

(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 2115-0120)

[CGD 88-002A, 55 FR 18582, May 2, 1990]

#### § 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.

(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

## § 151.61

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.

## 33 CFR Ch. I (7-1-04 Edition)

(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 navigable waters prohibited.

No person on board any ship may discharge garbage into the navigable waters of the United States.

NOTE: The navigable waters are defined in § 2.05-25 of this chapter.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990]