

(c) Nothing in this subpart authorizes the discharge of oil or noxious liquid substances (NLSs) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLSs, or any other pollutant must be discharged in accordance with the applicable regulations. Nothing in this subpart affects or supersedes any requirement or prohibitions pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

[CGD 91-066, 58 FR 18334, Apr. 8, 1993, as amended by CGD 94-003, 59 FR 67634, Dec. 30, 1994; USCG-1998-3423, 66 FR 58390, Nov. 21, 2001]

§ 151.1512 Vessel safety.

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

§ 151.1514 Ballast water management alternatives under extraordinary conditions.

The master of any vessel subject to this subpart who, due to weather, equipment failure, or other extraordinary conditions, is unable to effect a ballast water exchange before entering the EEZ, must employ another method of ballast water management listed in § 151.1510, or request from the COTP permission to exchange the vessel's ballast water within an area agreed to by the COTP at the time of the request and must discharge the vessel's ballast water within that designated area.

§ 151.1516 Compliance monitoring.

(a) The master of each vessel subject to this subpart shall provide, as detailed in § 151.2040, the following information, in written form, to the COTP:

- (1) The vessel's name, port of registry, and official number or call sign.
- (2) The name of the vessel's owner(s).
- (3) Whether ballast water is being carried.
- (4) The original location and salinity, if known, of ballast water taken on, before an exchange.
- (5) The location, date, and time of any ballast water exchange.

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

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

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

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

[CGD 91-066, 58 FR 18334, Apr. 8, 1993, as amended by USCG-1998-3423, 66 FR 58391, Nov. 21, 2001]

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32869, June 14, 2004, § 151.1516(a) was amended by removing the phrase "subject to this subpart" and adding, in its place, the phrase "equipped with ballast tanks", effective Aug. 13, 2004.

§ 151.1518 Penalties for failure to conduct ballast water management.

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

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

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

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32869, June 14, 2004, § 151.1518 was added, effective Aug. 13, 2004.

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

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

SOURCE: USCG-1998-3423, 64 FR 26682, May 17, 1999, unless otherwise noted.

§ 151.2000

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§ 151.2000 What is the purpose of this subpart?

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

§ 151.2005 To which vessels does this subpart apply?

(a) Sections 151.2000 through 151.2035(a) of this subpart apply to all vessels, U.S. and foreign, equipped with ballast tanks that operate in the waters of the United States.

(b) In addition, §§ 151.2035(b) through 151.2065 apply to all vessels, U.S. and foreign, equipped with ballast tanks, that enter the waters of the United States after operating beyond the Exclusive Economic Zone, except those vessels exempted in § 151.2010 and § 151.2015.

[USCG-1998-3423, 64 FR 26682, May 17, 1999, as amended at 66 FR 58391, Nov. 21, 2001]

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32869, June 14, 2004, § 151.2005 was revised, effective Aug. 13, 2004. For the convenience of the user the revised text is set forth as follows:

§ 151.2005 To which vessels does this subpart apply?

Unless exempted in § 151.2010 or § 151.2015, this subpart applies to all vessels, U.S. and foreign, equipped with ballast tanks, that operate in the waters of the United States and are bound for ports or places in the United States.

§ 151.2007 What are the penalties for violations of the mandatory provisions of this subpart?

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

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

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

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32869, June 14, 2004, § 151.2007 was added, effective Aug. 13, 2004.

§ 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 be utilized for ballast water discharged into the waters of the United States and it 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 other than those taken on in areas more than 200 nautical miles from any shore and in waters more than 2,000 meters (6,560 feet, 1,093 fathoms) deep.

[USCG-1998-3423, 64 FR 26682, May 17, 1999, as amended at 66 FR 58391, Nov. 21, 2001]

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32869, June 14, 2004, § 151.2010 was amended in the introductory text by removing the word "Four" and adding, in its place, the word "Three"; removing paragraphs (b) and (d); redesignating paragraph (c) as paragraph (b); and adding new paragraph (c), effective Aug. 13, 2004. For the convenience of the user the added text is set forth as follows:

§ 151.2010 Which vessels are exempt from the mandatory requirements?

* * * * *

(c) A vessel that operates exclusively within one Captain of the Port (COTP) Zone.

§ 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