

## § 151.01

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APPENDIX TO SUBPART D OF PART 151—BALLAST WATER REPORTING FORM AND INSTRUCTIONS FOR BALLAST WATER REPORTING FORM

### Subpart E—Definition of Marine Debris for the Purposes of the Marine Debris Research, Prevention, and Reduction Act

- 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).

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

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.

*Cargo associated wastes* means all materials which have become wastes as a result of use on board a ship for cargo stowage and handling. Cargo associated wastes include, but are not limited to dunnage, shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire, and steel strapping.

*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.

*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 73/78 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 generated in the living spaces on board a ship, except victual wastes.

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

*Graywater* means drainage from dishwasher, shower, laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, 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 73/78.

*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.

*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.

*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.

*Maintenance waste* means materials collected while maintaining and operating the ship, including, but not limited to, soot, machinery deposits, scraped paint, deck sweepings, wiping wastes, and rags.

*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 73/78 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 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, SR7, England.

*Medical waste* means isolation wastes, infectious agents, human blood and

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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.

*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 accordance with international law, except that, for the purposes of these regulations, “from the nearest land” off the north eastern 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 13°00' South, longitude 144°00' East, thence to a point—latitude 15°00' South, longitude 146°00' East, thence to a point—latitude 18°00' South, longitude 147°00' East, thence to a point—latitude 21°00' South, longitude 153°00' 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 73/78.

*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 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 whether in solid, semi-solid, emulsified, or liquid form, 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.

*Oily rags* means rags soaked with oil.

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

*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 73/78 when it is carrying a cargo or part cargo of oil in bulk.

*Oily mixture* means a mixture with any oil content, including bilge slops, oily wastes, oil residues (sludge), oily ballast water, and washings from cargo oil tanks.

*Operational waste* means all cargo-associated waste, maintenance waste, and cargo residues other than oil residues and NLS cargo residues. “Operational wastes” includes ashes and clinkers (*i.e.*, a mass of incombustible matter fused together by heat) from shipboard incinerators and coal-burning boilers but does not include plastic clinkers, which are treated as an Annex V waste, or oily rags, which are treated as an Annex I waste.

*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 any garbage that is solid material, that contains as an essential ingredient one or more synthetic organic high polymers, and that is formed or shaped either during the manufacture of the polymer or polymers or during fabrication into a finished product by heat or pressure or

both. “Degradable” plastics, which are composed of combinations of degradable starches and are either (a) synthetically produced or (b) naturally produced but harvested and adapted for use, are plastics under this part. Naturally produced plastics such as crabshells and other types of shells, which appear normally in the marine environment, are not plastics under this part.

NOTE: Plastics possess material properties ranging from hard and brittle to soft and elastic. Plastics are used for a variety of marine applications including, but not limited to: food wrappings, products for personal hygiene, packaging (vaporproof barriers, bottles, containers, and liners), ship construction (fiberglass and laminated structures, siding, piping insulation, flooring, carpets, fabrics, adhesives, and electrical and electronic components), disposable eating-utensils and cups (including styrene products), bags, sheeting, floats, synthetic fishing nets, monofilament fishing line, strapping bands, hardhats, and synthetic ropes and lines.

*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).

*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* 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 73/78.

*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 73/78 or carried on board foreign ships operated under the authority of a country that is not a party to MARPOL 73/78, 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 73/78, 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.

*Victual waste* means any spoiled or unspoiled food waste.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983; 48 FR 54977, Dec. 8, 1983, as amended by CGD 85-010, 52 FR 7758, Mar. 12, 1987; CGD 88-002, 54 FR 18403, Apr. 28, 1989; CGD 88-002A, 55 FR 18582, May 2, 1990; 55 FR 35988, Sept. 4, 1990; 56 FR 8880, Mar. 1, 1991; CGD 93-030, 59 FR 51338, Oct. 7, 1994; CGD 94-056, 60 FR 43377, Aug. 21, 1995; CGD 97-015, 62 FR 18045, Apr. 14, 1997; USCG 2000-7079, 65 FR 67155, Nov. 8, 2000; USCG-2000-7641, 66 FR 55570, Nov. 2, 2001; USCG-2000-6927, 70 FR 74675, Dec. 16, 2005; USCG-2008-0179, 73 FR 35013, June 19, 2008]

#### § 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).

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

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

(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.

