

32 years old or older and has a double bottom or double sides;

(iii) After January 1, 1997, if the vessel is 26 years old or older and has a single hull, or is 31 years old or older and has a double bottom or double sides;

(iv) After January 1, 1998, if the vessel is 25 years old or older and has a single hull, or is 30 years old or older and has a double bottom or double sides;

(v) After January 1, 1999, if the vessel is 24 years old or older and has a single hull, or is 29 years old or older and has a double bottom or double sides;

(vi) After January 1, 2000, if the vessel is 23 years old or older and has a single hull, or is 28 years old or older and has a double bottom or double sides;

(d) Except as provided in paragraph (b) of this section—

(1) A vessel that has a single hull may not operate after January 1, 2010, and

(2) A vessel that has a double bottom or double sides may not operate after January 1, 2015.

NOTE: Double sides and double bottoms must meet the requirements in §157.10d(c) or (d), as appropriate. A vessel will be considered to have a single hull if it does not have double sides and a double bottom that meet the requirements in §157.10d(c) and §157.10d(d). To determine a tank vessel's double hull compliance date under OPA 90, use the vessel's hull configuration (*i.e.*, single hull; single hull with double sides; or single hull with double bottom) on August 18, 1990. The conversion of a single hull tank vessel to include only double sides or only a double bottom after August 18, 1990, will not result in a change of the vessel's originally scheduled phase-out date. The conversion of a single hull tank vessel to a double hull tank vessel meeting the requirements of §157.10d complies with OPA 90.

[CGD 90-051, 57 FR 36245, Aug. 12, 1992, as amended by USCG-1999-6164, 65 FR 39262, June 23, 2000]

## PART 158—RECEPTION FACILITIES FOR OIL, NOXIOUS LIQUID SUBSTANCES, AND GARBAGE

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AUTHORITY: 33 U.S.C. 1903(b), 1905(c); 49 CFR 1.46.

### Subpart A—General

SOURCE: CGD 85-010, 52 FR 7761, Mar. 12, 1987, unless otherwise noted.

#### § 158.100 Purpose.

This part establishes the following:

- (a) Criteria for determining the adequacy of reception facilities.
- (b) Procedures for certifying that reception facilities are adequate for receiving—
  - (1) Oily mixtures from oceangoing tankers and any other oceangoing ships of 400 gross tons or more;
  - (2) NLS residue from oceangoing ships; or
  - (3) Garbage from ships.
- (c) Standards for ports and terminals to reduce NLS residue.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18407, Apr. 28, 1989; USCG-2000-7641, 66 FR 55573, Nov. 2, 2001]

#### § 158.110 Applicability.

(a) Subparts B, C, and E apply to each port and each terminal located in the United States or subject to the jurisdiction of the United States that is—

(1) Used by oceangoing tankers, or any other oceangoing ships of 400 gross tons or more, carrying oily mixtures, or by oceangoing ships to transfer NLSs, except those ports and terminals that are used only by—

- (i) Tank barges that are not configured and are not equipped to ballast or wash cargo tanks while proceeding enroute;
- (ii) Ships carrying NLS operating under waivers under 46 CFR 153.491(b); or

(2) A ship repair yard that services oceangoing ships carrying oil or NLS residue.

(b) Subpart D applies to each port and terminal located in the United States or subject to the jurisdiction of the United States.

[CGD 88-002, 54 FR 18407, Apr. 28, 1989, as amended by USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

#### § 158.115 Penalties for violation.

(a) A person who violates MARPOL 73/78, the Act, or the regulations of this

part is liable for a civil penalty not to exceed \$25,000 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 part, is liable for a civil penalty not to exceed \$5,000 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 part is liable for a fine for each violation, of not more than \$50,000 dollars, or imprisonment for not more than 5 years, or both, as provided by 33 U.S.C. 1908(a).

[CGD 88-002, 54 FR 18407, Apr. 28, 1989]

#### § 158.120 Definitions.

As used in this part:

*Bunker oil* means oil loaded into bunker tanks for use as fuel.

*Captain of the Port* (COTP) means the Coast Guard officer commanding a Captain of the Port Zone described in part 3 of this chapter.

