

SUBCHAPTER O—POLLUTION

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

Subpart A—Implementation of MARPOL 73/78 and the Protocol on Environmental Protection to the Antarctic Treaty as it Pertains to Pollution from Ships

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- 151.3000 Definition of marine debris for the purposes of the Marine Debris Research, Prevention, and Reduction Act.

AUTHORITY: 33 U.S.C. 1321, 1902, 1903, 1908; 46 U.S.C. 6101; Pub. L. 104-227 (110 Stat. 3034); Pub. L. 108-293 (118 Stat. 1063), § 623; E.O. 12777, 3 CFR, 1991 Comp. p. 351; DHS Delegation No. 0170.1, sec. 2(77).

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AUTHORITY: 33 U.S.C. 1321, 1903, 1908; 46 U.S.C. 6101; Pub. L. 104-227 (110 Stat. 3034); E.O. 12777, 3 CFR, 1991 Comp. p. 351; Department of Homeland Security Delegation No. 170.1.

SOURCE: CGD 75-124a, 48 FR 45709, Oct. 6, 1983, unless otherwise noted.

GENERAL

§ 151.01 Purpose.

The purpose of this subpart is to implement the Act to Prevent Pollution from Ships, 1980, as amended (33 U.S.C. 1901-1911) and Annexes I, II and V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), done at London on February 17, 1978. This subpart also implements the Antarctic Science, Tourism, and Conservation Act of 1996, and the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on October 4, 1991.

[CGD 88-002, 54 FR 18403, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990; CGD 97-015, 62 FR 18045, Apr. 14, 1997; USCG-2000-7641, 66 FR 55570, Nov. 2, 2001]

§ 151.03 Applicability.

This subpart applies to each ship that must comply with Annex I, II or V of MARPOL 73/78 unless otherwise indicated.

[CGD 88-002, 54 FR 18403, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990; CGD 97-015, 62 FR 18045, Apr. 14, 1997]

§ 151.04 Penalties for violation.

(a) A person who violates MARPOL 73/78, the Act, or the regulations of this subpart is liable for a civil penalty for each violation, as provided by 33 U.S.C. 1908(b)(1). Each day of a continuing violation constitutes a separate violation.

(b) A person who makes a false, fictitious statement or fraudulent representation in any matter in which a statement or representation is required to

be made to the Coast Guard under MARPOL 73/78, the Act, or the regulations of this subpart, is liable for a civil penalty for each statement or representation, as provided by 33 U.S.C. 1908(b)(2).

(c) A person who knowingly violates MARPOL 73/78, the Act, or the regulations of this subpart commits a class D felony, as described in 18 U.S.C. 3551 *et seq.* In the discretion of the Court, an amount equal to not more than one-half of the fine may be paid to the person giving information leading to conviction.

(d) A ship operated in violation of MARPOL 73/78, the Act, or the regulations of this subpart is liable *in rem* for any civil penalty covered by paragraph (a) or (b) of this section, or any fine covered by paragraph (c) of this section, and may be proceeded against in the United States District Court of any district in which the ship may be found.

[CGD 88-002, 54 FR 18403, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990; CGD 92-007, 57 FR 33261, July 27, 1992; CGD 96-052, 62 FR 16703, Apr. 8, 1997; USCG-1999-5832, 64 FR 34714, June 29, 1999]

§ 151.05 Definitions.

As used in this subpart—

Act means the Act to Prevent Pollution from Ships, as amended (33 U.S.C. 1901-1911).

Antarctica means the area south of 60 degrees south latitude.

Captain of the Port (COTP) means the Coast Guard officer designated by the Commandant to command a COTP Zone as described in part 3 of this chapter.

Cargo residues means the remnants of any cargo which are not covered by other MARPOL Annexes and which remain on the deck or in holds following loading or unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash water, but does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship.

Clean ballast means the ballast in a tank which, since oil was last carried therein, has been so cleaned that effluent therefrom, if it were discharged from a ship that is stationary into

clean calm water on a clear day would not produce visible traces of oil on the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If the ballast is discharged through an oil discharge monitoring and control system approved by the government of the country under whose authority the ship is operating, evidence based on such a system, to the effect that the oil content of the effluent does not exceed 15 parts per million (ppm) is determinative that the ballast is clean.

Commandant means Commandant, U.S. Coast Guard.

Cooking oil means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food, but does not include the food itself that is prepared using these oils.

Discharge means any release, however caused, from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include—

(1) Dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or

(2) Release of oil or oily mixtures directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

Discharge, as defined by MARPOL in relation to harmful substances or effluent containing such substances, means any release however caused from a ship, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include—

(1) Dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on November 13, 1972; or

(2) The release of harmful substances directly arising from the exploration, exploitation, and associated offshore processing of seabed mineral resources; or

(3) The release of harmful substances for purposes of legitimate scientific research relating to pollution abatement or control.

Dishwater means the liquid residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food particles adhering to them would not normally interfere with the operation of automatic dishwashers.

Domestic wastes means all types of wastes not covered by other MARPOL annexes that are generated in the accommodation spaces on board the ship. Domestic wastes do not include graywater.

En route means that the ship is underway at sea on a course or courses, including deviation from the shortest direct route, which as far as practicable for navigational purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable and practicable.

Existing ship means a ship that is not a new ship.

Fishing gear means any physical device or part thereof or combination of items that may be placed on or in the water or on the sea-bed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or fresh water organisms.

Fixed or floating drilling rig or other platform means a fixed or floating structure located at sea which is engaged in the exploration, exploitation, or associated offshore processing of sea-bed mineral resources.

Food wastes means any spoiled or unspoiled food substances and includes fruits, vegetables, dairy products, poultry, meat products and food scraps generated aboard ship.

Fuel oil means any oil used to fuel the propulsion and auxiliary machinery of the ship carrying the fuel. The term "fuel oil" is also known as "oil fuel."

Garbage means all kinds of food wastes, domestic wastes and operational wastes, all plastics, cargo residues, cooking oil, fishing gear, and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention. Garbage does not include fresh fish and parts

thereof generated as a result of fishing activities undertaken during the voyage, or as a result of aquaculture activities which involve the transport of fish including shellfish for placement in the aquaculture facility and the transport of harvested fish including shellfish from such facilities to shore for processing.

Graywater means drainage from dishwater, shower, laundry, bath, and washbasin drains. It does not include drainage from toilets, urinals, hospitals, animal spaces, and cargo spaces.

Great Lakes means the Great Lakes of North America and the St. Lawrence River west of a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees west.

Harmful substance means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities, or interfere with other legitimate uses of the sea, and includes any substance subject to control by MARPOL.

Harmful to the marine environment in relation to the discharge of:

(1) Cargo residues means residues of solid bulk substances which are classified according to the criteria of the United Nations Globally Harmonized System for Classification and Labeling of Chemicals (UN GHS) meeting the following parameters:

(i) Acute Aquatic Toxicity Category 1; and/or

(ii) Chronic Aquatic Toxicity Category 1 or 2; and/or

(iii) Carcinogenicity Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or

(iv) Mutagenicity Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or

(v) Reproductive Toxicity Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or

(vi) Specific Target Organ Toxicity Repeated Exposure Category 1 combined with not being rapidly degradable and having high bioaccumulation; and/or

(vii) Solid bulk cargoes containing or consisting of synthetic polymers, rubber, plastics, or plastic feedstock pellets (this includes materials that are shredded, milled, chopped, or macerated or similar materials).

(2) Cleaning agents or additives means a cleaning agent or additive that is:

(i) A “harmful substance” in accordance with the criteria in MARPOL Annex III; and/or

(ii) Contains any components which are known to be carcinogenic, mutagenic, or reprotoxic.

Notes to definition of *Harmful to the marine environment*:

1. These criteria are based on UN GHS, fourth revised edition (2011). For specific products (e.g., metals and inorganic metal compounds), guidance available in UN GHS, annexes 9 and 10 is essential for proper interpretation of the criteria and classification and should be followed.

2. These are products with a hazard statement classification for Carcinogenicity, Mutagenicity, Reproductive Toxicity, or Specific Target Organ Toxicity Repeated Exposure for oral hazards, dermal hazards, or without specification of the exposure route.

High viscosity Category B NLS means any Category B NLS having a viscosity of at least 25 mPa.s at 20 °C and at least 25 mPa.s at the time it is unloaded.

High viscosity Category C NLS means any Category C NLS having a viscosity of at least 60 mPa.s at 20 °C and at least 60 mPa.s at the time it is unloaded.

High viscosity NLS includes Category A NLSs having a viscosity of at least 25 mPa.s at 20 °C and at least 25 mPa.s at the time they are unloaded, high viscosity Category B NLSs, and high viscosity Category C NLSs.

Incinerator ashes means ash and clinkers resulting from shipboard incinerators used for the incineration of garbage.

Instantaneous rate of discharge of oil content means the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant.

International Maritime Organization (IMO) guidelines means the guidelines

for the Implementation of MARPOL Annex V (IMO Resolution MEPC.219(63), adopted March 2, 2012) and other garbage pollution related guidance approved or adopted by the IMO.

Length means the horizontal distance between the foremost part of a ship's stem to the aftermost part of its stern, excluding fittings and attachments.

Major conversion means a conversion of an existing ship—

(1) That substantially alters the dimensions or carrying capacity of the ship; or

(2) That changes the type of the ship; or

(3) The intent of which, in the opinion of the government of the country under whose authority the ship is operating, is substantially to prolong its life; or

(4) Which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of MARPOL not applicable to it as an existing ship.

Marine pollutant means a harmful substance in packaged form, as it appears in Appendix B of 49 CFR 172.101.

MARPOL means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocols of 1978 and 1997 relating to that Convention. A copy of MARPOL is available from the International Maritime Organization, 4 Albert Embankment, London, SE1, 7SR, United Kingdom.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes and potentially contaminated laboratory wastes, dialysis wastes, and such additional medical items as prescribed by the Administrator of the EPA by regulation.

Navigable waters means the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States.

Nearest land. The term “from the nearest land” means from the baseline from which the territorial sea of the territory in question is established in

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accordance with international law, except that, for the purposes of these regulations, “from the nearest land” off the northeastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in—latitude 11°00’ South, longitude 142°08’ East to a point in—latitude 10°35’ South, longitude 141°55’ East, thence to a point—latitude 10°00’ South, longitude 142°00’ East, thence to a point—latitude 9°10’ South, longitude 143°52’ East, thence to a point—latitude 9°00’ South, longitude 144°30’ East, thence to a point—latitude 10°41’ South, longitude 145°00’ East, thence to a point—latitude 13°00’ South, longitude 145°00’ East, thence to a point—latitude 15°00’ South, longitude 146°00’ East, thence to a point—latitude 17°30’ South, longitude 147°00’ East, thence to a point—latitude 21°00’ South, longitude 152°55’ East, thence to a point on the coast of Australia in latitude 24°42’ South, longitude 153°15’ East.

New ship means a ship—

- (1) For which the building contract is placed after December 31, 1975; or
- (2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after June 30, 1976; or
- (3) The delivery of which is after December 31, 1979; or
- (4) That has undergone a major conversion—
 - (i) For which the contract is placed after December 31, 1975;
 - (ii) In the absence of a contract, the construction work of which is begun after June 30, 1976; or
 - (iii) That is completed after December 31, 1979.
- (5) For the purposes of §§151.26 through 151.28, which is delivered on or after April 4, 1993.

NLS means Noxious Liquid Substance.

NLS Certificate means an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued under MARPOL.

Noxious liquid substance (NLS) means—

- (1) Each substance listed in §151.47 or §151.49;
- (2) Each substance having an “A”, “B”, “C”, or “D” beside its name in

the column headed “Pollution Category” in Table 1 of 46 CFR Part 153; and

- (3) Each substance that is identified as an NLS in a written permission issued under 46 CFR 153.900 (d).

Oceangoing ship means a ship that—

- (1) Is operated under the authority of the United States and engages in international voyages;
- (2) Is operated under the authority of the United States and is certificated for ocean service;
- (3) Is operated under the authority of the United States and is certificated for coastwise service beyond three miles from land;
- (4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in §2.22 of this chapter; or
- (5) Is operated under the authority of a country other than the United States.

NOTE: A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters, or exclusively on the internal waters of the United States and Canada; is not an “oceangoing” ship.

Oil means petroleum whether in solid, semi-solid, emulsified, or liquid form, including but not limited to, crude oil, fuel oil, sludge, oil refuse, oil residue, and refined products, and, without limiting the generality of the foregoing, includes the substances listed in Appendix I of Annex I of MARPOL. “Oil” does not include animal and vegetable based oil or noxious liquid substances (NLS) designated under Annex II of MARPOL.

Oil cargo residue means any residue of oil cargo whether in solid, semi-solid, emulsified, or liquid form from cargo tanks and cargo pump room bilges, including but not limited to, drainages, leakages, exhausted oil, muck, clingage, sludge, bottoms, paraffin (wax), and any constituent component of oil. The term “oil cargo residue” is also known as “cargo oil residue.”

Oil residue means oil cargo residue.

Oil residue (sludge) means the residual waste oil products generated during the normal operation of a ship such as those resulting from the purification of

fuel or lubricating oil for main or auxiliary machinery, separated waste oil from oil filtering equipment, waste oil collected in drip trays, and waste hydraulic and lubricating oils.

Oil residue (sludge) tank means a tank which holds oil residue (sludge) from which sludge may be disposed directly through the standard discharge connection or any other approved means of disposal.

Oil tanker means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Annex II of MARPOL when it is carrying a cargo or part cargo of oil in bulk.

Oil-like NLS means each cargo listed in § 151.49.

Oily bilge water means water which may be contaminated by oil resulting from things such as leakage or maintenance work in machinery spaces. Any liquid entering the bilge system including bilge wells, bilge piping, tank top or bilge holding tanks is considered oily bilge water.

Oily bilge water holding tank means a tank collecting oily bilge water prior to its discharge, transfer or disposal.

Oily mixture means a mixture, in any form, with any oil content. "Oily mixture" includes, but is not limited to—

- (1) Slops from bilges;
- (2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);
- (3) Oil residue (sludge); and
- (4) Oily ballast water from cargo or fuel oil tanks.

Operational wastes means all solid wastes (including slurries) not covered by other MARPOL Annexes that are collected on board during normal maintenance or operations of a ship, or used for cargo stowage and handling. Operational wastes also include cleaning agents and additives contained in cargo hold and external wash water. Operational wastes does not include discharges essential to the operation of a ship, including but not limited to graywater, bilge water, ballast water, controllable pitch propeller and thruster hydraulic fluid and other oil to sea interfaces (e.g., thruster bearings, stabilizers, rudder bearings, etc.), deck washdown and runoff and above water

line hull cleaning (not harmful to the marine environment), firemain systems water, gas turbine wash water, and/or non-oily machinery wastewater.

Person means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

Plastic means a solid material, which contains as an essential ingredient one or more high molecular mass polymers, and which is formed (shaped) during either the manufacture of the polymer or the fabrication into a finished product by heat and/or pressure. Plastics have material properties ranging from hard and brittle to soft and elastic. For the purposes of these regulations, "all plastics" means all garbage that consists of or includes plastic in any form, including synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products.

Port means—

- (1) A group of terminals that combines to act as a unit and be considered a port for the purposes of this subpart;
- (2) A port authority or other organization that chooses to be considered a port for the purposes of this subpart; or
- (3) A place or facility that has been specifically designated as a port by the COTP.

Prewash means a tank washing operation that meets the procedure in 46 CFR 153.1120.

Recognized Classification Society means a classification society that is a participating member of the International Association of Classification Societies (IACS).

Recycling means the activity of segregating and recovering components and materials for reprocessing.

Residues and mixtures containing NLSs (NLS residue) means—

- (1) Any Category A, B, C, or D NLS cargo retained on the ship because it fails to meet consignee specifications;
- (2) Any part of a Category A, B, C, or D NLS cargo remaining on the ship after the NLS is discharged to the consignee, including but not limited to puddles on the tank bottom and in sumps, clingage in the tanks, and substance remaining in the pipes; or

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(3) Any material contaminated with Category A, B, C, or D NLS cargo, including but not limited to bilge slops, ballast, hose drip pan contents, and tank wash water.

Segregated ballast means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of MARPOL.

Ship means a vessel of any type whatsoever, operating in the marine environment. This includes hydrofoils, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating drilling rigs and other platforms.

Shipboard oil pollution emergency plan means a plan prepared, submitted, and maintained according to the provisions of §§151.26 through 151.28 of this subpart for United States ships or maintained according to the provisions of §151.29(a) of this subpart for foreign ships operated under the authority of a country that is party to MARPOL or carried on board foreign ships operated under the authority of a country that is not a party to MARPOL, while in the navigable waters of the United States, as evidence of compliance with §151.21 of this subpart.

Solidifying NLS means a Category A, B, or C NLS that has a melting point—

(1) Greater than 0 °C but less than 15 °C and a temperature, measured under the procedure in 46 CFR 153.908(d), that is less than 5 °C above its melting point at the time it is unloaded; or

(2) 15 °C or greater and a temperature, measured under the procedure in 46 CFR 153.908(d), that is less than 10 °C above its melting point at the time it is unloaded.

Special area means a sea area, where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of the traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil, NLSs, or garbage is required.

Terminal means an onshore facility or an offshore structure located in the navigable waters of the United States

or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

NOTE: The Coast Guard interprets commercial fishing facilities, recreational boating facilities, and mineral and oil industry shorebases to be terminals for the purposes of Annex V of MARPOL, since these facilities normally provide wharfage and other services, including garbage handling, for ships.

U.S. inspected ships means those ship required to be inspected and certificated under 46 CFR 2.01-7.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983; 48 FR 54977, Dec. 8, 1983]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §151.06, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 151.06 Special areas.

(a) For the purposes of this part, the navigational descriptions of the special areas are as follows:

(1) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein, with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36' W.

(2) The Baltic Sea means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland, and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N.

(3) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean Sea and the Black Sea constituted by the parallel 41° N.

(4) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E).

(5) The Gulfs areas means the sea area located northwest of the rhumb line between Ras al Hadd (22°30' N, 59°48' E) and Ras al Fasteh (25°04' N, 61°25' E).

(6) The Gulf of Aden areas means the part of the Gulf of Aden between the

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Red Sea and the Arabian Sea bounded to the west by the rhumb line between Ras si Ane (12°28.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E) and to the east by the rhumb line between Ras Asir (11°50' N, 51°16.9' E) and the Ras Fartak (15°35' N, 52°13.8' E).

32°32' S; 016°52' E
34°06' S; 017°24' E
36°58' S; 020°54' E
36°00' S; 022°30' E
35°14' S; 022°54' E
34°30' S; 026°00' E
33°48' S; 027°25' E
33°27' S; 027°12' E

(7) The Antarctic areas means the sea south of 60° south latitude.

(8) *The North West European waters* mean the North Sea and its approaches, the Irish Sea and its approaches, the Celtic Sea, the English Channel and its approaches and part of the North East Atlantic immediately to the west of Ireland. The area is bounded by lines joining the following points:

48°27' N on the French coast
48°27' N; 006°25' W
49°52' N; 007°44' W
50°30' N; 012° W
56°30' N; 012° W
62° N; 003° W
62° N on the Norwegian coast
57°44'.8 N on the Danish and Swedish coasts.

(9) *The Oman area of the Arabian Sea* means the sea enclosed by the following co-ordinates:

22°30'.00 N; 059°48'.00 E
23°47'.27 N; 060°35'.73 E
22°40'.62 N; 062°25'.29 E
21°47'.40 N; 063°22'.22 E
20°30'.37 N; 062°52'.41 E
19°45'.90 N; 062°25'.97 E
18°49'.92 N; 062°02'.94 E
17°44'.36 N; 061°05'.53 E
16°43'.71 N; 060°25'.62 E
16°03'.90 N; 059°32'.24 E
15°15'.20 N; 058°58'.52 E
14°36'.93 N; 058°10'.23 E
14°18'.93 N; 057°27'.03 E
14°11'.53 N; 056°53'.75 E
13°53'.80 N; 056°19'.24 E
13°45'.86 N; 055°54'.53 E
14°27'.38 N; 054°51'.42 E
14°40'.10 N; 054°27'.35 E
14°46'.21 N; 054°08'.56 E
15°20'.74 N; 053°38'.33 E
15°48'.69 N; 053°32'.07 E
16°23'.02 N; 053°14'.82 E

(10) *The Southern South African waters* means the sea area enclosed by the following co-ordinates:

31°14' S; 017°50' E
31°30' S; 017°12' E
32°00' S; 017°06' E

(11) *The North Sea area* means the North Sea proper, including seas within the North Sea southwards of latitude 62° N and eastwards of longitude 4° W; the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8' N; and the English Channel and its approaches eastwards of longitude 5° W.

(12) *The Wider Caribbean region* means the Gulf of Mexico and Caribbean Sea proper, including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77°30' W meridian, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7°20' N parallel and 50° W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana.

(b) Special areas for the purpose of Annex I of MARPOL 73/78 include those referenced in §151.13. Special areas for the purposes of Annex II of MARPOL 73/78 include those referenced in §151.32. Special areas for the purpose of Annex V of MARPOL 73/78 include those referenced in §151.53.

[CGD 94-056, 60 FR 43377, Aug. 21, 1995, as amended by USCG-2008-0179, 73 FR 35013, June 19, 2008]

§ 151.07 Delegations.

Each Coast Guard official designated as a Captain of the Port (COTP) or Officer in Charge, Marine Inspection (OCMI) or Commanding Officer, Sector Office, is delegated the authority to—

(a) Issue International Oil Pollution Prevention (IOPP) Certificates;

(b) Detain or deny entry to ships not in substantial compliance with MARPOL 73/78 or not having an IOPP Certificate or evidence of compliance with MARPOL 73/78 on board;

(c) Receive and investigate reports under § 151.15; and

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(d) Issue subpoenas to require the attendance of any witness and the production of documents and other evidence, in the course of investigations of potential violations of the Act to Prevent Pollution from Ships, as amended (33 U.S.C. 1901-1911), this subpart, or MARPOL 73/78.