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.

(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.

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

(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.

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

[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—

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

31°14' S; 017°50' E

- (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;

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

(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.

(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) Sections 151.26 through 151.28 do not apply to—

(1) The ships specified in paragraph (b) of this section;

(2) Any barge or other ship which is constructed or operated in such a manner that no oil in any form can be carried aboard.

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



## § 151.10

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NOTE TO §151.09(c)(3): The term “internal waters” is defined in §2.24 of this chapter.

[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]

### § 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 oceangoing 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 oceangoing 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 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

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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]

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

(a) For the purposes of §§151.09 through 151.25, 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, and the Antarctic area, the North West

European waters, and Oman area of the Arabian Sea which are described in §151.06. 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

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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]

### § 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 per-

mitted 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-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 material 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.

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(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 with-

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out 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 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; and

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

(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; and

(10) Disposal of oil residue.

(f) Entries shall be made in the Oil Record Book on each occasion, on a tank-to-tank basis if appropriate,

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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]

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### § 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 26 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)). 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 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.* 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.

(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 or oily mixture resulting from damage to the ship or its equipment, or for the purpose of securing the safety of a 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 that depicted in Table 151.26(b)(3)(ii)(A), that contains information to be provided in the initial and follow-up notifications. 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"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <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"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <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 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> SPEED (Beaufort)	SWELL	DIRECTION <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> HEIGHT (m)
<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.

(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 directed to any Antarctic station that may be affected.

(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 removal of oil spilled and contained on deck. The plan must also provide guidance to ensure proper disposal of recovered oil and cleanup materials;

(A) Pipe leakage: The plan must provide specific guidance for dealing with pipe leakage;

(B) Tank overflow: The plan must include procedures for dealing with tank overflows. It must provide alternatives such as transferring cargo or bunkers to empty or slack tanks, or readying pumps to transfer the excess ashore;

(C) Hull leakage: The plan must outline procedures for responding to spills due to suspected hull leakage, including guidance on measures to be taken to reduce the head of oil in the tank involved either by internal transfer or discharge ashore. Procedures to handle situations where it is not possible to identify the specific tank from which

leakage is occurring must also be provided. Procedures for dealing with suspected hull fractures must be included. These procedures must take into account the effect of corrective actions on hull stress and stability.

(ii) Spills resulting from casualties: Each of the casualties listed below must be treated in the plan as a separate section comprised of various checklists or other means which will ensure that the master considers all appropriate factors when addressing the specific casualty. These checklists must be tailored to the specific ship. 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 in the following situations:

- (A) Grounding;
- (B) Fire or explosion;
- (C) Collision;
- (D) Hull failure; and
- (E) Excessive list.

(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) Information for making damage stability and longitudinal strength assessments, or contacting classification societies to acquire such information. Nothing in this section shall be construed as creating a requirement for damage stability plans or calculations beyond those required by law or regulation; and

(C) Lightning 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.

(5) *National and Local Coordination.* (i) This section of the plan must contain information to assist the master in ini-

tiating 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.

(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 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) Diagrams;

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- (ii) Response equipment or oil spill removal organizations;
  - (iii) Public affairs practices;
  - (iv) Recordkeeping;
  - (v) Plan exercising; and
  - (vi) 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]

### **§ 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-5431), U.S. Coast Guard, 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581.

(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 all requirements of this section, the Coast Guard will notify the owner or operator of the ship and return a copy of the approved plan along with an approval letter. The approval period for a plan expires 5 years after the plan approval date.

(f) If the Coast Guard determines that the plan does not meet all of the requirements, the Coast Guard will notify the owner or operator of the plan's deficiencies. The owner or operator must then resubmit two copies of the revised plan, or corrected portions of the plan, within time period specified in the written notice provided by the Coast Guard.

[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]

### **§ 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.

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(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.

[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]

### § 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;

(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

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(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 § 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:

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(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.