*Certificate of Adequacy* means a document issued by the Coast Guard or other authorized agency that certifies a port or terminal meets the requirements of this part with respect to reception facilities required under the Act and MARPOL 73/78, and has Form A, Form B, or Form C attached.

*Clean ballast* has the same meaning as in § 157.03(e) of this chapter.

*Commandant* means Commandant, U.S. Coast Guard.

*Commercial fishing facility* means docks, piers, processing houses, or other facilities which receive commercial fishery products from ships.

*Daily vessel average* means the total number of oceangoing tankers, or any other oceangoing ships of 400 gross tons or more, carrying residues and mixtures containing oil, serviced over a typical continuous 12 month period, divided by 365.

*Form A* means the application for a reception facility Certificate of Adequacy for oil, Coast Guard form USCG-CG-5401A (9-85).

*Form B* means the application for a reception facility Certificate of Adequacy for NLS, Coast Guard form USCG-CG-5401B(2-87).

*Form C* means the application for a Certificate of Adequacy for a Reception Facility for Garbage, Coast Guard form USCG-CG-5401C. "Garbage" means all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically, except dishwater, graywater, and those substances that are defined or listed in other annexes to MARPOL 73/78. "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 73/78.

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

*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.

*MARPOL 73/78* means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating to that Convention. A copy of MARPOL 73/78 is available from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR, England.

*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. "Mineral and oil industry shorebase" means

a place or onshore structure or facility which is a base of operations for ships serving the mineral and oil industry.

*Noxious liquid substance (NLS)* means—

(1) Each substance listed in §151.47 or §151.49 of this chapter;

(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 73/78. "Oil" does not include animal and vegetable based oil or noxious liquid substances (NLS) designated under Annex II of MARPOL 73/78.

*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—

- (1) Oil cargo residue; and
- (2) Other residue of oil resulting from drainages, leakages, exhausted oil, and other similar occurrences from machinery spaces.

*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; and
- (4) Oily ballast water from cargo or fuel oil tanks.

*Person* has the same meaning as in §151.05(n) of this chapter.

*Person in charge* means an owner, operator, or a person authorized to act on behalf of a port or terminal.

NOTE: The “person in charge” under this part is not necessarily the same person as the “person in charge” referred to in parts 151, 154, 155, and 156 of this chapter (as defined in §154.105 of this chapter.)

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

*Port* means—

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

*Reception facility* means anything capable of receiving shipboard oily mixtures or NLS residue, or receiving garbage, including, but not limited to—

- (1) Fixed piping that conveys residues and mixtures from the ship to a storage or treatment system;
- (2) Tank barges, railroad cars, tank trucks, or other mobile facilities;
- (3) Containers or other receptacles that are used as temporary storage for garbage; or
- (4) Any combination of fixed and mobile facilities.

*Recreational boating facility* means a facility that is capable of providing wharfage or other services for 10 or more recreational vessels. It includes, but is not limited to, marinas, boatyards, and yacht clubs, but does not include a place or facility containing only an unattended launching ramp.

*Regulated NLS cargo* includes each Category A or high viscosity or solidifying Category B or C NLS cargo listed in table 1 of 46 CFR Part 153 that contains a reference to §153.908(a) or §153.908(b) in the “Special Requirements” column of that table and is unloaded at the port or terminal within a typical continuous 12 month period either before or after application is made for a Certificate of Adequacy.

*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

(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* has the same meaning as contained in §157.03(r) of this chapter.

*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 or other platforms.

*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 has 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.

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*Tank barge* has the same meaning as contained in 46 CFR 30.10-65.

*Tanker* means a ship constructed or adapted primarily to carry oil in bulk in the cargo spaces.

*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 73/78, since these facilities normally provide wharfage and other services, including garbage handling, for ships. "The Act" means the Act to Prevent Pollution from Ships, as amended, (33 U.S.C. 1901-1911).

*The Act* means the Act to Prevent Pollution from Ships (94 Stat. 2297, 33 U.S.C. 1901 *et seq.*).