[CGD 88-002, 54 FR 18404, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990; USCG-2006-25556, 72 FR 36328, July 2, 2007]

§ 151.08 Denial of entry.

(a) Unless a ship is entering under force majeure, no oceangoing tanker or any other oceangoing ship of 400 gross tons or more required by §151.10 to retain oil, oil residue, or oily mixtures on board while at sea, and no oceangoing ship carrying a Category A, B, or C NLS cargo or NLS residue in cargo tanks that are required to be prewashed under 46 CFR Part 153, may enter any port or terminal under §158.110(a) of this chapter unless the port or terminal has a Certificate of Adequacy, as defined in §158.120 of this chapter.

(b) A COTP may deny the entry of a ship to a port or terminal under §158.110(b) if—

- (1) The port or terminal does not have a Certificate of Adequacy, as required in §158.135 of this chapter; or
- (2) The port or terminal is not in compliance with the requirements of subpart D of part 158.

[CGD 88-002, 54 FR 18404, Apr. 28, 1989, as amended by USCG-2000-7641, 66 FR 55570, Nov. 2, 2001]

OIL POLLUTION

SOURCE: Sections 151.09 through 151.25 appear by CGD 75-124a, 48 FR 45709, Oct. 6, 1983, unless otherwise noted.

§ 151.09 Applicability.

(a) Except as provided in paragraph (b) of this section, §§151.09 through 151.25 apply to each ship that—

- (1) Is operated under the authority of the United States and engages in international voyages;
- (2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three nautical miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in §2.22(a)(2) of this chapter; or

(5) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

(b) Sections 151.09 through 151.25 do not apply to—

- (1) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in noncommercial service;
- (2) A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters;
- (3) A Canadian or U.S. ship being operated exclusively on the internal waters of the United States and Canada; or
- (4) Any other ship specifically excluded by MARPOL 73/78.

NOTE TO §151.09(b): The term “internal waters” is defined in §2.24 of this chapter.

(c) Sections 151.26 through 151.28 apply to each United States oceangoing ship specified in paragraphs (a)(1) through (a)(4) of this section which is—

- (1) An oil tanker of 150 gross tons and above or other ship of 400 gross tons and above; or
- (2) A fixed or floating drilling rig or other platform, when not engaged in the exploration, exploitation, or associated offshore processing of seabed mineral resources.

(d) The requirements of §§151.26 through 151.28—

- (1) Do not apply to—
 - (i) The ships specified in paragraph (b) of this section; and
 - (ii) Any barge or other ship, which is constructed or operated in such a manner that no oil in any form can be carried aboard.
- (2) Are considered to be met if a U.S.-flag vessel holds a USCG-approved vessel response plan and provides evidence

of compliance with 33 CFR part 155, subpart D or J requirements.

(e) Section 151.26(b)(5) applies to all vessels subject to the jurisdiction of the United States and operating in Antarctica.

[CGD 88-002, 54 FR 18404, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990; CGD 93-030, 59 FR 51338, Oct. 7, 1994; CGD 97-015, 62 FR 18045, Apr. 14, 1997; USCG-2006-25150, 71 FR 39209, July 12, 2006; USCG-2007-27887, 72 FR 45904, Aug. 16, 2007; USCG-2008-0179, 73 FR 35013, June 19, 2008; USCG-2008-1070, 78 FR 60120, Sept. 30, 2013]

§ 151.10 Control of oil discharges.

(a) When more than 12 nautical miles from the nearest land, any discharge of oil or oily mixtures into the sea from a ship other than an oil tanker or from machinery space bilges of an oil tanker is prohibited except when all of the following conditions are satisfied—

(1) The oil or oily mixture does not originate from cargo pump room bilges;

(2) The oil or oily mixture is not mixed with oil cargo residues;

(3) The ship is not within a special area;

(4) The ship is proceeding enroute;

(5) The oil content of the effluent without dilution is less than 15 parts per million (ppm); and

(6) The ship has in operation oily-water separating equipment, a bilge monitor, bilge alarm, or combination thereof as required by part 155 subpart B of this chapter.

(b) When within 12 nautical miles of the nearest land, any discharge of oil or oily mixtures into the sea from a ship other than an oil tanker or from machinery space bilges of an oil tanker is prohibited except when all of the following conditions are satisfied—

(1) The oil or oily mixture does not originate from cargo pump room bilges;

(2) The oil or oily mixture is not mixed with oil cargo residues;

(3) The oil content of the effluent without dilution does not exceed 15 ppm;

(4) The ship has in operation oily-water separating equipment, a bilge monitor, bilge alarm, or combination thereof as required by part 155 subpart B of this chapter; and

(5) The oily-water separating equipment is equipped with a 15 ppm bilge alarm; for U.S. inspected ships, approved under 46 CFR 162.050 and for U.S. uninspected ships and foreign ships, either approved under 46 CFR 162.050 or listed in the current International Maritime Organization (IMO) Marine Environment Protection Committee (MEPC) Circular summary of MARPOL 73/78 approved equipment.

NOTE: In the navigable waters of the United States, the Federal Water Pollution Control Act (FWPCA), section 311(b)(3) and 40 CFR Part 110 govern all discharges of oil or oily-mixtures.

(c) The overboard discharge of any oil cargo residues and oily mixtures that include oil cargo residues from an oil tanker is prohibited, unless discharged in compliance with part 157 of this chapter.

(d) When more than 12 nautical miles from the nearest land, any discharge of oil or oily mixtures into the sea from a ship other than an oil tanker or from machinery space bilges of an oil tanker; that is not proceeding enroute; shall be in accordance with paragraphs (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5) of this section.

(e) The provisions of paragraphs (a), (b), (c) and (d) of this section do not apply to the discharge of clean or segregated ballast.

(f) The person in charge of an ocean-going ship that cannot discharge oily mixtures into the sea in compliance with paragraphs (a), (b), (c), or (d) of this section must ensure that those oily mixtures are—

(1) Retained on board; or

(2) Discharged to a reception facility. If the reception facility is in a port or terminal in the United States, each person who is in charge of each ocean-going tanker or any other oceangoing ship of 400 gross tons or more shall notify the port or terminal, at least 24 hours before entering the port or terminal, of—

(i) The estimated time of day the ship will discharge oily mixtures;

(ii) The type of oily mixtures to be discharged; and

(iii) The volume of oily mixtures to be discharged.

NOTE: There are Federal, state, or local laws or regulations that could require a written description of the oil residues and oily

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mixtures to be discharged. For example, a residue or mixture containing oil might have a flashpoint less than 60 °C (140 °F) and thus have the characteristic of ignitability under 40 CFR 261.21, which might require a description of the waste for a manifest under 40 CFR Part 262, subpart B. Occupational safety and health concerns may be covered, as well as environmental ones.

The notice required in this section is in addition to those required by other Federal, state, and local laws and regulations. Affected persons should contact the appropriate Federal, state, or local agency to determine whether other notice and information requirements, including 40 CFR Parts 262 and 263, apply to them.

(g) No discharge into the sea shall contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.

(h) This section does not apply to a fixed or floating drilling rig or other platform that is operating under a National Pollutant Discharge Elimination System (NPDES) permit.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983, as amended by CGD 78-035, 50 FR 36793, Sept. 9, 1985. Redesignated by CGD 88-002, 54 FR 18404, Apr. 28, 1989; USCG-1998-3799, 63 FR 35530, June 30, 1998; USCG-2000-7641, 66 FR 55571, Nov. 2, 2001]

§ 151.11 Exceptions for emergencies.

(a) Sections 151.10 and 151.13 do not apply to—

(1) The discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea.

(2) The discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment—

(i) Provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) Except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result.

(b) [Reserved]

[CGD 75-134a, 48 FR 45709, Oct. 6, 1983, as amended by CGD 88-002, 54 FR 18404, Apr. 28, 1989]

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§ 151.13 Special areas for Annex I of MARPOL 73/78.

(a) For the purposes of §§151.09 through 151.25 of this subpart, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulfs area, the Gulf of Aden, the Antarctic area, the North West European waters, the Oman area of the Arabian Sea, and the Southern South African Waters, which are described in §151.06 of this subpart. The discharge restrictions are effective in the Mediterranean Sea, Baltic Sea, Black Sea, and the Antarctic area.

(b) Subject to the provisions of §151.11—

(1) A ship of 400 gross tons or over and any oil tanker may not discharge oil or oily mixture within a special area. In the Antarctic area, discharge into the sea of oil or oily mixture from any ship is prohibited.

(2) A ship of less than 400 gross tons other than an oil tanker may not discharge oil or oily mixture within a special area, unless the oil content of the effluent without dilution does not exceed 15 parts per million (ppm).

(3) All ships operating in the Antarctic area must have on board a tank or tanks of sufficient capacity to retain all oily mixtures while operating in the area and arrangements made to discharge oily mixtures at a reception facility outside the Antarctic area.

(c) The provisions of paragraph (b) of this section do not apply to the discharge of clean or segregated ballast.

(d) The provisions of paragraph (b)(1) of this section do not apply to the discharge of processed bilge water from machinery space bilges, provided that all of the following conditions are satisfied—

(1) The bilge water does not originate from cargo pump room bilges;

(2) The bilge water is not mixed with oil cargo residues;

(3) The ship is proceeding enroute;

(4) The oil content of the effluent without dilution does not exceed 15 ppm;

(5) The ship has in operation oily-water separating equipment complying with part 155 of this chapter; and

(6) The oily-water separating equipment is equipped with a device that

stops the discharge automatically when the oil content of the effluent exceeds 15 ppm.

(e) No discharge into the sea shall contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this section.

(f) The oily mixtures that cannot be discharged into the sea in compliance with paragraphs (b), (c), or (d) of this section shall be retained on board or discharged to reception facilities.

(g) Nothing in this section prohibits a ship on a voyage, only part of which is in a special area, from discharging outside the special area in accordance with §151.10.

(h) In accordance with Regulation 38.6.1 of Annex I of MARPOL 73/78, the discharge restriction in §151.13 for the Red Sea area, Gulfs area, Gulf of Aden area, the Oman area of the Arabian Sea, and the Southern South African waters will enter into effect when each party to MARPOL 73/78 whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective dates for the discharge requirements in these special areas will be published in the FEDERAL REGISTER and reflected in this section.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983; 48 FR 54977, Dec. 8, 1983, as amended by CGD 88-002, 54 FR 18404, Apr. 28, 1989; CGD 88-002A, 55 FR 18582, May 2, 1990; CGD 94-056, 60 FR 43377, Aug. 21, 1995; USCG-2000-7641, 66 FR 55571, Nov. 2, 2001; USCG-2008-0179, 73 FR 35013, June 19, 2008; USCG-2010-0194, 80 FR 5933, Feb. 4, 2015]

§ 151.15 Reporting requirements.

(a) The master, person in charge, owner, charterer, manager, or operator of a vessel involved in any incident described in paragraph (c) of this section must report the particulars of the incident without delay to the fullest extent possible under the provisions of this section.

(b) If a vessel involved in an incident is abandoned, or if a report from that vessel is incomplete or unattainable, the owner, charterer, manager, operator, or their agent must assume the obligations placed upon the master or

other person having charge of the vessel under provisions of this section.

(c) The report must be made whenever an incident involves—

(1) A discharge of oil, hazardous substances, marine pollutants, or noxious liquid substances (NLS) resulting from damage to the vessel or its equipment, or for the purpose of securing the safety of a vessel or saving a life at sea;

(2) A discharge of oil in excess of the quantities or instantaneous rate permitted in §§151.10 or 151.13 of this chapter, or NLS in bulk, in 46 CFR 153.1126 or 153.1128, during the operation of the vessel;

(3) A discharge of marine pollutants in packaged form; or

(4) A probable discharge resulting from damage to the vessel or its equipment. The factors you must consider to determine whether a discharge is probable include, but are not limited to—

(i) Ship location and proximity to land or other navigational hazards;

(ii) Weather;

(iii) Tide current;

(iv) Sea state;

(v) Traffic density;

(vi) The nature of damage to the vessel; and

(vii) Failure or breakdown aboard the vessel of its machinery or equipment. Such damage may be caused by collision, grounding, fire, explosion, structural failure, flooding or cargo shifting or a failure or breakdown of steering gear, propulsion, electrical generating system or essential shipboard navigational aids.

(d) Each report must be made by radio whenever possible, or by the fastest telecommunications channels available with the highest possible priority at the time the report is made to—

(1) The appropriate officer or agency of the government of the country in whose waters the incident occurs; and

(2) The nearest Captain of the Port (COTP) or the National Response Center (NRC), toll free number 800-424-8802 (in Washington, DC, metropolitan area, 202-267-2675), fax 202-267-1322, telex number 892427 for incidents involving U.S. vessels in any body of water; or incidents involving foreign flag vessels in the navigable waters of the United States; or incidents involving foreign-

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flag tank vessels within waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone (EEZ).

(e) Each report must contain—

- (1) The identity of the ship;
- (2) The type of harmful substance involved;
- (3) The time and date of the incident;
- (4) The geographic position of the vessel when the incident occurred;
- (5) The wind and the sea condition prevailing at the time of the incident;
- (6) Relevant details respecting the condition of the vessel;
- (7) A statement or estimate of the quantity of the harmful substance discharged or likely to be discharged into the sea; and
- (8) Assistance and salvage measures.

(f) A person who is obligated under the provisions of this section to send a report must—

(1) Supplement the initial report, as necessary, with information concerning further developments; and

(2) Comply as fully as possible with requests from affected countries for additional information concerning the incident.

(g) A report made under this section satisfies the reporting requirements of § 153.203 of this chapter and of 46 CFR 4.05-1 and 4.05-2, if required under those provisions.

[USCG-2000-6927, 70 FR 74675, Dec. 16, 2005, as amended by USCG-2006-25150, 71 FR 39209, July 12, 2006; USCG-2008-0179, 73 FR 35014, June 19, 2008]

§ 151.17 Surveys.

(a) Every U.S. oil tanker of 150 gross tons and above, and every other U.S. ship of 400 gross tons and above; that is required to have an International Oil Pollution Prevention (IOPP) Certificate on board and to which this part applies, except as provided for in paragraphs (b) and (d) of this section; is subject to the following surveys conducted by the Coast Guard—

(1) An initial survey, conducted before the ship is put in service or before an IOPP Certificate required under § 151.19 is issued for the first time; this survey includes a complete examination of its structure, equipment, systems, fittings, arrangements and mate-

rial in so far as the ship is covered by this chapter.

(2) Periodic renewal surveys conducted at intervals corresponding with the renewal of the IOPP Certificates. The purpose of the survey is to determine whether the structure, equipment, systems, fittings, arrangements, and material comply with the requirements of parts 155 and 157 of this chapter.

(3) Annual surveys for inspected ships conducted as close as practicable to twelve (12) and thirty-six (36) months from the date of issuance of the IOPP Certificate, and not more than two months prior to or later than these twelve and thirty-six month dates; this survey is to determine that the oily-water separating equipment and associated pumps and piping systems remain satisfactory for the service intended, and that no unauthorized alterations have been made, and is to be endorsed on the IOPP Certificate.

(4) Intermediate surveys for inspected ships conducted as close as practicable to twenty-four (24) months from the date of issuance of the IOPP Certificates, and not more than six months prior to or later than that twenty-four month date; this survey is to determine whether the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, and oily-water separating equipment comply with the requirements of parts 155 and 157 of this chapter, and are in good working order, and is to be endorsed on the IOPP Certificate.

(5) Intermediate surveys for uninspected ships conducted as close as practicable to thirty (30) months from the date of issuance of the IOPP Certificate, and not more than six months prior to or later than that thirty month date; this survey is to determine whether the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, and oily-water separating equipment comply with the requirements of parts 155 and 157 of this chapter, and are in good working order, and is to be endorsed on the IOPP Certificate.

(b) Every U.S. inspected oil tanker of 150 gross tons and above, and every

other U.S. inspected ship of 400 gross tons and above; that is not required to have an IOPP Certificate on board is subject to the following surveys to be conducted by the Coast Guard—

(1) An initial survey conducted before the ship is put into service.

(2) All other surveys are conducted concurrently with either inspections for certification or required reinspections.

(c) After any survey of a ship under this section has been completed, no significant change may be made in the construction, equipment, fittings, arrangements or material covered by the survey without the sanction of the COTP or OCMI except for the direct replacement of such equipment or fittings.

(d) Fixed and floating drilling rigs and other platforms, barges, and uninspected ships; that are not required to have an IOPP Certificate on board are not required to be surveyed under this section.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983, as amended by USCG-1998-3799, 63 FR 35530, June 30, 1998]

§ 151.19 International Oil Pollution Prevention (IOPP) Certificates.

(a) Each U.S. oil tanker of 150 gross tons and above and each other U.S. ship of 400 gross tons and above; that engages in voyages to ports or off-shore terminals under the jurisdiction of other parties to MARPOL 73/78 must have on board a valid International Oil Pollution Prevention (IOPP) Certificate.

(b) Each oil tanker of 150 gross tons and above and each other ship of 400 gross tons and above, operated under the authority of a country other than the United States that is party to MARPOL 73/78, must have on board a valid IOPP Certificate.

(c) An IOPP Certificate is issued by a COTP, OCMI, or a classification society authorized under 46 CFR part 8, after a satisfactory survey in accordance with the provisions of § 151.17.

(d) The Supplement to the IOPP Certificate is a part of the IOPP Certificate and must remain attached to that Certificate. If the Supplement to the Certificate is changed, a new IOPP Certificate will be required.

(e) The IOPP Certificate for each inspected or uninspected ship is valid for a maximum period of 5 years from the date of issue, except as follows:

(1) A Certificate ceases to be valid if significant alterations have taken place in the construction, equipment, fittings, or arrangements required by the pollution prevention requirements of parts 155 or 157 of this chapter without the approval of the COTP or the OCMI.

(2) A Certificate ceases to be valid if intermediate surveys as required by § 151.17 of this part are not carried out.

(3) A Certificate issued to a ship ceases to be valid upon transfer of the ship to the flag of another country.

(Approved by the Office of Management and Budget under control number 1625-0041)

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983, as amended by CGD 95-010, 62 FR 67531, Dec. 24, 1997; USCG-1998-3799, 63 FR 35530, June 30, 1998; USCG-2000-7223, 65 FR 40057, June 29, 2000; USCG-2000-7641, 66 FR 55571, Nov. 2, 2001; USCG-2006-25150, 71 FR 39209, July 12, 2006]

§ 151.21 Ships of countries not party to MARPOL 73/78.

(a) Each oil tanker of 150 gross tons and above and each other ship of 400 gross tons and above, operated under the authority of a country not a party to MARPOL 73/78, must have on board valid documentation showing that the ship has been surveyed in accordance with and complies with the requirements of MARPOL 73/78. Evidence of compliance may be issued by either the government of a country that is party to MARPOL 73/78 or a recognized classification society.

(b) Evidence of compliance must contain all of the information in, and have substantially the same format as, the IOPP Certificate.

(Approved by the Office of Management and Budget under control number 1625-0019)

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983, as amended by CGD 93-030, 59 FR 51338, Oct. 7, 1994; USCG-2006-25150, 71 FR 39209, July 12, 2006]

§ 151.23 Inspection for compliance and enforcement.

(a) While at a port or terminal under the jurisdiction of the United States, a

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ship is subject to inspection by the Coast Guard—

(1) To determine that a valid IOPP Certificate is on board and that the condition of the ship and its equipment corresponds substantially with the particulars of the IOPP Certificate;

(2) To determine that evidence of compliance with MARPOL 73/78, as required by §151.21 is on board and that the condition of the ship and its equipment corresponds substantially with the particulars of this evidence of compliance;

(3) To determine whether a ship has been operating in accordance with and has not discharged any oil or oily mixtures in violation of the provisions of MARPOL 73/78 or this subchapter;

(4) To determine whether a ship has discharged oil or oily mixtures anywhere in violation of MARPOL 73/78, upon request from a party to MARPOL 73/78 for an investigation when the requesting party has furnished sufficient evidence to support a reasonable belief that a discharge has occurred.

(b) A ship that does not comply with the requirements of parts 151, 155 and 157 of this chapter, or where the condition of the ship or its equipment does not substantially agree with the particulars of the IOPP Certificate or other required documentation, may be detained by order of the COTP or OCMI, at the port or terminal where the violation is discovered until, in the opinion of the detaining authority, the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment. The detention order may authorize the ship to proceed to the nearest appropriate available shipyard rather than remaining at the place where the violation was discovered.

(c) An inspection under this section may include an examination of the Oil Record Book, the oil content meter continuous records, and a general examination of the ship. A copy of any entry in the Oil Record Book may be made and the Master of the ship may be required to certify that the copy is a true copy of such entry.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

§ 151.25 Oil Record Book.

(a) Each oil tanker of 150 gross tons and above, ship of 400 gross tons and above other than an oil tanker, and manned fixed or floating drilling rig or other platform shall maintain an Oil Record Book Part I (Machinery Space Operations). An oil tanker of 150 gross tons and above or a non oil tanker that carries 200 cubic meters or more of oil in bulk, shall also maintain an Oil Record Book Part II (Cargo/Ballast Operations).

(b) An Oil Record Book printed by the U.S. Government is available to the masters or operators of all U.S. ships subject to this section, from any Coast Guard Sector Office, Marine Inspection Office, or Captain of the Port Office.

(c) The ownership of the Oil Record Book of all U.S. ships remains with the U.S. Government.