(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

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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—

(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

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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 NH<sub>3</sub>)  
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)
- 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

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Olefin/Alkyl ester copolymer (molecular weight 2000+)  
 Oleic acid  
 Palm kernel acid oil, methyl ester  
 Palm stearin  
 Pentaethylenhexamine  
 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  
 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 NH<sub>3</sub>)  
 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

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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 by paragraph (b) of this section, §§151.51 through 151.77 apply to—

(1) Each ship that 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; and

(2) Each ship, other than a ship referred to in paragraph (a)(1) of this section, 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 the United States when engaged in non-commercial service; or

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

NOTE: The Exclusive Economic Zone extends from the baseline of the territorial sea seaward 200 miles as defined in the Presidential Proclamation 5030 of March 10, 1983 (3 CFR, 1983 Comp. p. 22).

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

#### § 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

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Mexico and the Caribbean Sea which are described in §151.06.

(b) In accordance with paragraph (4)(b) of Regulation 5 of Annex V of MARPOL 73/78, the discharge restrictions in §151.71 for special areas 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 each special area will be published in the FEDERAL REGISTER and reflected in this section.

(c) The discharge restrictions are in effect in the Mediterranean Sea, 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]

#### § 151.55 Recordkeeping requirements.

(a) This section applies to the following:

(1) Every manned oceangoing ship (other than a fixed or floating platform) of 400 gross tons and above that is engaged in commerce and that is documented under the laws of the United States or numbered by a State.

(2) Every manned fixed or floating platform subject to the jurisdiction of the United States.

(3) Every manned ship that is certified to carry 15 passengers or more engaged in international voyages.

(b) The master or person in charge of each ship under paragraph (a)(1), (a)(2), or (a)(3) of this section shall ensure that a written record is maintained on the ship of each of the following garbage discharge or disposal operations:

(1) Discharge overboard.

(2) Discharge to another ship.

(3) Discharge to a reception facility.

(4) Incineration on the ship.

(c) The record under paragraph (b) of this section must contain the following information on each discharge or disposal operation:

(1) The type of operation as described under paragraphs (b)(1) through (b)(4) of this section.

(2) The date and time of the operation.

(3) If the operation was conducted at a port, the name of the port.

(4) If the operation was not conducted at a port, the latitude and longitude of the location where the operation was conducted and the estimated distance of that location from shore. If the operation involved off-loading to another ship, the identity of the receiving ship by name and official number.

(5) The amount of garbage involved, described by volume in cubic meters.

(6) For discharges into the sea, a description of the contents of the garbage, described by the following categories:

- (i) Plastic material.
- (ii) Floating dunnage, lining, or packing material.
- (iii) Ground paper products, rags, glass, metal, bottles, crockery, or other similar garbage.
- (iv) Unground paper products, rags, glass, metal, bottles, crockery, or other similar garbage.
- (v) Victual wastes.
- (vi) Incinerated ash.
- (vii) Incinerated plastic residue.

(d) The record under paragraph (b) of this section must be prepared at the time of the operation, certified as correct by the master or person in charge of the ship, maintained on the ship for two years following the operation, and made available for inspection by the Coast Guard.

[CGD 92-71, 59 FR 18703, Apr. 19, 1994, as amended by USCG-2000-7641, 66 FR 55571, Nov. 2, 2001]

#### § 151.57 Waste management plans.

(a) This section applies to the following:

(1) Each manned oceangoing ship (other than a fixed or floating 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) Each manned fixed or floating platform that is—

- (i) Documented under the laws of the United States; or
- (ii) Operating under the authority of the United States, including, but not limited to, a lease or permit issued by an agency of the United States.

(b) The master or person in charge of a ship under paragraphs (a)(1) and (a)(2) of this section shall ensure that the ship is not operated unless a waste management plan meeting paragraph (c) of this section is on the ship and that each person handling garbage follows the plan.

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

(1) Provide for the discharge of garbage by means that meet Annex V of MARPOL 73/78, the Act, and §§151.51 through 151.77;

(2) Describe procedures for 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)

[CGD 88-002A, 55 FR 18582, May 2, 1990, as amended by USCG-2006-25150, 71 FR 39209, July 12, 2006]

#### § 151.59 Placards.

(a) This section applies to the following:

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

(2) Each manned floating platform in transit that is—

- (i) Documented under the laws of the United States; or
- (ii) Operating under the authority of the United States, including, but not limited to, a lease or permit issued by an agency of the United States.

