

**§ 151.1009**

**33 CFR Ch. I (7-1-13 Edition)**

**§ 151.1009 Transportation of municipal or commercial waste.**

A vessel may not transport municipal or commercial waste in coastal waters without—

(a) A conditional permit to transport municipal or commercial waste issued under this subpart; and

(b) Displaying a number in accordance with § 151.1024.

[CGD 89-014, 54 FR 22548, May 24, 1989; CGD 89-014, 54 FR 24078, June 5, 1989]

**§ 151.1012 Applying for a conditional permit.**

(a) The owner or operator of each vessel to which this subpart applies shall apply by letter for a conditional permit required by § 151.1009. Applications must be submitted to Commandant (CG-5431), U.S. Coast Guard Headquarters, 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581, Attn: Shore Protection Act Desk and include the following:

(1) The name, address, and telephone number of the vessel owner and operator.

(2) The vessel's name and official number, if any.

(3) The vessel's area of operation.

(4) The vessel's transport capacity.

(5) A history of the types of cargo transported by the vessel during the previous year, including identifying the type of municipal or commercial waste transported as—

(i) Municipal waste;

(ii) Commercial waste;

(iii) Medical waste; or

(iv) Waste of another character.

(6) The types of cargo to be transported by the vessel during the effective period of the conditional permit, including identifying the type of municipal or commercial waste as it is identified in paragraphs (a)(5)(i) through (iv) of this section.

(7) A statement of whether the application for a conditional permit is for a single voyage, a short term operation or a continuing operation. If the application is for a single voyage or a short term operation, the statement must include the duration of the voyage or operation.

(8) An acknowledgment that certifies as to the truthfulness and accuracy of the information provided.

(b) The owner or operator under paragraph (a) of this section shall provide any additional information the Coast Guard may require.

[CGD 89-014, 54 FR 22548, May 24, 1989, as amended by CGD 96-026, 61 FR 33665, June 28, 1996; USCG-2008-0179, 73 FR 35014, June 19, 2008; USCG-2010-0351, 75 FR 36284, June 25, 2010]

**§ 151.1015 Issuing or denying the issuance of a conditional permit.**

(a) After reviewing the application made under § 151.1012, the Coast Guard either—

(1) Issues the conditional permit for a vessel under this section; or

(2) Denies the issuance of the conditional permit to the vessel in accordance with paragraph (c) of this section. On denying the issuance of the permit, the Coast Guard notifies the applicant of the—

(i) Denial and the reason for the denial; and

(ii) Procedures under § 151.1021 for appealing the denial.

(b) Each conditional permit issued under this section is effective—

(1) On the date it is issued; and

(2) Until the expiration date stated on the conditional permit unless it is—

(i) Withdrawn under § 151.1018;

(ii) Terminated because—

(A) The vessel is sold; or

(B) This subpart no longer applies to the vessel.

(c) The Coast Guard may deny the issuance of a conditional permit if—

(i) The application does not contain the information required under § 151.1012; or

(ii) There is reason to believe that the information contained on the application is not true and correct.

**§ 151.1018 Withdrawal of a conditional permit.**

(a) The Coast Guard may withdraw a conditional permit if the Administrator of the EPA requests withdrawal because the Administrator has determined that the owner or operator of the vessel has a record or a pattern of serious violations of—

(1) Subtitle A of the Shore Protection Act of 1988 (33 U.S.C. 2601 *et seq.*);

(2) The Solid Waste Disposal Act (42 U.S.C. 6901 *et seq.*);

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(3) The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*);

(4) The Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 1401 *et seq.*); or

(5) The Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

(b) Upon reaching a determination to withdraw a conditional permit, the Coast Guard notifies the owner or operator of—

(1) The withdrawal and the reason for the withdrawal;

(2) The procedures for appealing the withdrawal.

(c) After receiving the notice under paragraph (b) of this section, the owner or operator shall ensure that—

(1) The vessel immediately ceases transporting municipal or commercial waste and the marking required by § 151.1024 is removed; and

(2) The conditional permit is returned to the Coast Guard within 5 days after receiving the notice.

### § 151.1021 Appeals.

(a) Any person directly affected by an action taken under this subpart may request reconsideration by the Coast Guard officer responsible for that action.

(b) The person affected who is not satisfied with a ruling after having it reconsidered under paragraph (a) of this section may—

(1) Appeal that ruling in writing within 30 days after the ruling to the Assistant Commandant for Marine Safety, Security, and Stewardship (CG-5), U.S. Coast Guard Headquarters, 2100 2nd St., SW., Stop 7355, Washington, DC 20593-7355; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(c) After reviewing the appeal submitted under paragraph (b) of this section, the Assistant Commandant for Marine Safety, Security and Environmental Protection issues a ruling which is final agency action.

(d) If the delay in presenting a written appeal has an adverse impact on the operations of the appellant, the appeal under paragraph (b) of this section—

(1) May be presented orally; and

(2) Must be submitted in writing within five days after the oral presentation—

(i) With the basis for the appeal and a summary of the material presented orally; and

(ii) To the same Coast Guard official who heard the oral presentation.

[CGD 89-014, 54 FR 22548, May 24, 1989, as amended by CGD 96-026, 61 FR 33665, June 28, 1996; CGD 97-023, 62 FR 33363, June 19, 1997; USCG-2002-12471, 67 FR 41332, June 18, 2002; USCG-2008-0179, 73 FR 35014, June 19, 2008; USCG-2010-0351, 75 FR 36284, June 25, 2010]

### § 151.1024 Display of number.

(a) The owner or operator of each vessel under this subpart must ensure that the vessel number stated on the conditional permit issued under § 151.1015 is displayed so that it—

(1) Is clearly legible;

(2) Has a contrasting background;

(3) Is readily visible from either side of the vessel; and

(4) Is in block figures that are at least 18 inches in height.

(b) No person may tamper with or falsify a number required under this section.

## Subpart C—Ballast Water Management for Control of Non-Indigenous Species in the Great Lakes and Hudson River

AUTHORITY: 16 U.S.C. 4711; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 91-066, 58 FR 18334, Apr. 8, 1993, unless otherwise noted.

### § 151.1500 Purpose.

The purpose of this subpart is to implement the provisions of the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*).

### § 151.1502 Applicability.

This subpart applies to all non-recreational vessels, U.S. and foreign, that are equipped with ballast tanks that, after operating on the waters beyond the Exclusive Economic Zone during any part of its voyage, enter the Snell Lock at Massena, New York, or navigates north of the George Washington