(d) Entries shall be made in the Oil Record Book on each occasion, on a tank to tank basis if appropriate, whenever any of the following machinery space operations take place on any ship to which this section applies—

(1) Ballasting or cleaning of fuel oil tanks;

(2) Discharge of ballast containing an oily mixture or cleaning water from fuel oil tanks;

(3) Disposal of oil residue;

(4) Discharge overboard or disposal otherwise of bilge water that has accumulated in machinery spaces;

(5) Bunkering of fuel or bulk lubricating oil; and

(6) Any failure, and the reasons for, of the oil filtering equipment.

(e) Entries shall be made in the Oil Record Book on each occasion, on a tank to tank basis if appropriate, whenever any of the following cargo/ballast operations take place on any oil tanker to which this section applies—

(1) Loading of oil cargo;

(2) Internal transfer of oil cargo during voyage;

(3) Unloading of oil cargo;

(4) Ballasting of cargo tanks and dedicated clean ballast tanks;

(5) Cleaning of cargo tanks including crude oil washing;

(6) Discharge of ballast except from segregated ballast tanks;

(7) Discharge of water from slop tanks;

(8) Closing of all applicable valves or similar devices after slop tank discharge operations;

(9) Closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations;

(10) Disposal of oil residue; and

(11) Any failure of, and the reasons for, the oil discharge monitoring and control system.

(f) Entries shall be made in the Oil Record Book on each occasion, on a tank-to-tank basis if appropriate, whenever any of the following operations take place on a fixed or floating drilling rig or other platform to which this section applies—

(1) Discharge of ballast or cleaning water from fuel oil tanks; and

(2) Discharge overboard of platform machinery space bilge water.

(g) In the event of an emergency, accidental or other exceptional discharge of oil or oily mixture, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

(h) Each operation described in paragraphs (d), (e) and (f) of this section shall be fully recorded without delay in the Oil Record Book so that all the entries in the book appropriate to that operation are completed. Each completed operation shall be signed by the person or persons in charge of the operations concerned and each completed page shall be signed by the master or other person having charge of the ship.

(i) The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and shall be kept on board the ship.

(j) The master or other person having charge of a ship required to keep an Oil Record Book shall be responsible for the maintenance of such record.

(k) The Oil Record Book for a U.S. ship shall be maintained on board for not less than three years.

(l) This section does not apply to a barge or a fixed or floating drilling rig or other platform that is not equipped to discharge overboard any oil or oily mixture.

(m) This section does not apply to a fixed or floating drilling rig or other platform that is operating in compliance with a valid National Pollutant Discharge Elimination System (NPDES) permit.

(Approved by the Office of Management and Budget under control number 1625-0009)

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983; 48 FR 54977, Dec. 8, 1983, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990; USCG-2000-7641, 66 FR 55571, Nov. 2, 2001; USCG-2006-25150, 71 FR 39209, July 12, 2006; USCG-2006-25556, 72 FR 36328, July 2, 2007; USCG-2010-0194, 80 FR 5934, Feb. 4, 2015]

§ 151.26 Shipboard oil pollution emergency plans.

(a) *Language of the plan.* The shipboard oil pollution emergency plan must be available on board in English and in the working language of the master and the officers of the ship, if other than English.

(b) *Plan format.* The plan must contain the following six sections. A seventh non-mandatory section may be included at the shipowner's discretion:

(1) *Introduction.* This section must contain the following:

(i) *Introductory text.* The introductory text of the plan must contain the following language (For ships operating in Antarctica, the introductory text of the plan must contain the following language *and* explain that they are in accordance with the Protocol on Environmental Protection to the Antarctic Treaty):

This plan is written in accordance with the requirements of Regulation 37 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78).

The purpose of the plan is to provide guidance to the master and officers on board the ship with respect to the steps to be taken when a pollution incident has occurred or is likely to occur.

The plan contains all information and operational instructions required by the guidelines (Resolution MEPC.54(32) as amended by Resolution MEPC.86(44)). The appendices contain names, telephone numbers, telex numbers, etc. of all contacts referenced in the plan, as well as other reference material.

This plan has been approved by the Coast Guard and, except as provided below, no alteration or revision may be made to any part

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of it without the prior approval of the Coast Guard.

Changes to the seventh section of the plan and the appendices do not require approval by the Coast Guard. The appendices must be maintained up-to-date by the owners, operators, and managers.

(ii) General information.

(A) The ship's name, call sign, official number, International Maritime Organization (IMO) international number, and principal characteristics.

(B) [Reserved]

(2) *Preamble.* The plan must be realistic, practical, and easy to use, and the Preamble section of the plan must reflect these three features of the plan. The use of flowcharts, checklists, and appendices within the plan will aid in addressing this requirement. This section must contain an explanation of the purpose and use of the plan and indicate how the shipboard plan relates to other shore-based plans. Additionally, the Preamble section of the plan must clearly recognize coastal States' rights to approve oil pollution response in their waters by stating the following:

Without interfering with shipowner's liability, some coastal States consider that it is their responsibility to define techniques and means to be taken against an oil pollution incident and approve such operations that might cause further pollution, *i.e.*, lightening. States are entitled to do so under the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Intervention Convention).

(3) *Reporting Requirements.* This section of the plan must include information relating to the following:

(i) *When to report.* A report shall be made whenever an incident involves—

(A) A discharge of oil above the permitted level for any reason, including those for the purpose of securing the safety of the ship or saving life at sea;

(B) A discharge of oil or oily mixture during the operation of the ship in excess of the quantities or instantaneous rate permitted in §151.10 of this subpart or in §157.37 of this subchapter; or

(C) A probable discharge. Factors to be considered in determining whether a discharge is probable include, but are not limited to: ship location and proximity to land or other navigational hazards, weather, tide, current, sea state, and traffic density. The master must make a report in cases of collision, grounding, fire, explosion, structural failure, flooding or cargo shifting, or an incident resulting in failure or breakdown of steering gear, propulsion, electrical generating system, or essential shipborne navigational aids.

(ii) *Information required.* This section of the plan must include a notification form, such as the one depicted in Table 151.26(b)(3)(ii), that includes all the data elements required in Resolution A.851(20) and contains information to be provided in the initial and follow-up notifications. The official number of the vessel and current conditions of the vessel are to be included. In addition, the initial notification should include as much of the information on the form as possible, and supplemental information, as appropriate. However, the initial notification must not be delayed pending collection of all information. Copies of the form must be placed at the location(s) on the ship from which notification may be made.

TABLE 151.26(b) (3) (ii)

SHIPBOARD OIL POLLUTION EMERGENCY PLAN SAMPLE FORMAT FOR INITIAL NOTIFICATION	
AA (SHIP NAME, CALL SIGN, FLAG)	
BB (DATE AND TIME OF EVENT, UTC) <div style="text-align: center;"> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> D D H H M M </div>	
CC (POSITION, LAT, LONG) <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="text"/> <input type="text"/> d d m m <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> </div> <div style="width: 45%;"> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> d d d N miles </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="text"/> <input type="text"/> d d d m m <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> </div> <div style="width: 45%;"></div> </div>	DD (BEARING, DISTANCE FROM LANDMARK) <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> d d d </div> <div style="width: 45%;"> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> N miles </div> </div>
EE (COURSE) <div style="text-align: center;"> <input type="text"/> <input type="text"/> <input type="text"/> d d d </div>	FF (SPEED, KNOTS) <div style="text-align: center;"> <input type="text"/> <input type="text"/> <input type="text"/> km km 1/10 </div>
LL (INTENDED TRACK)	
MM (RADIO STATION(S) GUARDED)	
NN (DATE AND TIME OF NEXT REPORT, UTC) <div style="text-align: center;"> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> D D H H M M </div>	
PP (TYPE AND QUANTITY OF CARGO/BUNKERS ON BOARD)	
OO (BRIEF DETAILS OF DEFECTS/DEFICIENCIES/DAMAGE)	

TABLE 151.26(b) (3) (ii) Continued

<u>RR (BRIEF DETAILS OF POLLUTION, INCLUDING ESTIMATE OF QUANTITY LOST)</u>			
<u>SS (BRIEF DETAILS OF WEATHER AND SEA CONDITIONS)</u>			
WIND	[DIRECTION] [] [] []	SWELL	[DIRECTION] [] [] []
	[SPEED]		[HEIGHT] (m)
(Beaufort)			
<u>TT (CONTACT DETAILS OF SHIPS OWNER/OPERATOR/AGENT)</u>			
<u>UU (SHIP, SIZE, AND TYPE)</u>			
LENGTH:	(m)	BREADTH:	(m) DRAUGHT: (m) TYPE:
<u>XX (ADDITIONAL INFORMATION)</u>			
BRIEF DETAILS OF INCIDENT:			
NEED FOR OUTSIDE ASSISTANCE:			
ACTIONS BEING TAKEN:			
NUMBER OF CREW AND DETAILS OF ANY INJURIES:			
DETAILS OF P&I CLUB & LOCAL CORRESPONDENT:			
OTHERS:			

Note: The alphabetical reference letters in the above format are from "General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants" adopted by the International Maritime Organization by resolution A.851(20). The letters do not follow the complete alphabetical sequence as certain letters are used to designate information required for other standard reporting formats, e.g., those used to transmit route information.

(iii) *Whom to contact.* (A) This section of the plan must make reference to the appendices listing coastal state contacts, port contacts, and ship interest contacts. In order to expedite response and minimize damage from a pollution incident, it is essential that appropriate coastal States should be notified without delay. This process begins with the initial report required by article 8 and Protocol I of MARPOL 73/78.

(B) For actual or probable discharges of oil, or oily mixtures the reports must comply with the procedures described in MARPOL Protocol I. The reports shall be directed to either the nearest Captain of the Port (COTP) or to the National Response Center (NRC), toll free telephone number: 800-424-8802, direct telephone: 202-267-2675, or Fax: 202-267-1322.

(C) For Antarctica, in addition to compliance with paragraph (b)(3)(iii)(B) of this section, reports shall also be di-

rected to any Antarctic station that may be affected.

(D) The plan must clearly specify who will be responsible for informing the necessary parties from the coastal State contacts, the port contacts, and the ship interest contacts.

(4) *Steps to control a discharge.* This section of the plan must contain a discussion of procedures to address the following scenarios:

(i) *Operational spills:* The plan must outline procedures for safe removal of oil spilled and contained on deck. The plan must also provide guidance to ensure proper disposal of recovered oil and cleanup materials;

(ii) *Spills resulting from casualties:* Casualties should be treated in the plan as a separate section. The plan should include various checklists or other means that will ensure the master considers all appropriate factors when addressing the specific casualty

(Reference is made here to the International Safety Management (ISM) Code, Section 8). These checklists must be tailored to the specific ship and to the specific product or product types. In addition to the checklists, specific personnel assignments for anticipated tasks must be identified. Reference to existing fire control plans and muster lists is sufficient to identify personnel responsibilities. The following are examples of casualties that must be considered—

- (A) Grounding;
- (B) Fire or explosion;
- (C) Collision/Allision;
- (D) Hull failure;
- (E) Excessive list;
- (F) Containment system failure;
- (G) Submerged/Foundered;
- (H) Wrecked/Stranded; and
- (I) Hazardous vapor release.

(iii) In addition to the checklist and personnel duty assignments required by paragraph (b)(4)(ii) of this section, the plan must include—

(A) Priority actions to ensure the safety of personnel and the ship, assess the damage to the ship, and take appropriate further action;

(B) Stability and strength considerations: The plan should provide the master with detailed guidance to ensure that great care in casualty response must be taken to consider stability and strength when taking actions to mitigate the spillage of oil or to free the vessel if aground. Information for making damage stability and longitudinal strength assessments, or contacting classification societies to acquire such information, should be included. Where appropriate, the plan should provide a list of information for making damage stability and damage longitudinal strength assessments. The damage stability information for oil tankers and offshore oil barges in 33 CFR 155.240 is required to be provided in the SOPEP;

(C) Lightening procedures to be followed in cases of extensive structural damage: The plan must contain information on procedures to be followed for ship-to-ship transfer of cargo. Reference may be made in the plan to existing company guides. A copy of such company procedures for ship-to-ship transfer operations must be kept in the

plan. The plan must address the coordination of this activity with the coastal or port state, as appropriate;

(D) Mitigating activities: The spill mitigation requirements of 33 CFR 155.1035(c) must be met for tankships, the requirements of 33 CFR 155.1040(c) must be met for unmanned vessels, and the requirements of 33 CFR 155.5035(c) must be met for nontank vessels. Additionally, the following personnel safety mitigation strategies must be addressed for all personnel involved—

- (1) Assessment and monitoring activities;
- (2) Personnel protection issues;
- (3) Protective equipment;
- (4) Threats to health and safety;
- (5) Containment and other response techniques;
- (6) Isolation procedures;
- (7) Decontamination of personnel; and
- (8) Disposal of removed oil and clean-up materials; and

(E) Drawings and ship-specific details: Supporting plans, drawings, and ship-specific details such as a layout of a general arrangement plan, midship section, lines or tables of offsets, and tank tables must be included with the plan. The plan must show where current cargo, bunker or ballast information, including quantities and specifications, is available.

(5) *National and Local Coordination.* (i) This section of the plan must contain information to assist the master in initiating action by the coastal State, local government, or other involved parties. This information must include guidance to assist the master with organizing a response to the incident, should a response not be organized by the shore authorities. Detailed information for specific areas may be included as appendices to the plan. See 33 CFR 151.26(b)(2) (Preamble) regarding a ship owner's responsibility to comply with individual state requirements for oil spill response.

(ii) For Antarctica, a vessel owner or operator must include a plan for prompt and effective response action to such emergencies as might arise in the performance of its vessel's activities.

(iii) To comply with paragraph (b)(5)(ii) of this section, an agency of the United States government may

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promulgate a directive providing for prompt and effective response by the agency's public vessels operating in Antarctica.

(6) *Appendices.* Appendices must include the following information:

(i) Twenty-four hour contact information and alternates to the designated contacts. These details must be routinely updated to account for personnel changes and changes in telephone, telex, and telefacsimile numbers. Clear guidance must also be provided regarding the preferred means of communication.

(ii) The following lists, each identified as a separate appendix:

(A) A list of agencies or officials of coastal state administrations responsible for receiving and processing incident reports;

(B) A list of agencies or officials in regularly visited ports. When this is not feasible, the master must obtain details concerning local reporting procedures upon arrival in port; and

(C) A list of all parties with a financial interest in the ship such as ship and cargo owners, insurers, and salvage interests.

(D) A list which specifies who will be responsible for informing the parties listed and the priority in which they must be notified.

(iii) A record of annual reviews and changes.

(7) *Non-mandatory provisions.* If this section is included by the shipowner, it should include the following types of information or any other information that may be appropriate:

(i) Response equipment or oil spill removal organizations;

(ii) Public affairs practices;

(iii) Recordkeeping;

(iv) Plan exercising; and

(v) Individuals qualified to respond.

(8) *Index of sections.* The plan must be organized as depicted in Table 151.26(b)(8).

TABLE 151.26(b)(8)—INDEX OF SECTIONS—
SAMPLE FORMAT

Mandatory

- Section 1: Introduction
- Section 2: Preamble
- Section 3: Reporting requirements
- Section 4: Steps to control a discharge

Section 5: National and local coordination

Section 6: Appendices

Voluntary

Section 7: Non-mandatory provisions

[CGD 93-030, 59 FR 51338, Oct. 7, 1994, as amended by CGD 97-015, 62 FR 18045, Apr. 14, 1997; USCG-2000-7641, 66 FR 55571, Nov. 2, 2001; USCG-2008-0179, 73 FR 35014, June 19, 2008; USCG-2008-1070, 78 FR 60120, Sept. 30, 2013]

§ 151.27 **Plan submission and approval.**

(a) No manned ship subject to this part may operate unless it carries on board a shipboard oil pollution emergency plan approved by the Coast Guard. An unmanned ship subject to this regulation must carry the notification list required in §151.26(b)(3) on board in the documentation container; remaining sections of the plan must be maintained on file at the home office. For new ships, plans must be submitted at least 90 days before the ship intends to begin operations.

(b) An owner or operator of a ship to which this part applies shall prepare and submit one English language copy of the shipboard oil pollution emergency plan to Commandant (CG-CVC-1), Attn: Domestic Vessels Division, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501.

(c) An owner or operator with multiple ships to which this part applies may submit one plan for each type of ship with a separate ship-specific appendix for each vessel covered by the plan.

(d) Combined shipboard oil pollution emergency plans and response plans meeting the requirements of subparts D and E of part 155 of this chapter must be prepared according to §155.1030(j) of this chapter.

(e) If the Coast Guard determines that the plan meets the requirements of this section, the Coast Guard will issue an approval letter. The approval period for a plan expires 5 years after the approval date.

(f) If the Coast Guard determines that the plan does not meet the requirements, the Coast Guard will notify the owner or operator of the plan's deficiency. The owner or operator must

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then resubmit a copy of the revised plan or the corrected portions of the plan, within the time period specified in the written notice provided by the Coast Guard.

(g) Plans, including revisions, should be submitted electronically by using the Vessel Response Plan Electronic Submission Tool available at <https://homeport.uscg.mil/vrpexpress>.

(h) If plans are submitted in paper format, owners or operators should use CG Form "Application for Approval/Revision of Vessel Pollution Response Plans" (CG-6083) located at: http://www.uscg.mil/forms/CG/CG_6083.pdf in lieu of a cover letter to make initial application for plan submission and revision.

[CGD 93-030, 59 FR 51342, Oct. 7, 1994, as amended by CGD 96-026, 61 FR 33665, June 28, 1996; USCG-1998-3799, 63 FR 35530, June 30, 1998; USCG-2008-0179, 73 FR 35014, June 19, 2008; USCG-2010-0351, 75 FR 36284, June 25, 2010; USCG-2008-1070, 78 FR 60122, Sept. 30, 2013; USCG-2014-0410, 79 FR 38435, July 7, 2014]

§ 151.28 Plan review and revision.

(a) An owner or operator of a ship to which this subpart applies must review the shipboard oil pollution emergency plan annually and submit a letter to Commandant (CG-5431) certifying that the review has been completed. This review must occur within 1 month of the anniversary date of Coast Guard approval of the plan.

(b) The owner or operator shall submit any plan amendments to Commandant (CG-5431) for information or approval.

(c) The entire plan must be resubmitted to Commandant (CG-5431) for reapproval 6 months before the end of the Coast Guard approval period identified in § 151.27(e) of this subpart.

(d) A record of annual review and changes to the plan must be maintained in the last appendix of section six of the plan.

(e) Except as provided in paragraph (f) of this section, revisions must receive prior approval by the Coast Guard before they can be incorporated into the plan.

(f) Revisions to the seventh section of the plan and the appendices do not require approval by the Coast Guard. The

Coast Guard shall be advised and provided a copy of the revisions as they occur.

(g) Plans, including revisions, should be submitted electronically by using the Vessel Response Plan Electronic Submission Tool available at <https://homeport.uscg.mil/vrpexpress>.

(h) If plans are submitted in paper format, owners or operators should use CG Form "Application for Approval/Revision of Vessel Pollution Response Plans" (CG-6083) located at: http://www.uscg.mil/forms/CG/CG_6083.pdf in lieu of a cover letter to request the required resubmission, plan amendment, or revision.

[CGD 93-030, 59 FR 51342, Oct. 7, 1994, as amended by CGD 96-026, 61 FR 33665, June 28, 1996; USCG-2008-0179, 73 FR 35014, June 19, 2008; USCG-2008-1070, 78 FR 60122, Sept. 30, 2013]

§ 151.29 Foreign ships.

(a) Each oil tanker of 150 gross tons and above and each other ship of 400 gross tons and above, operated under the authority of a country other than the United States that is party to MARPOL 73/78, shall, while in the navigable waters of the United States or while at a port or terminal under the jurisdiction of the United States, carry on board a shipboard oil pollution emergency plan approved by its flag state.

(b) Each oil tanker of 150 gross tons and above and each other ship of 400 gross tons and above, operated under the authority of a country that is not a party to MARPOL 73/78, must comply with § 151.21 of this subpart while in the navigable waters of the United States.

[CGD 93-030, 59 FR 51342, Oct. 7, 1994]

NOXIOUS LIQUID SUBSTANCE POLLUTION

SOURCE: Sections 151.30 through 151.49 appear by CGD 85-010, 52 FR 7759, Mar. 12, 1987, unless otherwise noted.

§ 151.30 Applicability.

(a) Except as provided in paragraph (b) of this section, §§ 151.30 through 151.49 apply to each ship that—

(1) Is operated under the authority of the United States and engages in international voyages;

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(2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three nautical miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in §2.22 of this chapter; or

(5) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

(b) Sections 151.30 through 151.49 do not apply to—

(1) A tank barge whose certificate is endorsed by the Coast Guard for a limited short protected coastwise route if the barge is constructed and certificated primarily for service on an inland route;

(2) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in noncommercial service;

(3) A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters;

(4) A Canadian or U.S. ship being operated exclusively on the internal waters of the United States and Canada; or

(5) Any other ship specifically excluded by MARPOL 73/78.

NOTE TO §151.30 (b)(4): The term “internal waters” is defined in §2.24 of this chapter.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990; USCG-2008-0179, 73 FR 35014, June 19, 2008]

§ 151.31 Where to find requirements applying to oceangoing ships carrying Category A, B, C, and D NLS.

(a) The requirements for oceangoing ships carrying NLSs listed in §§151.47 and 151.49 are in §§151.33 through 151.45.

(b) The requirements for oceangoing ships carrying NLSs listed in Table 151.05 of 46 CFR part 151 and Table 1 of 46 CFR part 153, which are not listed in

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§151.47 or §151.49, are in 46 CFR parts 98, 151, and 153.

