

§ 159.11

under 40 CFR 140.3 or 140.4, the operator must secure each Type I or Type II device in a manner which prevents discharge of treated or untreated sewage. Acceptable methods of securing the device include—

- (1) Closing the seacock and removing the handle;
- (2) Padlocking the seacock in the closed position;
- (3) Using a non-releasable wire-tie to hold the seacock in the closed position; or
- (4) Locking the door to the space enclosing the toilets with a padlock or door handle key lock.

(c) When operating a vessel on a body of water where the discharge of untreated sewage is prohibited by the Environmental Protection Agency under 40 CFR 140.3, the operator must secure each Type III device in a manner which prevents discharge of sewage. Acceptable methods of securing the device include—

- (1) Closing each valve leading to an overboard discharge and removing the handle;
- (2) Padlocking each valve leading to an overboard discharge in the closed position; or
- (3) Using a non-releasable wire-tie to hold each valve leading to an overboard discharge in the closed position.

[CGH 95-028, 62 FR 51194, Sept. 30, 1997]

Subpart B—Certification Procedures

§ 159.11 Purpose.

This subpart prescribes procedures for certification of marine sanitation devices and authorization for labels on certified devices.

§ 159.12 Regulations for certification of existing devices.

(a) The purpose of this section is to provide regulations for certification of existing devices until manufacturers can design and manufacture devices that comply with this part and recognized facilities are prepared to perform the testing required by this part.

(b) Any Type III device that was installed on an existing vessel before January 30, 1975, is considered certified.

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(c) Any person may apply to the Commanding Officer, USCG Marine Safety Center, 400 Seventh Street, SW., Washington, DC 20590 for certification of a marine sanitation device manufactured before January 30, 1976. The Coast Guard will issue a letter certifying the device if the applicant shows that the device meets § 159.53 by:

- (1) Evidence that the device meets State standards at least equal to the standards in § 159.53, or
- (2) Test conducted under this part by a recognized laboratory, or
- (3) Evidence that the device is substantially equivalent to a device certified under this section, or
- (4) A Coast Guard field test if considered necessary by the Coast Guard.

(d) The Coast Guard will maintain and make available a list that identifies each device certified under this section.

(e) Devices certified under this section in compliance with § 159.53 need not meet the other regulations in this part and may not be labeled under § 159.16.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976; CGD 82-063a, 48 FR 4776, Feb. 3, 1983; CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33668, June 28, 1996; USCG-2001-9286, 66 FR 33641, June 25, 2001]

§ 159.12a Certification of certain Type III devices.

(a) The purpose of this section is to provide regulations for certification of certain Type III devices.

(b) Any Type III device is considered certified under this section if:

- (1) It is used solely for the storage of sewage and flushwater at ambient air pressure and temperature; and
- (2) It is in compliance with § 159.53(c).

(c) Any device certified under this section need not comply with the other regulations in this part except as required in paragraphs (b)(2) and (d) of this section and may not be labeled under § 159.16.

(d) Each device certified under this section which is installed aboard an inspected vessel must comply with § 159.97.

[CGD 76-145, 42 FR 11, Jan. 3, 1977]