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18407, Apr. 28, 1989; USCG-2000-7641, 66 FR 55574, Nov. 2, 2001; USCG-2008-0179, 73 FR 35015, June 19, 2008]

### § 158.130 Delegations.

Each COTP is delegated the authority to—

(a) Conduct inspections at ports and terminals required to have reception facilities under this part;

(b) Issue Certificates of Adequacy;

(c) Grant waivers under § 158.150;

(d) Designate ports; and

(e) Deny entry of ships to any port or terminal, except when a ship is entering under force majeure, that does not have—

(1) A Certificate of Adequacy if required under § 158.135; or

(2) Reception facilities for garbage required under subpart D of this part.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989]

### § 158.133 Which ports and terminals must provide reception facilities?

(a) A port or terminal which receives oceangoing tankers, or any other oceangoing ship of 400 gross tons or more, carrying oily mixtures, must have a reception facility which meets subpart B of this part.

(b) A port or terminal which receives oceangoing ships carrying NLSs must have a reception facility which meets subpart C of this part.

(c) All ports and terminals under the jurisdiction of the United States, including commercial fishing facilities, mineral and oil shorebases, and recreational boating facilities, must have a reception facility which meets subpart D of this part.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989, as amended by USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

### § 158.135 Which ports and terminals must have Certificates of Adequacy?

To continue to receive ships, a port or terminal must hold one or more Certificates of Adequacy to show compliance with—

(a) Subpart B of this part if it receives oceangoing tankers, or any other oceangoing ship of 400 gross tons or more, carrying oily mixtures.

(b) Subpart C of this part if it receives oceangoing ships carrying NLSs.

(c) Subpart D of this part if it receives—

(1) The ships under paragraph (a) or (b) of this section; or

(2) Fishing vessels which offload more than 500,000 pounds of commercial fishery products from all ships during a calendar year.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989, as amended by USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

### § 158.140 Applying for a Certificate of Adequacy.

(a) To continue to receive ships at a port or terminal required by § 158.135 to have a Certificate of Adequacy for its reception facilities, the person in charge must apply to the Coast Guard for a certificate as follows:

(1) Applicants for a Certificate of Adequacy required by § 158.135(a) or (b) must apply to the COTP of the Zone in which the port or terminal is located using Form A or Form B, respectively.

(2) An applicant for a Certificate of Adequacy required by section 158.135(c) must apply on Form C to the COTP of the Zone in which the port or terminal is located.

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(b) Applications for Certificates of Adequacy, Forms A, B, or C, may be obtained from the local Coast Guard COTP.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989, as amended by CGD 96-026, 61 FR 33668, June 28, 1996; 61 FR 36629, July 12, 1996]

**§ 158.150 Waivers and alternatives.**

(a) If the person in charge believes that a requirement in this part is unreasonable or impracticable for the port's or terminal's operations, the person in charge may submit a request for a waiver to the COTP. This application must—

(1) Be in writing; and

(2) Include the—

(i) Reasons why the requirement is unreasonable or impracticable;

(ii) Proposed alternatives that meet MARPOL 73/78; and

(iii) Additional information requested by the COTP.

(b) If the COTP allows the alternative proposed under paragraph (a)(2)(ii) of this section, the waiver—

(1) Is in writing; and

(2) States each alternative that applies and the requirement under this part for which the alternative is substituted.

(c) The person in charge shall ensure that each waiver issued under paragraph (b) of this section is attached to the Certificate of Adequacy issued for the port or terminal.

**§ 158.160 Issuance and termination of a Certificate of Adequacy.**

(a) After reviewing an application made under § 158.140(a)(1), the COTP determines by inspection the following:

(1) When the application is made on Form A, whether or not the reception facility meets Subpart B of this part.

(2) When the application is made on Form B, whether or not the reception facility and the port, or the reception facility and the terminal, meet Subpart C of this part.

NOTE: If in the instruction manual required by § 158.330(b) there is a certification by a registered professional engineer licensed by a state or the District of Columbia that the backpressure requirements under § 158.330(a) are met, the COTP determines whether or not to accept this finding.

(b) After the inspections under paragraph (a) are conducted, and after consulting with the Administrator of the Environmental Protection Agency (EPA) or his or her designee, the COTP.

(1) Issues a Certificate of Adequacy to the person in charge for the port or terminal; or

(2) Denies the application and informs the person in charge in writing of the reasons for the denial.

(c) After reviewing an application made under § 158.140(a)(2), the COTP—

(1) Issues a Certificate of Adequacy to the person in charge for the port or terminal; or

(2) Denies the application and informs the person in charge in writing of the reasons for the denial.