(c) Alternatives to the requirements in this part for oceangoing ships carrying NLSs are in 46 CFR part 153.

(d) Procedures for obtaining permission to carry an NLS not listed in §151.47, §151.49, Table 151.05 of 46 CFR part 151, or Table 1 of 46 CFR part 153 are in 46 CFR 153.900(c).

§ 151.32 Special areas for the purpose of Annex II.

(a) For the purposes of §§151.30 through 151.49, the special areas are the Baltic Sea area, the Black Sea area, and the Antarctic area which are described in §151.06. Discharges into the sea of NLSs or mixtures containing such substances are prohibited in the Antarctic area.

(b) In accordance with paragraph (13)(a) of Regulation 5 of Annex II of MARPOL 73/78, the discharge restrictions in §151.32 for the Baltic Sea area and the Black Sea area will enter into effect when each Party to MARPOL 73/78 whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective date for discharge requirements in these areas will be published in the FEDERAL REGISTER and reflected in this section.

[CGD 94-056, 60 FR 43378, Aug. 21, 1995]

§ 151.33 Certificates needed to carry Category C Oil-like NLS.

(a) A U.S. oceangoing ship may not carry a Category C oil-like NLS listed in §151.49 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried in that cargo tank, and if the ship engages in a foreign voyage—

(1) An Attachment for NLSs to the IOPP Certificate, issued under §151.37(a), that allows the NLS to be carried in that cargo tank; or

(2) A Certificate of Fitness issued under 46 CFR part 153 that allows the NLS to be carried in that cargo tank.

(b) A foreign oceangoing ship operating in the navigable waters of the U.S. may not carry a Category C oil-like NLS listed in §151.49 in a cargo tank unless the ship has—

(1) An Attachment for NLSs to the IOPP Certificate that allows the NLS to be carried in that cargo tank; or

(2) A Certificate of Compliance issued under 46 CFR Part 153 to allow the NLS to be carried in that cargo tank.

(c) A U.S. oceangoing ship authorized to carry certain dangerous cargoes in bulk under 46 CFR Part 98 may not carry a Category C oil-like NLS listed in §151.49 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried in that cargo tank, and if the ship engages in a foreign voyage, an NLS Certificate issued under §151.37(b) that allows the NLS to be carried in that cargo tank.

§151.35 Certificates needed to carry Category D NLS and Category D Oil-like NLS.

(a) A U.S. oceangoing ship may not carry a Category D NLS listed in §151.47 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried in that cargo tank, and if the ship engages in a foreign voyage—

(1) An NLS Certificate issued under §151.37(b) to allow the NLS to be carried in that cargo tank; or

(2) A Certificate of Fitness issued under 46 CFR part 153 to allow the NLS to be carried in that cargo tank.

(b) A U.S. oceangoing ship may not carry a Category D oil-like NLS listed in §151.49 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried in that cargo tank, and if the ship engages in a foreign voyage—

(1) An Attachment for NLSs to the IOPP Certificate, issued under §151.37(a), to allow the NLS to be carried in that cargo tank; or

(2) An NLS Certificate issued under §151.37(b) to allow the NLS to be carried in that cargo tank, or

(3) A Certificate of Fitness issued under 46 CFR part 153 to allow the NLS to be carried in that cargo tank.

(c) A foreign oceangoing ship in the navigable waters of the U.S. may not carry a Category D NLS listed in §151.47 in a cargo tank unless the ship has one of the following:

(1) An NLS Certificate endorsed to allow the NLS to be carried in that cargo tank; or

(2) A Certificate of Compliance issued under 46 CFR part 153 to allow the NLS to be carried in that cargo tank.

(d) A foreign oceangoing ship in the navigable waters of the U.S. may not carry a Category D oil-like NLS listed in §151.49 in a cargo tank unless the ship has one of the following:

(1) An Attachment for NLSs to the IOPP Certificate to allow the NLS to be carried in that cargo tank; or

(2) An NLS Certificate endorsed to allow the NLS to be carried in the cargo tank; or

(3) A Certificate of Compliance issued under 46 CFR part 153 to allow the NLS to be carried in the cargo tank.

(e) A U.S. oceangoing ship authorized to carry certain dangerous cargoes in bulk under 46 CFR part 98 may not carry a Category D NLS listed in §151.47 or a Category D oil-like NLS listed in §151.49 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried in that cargo tank, and if the ship engages in a foreign voyage, an NLS Certificate issued under §151.37(b) that allows the NLS to be carried in that cargo tank.

§151.37 Obtaining an Attachment for NLSs to the IOPP Certificate and obtaining an NLS Certificate.

(a) The Coast Guard or a classification society authorized under 46 CFR part 8 issues an Attachment for NLSs to the IOPP Certificate to an oceangoing ship to allow the carriage of a Category C oil-like NLS or a Category D oil-like NLS if the following requirements are met:

(1) Except for ships that are not configured and are not equipped to ballast or wash cargo tanks while proceeding en route, the ship must have a Coast Guard approved monitor under §157.12 that is approved for the cargoes that are desired to be carried.

(2) Except as required by paragraph (a)(3), ships of 150 meters or less in length carrying a Category C oil-like NLS must meet the damage stability requirements applying to a Type III hull as provided by Regulation 14 (c) of Annex II.

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(3) A U.S. self propelled ship of 150 meters or less in length on a coastwise voyage carrying a Category C oil-like NLS must meet the damage stability requirements applying to a Type III hull as provided by 46 CFR part 172, subpart F except §§ 172.130 and 172.133.

(b) Except as allowed in paragraph (c) of this section, the Coast Guard or a classification society authorized under 46 CFR part 8 issues an NLS Certificate endorsed to allow the oceangoing ship engaged in a foreign voyage to carry a Category D NLS listed in § 151.47 if the ship has—

(1) An approved Procedures and Arrangements Manual and Cargo Record Book, both meeting the requirements in 46 CFR 153.490; and

(2) A residue discharge system meeting 46 CFR 153.470, unless the approved Procedures and Arrangements Manual limits discharge of Category D NLS residue to the alternative provided by 46 CFR 153.1128(b).

(c) The Coast Guard or a classification society authorized under 46 CFR part 8 issues a NLS Certificate with the statement that the vessel is prohibited from discharging NLS residues to the sea if the vessel does not meet 46 CFR 153.470 and 153.490 but meets 46 CFR subpart 98.31.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983, as amended by CGD 95-010, 62 FR 67532, Dec. 24, 1997]

§ 151.39 Operating requirements: Category D NLS.

The master or person in charge of an oceangoing ship that carries a Category D NLS listed in § 151.47 shall ensure that the ship is operated as prescribed for the operation of oceangoing ships carrying Category D NLSs in 46 CFR 153.901, 153.909, 153.1100, 153.1104, 153.1106, 153.1124, 153.1126, and 153.1128.

[CGD 85-010, 52 FR 7759, Mar. 12, 1987, as amended by USCG-2008-0179, 73 FR 35014, June 19, 2008]

§ 151.41 Operating requirements for oceangoing ships with IOPP Certificates: Category C and D Oil-like NLSs.

The master or person in charge of an oceangoing ship certificated under § 151.37(a) shall ensure that—

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(a) The carriage and discharge of the oil-like NLS meets §§ 157.29, 157.31, 157.35, 157.37, 157.41, 157.45, 157.47, and 157.49 of this chapter; and

(b) The oil-like NLS is not discharged unless—

(1) The monitor required by § 151.37(a)(1) is set to detect the oil-like NLS; and

(2) A statement that the monitor has been set to detect the oil-like NLS is entered in the Oil Record Book Part II (Cargo/Ballast Operations), required by § 151.25.

§ 151.43 Control of discharge of NLS residues.

(a) Unless the ship is a fixed or floating drilling rig or other platform operating under an National Pollution Discharge Elimination System (NPDES) permit, the master or person in charge of an oceangoing ship that cannot discharge NLS residue into the sea in accordance with 46 CFR 153.1126 or 153.1128 shall ensure that the NLS residue is—

(1) Retained on board; or

(2) Discharged to a reception facility.

(b) If Category A, B, or C NLS cargo or NLS residue is to be transferred at a port or terminal in the United States, the master or person in charge of each oceangoing ship carrying NLS cargo or NLS residue shall notify the port or terminal at least 24 hours before entering the port or terminal of—

(1) The name of the ship;

(2) The name, category and volume of NLS cargo to be unloaded;

(3) If the cargo is a Category B or C high viscosity NLS cargo or solidifying NLS cargo listed in Table 1 of 46 CFR Part 153 with a reference to “§ 153.908(a)” or “§ 153.908(b)” in the “Special Requirements” column of that table, the time of day the ship is estimated to be ready to discharge NLS residue to a reception facility;

(4) If the cargo is any Category B or C NLS cargo not under paragraph (b)(3) of this section, whether or not the ship meets the stripping requirements under 46 CFR 153.480, 153.481, or 153.482;

(5) The name and the estimated volume of NLS in the NLS residue to be discharged;

(6) The total volume of NLS residue to be discharged; and

(7) The name and amount of any cleaning agents to be used during the prewash required by 46 CFR 153.1120.

(c) The master or person in charge of a U.S. ship in a special area shall operate the ship in accordance with 46 CFR 153.903.

NOTE: The master or person in charge of a ship carrying Category A NLS that is required to prewash tanks under the procedures in 46 CFR Part 153.1120 is required under 46 CFR 153.1101 to notify the COTP at least 24 hours before a prewash surveyor is needed.

§ 151.47 Category D NLSs other than oil-like Category D NLSs that may be carried under this part.

The following is a list of Category D NLSs other than Oil-like Category D NLSs that the Coast Guard allows to be carried:

Acetophenone
 Acrylonitrile-Styrene copolymer dispersion in Polyether polyol
 iso- & cyclo-Alkane (C10-C11)
 Alkenyl(C11 +)amine
 Alkyl(C8 +)amine, Alkenyl (C12 +) acid ester mixture
 Alkyl dithiothiadiazole (C6-C24)
 Alkyl ester copolymer (C4-C20)
 Alkyl(C8-C40) phenol sulfide
 Aluminum sulfate solution
 Ammonium hydrogen phosphate solution
 Ammonium nitrate solution (45% or less)
 Ammonium nitrate, Urea solution (2% or less NH₃)
 Ammonium phosphate, Urea solution
 Ammonium polyphosphate solution
 Ammonium sulfate solution (20% or less)
 Amyl alcohol (iso-, n-, sec-, primary)
 Animal and Fish oils, n.o.s. (*see also Oil, edible*)
 Animal and Fish acid oils and distillates, n.o.s.
 Aryl polyolefin (C11-C50)
 Brake fluid base mixtures
 Butylene glycol
 iso-Butyl formate
 n-Butyl formate
 gamma-Butyrolactone
 Calcium hydroxide slurry
 Calcium long chain alkyl sulfonate (C11-C50)
 Calcium long chain alkyl(C11-C40) phenate
 Calcium long chain alkyl phenate sulfide (C8-C40)
 Caprolactam solutions
 Chlorine chloride solution
 Citric acid (70% or less)
 Coconut oil fatty acid methyl ester
 Copper salt of long chain (C17 +) alkanolic acid
 Cyclohexanol
 Decahydronaphthalene

Diacetone alcohol
 Dialkyl(C8-C9) diphenylamines
 Dialkyl(C7-C13) phthalates
 Diethylene glycol
 Diethylene glycol butyl ether acetate, *see* Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether acetate
 Diethylene glycol dibutyl ether
 Diethylene glycol ethyl ether, *see* Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether
 Diethylene glycol ethyl ether acetate, *see* Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether acetate
 Diethylene glycol methyl ether acetate, *see* Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether acetate
 Diethylene glycol phenyl ether
 Diethylene glycol phthalate
 Di-(2-ethylhexyl)adipate
 1,4-Dihydro-9,10-dihydroxy anthracene, disodium salt solution
 Diisobutyl ketone
Diisodecyl phthalate, *see* Dialkyl(C7-C13) phthalates
 Diisononyl adipate
Diisononyl phthalate, *see* Dialkyl(C7-C13) phthalates
 2,2-Dimethylpropane-1,3-diol
Dinonyl phthalate, *see* Dialkyl(C7-C13) phthalates
 Dipropylene glycol dibenzoate
 Dipropylene glycol methyl ether, *see* Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether
Ditridecyl phthalate, *see* Dialkyl(C7-C13) phthalates
Diundecyl phthalate, *see* Dialkyl(C7-C13) phthalates
 Dodecenylsuccinic acid, dipotassium salt solution
 Ethoxylated long chain (C16 +) alkyloxyalkanamine
 Ethoxy triglycol (*crude*)
 2-Ethyl-2-(hydroxymethyl)propane-1,3-diol, C8-C10 ester
 Ethyl acetate
 Ethyl acetoacetate
 Ethyl butanol
 Ethylenediaminetetraacetic acid, tetrasodium salt solution
 Ethylene glycol
 Ethylene glycol acetate
 Ethylene glycol dibutyl ether
 Ethylene glycol methyl butyl ether
 Ethylene glycol phenyl ether
 Ethylene glycol phenyl ether, Diethylene glycol phenyl ether mixture
2-Ethylhexanoic acid, *see* Octanoic acid
 Ethyl propionate
 Ferric hydroxyethylethylene diamine triacetic acid, trisodium salt solution
 Formamide
 Glycerine (83%), Dioxanedimethanol (17%) mixture
 Glycerol monooleate
 Glyoxal solution (40% or less)
 Glyphosate solution (not containing surfactant)

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- Heptanoic acid
- Hexamethylenediamine adipate
- Hexamethylenetetramine solutions
- Hexanoic acid
- Hexanol
- N-(Hydroxyethyl)ethylenediamine triacetic acid, trisodium salt solution
- Isophorone
- Lactic acid
- Latex (ammonia (1% or less) inhibited)
- Long chain alkaryl sulfonic acid (C16-C60)
- Magnesium long chain alkaryl sulfonate (C11-C50)
- Magnesium long chain alkyl phenate sulfide (C8-C20)
- 3-Methoxybutyl acetate
- Methyl acetoacetate
- Methyl alcohol
- Methyl amyl ketone
- Methyl butenol
- Methyl butyl ketone
- Methyl isobutyl ketone
- Methyl tert-butyl ether
- Methyl butynol
- Methyl propyl ketone
- N-Methyl-2-pyrrolidone
- Myrcene
- Naphthalene sulfonic acid-formaldehyde copolymer, sodium salt solution
- Nonanoic acid (all isomers)
- Nonanoic, Tridecanoic acid mixture
- Nonyl methacrylate
- Noxious Liquid Substance, (17) n.o.s.
- Octadecenoamide solution
- Octanoic acid
 - Oil, edible:
 - Babassu
 - Beechnut
 - Castor
 - Cocoa butter
 - Coconut
 - Cod liver
 - Corn
 - Cottonseed
 - Fish
 - Groundnut
 - Hazelnut
 - Nutmeg butter
 - Olive
 - Palm
 - Palm kernel
 - Peanut
 - Poppy
 - Raisin seed
 - Rapeseed
 - Rice bran
 - Safflower
 - Salad
 - Sesame
 - Soya bean
 - Sunflower seed
 - Tucum
 - Vegetable
 - Walnut
 - Oil, misc:
 - Animal, n.o.s.
 - Coconut oil, esterified
 - Coconut oil, fatty acid methyl ester
 - Lanolin
 - Linseed
 - Neatsfoot
 - Oiticica
 - Palm oil, fatty acid methyl ester
 - Palm oil, methyl ester
 - Perilla
 - Pilchard
 - Soya bean (epoxidized)
 - Sperm
 - Tung
 - Whale
- Olefin/Alkyl ester copolymer (molecular weight 2000 +)
- Oleic acid
- Palm kernel acid oil, methyl ester
- Palm stearin
- Pentaethylenehexamine
- Pentanoic acid
- Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether, *Including:*
 - Diethylene glycol butyl ether
 - Diethylene glycol ethyl ether
 - Diethylene glycol n-hexyl ether
 - Diethylene glycol methyl ether
 - Diethylene glycol n-propyl ether
 - Dipropylene glycol butyl ether
 - Dipropylene glycol methyl ether
 - Polypropylene glycol methyl ether
 - Triethylene glycol butyl ether
 - Triethylene glycol ethyl ether
 - Triethylene glycol methyl ether
 - Tripropylene glycol methyl ether
- Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether acetate, *Including:*
 - Diethylene glycol butyl ether acetate
 - Diethylene glycol ethyl ether acetate
 - Diethylene glycol methyl ether acetate
- Polyalkylene glycols, Polyalkylene glycol monoalkyl ethers mixtures
- Polypropylene glycol methyl ether, *see* Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether
- Polyalkyl(C10-C20) methacrylate
- Polybutenyl succinimide
- Polyether (molecular weight 2000 +)
- Polyethylene glycol monoalkyl ether
- Polyolefin amide alkeneamine (C17 +)
- Polyolefin amide alkeneamine (C28 +)
- Polyolefin amide alkeneamine borate (C28-C250)
- Polyolefin amide alkeneamine polyol
- Polyolefin anhydride
- Polyolefin ester (C28-C250)
- Polyolefin phenolic amine (C28-C250)
- Polyolefin phosphorosulfide, barium derivative
- Polypropylene glycol
- n-Propyl acetate
- Propylene glycol monoalkyl ether, *Including:*
 - n-Propoxypropanol
 - Propylene glycol n-butyl ether
 - Propylene glycol ethyl ether
 - Propylene glycol methyl ether

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Propylene glycol ethyl ether, see Propylene glycol monoalkyl ether
Propylene glycol methyl ether, see Propylene glycol monoalkyl ether
Propylene glycol methyl ether acetate
Propylene glycol phenyl ether
Sodium acetate solution
Sodium benzoate solution
Sodium carbonate solution
Soybean oil (epoxidized)
Sulfohydrocarbon (C3-C88)
Sulfonated polyacrylate solution
Sulfolane
Sulfurized fat (C14-C20)
Sulfurized polyolefinamide alkene(C28-C250)amine
Tallow
Tallow fatty acid
Tetrasodium salt of Ethylenediaminetetraacetic acid solution
Triethylene glycol butyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether
Triethylene glycol ethyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether
Triethylene glycol methyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether
Triethyl phosphate
Trimethylol propane polyethoxylate
Tripropylene glycol methyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether
Trisodium salt of N-(Hydroxyethyl)-ethylenediamine triacetic acid solution
Urea, Ammonium mono- and di-hydrogen phosphate, Potassium chloride solution
Urea, Ammonium nitrate solution (2% or less NH₃)
Urea, Ammonium phosphate solution
Vegetable oils, n.o.s. (see also Oil, edible)
Vegetable acid oils and distillates, n.o.s.
Waxes:
Candelilla
Carnauba

[CGD 85-010, 52 FR 7759, Mar. 12, 1987, as amended by CGD 88-100a, 54 FR 40000, Sept. 29, 1989; 55 FR 17269, Apr. 24, 1990; CGD 92-100a, 59 FR 16986, Apr. 11, 1994; CGD 94-901, 59 FR 45147, Aug. 31, 1994; CGD 95-901, 60 FR 34039, June 29, 1995; USCG 2000-7079, 65 FR 67155, Nov. 8, 2000]

§ 151.49 Category C and D Oil-like NLSs allowed for carriage.

The following is a list of Category C and D Oil-like NLSs that the Coast Guard allows to be carried:

(a) The following Category C oil-like NLSs may be carried:

Aviation alkylates
Cycloheptane
Cyclohexane
Cyclopentane
p-Cymene
Ethylcyclohexane
Heptane (all isomers)

Heptene (all isomers)
Hexane (all isomers)
Hexene (all isomers)
iso-Propylcyclohexane
Methyl cyclohexane
2-Methyl-1-pentene, *see* Hexene (all isomers)
Nonane (all isomers)
Octane (all isomers)
Olefin mixtures (C5-C7)
Pentane (all isomers)
Pentene (all isomers)
1-Phenyl-1-xylylethane
Propylene dimer
Tetrahydronaphthalene
Toluene
Xylenes

(b) [Reserved]

[CGD 85-010, 52 FR 7759, Mar. 12, 1987, as amended by CGD 88-100a, 54 FR 40001, Sept. 29, 1989; 55 FR 17269, Apr. 24, 1990; CGD 92-100a, 59 FR 16987, Apr. 11, 1994; CGD 94-901, 59 FR 45148, Aug. 31, 1994; CGD 95-901, 60 FR 34039, June 29, 1995; USCG 2000-7079, 65 FR 67157, Nov. 8, 2000; USCG-2008-0179, 73 FR 35014, June 19, 2008]

GARBAGE POLLUTION AND SEWAGE

SOURCE: Sections 151.51 through 151.77 and Appendix A appear by CGD 88-002, 54 FR 18405, Apr. 28, 1989, unless otherwise noted.

§ 151.51 Applicability.

(a) Except as provided in paragraphs (b) through (f) of this section, §§151.51 through 151.77 apply to each ship that—

(1) Is of United States registry or nationality, or one operated under the authority of the United States, including recreational vessels defined in 46 U.S.C. 2101(25) and uninspected vessels defined in 46 U.S.C. 2101(43), wherever located; or

(2) Is operated under the authority of a country other than the United States while in the navigable waters or the Exclusive Economic Zone of the United States.

(b) Sections 151.51 through 151.77 do not apply to—

(1) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in noncommercial service; or

(2) Any other ship specifically excluded by MARPOL.