(b) The master or person in charge of each ship under paragraph (a)(1) or (a)(2) of this section 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, and common spaces on deck. If the Captain of the Port determines that the number or location of the placards is insufficient to adequately inform crew and passengers, the Captain of the Port may require additional placards and may specify their locations.

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(c) Each placard must be at least nine inches wide by four inches high, made of a durable material, and lettered with letters at least 1/8 inch high.

(d) Except as under paragraph (e) of this section, the placard must notify the reader of the following:

(1) The discharge of plastic or garbage mixed with plastic into any waters is prohibited.

(2) The discharge of all garbage is prohibited in the navigable waters of the United States and, in all other waters, within three nautical miles of the nearest land.

(3) The discharge of dunnage, lining, and packing materials that float is prohibited within 25 nautical miles of the nearest land.

(4) Other unground garbage may be discharged beyond 12 nautical miles from the nearest land.

(5) Other garbage ground to less than one inch may be discharged beyond three nautical miles of the nearest land.

(6) 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. Placards installed on vessels before May 7, 1997, need not be replaced; and existing stocks of placards, containing previous language, may be used. When language on a placard is inconsistent with the language in the Code of Federal Regulations (CFR) due to use of a placard containing previous language penalty amounts contained in the CFR are controlling.

(7) Regional, State, and local restrictions on garbage discharges also may apply.

(e) 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 (d) of this section; or

(2) Notify the reader of the following:

(i) The discharge of all garbage into the Great Lakes or their connecting or tributary waters is prohibited.

(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. Placards installed on vessels before May 7, 1997, need not be replaced; and existing stocks of placards, containing previous

language, may be used. When language on a placard is inconsistent with the language in the Code of Federal Regulations (CFR) due to use of a placard containing previous language, penalty amounts contained in the CFR are controlling.

[CGD 88-002A, 56 FR 8880, Mar. 1, 1991, as amended by CGD 96-052, 62 FR 16703, Apr. 8, 1997; 62 FR 31340, June 9, 1997]

### § 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 73/78;

(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;

(d) A waste 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]

### § 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 waste 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]

#### § 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.

(c) Hazardous wastes defined in 40 CFR 261.3.

#### § 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.

(b) On the United States' waters of the Great Lakes, commercial ships, excluding non-self propelled barges that are not part of an integrated tug and barge unit, may discharge bulk dry

cargo residues in accordance with this paragraph and paragraph (c) of this section. Owners and operators of ships to which these paragraphs apply are encouraged to minimize the volume of dry cargo residues discharged through the use of suitable residue control measures onboard and by loading and unloading cargo at facilities that use suitable shoreside residue control measures. As used in this paragraph and 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, 90°52'51.0" W southwest along the shoreline to a point of land at 46°52'56.4" N, 91°3'3.1" W.

*Bulk dry cargo residues* means non-hazardous and non-toxic residues 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	85°50.0' W
47°24.2' N	85°38.5' W
47°04.0' N	85°49.0' W
47°05.7' N	85°59.0' W
47°18.1' N	86°05.0' W

*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' N, 083°06' W along the U.S.-Canada boundary southward and clockwise connecting points:

42°02' N	083°08' W
41°54' N	083°06' W
41°50' N	083°10' W
41°44.52' N	083°22' W
41°44.19' N	083°27' W

*Grand Portage National Monument* means the site on or near Lake Superior, administered by the National Park Service, from a southwest corner of the monument point of land,

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47°57.521' 89°41.245', to the northeast corner of the monument point of land, 47°57.888' 89°40.725'.

*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.

*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 seakeeping 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 four and one-half miles of the shoreline of Isle Royale and the surrounding islands, including Passage Island and Gull Island.