(d) In order to remain valid, the Certificate of Adequacy must have attached to it any waivers that are granted under § 158.150 when the Certificate of Adequacy is issued.

(e) Each Certificate of Adequacy remains valid for a period of five years or until—

(1) Suspended;

(2) Revoked; or

(3) This part no longer applies to the port or terminal.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989, as amended by CGD 96-026, 61 FR 33668, June 28, 1996; USCG-2010-0351, 75 FR 36286, June 25, 2010]

**§ 158.163 Reception facility operations.**

(a) Each person in charge and each person who is in charge of a reception facility shall ensure that the reception facility does not operate in a manner that violates any requirement under this part.

(b) A copy of the Certificate of Adequacy issued for the port or terminal must be—

(1) At each port and terminal under this part; and

(2) Available for inspection by the COTP and the master, operator, person who is in charge of a ship, or agent for a ship.

(c) Ports and terminals required to have an Operations Manual under this chapter or 46 CFR Chapter 1 must have a copy of the Certificate of Adequacy

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issued for the port or terminal, including any waivers, attached to that Operations Manual.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18409, Apr. 28, 1989]

### § 158.165 Certificate of Adequacy: Change of information.

(a) Except as required in paragraph (b) of this section, the person in charge shall notify the COTP in writing within 10 days after any information required in section 2, 3A, 3G, or 3H, of Form A or section 2, 5A, or 5C of Form B changes.

(b) The person in charge shall notify the COTP in writing within 30 days after any information required in the following is changed:

(1) Form A, sections 1, 3B, 3C, 3E, 3F, 3I, or 3J.

(2) Form B, sections 1, 3, 4, 5B, 5D, 5E, 5F or 5G.

(3) Form C, sections A1, B1, B2, or D4.

(c) The person in charge shall maintain at the port or terminal a copy of the information submitted under paragraphs (a) and (b) of this section, until a corrected Certificate of Adequacy is received from the COTP.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18409, Apr. 28, 1989; 55 FR 35988, Sept. 4, 1990]

### § 158.167 Reporting inadequate reception facilities.

Any person may report to the local Coast Guard COTP that reception facilities required by these regulations or MARPOL 73/78 are inadequate. Reports of inadequate reception facilities may be made orally, in writing or by telephone.

[CGD 88-002, 54 FR 18409, Apr. 28, 1989]

## SUSPENSION, REVOCATION, AND APPEALS

### § 158.170 Grounds for suspension.

The COTP may suspend a Certificate of Adequacy if—

(a) Deficiencies recur or significantly affect the adequacy of the reception facility;

(b) Continued operations will result in undue delay to ships calling at the port or terminal;

(c) There is a failure to accept NLS residue from a ship after it's cargo

tanks are prewashed in accordance with 46 CFR 153.1120; or

(d) There is a substantial threat of discharge of oil or NLS into or upon the navigable waters of the United States or adjoining shorelines.

### § 158.172 Notification of a suspension order.

(a) If the COTP has grounds for an immediate suspension of or is considering suspending a Certificate of Adequacy, the COTP notifies the person in charge of the intended action. Each notification of a suspension order, whether oral or written, includes—

(1) The grounds for the suspension;

(2) The date when the suspension becomes effective; and

(3) Information on how the suspension may be withdrawn, including all corrective actions required.

(b) If the suspension order is made orally, the COTP issues a suspension order in writing within five days after the initial notification.

### § 158.174 Suspension of a Certificate of Adequacy: Procedure.

(a) If no evidence or arguments are submitted in response to a notification of a suspension order, the suspension is effective on the date stated in the order.

(b) If any petition for withdrawing a suspension order is submitted in response to a notification of a suspension order, the COTP considers the evidence or arguments and notifies the person in charge of any action taken including—

(1) Denial of the petition for withdrawing a suspension order;

(2) Initiation of civil or criminal penalty action under subpart 1.07 of part 1 of this chapter; or

(3) Withdrawing the suspension order.

### § 158.176 Effect of suspension of a Certificate of Adequacy.

After the COTP notifies the person in charge and places a suspension order in effect, the COTP denies entry of ships to the port or terminal while the Certificate of Adequacy is suspended.