(c) Section 151.55 (Recordkeeping) applies to—

(1) A manned oceangoing ship (other than a fixed or floating drilling rig or other platform) of 400 gross tons and

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above that is documented under the laws of the United States or numbered by a State;

(2) A manned oceangoing ship (other than a fixed or floating drilling rig or other platform) of 400 gross tons and above that is operated under the authority of a country other than the United States while in the navigable waters or the Exclusive Economic Zone of the United States;

(3) A manned fixed or floating drilling rig or other platform subject to the jurisdiction of the United States; or

(4) A manned ship that is certified to carry 15 or more persons engaged in international voyages.

(d) Section 151.57 (Garbage Management Plans) applies to—

(1) A manned oceangoing ship (other than a fixed or floating drilling rig or other platform) of 40 feet or more in length that is documented under the laws of the United States or numbered by a state and that either is engaged in commerce or is equipped with a galley and berthing;

(2) A manned fixed or floating drilling rig or other platform subject to the jurisdiction of the United States; or

(3) A manned ship of 100 gross tons or more that is operated under the authority of a country other than the United States while in the navigable waters or the Exclusive Economic Zone of the United States.

(e) Section 151.59 (Placards) applies to—

(1) A manned U.S. ship (other than a fixed or floating drilling rig or other platform) that is 26 feet or more in length;

(2) A manned floating drilling rig or other platform in transit that is subject to the jurisdiction of the United States; or

(3) A manned ship of 40 feet or more in length that is operated under the authority of a country other than the United States while in the navigable waters or the Exclusive Economic Zone of the United States.

(f) Section 151.73 (Discharge of Garbage from Fixed or Floating platforms) only applies to a fixed or floating drilling rig or other platform subject to the jurisdiction of the United States.

NOTE TO §151.51: The Exclusive Economic Zone extends from the baseline of the territorial sea seaward 200 miles as defined in the

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Presidential Proclamation 5030 of March 10, 1983 (3 CFR, 1983 Comp., p. 22).

[USCG–2012–1049, 78 FR 13491, Feb. 28, 2013]

§ 151.53 Special areas for Annex V of MARPOL 73/78.

(a) For the purposes of §§151.51 through 151.77, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulfs area, the North Sea area, the Antarctic area, and the Wider Caribbean region, including the Gulf of Mexico and the Caribbean Sea which are described in §151.06.

(b) In accordance with paragraph 3.2 of Regulation 8 of Annex V of MARPOL, the discharge restrictions in §151.71 for special areas will enter into effect when each party to MARPOL whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective dates for the discharge requirements in each special area will be published in the FEDERAL REGISTER and reflected in this section.

(c) The discharge restrictions are in effect in the Wider Caribbean Region, the Mediterranean Sea, the Baltic Sea, the North Sea, the Gulfs, and the Antarctic special areas.

[CGD 94–056, 60 FR 43378, Aug. 21, 1995, as amended by USCG–2009–0273, 74 FR 66241, Dec. 15, 2009; USCG–2011–0187, 77 FR 19543, Apr. 2, 2012; USCG–2012–1049, 78 FR 13491, Feb. 28, 2013]

§ 151.55 Recordkeeping requirements.

(a) The master or person in charge of a ship to which this section applies shall ensure that a written record is maintained on the ship of each of the following garbage discharge or disposal operations:

(1) Discharge to a reception facility or to another ship;

(2) Incineration on the ship;

(3) Discharge into the sea; and/or

(4) Accidental or other exceptional discharges.

(b) When garbage is discharged to a reception facility or to another ship, the record under paragraph (a) of this section must contain the following information:

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(1) The date and time of the discharge;

(2) If the operation was conducted at a port, the name of the port;

(3) If the operation was not conducted at a port, the latitude and longitude of the location where the operation was conducted, and if the operation involved off-loading to another ship, the name and official number of the receiving ship;

(4) The categories of garbage involved; and

(5) The estimated amount of each category of garbage discharged, described by volume in cubic meters.

(c) When garbage is incinerated on the ship, the record under paragraph (a) of this section must contain the following information:

(1) The date and time of the starting and stopping of the incineration;

(2) The latitude and longitude of the ship at the starting and stopping of the incineration;

(3) The categories of the garbage involved; and

(4) The estimated amount of each category of garbage involved, described by volume in cubic meters.

(d) When garbage which is allowed into the sea is discharged overboard, the record under paragraph (a) of this section must contain the following information:

(1) The date and time of the discharge;

(2) The latitude and longitude of the ship;

(3) The categories of the garbage involved; and

(4) The estimated amount of each category of garbage involved, described by volume in cubic meters.

(e) For the record under paragraph (a) of this section, the categories of garbage are

- (1) Plastics,
- (2) Food wastes,
- (3) Domestic wastes,
- (4) Cooking oil,
- (5) Incinerator ashes,
- (6) Operational wastes,
- (7) Cargo residues,
- (8) Animal carcasses, and
- (9) Fishing gear.

(f) The record under paragraph (a) of this section must be prepared at the time of the operation, certified as cor-

rect by the master or person in charge of the ship, maintained on the ship for 2 years following the operation, and made available for inspection by the Coast Guard.

[USCG-2012-1049, 78 FR 13491, Feb. 28, 2013]

§ 151.57 Garbage management plans.

(a) The master or person in charge of a ship to which this section applies shall ensure that the ship is not operated unless a garbage management plan meeting paragraph (b) of this section is on the ship and that each person handling garbage follows the plan.

(b) Each garbage management plan under paragraph (a) of this section must be in writing and—

(1) Provide for the discharge of garbage by means that meet Annex V of MARPOL, the Act, and §§ 151.51 through 151.77;

(2) Describe procedures for minimizing, collecting, processing, storing, and discharging garbage; and

(3) Designate the person who is in charge of carrying out the plan.

(Approved by the Office of Management and Budget under control number 1625-0072)

[USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

§ 151.59 Placards.

(a) The master or person in charge of a ship, including a drilling rig or platform, to which this section applies shall ensure that one or more placards meeting the requirements of this section are displayed in prominent locations and in sufficient numbers so that they can be read by the crew and passengers. These locations must be readily accessible to the intended reader and may include embarkation points, food service facilities, garbage handling spaces, living spaces, and common areas on deck. If the Captain of the Port (COTP) determines that the number or location of the placards is insufficient to adequately inform crew and passengers, the COTP may require additional placards and may specify their locations.

(b) Each placard must be at least 20 cm (8 in) wide by 12½ cm (5 in) high, made of a durable material, and legible.

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(c) At a minimum, each placard must notify the reader of the operating requirements contained in §§151.67 through 151.73 as they apply to that ship. The following requirements should also be prominently stated:

(1) The discharge of all garbage is prohibited into the navigable waters of the United States and into all other waters except as specifically allowed;

(2) The discharge of all forms of plastic into all waters is prohibited;

(3) A person who violates the above requirements is liable for civil and/or criminal penalties; and

(4) Regional, state, and local restrictions on garbage discharges also may apply.

(d) For ships while operating on the Great Lakes or their connecting or tributary waters, the placard must—

(1) Notify the reader of the information in paragraph (c) of this section; or

(2) Notify the reader of the following:

(i) Except as allowed by §151.66, the discharge of all garbage into the Great Lakes or their connecting or tributary waters is prohibited; and

(ii) A person who violates the above requirements is liable for a civil penalty for each violation, and the criminal penalties of a class D felony.

[USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

§ 151.61 Inspection for compliance and enforcement.

While within the navigable waters of the United States or the Exclusive Economic Zone, a ship is subject to inspection by the Coast Guard or other authorized federal agency to determine if—

(a) The ship has been operating in accordance with these regulations and has not discharged plastics or other garbage in violation of the provisions of the Act or Annex V of MARPOL;

(b) Grinders or comminuters used for the discharge of garbage between 3 and 12 nautical miles from nearest land are capable of reducing the size of garbage so that it will pass through a screen with openings no greater than 25 millimeters (one inch);

(c) Information for recordkeeping requirements, when required under §151.55, is properly and accurately logged;

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(d) A garbage management plan, when required under §151.57, is on board and that the condition of the ship, equipment and operational procedures of the ship meet the plan; and

(e) Placards, when required by §151.59, are posted on board.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990; USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

§ 151.63 Shipboard control of garbage.

(a) The master, operator, or person who is in charge of a ship shall ensure that all garbage is discharged ashore or in accordance with §§151.66-151.73.

(b) The following factors, among others, may be considered by enforcement personnel in evaluating compliance with §§151.51 through 151.77:

(1) Records, including receipts, of garbage discharges at port reception facilities.

(2) Records under §151.55 or log entries of garbage discharges.

(3) The presence and operability of equipment to treat ship-generated garbage, including, but not limited to, incinerators, grinders, or comminuters.

(4) The presence of and adherence to a written shipboard garbage management plan.

(5) The absence of plastics in ship stores.

(6) Ongoing educational programs to train shipboard personnel of garbage handling procedures and the need for these.

(7) The presence of shipboard spaces used for collecting, processing, storing and discharging ship-generated garbage.

(c) The master, operator, or person who is in charge of a ship shall ensure that if garbage is transported from a ship by shipboard personnel, it is properly deposited into a port or terminal's reception facility.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990; CGD 92-71, 59 FR 18703, Apr. 19, 1994; USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

§ 151.65 Reporting requirements.

The master or person who is in charge of each oceangoing ship shall notify the port or terminal, at least 24

hours before entering the port or terminal, of the name of the ship and the estimated volume of garbage requiring disposal, if any of the following types of garbage are to be discharged:

(a) Garbage regulated by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture under 7 CFR 330.400 or 9 CFR 94.5;

(b) Medical wastes; or

(c) Hazardous wastes defined in 40 CFR 261.3.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

§ 151.66 Operating requirements: Discharge of garbage in the Great Lakes and other navigable waters.

(a) Except as otherwise provided in this section, no person on board any ship may discharge garbage into the navigable waters of the United States. Cleaning agents or additives contained in deck and external surface wash water may be discharged only if these substances are not harmful to the marine environment.

(b)(1) On the U.S. waters of the Great Lakes, commercial vessels may discharge bulk dry cargo residues in accordance with and subject to the conditions imposed by this paragraph.

(2) As used in this paragraph and in paragraph (c) of this section—

Apostle Islands National Lakeshore means the site on or near Lake Superior administered by the National Park Service, less Madeline Island, and including the Wisconsin shoreline of Bayfield Peninsula from the point of land at 46°57'19.7" N. 090°52'51.0" W southwest along the shoreline to a point of land at 46°52'56.4" N. 091°3'3.1" W.

Broom clean means a condition in which the vessel's deck shows that care has been taken to prevent or eliminate any visible concentration of bulk dry cargo residues, so that any remaining bulk dry cargo residues consist only of dust, powder, or isolated and random pieces, none of which exceeds 1 inch in diameter.

Bulk dry cargo residues means non-hazardous and non-toxic residues, regardless of particle size, of dry cargo carried in bulk, including limestone

and other clean stone, iron ore, coal, salt, and cement. It does not include residues of any substance known to be toxic or hazardous, such as nickel, copper, zinc, lead, or materials classified as hazardous in provisions of law or treaty.

Caribou Island and Southwest Bank Protection Area means the area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

47°30.0' N, 085°50.0' W
47°24.2' N, 085°38.5' W
47°04.0' N, 085°49.0' W
47°05.7' N, 085°59.0' W
47°18.1' N, 086°05.0' W.

Commercial vessel means a commercial vessel loading, unloading, or discharging bulk dry cargo in the U.S. waters of the Great Lakes, or a U.S. commercial vessel transporting bulk dry cargo and operating anywhere on the Great Lakes; but the term does not include a non-self-propelled barge unless it is part of an integrated tug and barge unit.

Comparable characteristics, cargoes, and operations means similar vessel design, size, age, crew complement, cargoes, operational routes, deck and hold configuration, and fixed cargo transfer equipment configuration.

Detroit River International Wildlife Refuge means the U.S. waters of the Detroit River bound by the area extending from the Michigan shore at the southern outlet of the Rouge River to 41°54.0' N., 083°06.0' W. along the U.S.-Canada boundary southward and clockwise connecting points:

42°02.0' N, 083°08.0' W
41°54.0' N, 083°06.0' W
41°50.0' N, 083°10.0' W
41°44.52' N, 083°22.0' W
41°44.19' N, 083°27.0' W.

Dry cargo residue (or DCR) management plan means the plan required by paragraph (b)(5) of this section.

Grand Portage National Monument means the site on or near Lake Superior, administered by the National Park Service, from the southwest corner of the monument point of land at 47°57.521' N 089°41.245' W. to the northeast corner of the monument point of land, 47°57.888' N 089°40.725' W.

Indiana Dunes National Lakeshore means the site on or near Lake Michigan, administered by the National Park Service, from a point of land near Gary, Indiana at 41°42'59.4" N 086°54'59.9" W eastward along the shoreline to 41°37'08.8" N 087°17'18.8" W near Michigan City, Indiana.

Industry standard practices means practices that ensure the proper installation, maintenance, and operation of shipboard cargo transfer and DCR removal equipment, proper crew training in DCR minimization procedures and cargo transfer operations, and proper supervision of cargo transfer operations to minimize DCR accumulation on or in a commercial vessel.

Integrated tug and barge unit means any tug-barge combination which, through the use of special design features or a specially designed connection system, has increased sea-keeping capabilities relative to a tug and barge in the conventional pushing mode.

Isle Royale National Park means the site on or near Lake Superior, administered by the National Park Service, where the boundary includes any submerged lands within the territorial jurisdiction of the United States within 4½ miles of the shoreline of Isle Royale and the surrounding islands, including Passage Island and Gull Island.

Mile means a statute mile.

Milwaukee Mid-Lake Special Protection Area means the area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

43°27.0' N 087°14.0' W
 43°21.2' N, 087°02.3' W
 43°03.3' N, 087°04.8' W
 42°57.5' N, 087°21.0' W
 43°16.0' N, 087°39.8' W.

Minimization means the reduction, to the greatest extent practicable, of any bulk dry cargo residue discharge from the vessel.

Northern Refuge means the area enclosed by rhumb lines connecting the coordinates, beginning on the northernmost point and proceeding clockwise:

45°45.0' N, 086°00.0' W,
 western shore of High Island, southern shore of Beaver Island:
 45°30.0' N, 085°30.0' W

45°30.0' N, 085°15.0' W
 45°25.0' N, 085°15.0' W
 45°25.0' N, 085°20.0' W
 45°20.0' N, 085°20.0' W
 45°20.0' N, 085°40.0' W
 45°15.0' N, 085°40.0' W
 45°15.0' N, 085°50.0' W
 45°10.0' N, 085°50.0' W
 45°10.0' N, 086°00.0' W.

Pictured Rocks National Lakeshore means the site on or near Lake Superior, administered by the National Park Service, from a point of land at 46°26'21.3" N 086°36'43.2" W eastward along the Michigan shoreline to 46°40'22.2" N 085°59'58.1" W.

Six Fathom Scarp Mid-Lake Special Protection Area means the area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

44°55.0' N, 082°33.0' W
 44°47.0' N, 082°18.0' W
 44°39.0' N, 082°13.0' W
 44°27.0' N, 082°13.0' W
 44°27.0' N, 082°20.0' W
 44°17.0' N, 082°25.0' W
 44°17.0' N, 082°30.0' W
 44°28.0' N, 082°40.0' W
 44°51.0' N, 082°44.0' W
 44°53.0' N, 082°44.0' W
 44°54.0' N, 082°40.0' W.

Sleeping Bear Dunes National Lakeshore means the site on or near Lake Michigan, administered by the National Park Service, that includes North Manitou Island, South Manitou Island and the Michigan shoreline from a point of land at 44°42'45.1" N, 086°12'18.1" W north and eastward along the shoreline to 44°57'12.0" N, 085°48'12.8" W.

Stannard Rock Protection Area means the area within a 6-mile radius from Stannard Rock Light, at 47°10'57" N 087°13'34" W.

Superior Shoal Protection Area means the area within a 6-mile radius from the center of Superior Shoal, at 48°03.2' N 087°06.3' W.

Thunder Bay National Marine Sanctuary means the site on or near Lake Huron designated by the National Oceanic and Atmospheric Administration as the boundary that forms an approximately rectangular area by extending along the ordinary high water mark between the northern and southern boundaries of Alpena County, cutting

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across the mouths of rivers and streams, and lakeward from those points along latitude lines to longitude 83 degrees west. The coordinates of the boundary are:

- 45°12'25.5" N, 083°23'18.6" W
- 45°12'25.5" N, 083°00'00" W
- 44°51'30.5" N, 083°00'00" W
- 44°51'30.5" N, 083°19'17.3" W.

Waukegan Special Protection Area means the area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

- 42°24.3' N, 087°29.3' W
- 42°13.0' N, 087°25.1' W
- 42°12.2' N, 087°29.1' W
- 42°18.1' N, 087°33.1' W
- 42°24.1' N, 087°32.0' W.

Western Basin means that portion of Lake Erie west of a line due south from Point Pelee.

(3) Discharges of bulk dry cargo residue under paragraph (b) of this section are allowed, subject to the conditions listed in Table 151.66(b)(3) of this section.

TABLE 151.66(B)(3)—BULK DRY CARGO RESIDUE DISCHRGES ALLOWED ON THE GREAT LAKES

Location	Cargo	Discharge allowed except as noted
Tributaries, their connecting rivers, and the St. Lawrence River.	Limestone and other clean stone.	Prohibited within 3 miles from shore.
	All other cargoes	Prohibited.
Lake Ontario	Limestone and other clean stone.	Prohibited within 3 miles from shore.
	Iron ore	Prohibited within 6 miles from shore.
Lake Erie	All other cargoes	Prohibited within 13.8 miles from shore.
	Limestone and other clean stone.	Prohibited within 3 miles from shore; prohibited in the Detroit River International Wildlife Refuge; prohibited in Western Basin, except that a vessel operating exclusively within Western Basin may discharge limestone or clean stone cargo residues over the dredged navigation channels between Toledo Harbor Light and Detroit River Light.
	Iron ore	Prohibited within 6 miles from shore; prohibited in the Detroit River International Wildlife Refuge; prohibited in Western Basin, except that a vessel may discharge residue over the dredged navigation channels between Toledo Harbor Light and Detroit River Light if it unloads in Toledo or Detroit and immediately thereafter loads new cargo in Toledo, Detroit, or Windsor.
	Coal, salt	Prohibited within 13.8 miles from shore; prohibited in the Detroit River International Wildlife Refuge; prohibited in Western Basin, except that a vessel may discharge residue over the dredged navigation channels between Toledo Harbor Light and Detroit River Light if it unloads in Toledo or Detroit and immediately thereafter loads new cargo in Toledo, Detroit, or Windsor.
Lake St. Clair	All other cargoes	Prohibited within 13.8 miles from shore; prohibited in the Detroit River International Wildlife Refuge; prohibited in Western Basin.
	Limestone and other clean stone.	Prohibited within 3 miles from shore.
Lake Huron, except Six Fathom Scarp Mid-Lake Special Protection Area.	All other cargoes	Prohibited.
	Limestone and other clean stone.	Prohibited within 3 miles from shore; prohibited in the Thunder Bay National Marine Sanctuary.
	Iron ore	Prohibited within 6 miles from shore and in Saginaw Bay; prohibited in the Thunder Bay National Marine Sanctuary; prohibited for vessels upbound along the Michigan thumb as follows: (a) Between 5.8 miles northeast of entrance buoys 11 and 12 to the track line turn abeam of Harbor Beach, prohibited within 3 miles from shore. (b) For vessels bound for Saginaw Bay only, between the track line turn abeam of Harbor Beach and 4 nautical miles northeast of Point Aux Barques Light, prohibited within 4 miles from shore and not less than 10 fathoms of depth.

TABLE 151.66(B)(3)—BULK DRY CARGO RESIDUE DISCHARGES ALLOWED ON THE GREAT LAKES—
Continued

Location	Cargo	Discharge allowed except as noted
Lake Michigan	Coal, salt	Prohibited within 13.8 miles from shore and in Saginaw Bay; prohibited in the Thunder Bay National Marine Sanctuary; prohibited for vessels upbound from Alpena into ports along the Michigan shore south of Forty Mile Point within 4 miles from shore and not less than 10 fathoms of depth.
	All other cargoes	Prohibited within 13.8 miles from shore and in Saginaw Bay; prohibited in the Thunder Bay National Marine Sanctuary.
	Limestone and other clean stone.	Prohibited within 3 miles from shore; prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas; prohibited within the Northern Refuge; prohibited within 3 miles of the shore of the Indiana Dunes and Sleeping Bear National Lakeshores; prohibited within Green Bay.
	Iron ore	Prohibited in the Northern Refuge; north of 45° N., prohibited within 12 miles from shore and in Green Bay; south of 45° N., prohibited within 6 miles from shore, and prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas, in Green Bay, and within 3 miles of the shore of Indiana Dunes and Sleeping Bear National Lakeshores; except that discharges are allowed at: (a) 4.75 miles off Big Sable Point Betsie, along established Lake Carriers Association (LCA) track lines; and (b) Along 056.25° LCA track line between due east of Poverty Island to a point due south of Port Inland Light.
Lake Superior	Coal	Prohibited in the Northern Refuge; prohibited within 13.8 miles from shore and prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas, in Green Bay, and within 3 miles of the shore of Indiana Dunes and Sleeping Bear National Lakeshores; except that discharges are allowed— (a) Along 013.5° LCA track line between 45° N. and Boulder Reef, and along 022.5° LCA track running 23.25 miles between Boulder Reef and the charted position of Red Buoy #2; (b) Along 037° LCA track line between 45°20' N. and 45°42' N.; (c) Along 056.25° LCA track line between points due east of Poverty Island to a point due south of Port Inland Light; and (d) At 3 miles from shore for coal carried between Manistee and Ludington along customary routes.
	Salt	Prohibited in the Northern Refuge; prohibited within 13.8 miles from shore and prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas, in Green Bay, and within 3 miles of the shore of Indiana Dunes and Sleeping Bear National Lakeshores, and in Green Bay.
	All other cargoes	Prohibited in the Northern Refuge; prohibited within 13.8 miles from shore and prohibited within the Milwaukee Mid-Lake and Waukegan Special Protection Areas, in Green Bay, and within 3 miles of the shore of Indiana Dunes and Sleeping Bear National Lakeshores.
	Limestone and other clean stone.	Prohibited within 3 miles from shore; and prohibited within Isle Royale National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.
	Iron ore	Prohibited within 6 miles from shore (within 3 miles off northwestern shore between Duluth and Grand Marais); and prohibited within Isle Royale National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.