*Mile* means a statute mile, and refers to the distance from the nearest land or island;

*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	87°14.0' W
43°21.2' N	87°02.3' W
43°03.3' N	87°04.8' W
42°57.5' N	87°21.0' W
43°16.0' N	87°39.8' W

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

45°45' N	86°00' W,
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western shore of High Island, southern shore of Beaver Island:

45°30' N	85°30' W
45°30' N	85°15' W
45°25' N	85°15' W
45°25' N	85°20' W
45°20' N	85°20' W
45°20' N	85°40' W
45°15' N	85°40' W
45°15' N	85°50' W
45°10' N	85°50' W
45°10' N	86°00' 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' N	82°33' W
44°47' N	82°18' W
44°39' N	82°13' W
44°27' N	82°13' W
44°27' N	82°20' W
44°17' N	82°25' W
44°17' N	82°30' W
44°28' N	82°40' W
44°51' N	82°44' W
44°53' N	82°44' W
44°54' N	82°40' 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 87°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 87°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 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	83°23'18.6" W
45°12'25.5" N	83°00'00" W
44°51'30.5" N	83°00'00" W
44°51'30.5" N	83°19'17.3" W

*Waukegan Special Protection Area* means the area enclosed by rhumb

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lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

42°24.3' N 87°29.3' W  
 42°13.0' N 87°25.1' W  
 42°12.2' N 87°29.1' W

42°18.1' N 87°33.1' W  
 42°24.1' N 87°32.0' W; and

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

TABLE 151.66(b)—BULK DRY CARGO RESIDUE DISCHARGES ALLOWED ON THE GREAT LAKES

Location	Cargo	Discharge allowed except as noted
Tributaries, their connecting rivers, and St. Lawrence River.	Limestone and other clean stone.	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes.
Lake Ontario	All other cargos	Prohibited.
	Limestone and other clean stone.	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes.
	Iron ore	Prohibited within 6 miles from shore.
Lake Erie	All other cargos	Prohibited within 13.8 miles from shore.
	Limestone and other clean stone.	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes; 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.
	All other cargos	Prohibited within 13.8 miles from shore; prohibited in the Detroit River International Wildlife Refuge; prohibited in Western Basin.
Lake St. Clair	Limestone and other clean stone.	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes.
	All other cargos	Prohibited.
Lake Huron except Six Fathom Scarp Mid-Lake Special Protection Area.	Limestone and other clean stone.	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes; 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 up bound along the Michigan thumb as follows: (1) 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; and (2) 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.
	Coal, salt	Prohibited within 13.8 miles from shore and in Saginaw Bay; prohibited in the Thunder Bay National Marine Sanctuary; prohibited for vessels up bound 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 cargos	Prohibited within 13.8 miles from shore and in Saginaw Bay; prohibited in the Thunder Bay National Marine Sanctuary.
Lake Michigan	Limestone and other clean stone.	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes; 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.



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

Location	Cargo	Discharge allowed except as noted
	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: (1) 4.75 miles off Big Sable Point Betsie, along established Lake Carriers Association (LCA) track lines; and (2) Along 056.25° LCA track line between due east of Poverty Island to a point due south of Port Inland Light.
	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: (1) 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; (2) Along 037° LCA track line between 45°20' N and 45°42' N; (3) Along 056.25° LCA track line between points due east of Poverty Island to a point due south of Port Inland Light; and (4) 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 cargos .....	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.
Lake Superior .....	Limestone and other clean stone.	Prohibited where there is an apparent impact on wetlands, fish spawning areas, and potable water intakes; and prohibited within Isle Royal 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 Royal 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.
	Coal, salt .....	Prohibited within 13.8 miles from shore (within 3 miles off northwestern shore between Duluth and Grand Marais); and prohibited within Isle Royal 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 Royal 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)—BULK DRY CARGO RESIDUE DISCHARGES ALLOWED ON THE GREAT LAKES—  
Continued

Location	Cargo	Discharge allowed except as noted
	All other cargos .....	Prohibited within 13.8 miles from shore; and prohibited within Isle Royal 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.

(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 loading 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) 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](http://www.uscg.mil/hq/cg5/cg522/cg5224/dry_cargo.asp). The records must be certified by the master, owner, operator, or person in charge and kept in written form onboard the ship for at least two years. 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) E-mail to [DCRRecordkeeping@USCG.mil](mailto:DCRRecordkeeping@USCG.mil);

(B) Fax to (202) 372-1926, ATTN: DCR RECORDKEEPING; or

(C) Mail to U.S. Coast Guard: Commandant (CG-522), ATTN: DCR RECORDKEEPING, 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126.