### § 158.178 Actions during a suspension.

(a) If a Certificate of Adequacy is suspended for longer than a five day period, the person in charge shall return

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it to the COTP within five days after the suspension becomes effective.

(b) After the suspension is in effect, the COTP may—

(1) Terminate the suspension order after receiving information from the person in charge that corrective action has been taken; or

(2) Revoke the Certificate of Adequacy if no significant action is undertaken by the person in charge to meet any measures ordered by the COTP.

**§ 158.180 Certificate of Adequacy: Procedures after revocation or the part no longer applies.**

(a) If a Certificate of Adequacy is revoked, the person in charge shall return it to the COTP within five days after the revocation becomes effective.

(b) When this part no longer applies to the port or terminal, the person in charge shall return the Certificate of Adequacy to the COTP within 30 days after this part no longer applies.

(c) After the Certificate of Adequacy has been returned to the COTP under paragraph (a) or (b) of this section, an application for a new Certificate of Adequacy may be submitted under § 158.140.

**§ 158.190 Appeals.**

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

(b) Except as provided under paragraph (e) of this section, 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 Coast Guard District Commander of the district in which the action was taken; and

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

(c) The District Commander issues a ruling after reviewing the appeal submitted under paragraph (b) of this section. Except as provided under paragraph (e) of this section, the person affected who is not satisfied with this ruling may—

(1) Appeal that ruling in writing within 30 days after the ruling to the Commandant (CG-5P), Attn: Deputy for Operations Policy and Capabilities, 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.

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

(e) If the delay in presenting a written appeal has an adverse impact on the operations of the appellant, the appeal under paragraph (b) or (c) 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 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 96-026, 61 FR 33668, June 28, 1996; CGD 97-023, 62 FR 33364, June 19, 1997; USCG-2002-12471, 67 FR 41333, June 18, 2002; USCG-2010-0351, 75 FR 36286, June 25, 2010; USCG-2014-0410, 79 FR 38439, July 7, 2014]

**Subpart B—Criteria for Reception Facilities: Oily Mixtures**

SOURCE: CGD 78-035, 50 FR 36793, Sept. 9, 1985, unless otherwise noted.

**§ 158.200 General.**

(a) Except as allowed in paragraph (b) of this section, the facility used to meet Regulation 12 of Annex I to MARPOL 73/78 must—

(1) Be a reception facility as defined under § 158.120 that is available at the port or terminal;

(2) Hold each Federal, State, and local permit and license required by environmental laws and regulations concerning oily mixtures; and

(3) Be capable of—

(i) Receiving oily mixtures from oceangoing ships within 24 hours after notice by that ship;

(ii) Completing the reception of ballast water containing oily mixtures from the ship in less than 10 hours after waste transfer operations begin; and

(iii) Completing the reception of other oily mixtures in less than 4 hours after the transfer operation begins.

(b) Reception facilities for ship repair yards do not have to meet paragraphs (a)(3)(i) through (a)(3)(iii) of this section, but must be capable of completing transfer of oily mixtures from each oceangoing ship before the ship departs from the ship repair yard.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987; USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

**§ 158.210 Ports and terminals loading crude oil.**

The reception facility for a crude oil loading port or terminal must have the capacity for receiving—

(a) Oil residue from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons);

(b) Bilge water containing oily mixtures in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater; and

(c) Ballast water containing oily mixtures in the amount of 30% of the deadweight tonnage of the largest of the oceangoing tankers loading crude oil at the port or terminal that do not have clean ballast tanks (CBT), segregated ballast tanks (SBT), or crude oil washing (COW) meeting part 157 of this subchapter, multiplied by one or the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987; USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

**§ 158.220 Ports and terminals loading more than 1,000 metric tons of oil other than crude oil or bunker oil.**

The reception facility for an oil loading port or terminal that loads a daily average of more than 1,000 metric tons (1,100 short tons) of oil other than crude oil or bunker oil to oceangoing

tankers must have the capacity for receiving—

(a) Oil residue from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons);

(b) Bilge water containing oily mixtures in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater;

(c) Ballast water containing oily mixtures in the amount of 30% of the deadweight tonnage of the largest of the oceangoing tankers loading oil other than crude oil or bunker oil, at the port or terminal, that do not have CBT or SBT meeting part 157 of this chapter, multiplied by one or the daily vessel average, whichever quantity is greater; and