TABLE 151.66(B)(3)—BULK DRY CARGO RESIDUE DISCHARGES ALLOWED ON THE GREAT LAKES—
Continued

Location	Cargo	Discharge allowed except as noted
	Coal, salt	Prohibited within 13.8 miles from shore (within 3 miles off northwestern shore between Duluth and Grand Marais); and prohibited within Isle Royale National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.
	Cement	Prohibited within 13.8 miles from shore (within 3 miles offshore west of a line due north from Bark Point); and prohibited within Isle Royale National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.
	All other cargoes	Prohibited within 13.8 miles from shore; and prohibited within Isle Royale National Park and the Caribou Island and Southwest Bank, Stannard Rock, and Superior Shoal Protection Areas, and within 3 miles of the shore of the Apostle Islands and Pictured Rocks National Lakeshores or the Grand Portage National Monument.

(4) The master, owner, operator, or person in charge of any commercial vessel must ensure that the vessel's deck is kept broom clean whenever the vessel is in transit.

(5) The master, owner, operator, or person in charge of any commercial vessel must ensure that a dry cargo residue management plan is on board the vessel, is kept available for Coast Guard inspection, and that all operations are conducted in accordance with the plan. A waste management plan meeting the requirements of 33 CFR 151.57 satisfies this requirement, so long as it provides all the information required by this paragraph (b)(5). If the plan is maintained electronically, at least one paper copy of the plan must be on board for use during inspections. The plan must describe the specific measures the vessel employs to ensure the minimization of bulk dry cargo residue discharges, and, at a minimum, must list or describe—

- (i) Equipment on board the vessel that is designed to minimize bulk dry cargo spillage during loading and unloading;
- (ii) Equipment on board the vessel that is available to recover spilled cargo from the decks and transfer tunnels and return it to the holds or to unloading conveyances;
- (iii) Operational procedures employed by the vessel's crew during the loading or unloading of bulk dry cargoes to

minimize cargo spillage onto the decks and into the transfer tunnels and to achieve and maintain the broom clean deck condition required by paragraph (b)(4) of this section;

(iv) Operational procedures employed by the vessel's crew during or after loading or unloading operations to return spilled bulk dry cargo residue to the vessel's holds or to shore via an unloading conveyance;

(v) How the vessel's owner or operator ensures that the vessel's crew is familiar with any operational procedures described by the plan;

(vi) The position title of the person on board who is in charge of ensuring compliance with procedures described in the plan;

(vii) Any arrangements between the vessel and specific ports or terminals for the unloading and disposal of the vessel's bulk dry cargo residues ashore; and

(viii) The procedures used and the vessel's operating conditions to be maintained during any unavoidable discharge of bulk dry cargo residue into the Great Lakes.

(6) In determining whether a commercial vessel or person is in compliance with paragraph (b) of this section, Coast Guard personnel may consider—

- (i) The extent to which the procedures described in the vessel's DCR management plan reflect current industry standard practices for vessels of

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comparable characteristics, cargoes, and operations;

(ii) The crew's demonstrated ability to perform tasks for which the DCR management plan holds them responsible;

(iii) Whether equipment described in the DCR management plan is maintained in proper operating condition; and

(iv) The extent to which the crew adheres to the vessel's DCR management plan during actual dry cargo loading and unloading operations and DCR discharge operations.

(c)(1) The master, owner, operator, or person in charge of any commercial ship loading, unloading, or discharging bulk dry cargo in the United States' waters of the Great Lakes and the master, owner, operator, or person in charge of a U.S. commercial ship transporting bulk dry cargo and operating anywhere on the Great Lakes, excluding non-self propelled barges that are not part of an integrated tug and barge unit, must ensure that a written record is maintained on the ship that fully and accurately records information on:

(i) Each loading or unloading operation on the United States' waters of the Great Lakes, or in the case of U.S. commercial ships on any waters of the Great Lakes, involving bulk dry cargo; and

(ii) Each discharge of bulk dry cargo residue that takes place in United States' waters of the Great Lakes, or in the case of U.S. commercial ships on any waters of the Great Lakes.

(2) For each loading or unloading operation, the record must describe:

(i) The date of the operation;

(ii) Whether the operation involved loading or unloading;

(iii) The name of the loading or unloading facility;

(iv) The type of bulk dry cargo loaded or unloaded;

(v) The method or methods used to control the amount of bulk dry cargo residue, either onboard the ship or at the facility;

(vi) The time spent to implement methods for controlling the amount of bulk dry cargo residue; and

(vii) The estimated volume of bulk dry cargo residue created by the load-

ing or unloading operation that is to be discharged.

(3) For each discharge, the record must describe:

(i) The date and time the discharge started, and the date and time the discharge ended;

(ii) The ship's position, in latitude and longitude, when the discharge started and when the discharge ended; and

(iii) The ship's speed during the discharge.

(iv) Until February 28, 2015, records must be kept on Coast Guard Form CG-33, which can be found at http://www.uscg.mil/hq/cg5/cg522/cg5224/dry_cargo.asp.

Copies of the records must be forwarded to the Coast Guard at least once each quarter, no later than the 15th day of January, April, July, and October. The record copies must be provided to the Coast Guard using only one of the following means:

(A) Email to DCRRecordkeeping@USCG.mil;

(B) Fax to 202-372-1928, ATTN: DCR RECORDKEEPING; or

(C) Mail to U.S. Coast Guard: Commandant (CG-OES), ATTN: DCR RECORDKEEPING, 2703 Martin Luther King Jr. Avenue SE., Stop 7509, Washington, DC 20593-7126.

(v) After February 28, 2015, the use of Form CG-33 is optional. However, records must still be certified by the master, owner, operator, or person in charge; must be kept in written form on board the ship for at least 2 years; and must be made available for Coast Guard inspection upon request.

[USCG-2004-19621, 79 FR 5279, Jan. 31, 2014, as amended by USCG-2014-0410, 79 FR 43646, July 28, 2014]

§ 151.67 Operating requirements: Discharge of plastic prohibited.

No person on board any ship may discharge into the sea, or into the navigable waters of the United States, plastic or garbage mixed with plastic, including, but not limited to, synthetic ropes, synthetic fishing nets, and plastic garbage bags. All garbage containing plastics requiring disposal

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must be discharged ashore or incinerated.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990]

§ 151.69 Operating requirements: Discharge of garbage outside special areas.

(a) Except for ships operating in the Great Lakes which must comply with section 151.66, when a ship is operating outside of a special area specified in §151.53, no person may discharge garbage into the sea, except as allowed in paragraphs (b) through (d) of this section.

(b) The following allowed discharges of garbage shall only be conducted while the ship is en route and as far as practicable from the nearest land, but never less than—

(1) 12 nautical miles for food wastes, except that, such food wastes may be discharged outside of 3 nautical miles from nearest land after they have been processed with a grinder or comminuter specified in §151.75;

(2) 12 nautical miles for cargo residues that cannot be recovered using commonly available methods for unloading. The discharged cargo residues must not be harmful to the marine environment; and

(3) 100 nautical miles and the maximum water depth possible for animal carcasses. Discharge shall be conducted in accordance with the applicable International Maritime Organization guidelines.

(c) Cleaning agents or additives contained in cargo hold, deck, and external surfaces wash water may be discharged only if these substances are not harmful to the marine environment.

(d) Mixtures of garbage having different discharge requirements must be:

(1) Retained on board for later disposal ashore; or

(2) Discharged in accordance with the more stringent requirement prescribed by paragraphs (a) through (c) of this section.

[USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

§ 151.71 Operating requirements: Discharge of garbage within special areas.

(a) When a ship is located within a special area referenced in §151.53 of this part, no person may discharge garbage into the water, except as allowed in this section.

(b) Food wastes shall only be discharged while the ship is en route and—

(1) As far as practicable from the nearest land or nearest ice shelf, but not less than 12 nautical miles from the nearest land or nearest ice shelf;

(2) After having been processed with a grinder or comminuter specified in §151.75; and

(3) Not contaminated by any other garbage type.

(4) The discharge of introduced avian products, including poultry and poultry parts, is not permitted in the Antarctic area unless it has been treated to be made sterile.

(c) Cargo residues that cannot be recovered using commonly available methods for unloading may be discharged where all the following conditions are satisfied:

(1) The cargo residues, cleaning agents or additives contained in the cargo hold washing water do not contain any substances that are harmful to the marine environment.

(2) Both the port of departure and the next port of destination must be within the special area and the ship will not transit outside of the special area when moving between those ports.

(3) No adequate reception facilities are available at those ports.

(4) When the conditions of paragraphs (c)(1) through (c)(3) of this section have been fulfilled, discharge of cargo hold washing water containing residues shall be made as far as practicable from the nearest land or the nearest ice shelf and not less than 12 nautical miles from the nearest land or the nearest ice shelf.

(d) Cleaning agents or additives contained in deck and external surfaces wash water may be discharged only if those substances are not harmful to the marine environment.

(e) Mixtures of garbage having different discharge requirements must be:

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(1) Retained on board for later disposal ashore; or

(2) Discharged in accordance with the more stringent requirement prescribed by paragraphs (b) through (d) of this section.

[USCG–2012–1049, 78 FR 13492, Feb. 28, 2013]

§ 151.73 Operating requirements: Discharge of garbage from fixed or floating platforms.

(a) Except as allowed in paragraph (b) of this section, no person may discharge garbage from—

(1) A fixed or floating platform engaged in the exploration, exploitation or associated offshore processing of seabed mineral resources; or

(2) Any ship within 500 meters (1650 feet) of such platforms.

(b) Food waste may be discharged into the surrounding waters from a ship or fixed or floating platform regulated by paragraph (a) of this section if—

(1) It is processed with a grinder or comminuter meeting the standards in § 151.75; and

(2) That ship or fixed or floating drilling rig or platform is beyond 12 nautical miles from nearest land.

[CGD 88–002, 54 FR 18405, Apr. 28, 1989, as amended by USCG–2012–1049, 78 FR 13493, Feb. 28, 2013]

§ 151.75 Grinders or comminuters.

Each grinder or comminuter used to discharge garbage in accordance with § 151.69(b)(1), § 151.71(b)(2), or § 151.73(b)(1), must be capable of processing garbage so that it passes through a screen with openings no greater than 25 millimeters (one inch).

[CGD 88–002, 54 FR 18405, Apr. 28, 1989, as amended by USCG–2012–1049, 78 FR 13493, Feb. 28, 2013]

§ 151.77 Exceptions for emergencies and health risks.

Sections 151.67, 151.69, 151.71, and 151.73 do not apply to the following:

(a) Discharges of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea.

(b) The accidental loss of garbage resulting from damage to a ship or its equipment, provided that all reason-

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able precautions have been taken before and after the occurrence of the damage, to prevent or minimize the accidental loss.

(c) The accidental loss of fishing gear from a ship, provided all reasonable precautions have been taken to prevent such loss.

(d) The discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew.

(e) The en route requirements of §§ 151.69 and 151.71 do not apply to the discharge of food wastes when it is clear the retention on board of these food wastes present an imminent health risk to the people on board.

[USCG–2012–1049, 78 FR 13493, Feb. 28, 2013]

§ 151.79 Operating requirements: Discharge of sewage within Antarctica.

(a) A vessel certified to carry more than 10 persons must not discharge untreated sewage into the sea within 12 nautical miles of Antarctic land or ice shelves; beyond such distance, sewage stored in a holding tank must not be discharged instantaneously but at a moderate rate and, where practicable, while the ship is en route at a speed of no less than 4 knots. For purposes of this section, “sewage” means:

(1) Drainage and other wastes from any form of toilets, urinals, and WC scuppers;

(2) Drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs, and scuppers located in such premises;

(3) Drainage from spaces containing living animals; or

(4) Other waste waters when mixed with the drainages defined above.

(b) Paragraph (a) of this section does not apply to a warship, naval auxiliary, or other ship owned or operated by the United States and used only in government non-commercial service.

(c) Paragraph (a) of this section does not apply in cases of an emergency relating to the safety of a ship and those on board or saving life at sea. Notice of an activity, otherwise prohibited under paragraph (a) of this section, undertaken in case of an emergency shall be reported immediately to the National

Response Center (NRC) toll free telephone number: 800-424-8802, direct telephone: 202-267-2675, or Fax: 202-267-1322.

[CGD 97-015, 62 FR 18045, Apr. 14, 1997, as amended by USCG-2008-0179, 73 FR 35014, June 19, 2008]

Subpart B—Transportation of Municipal and Commercial Waste

AUTHORITY: 33 U.S.C. 2602; 49 CFR 1.46.

SOURCE: CGD 89-014, 54 FR 22548, May 24, 1989, unless otherwise noted.

§ 151.1000 Purpose.

The purpose of this subpart is to implement the permit provisions of the Shore Protection Act of 1988, (33 U.S.C. 2601 *et seq.*).

[CGD 89-014, 54 FR 22548, May 24, 1989, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

§ 151.1003 Applicability.

(a) Except as provided by paragraph (b) of this section, this subpart applies to each vessel whose purpose is the transportation of municipal or commercial waste in coastal waters.

(b) This subpart does not apply to public vessels.

§ 151.1006 Definitions.

As used in this subpart—

Coastal waters means—

(1) The territorial sea of the United States;

(2) The Great Lakes and their connecting waters;

(3) The marine and estuarine waters of the United States up to the head of tidal influence; and

(4) The Exclusive Economic Zone as established by Presidential Proclamation Number 5030, dated March 10, 1983.

NOTE: The Exclusive Economic Zone extends from the baseline of the territorial sea of the United States seaward 200 miles.

Municipal and commercial waste means solid waste as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903) except—

(1) Solid waste identified and listed under section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6921);

(2) Waste generated by a vessel during normal operations;

(3) Debris solely from construction activities;

(4) Sewage sludge subject to regulation under title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*); and

(5) Dredge or fill material subject to regulation under title I of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*), the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*), or the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 *et seq.*).

Public vessel means a vessel that—

(1) Is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and

(2) Is not engaged in commercial service.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

[CGD 89-014, 54 FR 22548, May 24, 1989, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

§ 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-CVC-1), Attn: Domestic Vessels Division, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501 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.

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- (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; USCG-2014-0410, 79 FR 38435, July 7, 2014]

§ 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.*);

(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.

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§ 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 Commandant (CG-5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501; 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; USCG-2014-0410, 79 FR 38435, July 7, 2014]

§ 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 Bridge on the Hudson River, regardless of other port calls in the United States or Canada during that voyage, except as expressly provided in 33 CFR 151.2015(a). All vessels subject to this subpart are also required to comply with the applicable requirements of 33 CFR 151.2050, 151.2060, and 151.2070.

[USCG-2001-10486, 77 FR 17304, Mar. 23, 2012]

§ 151.1504 Definitions.

The following terms are defined as used in this subpart.

Alternate management system (AMS) means a ballast water management system approved by a foreign administration pursuant to the standards set forth in the International Maritime Organization's International BWM Convention, and meeting all applicable requirements of U.S. law, and which is used in lieu of ballast water exchange.

Ballast tank means any tank or hold on a vessel used for carrying ballast

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water, whether or not the tank or hold was designed for that purpose.

Ballast water means any water and suspended matter taken on board a vessel to control or maintain, trim, draught, stability, or stresses of the vessel, regardless of how it is carried.

Ballast water management system (BWMS) means any system which processes ballast water to kill, render harmless, or remove organisms. The BWMS includes all ballast water treatment equipment and all associated control and monitoring equipment.

Captain of the Port (COTP) means the Coast Guard officer designated as COTP of either the Buffalo, NY, Marine Inspection Zone and Captain of the Port Zone or the New York, NY, Captain of the Port Zone described in part 3 of this chapter or an official designated by the COTP.

Commandant means the Commandant of the Coast Guard or an authorized representative.

Constructed in respect to a vessel means a stage of construction when—

- (1) The keel of a vessel is laid;
- (2) Construction identifiable with the specific vessel begins;
- (3) Assembly of the vessel has commenced and comprises at least 50 tons or 1 percent of the estimated mass of all structural material, whichever is less; or
- (4) The vessel undergoes a major conversion.

Exclusive Economic Zone (EEZ) means the area established by Presidential Proclamation Number 5030, dated March 10, 1983, (48 FR 10605, 3 CFR, 1983 Comp., p. 22), which extends from the base line of the territorial sea of the United States seaward 200 miles, and the equivalent zone of Canada.

Environmentally sound method means methods, efforts, actions, or programs, either to prevent introductions or to control infestations of aquatic nuisance species, that minimize adverse impacts to the structure and function of an ecosystem, minimize adverse effects on non-target organisms and ecosystems, and that emphasize integrated pest management techniques and non-chemical measures.

Great Lakes means Lake Ontario, Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, Lake Su-

perior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian border), and includes all other bodies of water within the drainage basin of such lakes and connecting channels.

Port means a terminal or group of terminals or any place or facility that has been designated as a port by the COTP.

Sediments means any matter settled out of ballast water within a vessel.

Voyage means any transit by a vessel destined for the Great Lakes or the Hudson River, north of the George Washington Bridge, from a port or place outside of the EEZ, including intermediate stops at a port or place within the EEZ.

Waters of the United States means waters subject to the jurisdiction of the United States as defined in 33 CFR 2.38, including the navigable waters of the United States. For 33 CFR part 151, subparts C and D, the navigable waters include the territorial sea as extended to 12 nautical miles from the baseline, pursuant to Presidential Proclamation No. 5928 of December 27, 1988.

[CGD 91-066, 58 FR 18334, Apr. 8, 1993, as amended by CGD 94-003, 59 FR 67634, Dec. 30, 1994; USCG-1998-3423, 64 FR 26682, May 17, 1999; USCG-2001-10486, 77 FR 17304, Mar. 23, 2012]

§ 151.1505 Severability.

If a court finds any portion of this subpart to have been promulgated without proper authority, the remainder of this subpart will remain in full effect.

[USCG-2001-10486, 77 FR 17304, Mar. 23, 2012]

§ 151.1506 Restriction of operation.

No vessel subject to the requirements of this subpart may be operated in the Great Lakes or the Hudson River, north of the George Washington Bridge, unless the master of the vessel has certified, in accordance with §151.1516, that the requirements of this subpart have been met.

[CGD 94-003, 59 FR 67634, Dec. 30, 1994]

§ 151.1508 Revocation of clearance.

A COTP may request the District Director of Customs to withhold or revoke the clearance required by 46 U.S.C. app. 91 for a vessel subject to this subpart, the owner or operator of which is not in compliance with the requirements of this subpart.

§ 151.1510 Ballast water management requirements.

(a) The master of each vessel subject to this subpart shall employ one of the following ballast water management practices:

(1) Carry out an exchange of ballast water on the waters beyond the Exclusive Economic Zone (EEZ), from an area more than 200 nautical miles from any shore, and in waters more than 2,000 meters (6,560 feet, 1,093 fathoms) deep, such that, at the conclusion of the exchange, any tank from which ballast water will be discharged contains water with a minimum salinity level of 30 parts per thousand, unless the vessel is required to employ an approved ballast water management system (BWMS) per the schedule in § 151.1512(b) of this subpart. This exchange must occur prior to entry into the Snell Lock at Massena, NY, or navigating on the Hudson River, north of the George Washington Bridge. An alternative management system (AMS) that meets the requirements of 33 CFR 151.2026 may also be used, so long as it was installed on the vessel prior to the date that the vessel is required to comply with the ballast water discharge standard in accordance with § 151.1512(b) of this subpart. If using an AMS, the master, owner, operator, agent, or person in charge of the vessel subject to this subpart may employ the AMS for no longer than 5 years from the date they would otherwise be required to comply with the ballast water discharge standard in accordance with § 151.1512(b) of this subpart.

(2) Retain the vessel's ballast water on board the vessel. If this method of ballast water management is employed, the COTP may seal any tank or hold containing ballast water on board the vessel for the duration of the voyage within the waters of the Great Lakes or the Hudson River, north of the George Washington Bridge.

(3) Install and operate a BWMS that has been approved by the Coast Guard under 46 CFR part 162, in accordance with § 151.1512(b) of this subpart. Following installation of a BWMS, the master, owner, operator, agent, or person in charge of the vessel must maintain the BWMS in accordance with all manufacturer specifications.

(i) Requirements for approval of BWMS are found in 46 CFR part 162.060.

(ii) Requests for approval of BWMS must be submitted to the Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598-7410, or by email to msc@uscg.mil.

(4) Use only water from a U.S. public water system (PWS), as defined in 40 CFR 141.2 and that meets the requirements of 40 CFR parts 141 and 143, as ballast water. Vessels using water from a PWS as ballast must maintain a record of which PWS they received the water and a receipt, invoice, or other documentation from the PWS indicating that water came from that system. Furthermore, they must certify that they have met the conditions in paragraphs (a)(4)(i) or (ii) of this section, as applicable. Vessels using water from a PWS must use such water exclusively for all ballast water unless the usage is in accordance with § 151.1515 of this subpart. Vessels using PWS water as ballast must have either—

(i) Previously cleaned the ballast tanks (including removing all residual sediments) and not subsequently introduced ambient water; or

(ii) Never introduced ambient water to those tanks and supply lines.

