

**§ 151.2010 Which vessels are exempt from the mandatory requirements?**

Four types of vessels are exempt from the requirements in §§ 151.2040 and 151.2045:

(a) A crude oil tanker engaged in the coastwise trade.

(b) A passenger vessel equipped with a functioning treatment system designed to kill aquatic organisms in the ballast water. The treatment system must operate as designed.

(c) A Department of Defense or Coast Guard vessel subject to the requirements of section 1103 of the Act, or any vessel of the Armed Forces, as defined in the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) that is subject to the “Uniform National Discharge Standards for Vessels of the Armed Forces” (33 U.S.C. 1322(n)).

(d) A vessel that will discharge ballast water or sediments only at the same location where the ballast water or sediments originated. The ballast water or sediments must not mix with ballast water or sediments from areas other than the high seas.

**§ 151.2015 Is a vessel in innocent passage exempt from the mandatory requirements?**

A foreign vessel merely traversing the territorial sea of the United States (i.e., not entering or departing a U.S. port, or not navigating the internal waters of the U.S.) is exempt from the requirements of §§ 151.2040 and 151.2045, however such vessels are requested not to discharge ballast water into the waters of the United States unless they have followed the voluntary guidelines of § 151.2035.

**§ 151.2020 To what ballast water does this subpart apply?**

This subpart applies to all ballast water and associated sediments taken on a vessel in areas—

(a) Less than 200 nautical miles from any shore, or

(b) With water that is less than 2,000 meters (6,560 feet, 1,093 fathoms) deep.

**§ 151.2025 What definitions apply to this subpart?**

(a) Unless otherwise stated in this section, the definitions in 33 CFR 151.1504, 33 CFR 160.203, and the United

Nations Convention on the Law of the Sea apply to this part.

(b) As used in this part—

*ANSTF* means the Aquatic Nuisance Species Task Force mandated under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA).

*Captain of the Port (COTP)* means the Coast Guard officer designated as the COTP, or a person designated by that officer, for the COTP zone covering the first U.S. port of destination. These COTP zones are listed in 33 CFR part 3.

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

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

(2) *Empty/refill exchange* means to pump out the ballast water taken on in ports, estuarine, or territorial waters until the tank is empty, then refilling it with mid-ocean water; masters/operators should pump out as close to 100 percent of the ballast water as is safe to do so.

*IMO guidelines* mean the Guidelines for the Control and Management of Ships’ Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens (IMO Resolution A.868 (20), adopted November 1997).

*NANCPA* means the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

*NBIC* means the National Ballast Water Information Clearinghouse operated by the Coast Guard and the Smithsonian Environmental Research Center as mandated under NISA.

*NISA* means the National Invasive Species Act of 1996, which reauthorized and amended NANCPA.

*United States* means the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

*Voyage* means any transit by a vessel destined for any United States port from a port or place outside of the EEZ, including intermediate stops at a