(d) Oil cargo residue in the amount of 0.2% of the total cargo capacity of the largest of the oceangoing tankers loading oil other than crude oil or bunker oil, at the port or terminal, multiplied by one or the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987; USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

**§ 158.230 Ports and terminals other than ports and terminals under §§ 158.210, 158.220, and 158.240.**

Reception facilities for ports and terminals other than those under §§ 158.210, 158.220, and 158.240 of this subpart and those that are used exclusively by non-self-propelled tank barges, must have the capacity for receiving—

(a) Oil residue from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons), or 1 metric ton (1.1 short tons) multiplied by the daily vessel average, whichever quantity is greater; and

(b) Bilge water containing oily mixtures in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2

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short tons) multiplied by the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987; USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

### § 158.240 Ship repair yards.

The reception facility that services oceangoing ships using a ship repair yard must have a capacity for receiving—

(a) An amount of ballast from bunker tanks, and the wash water and oil residue from the cleaning of bunker tanks and oil residue (sludge) tanks, equal to 8 percent of the bunker capacity of the largest oceangoing ship serviced;

(b) An amount of solid oil cargo residues from cargo tanks equal to 0.1 percent of the deadweight tonnage of the largest oceangoing tanker serviced;

(c) An amount of ballast water containing oily mixtures and wash water from in-port tank washing equal to—

(1) 1,500 metric tons (1,650 short tons), or;

(2) 4½% of the deadweight tonnage of the largest oceangoing tanker serviced; and

(d) An amount of liquid oil cargo residue based on the following percentages of deadweight tonnage of the largest oceangoing tanker serviced:

(1) For crude oil oceangoing tankers, 1%.

(2) For black product oceangoing tankers, 0.5%

(3) For white product oceangoing tankers, 0.2%

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

### § 158.250 Standard discharge connection.

Each reception facility that received bilge water containing oily mixtures must have a standard discharge connection that—

(a) Meets § 155.430 of this subchapter; and

(b) Attaches to each hose or pipe that removes bilge water containing oily mixtures from oceangoing ships.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

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### Subpart C—Criteria for Certifying That a Port's or Terminal's Facilities Are Adequate for Receiving NLS Residue

SOURCE: CGD 85-010, 52 FR 7764, Mar. 12, 1987, unless otherwise noted.

#### § 158.300 Purpose.

The purpose of this subpart is to supply the criteria needed for ports and terminals under § 158.110 used by oceangoing ships carrying NLS cargo or NLS residue to meet Regulation 7 of Annex II to MARPOL 73/78.

#### § 158.310 Reception facilities: General.

(a) Except as allowed in paragraph (b) of this section, each reception facility, in order to pass the inspection under § 158.160, must—

(1) Be a reception facility as defined under § 158.120;

(2) Be available at the port or terminal;

(3) Meet the requirements of § 158.320;

(4) Hold each Federal, State, and local permit and license required by environmental laws and regulations concerning NLS residue;

(5) Be capable of receiving NLS residue from an oceangoing ship within 24 hours after notice by that ship of the need for reception facilities; and

(6) Be capable of completing the transfer of NLS residue within 10 hours after the transfer of NLS residue begins.

(b) A reception facility for a ship repair yard does not have to meet the requirements of paragraphs (a)(5) and (a)(6) of this section if it is capable of completing transfer of NLS residue from an oceangoing ship before the ship departs from the yard.

#### § 158.320 Reception facilities: Capacity, and exceptions.

(a) Except as allowed in paragraph (b) of this section, each day the port or terminal is in operation, the port or terminal must have a reception facility that is capable of receiving—

(1) 75 cubic meters (19,810 gallons) of NLS residue for each regulated NLS cargo that is a solidifying Category A NLS; or

(2) 50 cubic meters (13,210 gallons) of NLS residue for each regulated NLS cargo that is not a solidifying Category A.

(b) The port or terminal need only meet §158.330 if it is used by ships that only transfer Category B or C NLS cargoes that are not high viscosity or solidifying Category B or C NLSs.