(b) No master of a vessel subject to this subpart shall separately discharge sediment from tanks or holds containing ballast water unless it is disposed of ashore in accordance with local requirements.

(c) Nothing in this subpart authorizes the discharge of oil or noxious liquid substances (NLSs) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLSs, or any other pollutant must be discharged in accordance with the applicable regulations. Nothing in this subpart affects or supersedes any

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requirement or prohibitions pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

(d) Unless otherwise expressly provided for in this subpart, the master, owner, operator, agent, or person in charge of vessels employing a Coast Guard-approved BWMS must meet the applicable ballast water discharge standard, found in §151.1511 of this subpart, at all times of ballast water discharge into the waters of the United States.

[CGD 91-066, 58 FR 18334, Apr. 8, 1993, as amended by CGD 94-003, 59 FR 67634, Dec. 30, 1994; USCG-1998-3423, 66 FR 58390, Nov. 21, 2001; USCG-2010-0351, 75 FR 36284, June 25, 2010; USCG-2001-10486, 77 FR 17304, Mar. 23, 2012; 77 FR 33970, June 8, 2012; USCG-2014-0410, 79 FR 38435, July 7, 2014]

§ 151.1511 Ballast water discharge standard (BWDS).

(a) Vessels employing a Coast Guard-approved ballast water management system (BWMS) must meet the following BWDS by the date in §151.1512(b) of this subpart:

(1) For organisms greater than or equal to 50 micrometers in minimum dimension: discharge must include fewer than 10 living organisms per cubic meter of ballast water.

(2) For organisms less than 50 micrometers and greater than or equal to 10 micrometers: discharge must include fewer than 10 living organisms per milliliter (mL) of ballast water.

(3) Indicator microorganisms must not exceed:

(i) For Toxicogenic *Vibrio cholerae* (serotypes O1 and O139): a concentration of less than 1 colony forming unit (cfu) per 100 mL.

(ii) For *Escherichia coli*: a concentration of fewer than 250 cfu per 100 mL.

(iii) For intestinal enterococci: a concentration of fewer than 100 cfu per 100 mL.

(b) [Reserved]

(c) The Coast Guard will conduct a practicability review as follows:

(1) No later than January 1, 2016, the Coast Guard will publish the results of a practicability review to determine—

(i) Whether technology to comply with a performance standard more stringent than that required by para-

graph (a) of this section can be practicably implemented, in whole or in part, and, if so, the Coast Guard will schedule a rulemaking to implement the more stringent standard; *and*

(ii) Whether testing protocols that can accurately measure efficacy of treatment against a performance standard more stringent than that required by paragraph (a) of this section can be practicably implemented.

(2) If the Coast Guard determines on the basis of a practicability review conducted under paragraph (c)(1) of this section that technology to achieve a significant improvement in ballast water treatment efficacy could be practicably implemented, the Coast Guard will report this finding and will, no later than January 1, 2017, initiate a rulemaking that would establish performance standards and other requirements or conditions to ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels. If the Coast Guard subsequently finds that it is not able to meet this schedule, the Coast Guard will publish a notice in the FEDERAL REGISTER so informing the public, along with an explanation of the reason for the delay, and a revised schedule for rule making that shall be as expeditious as practicable.

(3) When conducting the practicability review as required by paragraph (c)(1) of this section, the Coast Guard will consider—

(i) The capability of any identified technology to achieve a more stringent ballast water discharge standard, in whole or in part;

(ii) The effectiveness of any identified technology in the shipboard environment;

(iii) The compatibility of any identified technology with vessel design and operation;

(iv) The safety of any identified technology;

(v) Whether the use of any identified technology may have an adverse impact on the environment;

(vi) The cost of any identified technology;

(vii) The economic impact of any identified technology, including the impact on shipping, small businesses,

and other uses of the aquatic environment;

(viii) The availability, accuracy, precision, and cost of methods and technologies for measuring the concentrations of organisms, treatment chemicals, or other pertinent parameters in treated ballast water as would be required under any alternative discharge standards;

(ix) Any requirements for the management of ballast water included in the most current version of the U.S. Environmental Protection Agency's Vessel General Permit and any documentation available from the EPA regarding the basis for these requirements; and

(x) Any other factor that the Coast Guard considers appropriate that is related to the determination of whether identified technology is performable, practicable, and/or may possibly prevent the introduction and spread of non-indigenous aquatic invasive species.

[USCG-2001-10486, 77 FR 17305, Mar. 23, 2012]

§ 151.1512 Implementation schedule for approved ballast water management methods.

(a) To discharge ballast water into the waters of the United States, the master, owner, operator, agent, or person in charge of a vessel subject to § 151.1510 of this subpart must either ensure that the ballast water meets the ballast water discharge standard as defined in § 151.1511(a), use an AMS as provided for under § 151.1510(a)(1) or ballast exclusively with water from a U.S. public water system, as described in § 151.1510(a)(4), according to the schedule in paragraph (b) of this section.

(b) *Implementation Schedule for the Ballast Water Management Discharge Standard for vessels using a Coast Guard approved BWMS to manage ballast water discharged to waters of the United States.* After the dates listed in Table 151.1512(b), vessels may use a USCG-approved BWMS and comply with the discharge standard, or employ an approved ballast water management method per § 151.1510(a)(1) and (4).

TABLE 151.1512(b)—IMPLEMENTATION SCHEDULE FOR BALLAST WATER MANAGEMENT DISCHARGE STANDARDS FOR VESSELS USING COAST GUARD APPROVED BALLAST WATER MANAGEMENT SYSTEMS

	Vessel's ballast water capacity	Date constructed	Vessel's compliance date
New vessels	All	On or after December 1, 2013.	On delivery.
Existing vessels	Less than 1500 m ³	Before December 1, 2013.	First scheduled drydocking after January 1, 2016.
	1500–5000 m ³	Before December 1, 2013.	First scheduled drydocking after January 1, 2014.
	Greater than 5000 m ³ ..	Before December 1, 2013.	First scheduled drydocking after January 1, 2016.

[USCG-2001-10486, 77 FR 17305, Mar. 23, 2012, as amended by USCG-2015-0433, 80 FR 44281, July 27, 2015]

§ 151.1513 Extension of compliance date.

The Coast Guard may grant an extension to the implementation schedule in § 151.1512(b) of this subpart only in those cases where the master, owner, operator, agent, or person in charge of a vessel subject to this subpart can document that, despite all efforts, compliance with the requirement under § 151.1510 is not possible. Any extension request must be made no later than 12

months before the scheduled implementation date listed in § 151.1512(b) of this subpart and submitted in writing to the Commandant (CG-OES), Attn: Office of Operating and Environmental Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509. Summary information concerning all extension decisions, including the name of the vessel and vessel owner, the term of the extension, and the basis for the extension will be promptly posted on the Internet. Extensions will be for no longer than the minimum time needed, as determined by the Coast

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Guard, for the vessel to comply with the requirements of § 151.1510.

[USCG-2001-10486, 77 FR 17306, Mar. 23, 2012, as amended by USCG-2014-0410, 79 FR 38435, July 7, 2014]

§ 151.1514 Vessel safety.

Nothing in this subpart relieves the master of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility.

[CGD 91-066, 58 FR 18334, Apr. 8, 1993. Redesignated by USCG-2001-10486, 77 FR 17305, Mar. 23, 2012]

§ 151.1515 Ballast water management alternatives under extraordinary conditions.

(a) As long as ballast water exchange (BWE) remains an option under the schedule in § 151.1512(b) of this subpart, the master of any vessel subject to this subpart who uses BWE to meet the requirements of this subpart and, due to weather, equipment failure, or other extraordinary conditions, is unable to effect a BWE before entering the Exclusive Economic Zone, and intends to discharge ballast water into the waters of the United States, must request permission from the Captain of the Port (COTP) to exchange the vessel's ballast water within an area agreed to by the COTP at the time of the request and then discharge the vessel's ballast water within that designated area.

(b) Once BWE is no longer an option under the schedule in § 151.1512(b) of this subpart, if the ballast water management system required by this subpart stops operating properly during a voyage or the vessel's BWM method is unexpectedly unavailable, the master, owner, operator, agent, or person in charge of the vessel must ensure that the problem is reported to the COTP as soon as practicable. The vessel may continue to the next port of call, subject to the directions of the COTP or the Ninth District Commander, as provided by 33 CFR part 160.

[USCG-2001-10486, 77 FR 17306, Mar. 23, 2012, as amended at 77 FR 33970, June 8, 2012]

§ 151.1516 Compliance monitoring.

(a) The master of each vessel equipped with ballast tanks must pro-

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vide the following information, in written form, to the Captain of the Port (COTP):

(1) The vessel's name, port of registry, and official number or call sign.

(2) The name of the vessel's owner(s).

(3) Whether ballast water is being carried.

(4) The original location and salinity, if known, of ballast water taken on, before an exchange.

(5) The location, date, and time of any ballast water exchange.

(6) The salinity of any ballast water to be discharged into the territorial waters of the United States.

(7) The intended discharge port for ballast water and location for disposal of sediment carried upon entry into the territorial waters of the United States, if ballast water or sediment are to be discharged.

(8) The signature of the master attesting to the accuracy of the information provided and certifying compliance with the requirements of this subpart.

(b) The COTP may take samples of ballast water to assess the compliance with, and the effectiveness of, this subpart.

[CGD 91-066, 58 FR 18334, Apr. 8, 1993, as amended by USCG-1998-3423, 66 FR 58391, Nov. 21, 2001; USCG-2002-13147, 69 FR 32869, June 14, 2004; USCG-2001-10486, 77 FR 17306, Mar. 23, 2012; USCG-2012-0924, 80 FR 73113, Nov. 24, 2015]

§ 151.1518 Penalties for failure to conduct ballast water management.

(a) A person who violates this subpart is liable for a civil penalty in an amount not to exceed \$27,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subpart for that violation.

(b) A person who knowingly violates the regulations of this subpart is guilty of a class C felony.

[USCG-2002-13147, 69 FR 32869, June 14, 2004]

Subpart D—Ballast Water Management for Control of Non-indigenous Species in Waters of the United States

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

SOURCE: USCG-2001-10486, 77 FR 17306, Mar. 23, 2012, unless otherwise noted.

§ 151.2000 Purpose and scope.

This subpart implements the provisions of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701–4751), as amended by the National Invasive Species Act of 1996.

§ 151.2005 Definitions.

(a) Unless otherwise stated in this section, the definitions in 33 CFR 151.1504, 33 CFR 160.202, and the United Nations Convention on the Law of the Sea apply to this subpart.

(b) As used in this subpart:

Captain of the Port (COTP) means the Coast Guard officer designated by the Commandant to command a COTP Zone as described in part 3 of this chapter.

Constructed in respect of a vessel means a stage of construction when—

- (1) The keel of a vessel is laid;
- (2) Construction identifiable with the specific vessel begins;
- (3) Assembly of the vessel has commenced and comprises at least 50 tons or 1 percent of the estimated mass of all structural material, whichever is less; or
- (4) The vessel undergoes a major conversion.

Exchange means to replace the water in a ballast tank using one of the following methods:

(1) *Flow-through exchange* means to flush out ballast water by pumping in mid-ocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water has been changed to minimize the number of original organisms remaining in the tank.

(2) *Empty/refill exchange* means to pump out the ballast water taken on in ports, estuarine, or territorial waters until the pump(s) lose suction, then re-

filling the ballast tank(s) with mid-ocean water.

International Maritime Organization (IMO) ballast water management guidelines mean the Guidelines for the Control and Management of Ships' Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens (IMO Resolution A.868 (20), adopted November 1997).

National Ballast Information Clearinghouse (NBIC) means the National Ballast Information Clearinghouse operated by the Coast Guard and the Smithsonian Environmental Research Center as mandated under the National Invasive Species Act of 1996.

Port or place of departure means any port or place in which a vessel is anchored or moored.

Port or place of destination means any port or place to which a vessel is bound to anchor or moor.

Seagoing vessel means a vessel in commercial service that operates beyond the boundary line established by 46 CFR part 7. It does not include a vessel that navigates exclusively on inland waters.

Shipboard Technology Evaluation Program (STEP) means a Coast Guard research program intended to facilitate research, development, and shipboard testing of effective BWMS. STEP requirements are located at: http://www.uscg.mil/environmental_standards/.

United States means the States, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession over which the United States exercises sovereignty.

Voyage means any transit by a vessel destined for any United States port or place.

[USCH-2001-10486, 77 FR 17306, Mar. 23, 2012, as amended at 77 FR 33970, June 8, 2012; 80 FR 5330, Jan. 30, 2015]

§ 151.2010 Applicability.

This subpart applies to all non-recreational vessels, U.S. and foreign, that are equipped with ballast tanks and operate in the waters of the United States, except as expressly provided in § 151.2015 or § 151.2020 of this subpart.

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§ 151.2013 Severability.

If a court finds any portion of this subpart to have been promulgated without proper authority, the remainder of this subpart will remain in full effect.

§ 151.2015 Exemptions.

(a) The following vessels are exempt from all of the requirements of this subpart:

(1) Any Department of Defense or Coast Guard vessel subject to the requirements of section 1103 of the Non-indigenous Aquatic Nuisance Prevention and Control Act, as amended by the National Invasive Species Act; or any vessel of the Armed Forces, as defined in the Federal Water Pollution Control Act (33 U.S.C. 1322(a)), that is subject to the “Uniform National Discharge Standards for Vessels of the Armed Forces” (33 U.S.C. 1322(n)).

(2) Any warship, naval auxiliary, or other vessel owned or operated by a foreign state and used, for the time being, only on government non-commercial service. However, such vessels should act in a manner consistent, so

far as is reasonable and practicable, with this subpart.

(b) Crude oil tankers engaged in coastwise trade are exempt from the requirements of §§151.2025 (ballast water management (BWM) requirements), 151.2060 (reporting), and 151.2070 (recordkeeping) of this subpart.

(c) Vessels that operate exclusively on voyages between ports or places within a single COTP Zone are exempt from the requirements of §§151.2025 (ballast water management (BWM) requirements), and 151.2070 (recordkeeping) of this subpart.

(d) The following vessels are exempt only from the requirements of §151.2025 (BWM requirements) of this subpart:

(1) Seagoing vessels that operate in more than a single COTP Zone, do not operate outside of the EEZ, and are less than or equal to 1,600 gross register tons or less than or equal to 3,000 gross tons (International Convention on Tonnage Measurement of Ships, 1969).

(2) Non-seagoing vessels.

(3) Vessels that operate in more than a single COTP Zone and take on and discharge ballast water exclusively in a single COTP Zone.

TABLE 1 TO § 151.2015—TABLE OF 33 CFR 151.2015 SPECIFIC EXEMPTIONS FOR TYPES OF VESSELS

	151.2025 (Management)	151.2060 (Reporting)	151.2070 (Recordkeeping)
Department of Defense or Coast Guard vessel subject to 46 U.S.C. 4713.	Exempt	Exempt	Exempt.
Vessel of the Armed Forces subject to the “Uniform National Discharge Standards for Vessels of the Armed Forces” (33 U.S.C. 1322(n)).	Exempt	Exempt	Exempt.
Crude oil tankers engaged in coastwise trade	Exempt	Exempt	Exempt.
Vessel operates exclusively on voyages between ports or places within a single COTP Zone.	Exempt	Applicable	Exempt.
Seagoing vessel operates on voyages between ports or places in more than a single COTP Zone, does not operate outside of EEZ, and ≤1600 gross register tons or ≤3000 gross tons (ITC).	Exempt	Applicable	Applicable.
Non-seagoing vessel	Exempt	Applicable	Applicable (unless operating exclusively on voyages between ports or places within a single COTP Zone).
Vessel operates between ports or places in more than a single COTP Zone and takes on and discharges ballast water exclusively in a single COTP Zone.	Exempt	Applicable	Applicable.

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[USCG–2001–10486, 77 FR 17306, Mar. 23, 2012, as amended by USCG–2012–0924, 80 FR 73114, Nov. 24, 2015]

§ 151.2020 Vessels in innocent passage.

A foreign vessel that is merely traversing the territorial sea of the United States (unless bound for, entering or departing a U.S. port or navigating the internal waters of the U.S.) does not fall within the applicability of this subpart.

§ 151.2025 Ballast water management requirements.

(a) The master, owner, operator, agent, or person in charge of a vessel equipped with ballast tanks that operates in the waters of the United States must employ one of the following ballast water management methods:

(1) Install and operate a ballast water management system (BWMS) that has been approved by the Coast Guard under 46 CFR part 162. The BWMS must be installed in accordance with § 151.2035(b) of this subpart. Following installation, the master, owner, operator, agent, or person in charge of the vessel subject to this subpart must properly maintain the BWMS in accordance with all manufacturer specifications. Unless otherwise expressly provided for in this subpart, the master, owner, operator, agent, or person in charge of vessels employing a Coast Guard-approved BWMS must meet the applicable ballast water discharge standard (BWDS), found in § 151.2030 of this subpart, at all times of discharge into the waters of the United States.

(2) Use only water from a U.S. public water system (PWS), as defined in 40 CFR 141.2, that meets the requirements of 40 CFR parts 141 and 143 as ballast water. Vessels using water from a PWS as ballast must maintain a record of which PWS they received the water from as well as a receipt, invoice, or other documentation from the PWS indicating that water came from that system. Furthermore, they must certify that they have met the conditions in paragraphs (a)(2)(i) or (ii) of this section, as applicable, and describe in the BWMS plan the procedures to be used to ensure compliance with those conditions, and thereafter document such compliance in the BW record book.

Vessels using water from a PWS must use such water exclusively unless the usage is in accordance with § 151.2040 of this subpart. Vessels using PWS water as ballast must have either—

(i) Previously cleaned the ballast tanks (including removing all residual sediments) and not subsequently introduced ambient water; or

(ii) Never introduced ambient water to those tanks and supply lines.

(3) Perform complete ballast water exchange in an area 200 nautical miles from any shore prior to discharging ballast water, unless the vessel is required to employ an approved BWMS per the schedule found in § 151.2035(b) of this subpart. An alternate management system (AMS) that meets the requirements of § 151.2026 of this subpart may also be used, so long as it was installed on the vessel prior to the date that the vessel is required to comply with the BWDS in accordance with § 151.2035(b) of this subpart. If using an AMS, the master, owner, operator, agent, or person in charge of the vessel subject to this subpart may employ the AMS for no longer than 5 years from the date they would otherwise be required to comply with the BWDS in accordance with § 151.2035(b) of this subpart;

(4) Do not discharge ballast water into waters of the United States.

(5) Discharge to a facility onshore or to another vessel for purposes of treatment. Any vessel owner/operator discharging ballast water to a facility onshore or to another vessel must ensure that all vessel piping and supporting infrastructure up to the last manifold or valve immediately before the dock manifold connection of the receiving facility or similar appurtenance on a reception vessel prevents untreated ballast water from being discharged into waters of the United States.

(b) Requests for approval of BWMS must be submitted to the Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410, or by email to msc@uscg.mil, in accordance with 46 CFR part 162.

(c) A vessel engaged in the foreign export of Alaskan North Slope Crude Oil must comply with §§ 151.2060 and 151.2070 of this subpart, as well as with

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the provisions of 15 CFR 754.2(j)(1)(iii). Section 15 CFR 754.2(j)(1)(iii) requires a mandatory program of deep water ballast exchange unless doing so would endanger the safety of the vessel or crew.

(d) This subpart does not authorize the discharge of oil or noxious liquid substances (NLS) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLS, or any other pollutant must be discharged in accordance with applicable laws and regulations.

(e) This subpart does not affect or supersede any requirement or prohibition pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 to 1376).

(f) This subpart does not affect or supersede any requirement or prohibition pertaining to the discharge of ballast water into the waters of the United States under the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*).

(g) Vessels with installed BWMS for testing and evaluation by an Independent Laboratory in accordance with the requirements of 46 CFR 162.060-10 and 46 CFR 162.060-28 will be deemed to be in compliance with paragraph (a)(1) of this section.

[USCG-2001-10486, 77 FR 17306, Mar. 23, 2012, as amended by USCG-2014-0410, 79 FR 38435, July 7, 2014]

§ 151.2026 Alternate management systems.

(a) A manufacturer whose ballast water management system (BWMS) has been approved by a foreign administration pursuant to the standards set forth in the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, may request in writing, for the Coast Guard to make a determination that their BWMS is an alternate management system (AMS). Requests for determinations under this section must include:

(1) The type-approval certificate for the BWMS.

(2) Name, point of contact, address, and phone number of the authority overseeing the program;

(3) Final test results and findings, including the full analytical procedures

and methods, results, interpretations of the results, and full description and documentation of the Quality Assurance procedures (*i.e.*, sample chain of custody forms, calibration records, etc.);

(4) A description of any modifications made to the system after completion of the testing for which a determination is requested; and

(5) A type approval application as described under 46 CFR 162.060-12.

(i) Once ballast water management systems are type approved by the Coast Guard and available for a given class, type of vessels, or specific vessel, those vessels will no longer be able to install AMS in lieu of type approved systems.

(ii) [Reserved]

(b) Requests for determinations must be submitted in writing to the Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598-7410.

(c) If using an AMS that was installed on the vessel prior to the date that the vessel is required to comply with the ballast water discharge standard in accordance with § 151.2035(b), the master, owner, operator, agent, or person in charge of the vessel subject to this subpart may employ such AMS for no longer than 5 years from the date they would otherwise be required to comply with the ballast water discharge standard in accordance with the implementation schedule in § 151.2035(b) of this subpart. To ensure the safe and effective management and operation of the AMS equipment, the master, owner, operator, agent or person in charge of the vessel must ensure the AMS is maintained and operated in conformity with the system specifications.

(d) An AMS determination issued under this section may be suspended, withdrawn, or terminated in accordance with the procedures contained in 46 CFR 162.060-18.

