defined conditions of use and requirements. The ancillary provisions are permissible and necessary to prevent or compensate for adverse effects on others or on the water resources.

Substances that are hazardous to water impair the quality of water bodies and may significantly and adversely damage them. The requirements placed in the discharge of ballast water are necessary in order to prevent water pollution.

The Senator for Climate Protection, Environment, Mobility, Urban Development and Housing has material and local jurisdiction as the water authority pursuant to Section 92(1) no. 1 in conjunction with Section 93(1) Bremen Water Resources Act (BremWG) of 12 April 2011 (Bremen Law Gazette 2011, p. 262), last amended by Article 6 no. 5 of the Act of 24 November 2020 (Bremen Law Gazette p. 1486, 1581).

Vessels either take ballast water into ballast water tanks or discharge it to ensure sufficient vessel stability. Organisms may enter the tanks during intake of ballast water, and organisms may enter other sea areas during discharge. The International Maritime Organization (IMO) has adopted the

Ballast Water Management Convention. Among other things, it sets out that ballast water may only be discharged if certain limits or requirements are adhered to.

Germany acceded to the Ballast Water Management Convention on 13 February 2013 with the Ballast Water Act [BallastWG]. The Ballast Water Management Convention entered into force on 8 September 2017.

On 13 April 2018, the Marine Environment Protection Committee adopted resolutions MEPC.296(72), MEPC.297(72) and MEPC.299(72) amending the Annex to the Ballast Water Management Convention (Federal Law Gazette 2013 II page 42, 44). These amendments entered into force in Germany on 19 June 2020 with the First Ordinance on Amendments to the Ballast Water Management Convention (Federal Law Gazette 2020 II page 401).

The Marine Environment Behaviour Ordinance (SeeUmwVerhV) of 13 August 2014 (Federal Law Gazette I p. 1371), last amended by Article 3 of the Ordinance of 13 December 2019 (Federal Law Gazette I p. 2739) sets out additional provisions to the Ballast Water Management Convention, defines how violations of the Convention shall be sanctioned and extends furthermore the scope of application to domestic navigation traffic, maritime and inland waterways.

However, the international provisions cannot be applied directly, that is, they do not replace the required permit pursuant to WHG.

The discharge of ballast water is classified as a discharge of wastewater within the meaning of the WHG. This act explicitly permits only the discharge of ballast water that has been treated according to the rules of the D-2 standard of the Ballast Water Management Convention if active substances are used. Section 28b Bremen Port Regulations otherwise applies to the discharge of ballast water and sediments.

As a rule, the term "active substance" means a substance or organism, including viruses or fungi, that has a general or specific effect on or against harmful aquatic organisms and pathogens. In turn, this means oxidising substances containing halogens or ozone for the purposes of this General Ruling. The maximum concentration of active substance prior to discharge is 0.1 mg/L or 0.2 mg/L, measured as Cl₂ (free chlorine), depending on the deadline for installation of D2 systems.

The permit applies to the port areas in accordance with the Bremen Port Area Ordinance.

The specifications according to Section 18 SeeUmwVerhV in conjunction with the limit values specified by the IMO through MEPC 68-21, page 12, clause 2.41, which are defined in the type approval certificate of the respective system, as well as the Code for the Approval of Ballast Water Treatment Systems (MEPC 72/17/Add. 1), are used as the basis for the required compliance with the state of the art pursuant to Section 57(1) no. 1 WHG as a prerequisite for issue of a permit. (International Maritime Organization IMO, Marine Environment Protection Committee, MEPC), 68th session, 11 to 15 May 2015).

The D-2 standard of the Ballast Water Management Convention states that vessels which comply with the requirements of the Convention by meeting the ballast water quality requirements may perform discharges as follows:

- fewer than 10 viable organisms per cubic metre with a size of at least 50 micrometres;
- fewer than 10 viable organisms per millimetre with a size of less than 50 micrometres and at least 10 micrometres;
- less than the following concentrations of pilot microbes that are classified as harmless to human health:
 - o toxigenic *Vibrio cholerae* (O1 and O139) at a concentration of less than 1 cfu per 100 ml or of less than 1 cfu per 1 g of zooplankton (wet weight);

- Escherichia coli in a concentration of less than 250 cfu per 100 ml;
- intestinal enterococci in a concentration of less than 100 cfu¹ per 100 ml.

The more extensive D-2 standard can be satisfied primarily by installing a suitable ballast water treatment system on board or by discharging the ballast water into a port reception facility. Vessels are not required to equip themselves with such systems. Delivery to an external ballast water treatment system (e.g. on another vessel or ashore) is also possible, provided this system complies with the requirements of the G8/G9 approval guidelines. Handling of the ballast water must be suitably defined in the ballast water management plan. Hence, all procedures relating to ballast water must be noted in the ballast water record book.

Part 5 of the Code for the Approval of Ballast Water Management Systems (BWMS Code) (MEPC 72/17/Add.1, Annex 5), defines the contents and scope of self-monitoring as well as retention periods.

Re. 2.

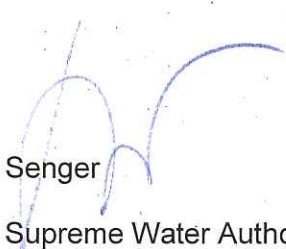
The General Ruling pursuant to Section 41(4) sentence 4 Bremen Administrative Procedure Act (BremVwVfG) in the version promulgated on 9 May 2003 (Bremen Law Gazette 2003, p. 219), last amended Table of Contents, Sections 2, 3a, 25, 33, 37, 73, 74 and 75, Section 99 repealed by the Act of 27 January 2015 (Bremen Law Gazette P. 15), shall be deemed to have been promulgated and shall take effect from the day following the promulgation.

Information on legal remedies

An appeal may be lodged against this General Ruling with Senatorin für Klimaschutz, Umwelt, Mobilität, Stadtentwicklung und Wohnungsbau, Contrescarpe 72, 28195 Bremen, within one month of its notification.

Bremen, 09/11/2021

By order of



Senger

Supreme Water Authority Bremen

Free Hanseatic City of Bremen
The Senator for Climate Protection, Environment, Mobility,
Urban Development and Housing
Supreme Water Authority
Contrescarpe 72
28195 Bremen

¹ The acronym "cfu" stands for colony forming unit.