(c) For each category of NLS cargo carried on a ship, each day a ship repair yard is in operation and being used by a ship that must discharge NLS residue in order to proceed with repair work, the ship repair yard must have a reception facility that is capable of receiving—

(1) 50 cubic meters (13,210 gallons) of NLS residue that contains a—

- (i) Category A NLS that is not a solidifying NLS;
- (ii) Category B NLS; or
- (iii) Category C NLS; or
- (iv) Category D NLS; or

(2) 75 cubic meters (19,810 gallons) of NLS residue that contains a Category A NLS that is a solidifying NLS cargo.

#### § 158.330 Ports and terminals: Equipment.

Each port and terminal except ship repair yards, in order to pass the inspection under §158.160, must—

(a) At mean low tide and with the ship's manifold 10 feet above the surface of the water, be capable of receiving Category B or C NLS cargo during the stripping operations at an average flow rate of 6 cubic meters (1584 gallons) per hour without the backpressure at the ship's manifold exceeding 101.6 kPa (14.7 pounds per square inch gauge) pressure; and

(b) Have an instruction manual that lists the equipment and procedures for meeting paragraph (a) of this section. The instruction manual may be made part of the operations manual that is required under §154.300 of this chapter.

#### Subpart D—Criteria for Adequacy of Reception Facilities: Garbage

SOURCE: CGD 88-002, 54 FR 18409, Apr. 28, 1989, unless otherwise noted.

#### § 158.400 Purpose.

The purpose of this subpart is to supply the criteria for determining the

adequacy of reception facilities for garbage at ports and terminals that receive ships and to comply with the Act and Regulation 7 of Annex V to MARPOL 73/78.

#### § 158.410 Reception facilities: General.

(a) Except as allowed in paragraph (b) of this section, the person in charge of a port or terminal shall ensure that each port or terminal's reception facility.

(1) Is capable after August 28, 1989 of receiving APHIS regulated garbage at a port or terminal no later than 24 hours after notice under §151.65 of this chapter is given to the port or terminal, unless it only receives ships that—

- (i) Operate exclusively within the navigable waters of the United States;
- (ii) Operate exclusively between ports or terminals in the continental United States; or

(iii) Operate exclusively between continental United States ports or terminals and Canadian ports or terminals.

(2) Is capable of receiving medical wastes or hazardous wastes defined in 40 CFR 261.3, unless the port or terminal operator can provide to the master, operator, or person in charge of a ship, a list of persons authorized by federal, state, or local law or regulation to transport and treat such wastes;

(3) Is arranged so that it does not interfere with port or terminal operations;

(4) Is conveniently located so that mariners unfamiliar with the port or terminal can find it easily and so that its use will not be discouraged;

(5) Is situated so that garbage from ships which has been placed in it cannot readily enter the water; and

(6) Holds each federal, state, and local permit or license required by environmental and public health laws and regulations concerning garbage handling.

(b) A reception facility for a ship repair yard does not have to meet the requirements of paragraph (a)(1) of this section if it is capable of handling the transfer of garbage from a ship before the ship departs from the yard.

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NOTE: The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) requires victual wastes or garbage contaminated by victual wastes, except from vessels that operate only between the continental United States and Canadian ports, to be incinerated or sterilized in accordance with their regulations in 7 CFR 330.400 and 9 CFR 94.5.

### § 158.420 Reception facilities: Capacity and exceptions.

Each day a port or terminal is in operation, the person in charge of a port or terminal must provide, or ensure the availability of, a reception facility that is capable of receiving all garbage that the master or person who is in charge of a ship desires to discharge, except—

(a) Large quantities of spoiled or damaged cargoes not usually discharged by a ship; or

(b) Garbage from ships not having commercial transactions with that port or terminal.

### Subpart E—Port and Terminal Operations

SOURCE: CGD 85-010, 52 FR 7765, Mar. 12, 1987, unless otherwise noted. Redesignated by CGD 88-002, 54 FR 18409, Apr. 28, 1989.

### § 158.500 Draining cargo area and piping systems.

The person in charge shall ensure that each cargo hose and each piping system containing NLS received from each oceangoing ship carrying NLS cargo is not drained back into the ship.

### § 158.520 Following the instruction manual.

The person in charge shall ensure that the instruction manual under § 158.330(b) is followed during the transfer of any NLS.

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