[USCG-2001-10486, 77 FR 17306, Mar. 23, 2012, as amended by USCG-2014-0410, 79 FR 38435, July 7, 2014]

§ 151.2030 Ballast water discharge standard (BWDS).

(a) Vessels employing a Coast Guard-approved ballast water management

system (BWMS) must meet the following BWDS by the date listed in §151.2035(b) of this subpart:

(1) For organisms greater than or equal to 50 micrometers in minimum dimension: Discharge must include fewer than 10 organisms per cubic meter of ballast water.

(2) For organisms less than 50 micrometers and greater than or equal to 10 micrometers: Discharge must include fewer than 10 organisms per milliliter (mL) of ballast water.

(3) Indicator microorganisms must not exceed:

(i) For toxicogenic *Vibrio cholerae* (serotypes O1 and O139): A concentration of less than 1 colony forming unit (cfu) per 100 mL.

(ii) For *Escherichia coli*: a concentration of fewer than 250 cfu per 100 mL.

(iii) For intestinal enterococci: A concentration of fewer than 100 cfu per 100 mL.

(b) [Reserved]

(c) The Coast Guard will conduct a practicability review as follows:

(1) No later than January 1, 2016, the Coast Guard will publish the results of a practicability review to determine—

(i) Whether technology to comply with a performance standard more stringent than that required by paragraph (a) of this section can be practicably implemented, in whole or in part, and, if so, the Coast Guard will schedule a rulemaking to implement the more stringent standard; and

(ii) Whether testing protocols that can assure accurate measurement of compliance with a performance standard more stringent than that required by paragraph (a) of this section can be practicably implemented.

(2) If the Coast Guard determines on the basis of a practicability review conducted under paragraph (c)(1) of this section that technology to achieve a significant improvement in ballast water treatment efficacy could be practicably implemented, the Coast Guard will report this finding and will, no later than January 1, 2017, initiate a rulemaking that would establish performance standards and other requirements or conditions to ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United

States from vessels. If the Coast Guard subsequently finds that it is not able to meet this schedule, the Coast Guard will publish a notice in the FEDERAL REGISTER so informing the public, along with an explanation of the reason for the delay, and a revised schedule for rule making that shall be as expeditious as practicable.

(3) When conducting the practicability review as described in paragraph (c)(1) of this section, the Coast Guard will consider—

(i) The capability of any identified technology to achieve a more stringent BWDS, in whole or in part;

(ii) The effectiveness of any identified technology in the shipboard environment;

(iii) The compatibility of any identified technology with vessel design and operation;

(iv) The safety of any identified technology;

(v) Whether the use of any identified technology may have an adverse impact on the environment;

(vi) The cost of any identified technology;

(vii) The economic impact of any identified technology, including the impact on shipping, small businesses, and other uses of the aquatic environment;

(viii) The availability, accuracy, precision, and cost of methods and technologies for measuring the concentrations of organisms, treatment chemicals, or other pertinent parameters in treated ballast water as would be required under any alternative discharge standards;

(ix) Any requirements for the management of ballast water included in the most current version of the Environmental Protection Agency's Vessel General Permit and any documentation available from the EPA regarding the basis for these requirements; and

(x) Any other factor that the Coast Guard considers appropriate that is related to the determination of whether identified technology is performable, practicable, and/or may possibly prevent the introduction and spread of non-indigenous aquatic invasive species.

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§ 151.2035 Implementation schedule for approved ballast water management methods.

(a) To discharge ballast water into waters of the United States, the master, owner, operator, agent, or person in charge of a vessel subject to § 151.2025 of this subpart must either ensure that the ballast water meets the ballast water discharge standard as defined in § 151.2030(a), use an AMS as described in § 151.2025(a)(3) or ballast exclusively with water from a U.S. public water system, as described in

§ 151.2025(a)(2), according to the schedule in paragraph (b) of this section.

(b) *Implementation Schedule for the Ballast Water Management Discharge Standard for vessels using a Coast Guard approved BWMS to manage ballast water discharged to waters of the U.S.* After the dates listed in Table 151.2035(b), vessels may use a USCG-approved BWMS and comply with the discharge standard, use PWS per § 151.2025(a)(2), or use a previously installed AMS per § 151.2025(a)(3).

TABLE 151.2035(b)—IMPLEMENTATION SCHEDULE FOR APPROVED BALLAST WATER MANAGEMENT METHODS

	Vessel's ballast water capacity	Date constructed	Vessel's compliance date
New vessels	All	On or after December 1, 2013	On delivery.
Existing vessels	Less than 1500 m ³	Before December 1, 2013	First scheduled drydocking after January 1, 2016.
	1500–5000 m ³	Before December 1, 2013	First scheduled drydocking after January 1, 2014.
	Greater than 5000 m ³ ..	Before December 1, 2013	First scheduled drydocking after January 1, 2016.

[USCG–2001–10486, 77 FR 17306, Mar. 23, 2012, as amended by USCG–2015–0433, 80 FR 44281, July 27, 2015]

§ 151.2036 Extension of compliance date.

The Coast Guard may grant an extension to the implementation schedule listed in § 151.2035(b) of this subpart only in those cases where the master, owner, operator, agent, or person in charge of a vessel subject to this subpart can document that, despite all efforts, compliance with the requirement under § 151.2025 is not possible. Any extension request must be made no later than 12 months before the scheduled implementation date listed in § 151.2035(b) of this subpart and submitted in writing to the Commandant (CG–OES), Attn: Office of Operating and Environmental Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509. Summary information concerning all extension decisions, including the name of the vessel and vessel owner, the term of the extension, and the basis for the extension will be promptly posted on the Internet. Extensions will be for no longer than the minimum time needed, as determined

by the Coast Guard, for the vessel to comply with the requirements of § 151.2030.

[USCG–2001–10486, 77 FR 17306, Mar. 23, 2012, as amended by USCG–2014–0410, 79 FR 38435, July 7, 2014; USCG–2015–0433, 80 FR 44282, July 27, 2015]

§ 151.2040 Discharge of ballast water in extraordinary circumstances.

(a) The Coast Guard will allow the master, owner, operator, agent, or person in charge of a vessel that cannot practicably meet the requirements of § 151.2025(a) of this subpart, either because its voyage does not take it into waters 200 nautical miles or greater from any shore for a sufficient length of time and the vessel retains ballast water onboard or because the master of the vessel has identified safety or stability concerns, to discharge ballast water in areas other than the Great Lakes and the Hudson River north of the George Washington Bridge.

(1) The Coast Guard will not allow such a discharge if the vessel is required to have a Coast Guard-approved ballast water management system (BWMS) per the implementation schedule found in § 151.2035(b) of this subpart.

(2) If the Coast Guard allows the discharge of ballast water as described in paragraph (a) of this section, the master, owner, operator, agent, or person in charge of the vessel must discharge only that amount of ballast water operationally necessary to ensure the safety of the vessel for cargo operations.

(3) Ballast water records must be made available to the local Captain of the Port (COTP) upon request.

(4) Vessels on a voyage to the Great Lakes or the Hudson River north of the George Washington Bridge must comply with the requirements of 33 CFR 151.1515.

(b) If the installed BWMS required by this subpart stops operating properly during a voyage, or the vessel's BWM method is unexpectedly unavailable, the person directing the movement of the vessel must ensure that the problem is reported to the nearest COTP or District Commander as soon as practicable. The vessel may continue to the next port of call, subject to the directions of the COTP or District Commander, as provided by part 160 of this chapter.

(1) The Coast Guard will normally allow a vessel that cannot practicably meet the requirements of § 151.2025(a)(1) of this subpart because its installed BWMS is inoperable, or the vessel's BWM method is unexpectedly unavailable, to employ one of the other ballast water management (BWM) methods listed in § 151.2025(a) of this subpart.

(2) If the master of the vessel determines that the vessel cannot employ other BWM methods due to the voyage or safety concerns listed in paragraph (a) of this section, the Coast Guard will normally allow the vessel to discharge ballast water in areas other than the Great Lakes and the Hudson River north of the George Washington Bridge.

(3) If the Coast Guard approves such an allowance, the vessel must discharge only that amount of ballast water operationally necessary to ensure the safety and stability of the vessel for cargo operations. Ballast water records must be made available to the local COTP upon request.

(c) Nothing in this subpart relieves the master, owner, operator, agent, or

person in charge of a vessel of any responsibility, including ensuring the safety and stability of the vessel and the safety of the crew and passengers.

§ 151.2050 Additional requirements—nonindigenous species reduction practices.

The master, owner, operator, agent, or person in charge of any vessel equipped with ballast water tanks that operates in the waters of the United States must follow these practices:

(a) Avoid the discharge or uptake of ballast water in areas within, or that may directly affect, marine sanctuaries, marine preserves, marine parks, or coral reefs.

(b) Minimize or avoid uptake of ballast water in the following areas and situations:

(1) Areas known to have infestations or populations of harmful organisms and pathogens (e.g., toxic algal blooms).

(2) Areas near sewage outfalls.

(3) Areas near dredging operations.

(4) Areas where tidal flushing is known to be poor or times when a tidal stream is known to be turbid.

(5) In darkness, when bottom-dwelling organisms may rise up in the water column.

(6) Where propellers may stir up the sediment.

(7) Areas with pods of whales, convergence zones, and boundaries of major currents.

(c) Clean the ballast tanks regularly to remove sediments. Sediments must be disposed of in accordance with local, State, and Federal regulations.

(d) Discharge only the minimal amount of ballast water essential for vessel operations while in the waters of the United States.

(e) Rinse anchors and anchor chains when the anchor is retrieved to remove organisms and sediments at their places of origin.

(f) Remove fouling organisms from the vessel's hull, piping, and tanks on a regular basis and dispose of any removed substances in accordance with local, State and Federal regulations.

(g) Maintain a ballast water management (BWM) plan that has been developed specifically for the vessel and that will allow those responsible for

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the plan's implementation to understand and follow the vessel's BWM strategy and comply with the requirements of this subpart. The plan must include—

- (1) Detailed safety procedures;
 - (2) Actions for implementing the mandatory BWM requirements and practices;
 - (3) Detailed fouling maintenance and sediment removal procedures;
 - (4) Procedures for coordinating the shipboard BWM strategy with Coast Guard authorities;
 - (5) Identification of the designated officer(s) in charge of ensuring that the plan is properly implemented;
 - (6) Detailed reporting requirements and procedures for ports and places in the United States where the vessel may visit; and
 - (7) A translation of the plan into English, French, or Spanish if the vessel's working language is another language.
- (h) Train the master, operator, person in charge, and crew on the application of ballast water and sediment management and treatment procedures.
- (i) When discharging ballast water to a reception facility in the United States, discharge only to reception facilities that have an NPDES permit to discharge ballast water.

§ 151.2055 Deviation from planned voyage.

As long as ballast water exchange (BWE) is an allowable ballast water management option under §§ 151.2025 and 151.2035 of this subpart, the Coast Guard will not require a vessel to deviate from its voyage or delay the voyage in order to conduct BWE. A vessel may be required to deviate from its voyage or delay the voyage if BWE is directed by a Captain of the Port pursuant to § 151.2040(b) of this subpart.

§ 151.2060 Reporting requirements.

(a) Ballast water reporting requirements exist for each vessel subject to this subpart bound for ports or places of the United States regardless of whether a vessel operated outside of the Exclusive Economic Zone (EEZ), unless exempted in § 151.2015 of this subpart.

(b) Unless operating exclusively on voyages between ports or places within a single COTP Zone, the master, owner, operator, agent, or person in charge of a vessel subject to this subpart and this section must submit a ballast water report to the National Ballast Information Clearinghouse (NBIC) by electronic ballast water report format using methods specified at NBIC's Web site at <http://invasions.si.edu/nbic/submit.html>. The ballast water report will include the information listed in paragraph (c) of this section and must be submitted as follows:

(1) *For any vessel bound for the Great Lakes from outside the EEZ.* (i) Submit a ballast water report at least 24 hours before the vessel arrives in Montreal, Quebec.

(ii) Non-U.S. and non-Canadian flag vessels may complete the St. Lawrence Seaway Ballast Water Reporting Form and submit it in accordance with the applicable Seaway notice as an alternative to this requirement.

(2) *For any vessel bound for the Hudson River north of the George Washington Bridge entering from outside the EEZ:* Submit the ballast water report at least 24 hours before the vessel enters New York, NY.

(3) *For any vessel that is equipped with ballast water tanks and bound for ports or places in the United States and not addressed in paragraphs (b)(1) and (2) of this section:* Submit the ballast water report no later than 6 hours after arrival at the port or place of destination, or prior to departure from that port or place of destination, whichever is earlier.

(c) The ballast water report required by paragraph (b) of this section must include the following information:

(1) *Vessel information.* This includes the vessel's name, International Maritime Organization (IMO) number or other vessel identification number if an IMO number is not issued, country of registry, owner or operator, type and tonnage.

(2) *Voyage information.* This includes the port and date of arrival, name and contact information of the person submitting the form, last port and country of call, and next port and country of call.

(3) *Ballast water information.* This includes the vessel's total ballast water capacity, total number of ballast water tanks, total volume of ballast water onboard, total number of ballast water tanks in ballast, and the identification of ballast water management method used.

(4) *Information on ballast water tanks that are to be discharged into the waters of the United States or to a reception facility.* Include the following for each tank discharged:

(i) The numerical designation, type and capacity of the ballast tank.

(ii) The source of the ballast water. This includes date(s), location(s), and volume(s). If a tank has undergone ballast water exchange, provide the loading port of the ballast water that was discharged during the exchange.

(iii) The date(s), starting location(s), ending location(s), volume(s), and method(s) of ballast water management.

(iv) The date(s), location(s), and volume(s) of any ballast water discharged into the waters of the United States or to a reception facility.

(5) *Certificate of accurate information.* Include the name and title of the individual (*i.e.*, master, owner, operator, agent, person in charge) attesting to the accuracy of the information provided and that the activities were in accordance with the ballast water management plan required by §151.2050(g). If exceptional circumstances required deviation from the plan, the details surrounding the need for deviation and associated actions must be explained.

(d) If the information submitted in accordance with paragraph (c) of this section changes, the master, owner, operator, agent, or person in charge of the vessel must submit an amended report before the vessel departs the waters of the United States or not later than 24 hours after departure from the port or place, whichever is earlier.

(e) The master, owner, operator, agent, or person in charge of a vessel operating on voyages exclusively between ports or places within a single COTP Zone, and subject to this subpart and this section, must submit the information required by paragraph (f) of this section to NBIC by electronic An-

nual Ballast Water Summary Report format using methods specified at NBIC's Web site at <http://invasions.si.edu/nbic/submit.html>. The Annual Ballast Water Summary Report is required for a period of three years on the following schedule:

(1) Report on the vessel's ballasting practices for calendar year 2016 due no later than March 31, 2017.

(2) Report on the vessel's ballasting practices for calendar year 2017 due no later than March 31, 2018.

(3) Report on the vessel's ballasting practices for calendar year 2018 due no later than March 31, 2019.

(f) The Annual Ballast Water Summary Report will include the following information:

(1) *Vessel information.* This includes name, identification number, vessel type, operator, tonnage, call sign and COTP Zone of operation.

(2) *Ballast information.* This includes the number of ballast tanks and total ballast water capacity.

(3) *Operational information.* This includes the estimated number of times ballast water is discharged, estimated volume of ballast water discharged each time, primary port of ballast water loading, primary port of ballast water discharge, and certification of compliance with §151.2050.

[USCG-2001-10486, 77 FR 17306, Mar. 23, 2012, as amended by USCG-2012-0924, 80 FR 73114, Nov. 24, 2015]

§ 151.2065 Equivalent reporting methods for vessels other than those entering the Great Lakes or Hudson River after operating outside the U.S. Exclusive Economic Zone or Canadian equivalent.

For vessels required to report under §151.2060(b)(3) of this subpart, the Chief, Environmental Standards Division (CG-5224), acting for the Assistant Commandant for Marine Safety, Security, and Stewardship (CG-5), may, upon receipt of a written request, consider and approve alternative methods of reporting if—

(a) Such methods are at least as effective as those required by §151.2060 of this subpart; and

(b) Compliance with §151.2060 of this subpart is economically or physically impractical. The Chief, Environmental

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Standards Division (CG-5224), will approve or disapprove a request submitted in accordance with this section within 30 days of receipt of the request.

§ 151.2070 Recordkeeping requirements.

(a) The master, owner, operator, agent, or person in charge of a vessel bound for a port or place in the United States, unless specifically exempted by § 151.2015 of this subpart, must ensure the maintenance of written or digital records that include the information required to be reported by § 151.2060 of this subpart and the sediment information in paragraph (a)(1) of this section.

(1) *Discharge of sediment.* If sediment was discharged within the jurisdiction of the United States, include the name and location of the facility where sediment disposal took place.

(2) *Certification of accurate information.* Include the master, owner, operator, agent, person in charge, or responsible officer's printed name, title, and signature attesting to the accuracy of the information provided and that the activities were in accordance with the ballast water management plan required by § 151.2050(g). If exceptional circumstances required deviation from the plan, the details surrounding the need for deviation and associated actions must be explained. The signature requirement may be satisfied by affirming the certification portion of the electronic ballast water report.

(b) The master, owner, operator, agent, or person in charge of a vessel subject to this section must retain a signed copy of this information on-board the vessel for 2 years.

(c) The recordkeeping requirements in this section may be met by maintaining a copy of the reporting form completed pursuant to § 151.2060 of this subpart, in addition to maintaining a record of the sediment information in paragraph (a)(1) of this section. These records may be stored on digital media but must be readily viewable by the Coast Guard during an inspection.

(d) The master, owner, operator, agent, or person in charge of a vessel subject to this section must retain the monitoring records required in 46 CFR 162.060-20(b) for 2 years. These records

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may be stored on digital media but must be readily viewable by the Coast Guard during an inspection.

[USCG-2012-0924, 80 FR 73115, Nov. 24, 2015]

§ 151.2075 Enforcement and compliance.

(a) The master, owner, operator, agent, or person in charge of a vessel must provide the Captain of the Port (COTP) with access to the vessel in order to take samples of ballast water and sediment, examine documents, and make other appropriate inquiries to assess the compliance of any vessel subject to this subpart.

(b) The master, owner, operator, agent, or person in charge of a vessel subject to this section must provide the records to the COTP upon request, as required by § 151.2070 of this subpart.

(c) Vessels with installed ballast water management systems are subject to Coast Guard inspection. Every vessel must have a sampling port(s) designed and installed in accordance with 46 CFR 162.060-28(f) and (f)(2) at each overboard discharge point.

(d) In this subpart, wherever multiple entities are responsible for compliance with any requirement of the rule, each entity is jointly liable for a violation of such requirement.

§ 151.2080 Penalties.

(a) A person who violates this subpart is liable for a civil penalty not to exceed \$35,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subpart for that violation.

(b) A person who knowingly violates the regulations of this subpart is guilty of a class C felony.

Subpart E—Definition of Marine Debris for the Purposes of the Marine Debris Research, Prevention, and Reduction Act

AUTHORITY: 33 U.S.C. 1951-1958 (2006); 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

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§ 151.3000 Definition of marine debris for the purposes of the Marine Debris Research, Prevention, and Reduction Act.

(a) *Marine debris.* For the purposes of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951–1958 (2006)) only, marine debris is defined as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.

(b) NOAA and the Coast Guard have jointly promulgated the definition of marine debris in this part. NOAA’s regulation may be found in 15 CFR part 909.

[74 FR 45560, Sept. 3, 2009]

PART 153—CONTROL OF POLLUTION BY OIL AND HAZARDOUS SUBSTANCES, DISCHARGE REMOVAL

Subpart A—General

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- 153.101 Purpose.
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Subpart B—Notice of the Discharge of Oil or a Hazardous Substance

- 153.201 Purpose.
- 153.203 Procedure for the notice of discharge.
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Subpart C—Removal of Discharged Oil

- 153.301 Purpose.
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Subpart D—Administration of the Pollution Fund

- 153.401 Purpose.
- 153.403 Applicability.
- 153.405 Liability to the pollution fund.
- 153.407 Payments or reimbursement from the pollution fund.
- 153.411 Procedures for payment of judgments.
- 153.413 Deposit of money into the fund.

- 153.415 Cost summary reports.
- 153.417 Reimbursement for actions under section 311(c) or 311(d) of the Act of the Intervention on the High Seas Act.

AUTHORITY: 14 U.S.C. 633; 33 U.S.C. 1321, 1903, 1908; 42 U.S.C. 9615; 46 U.S.C. 6101; E.O. 12580, 3 CFR, 1987 Comp., p. 193; E.O. 12777, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 73–185, 41 FR 12630, Mar. 25, 1976, unless otherwise noted.

Subpart A—General

§ 153.101 Purpose.

The purpose of this part is to prescribe regulations concerning notification to the Coast Guard of the discharge of oil or hazardous substances as required by the Federal Water Pollution Control Act, as amended (FWPCA); the procedures for the removal of a discharge of oil; and the costs that may be imposed or reimbursed for the removal of a discharge of oil or hazardous substances under the FWPCA.

[CGD 84–067, 51 FR 17965, May 16, 1986]

§ 153.103 Definitions.

As used in this part:

(a) *Act* means the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*).

(b) *CERCLA* means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*).

(c) *Chemical agents* means those elements, compounds, or mixtures that coagulate, disperse, dissolve, emulsify, foam, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water. The term “chemical agents” as used in this part includes dispersants, surface collecting agents, biological additives, burning agents, and sinking agents as defined in Subpart H of the National Contingency Plan.

(d) *Assistant Commandant for Marine Safety, Security and Environmental Protection* means the Coast Guard Officer designated by the Commandant to assist and advise the Commandant on