[USCG-2004-19621, 73 FR 56498, Sept. 29, 2008, as amended at USCG-2010-0351, 75 FR 36284, June 25, 2010]

**§ 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

### § 151.69

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) When operating outside of a special area specified in §151.53, no person may discharge, into the sea, garbage that is separated from plastic, if the distance from nearest land is less than—

(1) 25 nautical miles for dunnage, lining and packing materials that float; or

(2) 12 nautical miles for victual wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse, except that, such garbage may be discharged outside of three nautical miles from nearest land after it has been passed through a grinder or comminuter specified in §151.75.

(b) Mixtures of garbage having different discharge requirements under paragraph (a)(1) or (a)(2) of this section must be—

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

(2) Discharged in accordance with the more stringent requirement prescribed by paragraph (a)(1) or (a)(2) of this section.

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

(a) When a ship is located in a special area referenced in §151.53 of this part, no person may discharge garbage from the ship, except as allowed in paragraph (b) or (c) in this section.

(b) Except as provided in paragraph (c) of this section, disposal into the sea of victual waste must be made as far as practicable from land but, in any case, not less than 12 nautical miles from the nearest land.

(c) Disposal into the Wider Caribbean region of victual wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land but, in any case, not less than 3 nautical miles from the

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nearest land. Such comminuted or ground food wastes shall be capable of passing through a screen with opening no greater than 25 millimeters.

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

#### **§ 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) Victual waste may be discharged into the sea from a ship or fixed or floating platform regulated by paragraph (a) of this section if—

(1) It passes through a comminuter or grinder meeting §151.75; and

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

#### **§ 151.75 Grinders or comminuters.**

Each grinder or comminuter used to discharge garbage in accordance with §151.69(a)(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).

#### **§ 151.77 Exceptions for emergencies.**

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

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

(b) The escape of garbage resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.

(c) The accidental loss of synthetic fishing nets, provided all reasonable precautions have been taken to prevent such loss.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990; CGD 90-054, 56 FR 19578, Apr. 29, 1991]

## APPENDIX A TO §§ 151.51 THROUGH 151.77—SUMMARY OF GARBAGE DISCHARGE RESTRICTIONS

Garbage Type	All Vessels Except Fixed or Floating Platforms and Associated Vessels		Fixed or Floating Platforms & Assoc. Vessels <sup>3</sup> (33 CFR 151.73)
	Outside special areas (33 CFR 151.69)	In special areas <sup>2</sup> (33 CFR 151.71)	
Plastics—includes synthetic ropes and fishing nets and plastic bags.	Disposal prohibited (33 CFR 151.67).	Disposal prohibited (33 CFR 151.67).	Disposal prohibited (33 CFR 151.67).
Dunnage, lining and packing materials that float.	Disposal prohibited less than 25 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited (33 CFR 151.71).	Disposal prohibited.
Paper, rags, glass, metal bottles, crockery and similar refuse.	Disposal prohibited less than 12 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited (33 CFR 151.71).	Disposal prohibited.
Paper, rags, glass, etc. comminuted or ground. <sup>1</sup>	Disposal prohibited less than 3 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited (33 CFR 151.71).	Disposal prohibited.
Victual waste not comminuted or ground.	Disposal prohibited less than 12 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited less than 12 miles from nearest land.	Disposal prohibited.
Victual waste comminuted or ground. <sup>1</sup>	Disposal prohibited less than 3 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited less than 12 miles from nearest land.	Disposal prohibited less than 12 miles from nearest land and in the navigable waters of the U.S.
Mixed garbage types. <sup>4</sup>	See Note 4.	See Note 4.	See Note 4.

Note 1: Comminuted or ground garbage must be able to pass through a screen with a mesh size no larger than 25 mm. (1 inch) (33 CFR 151.75)

Note 2: Special areas under Annex V are the Mediterranean, Baltic, Black, Red, and North Seas areas and the Gulfs area. (33 CFR 151.53)

Note 3: Fixed or floating platforms and associated vessels includes all fixed or floating platforms engaged in exploration, exploitation or associated offshore processing of seabed mineral resources, and all ships within 500m of such platforms.

Note 4: When garbage is mixed with other harmful substances having different disposal or discharge requirements, the more stringent disposal restrictions shall apply.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 90-054, 56 FR 19578, Apr. 29, 1991]

### § 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]