

(g) If any pump or piping system that is flushed to meet paragraph (f) of this section is used to convey cargo during an emergency, that pump or piping system is flushed again to meet paragraph (f) of this section before being used to convey clean ballast.

[CGD 77-058b, 45 FR 43714, June 30, 1980, as amended by CGD 82-28, 50 FR 11629, Mar. 22, 1985]

§ 157.226 Dedicated Clean Ballast Tanks Operations Manual: Procedures to be followed.

The master of a foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) that has the *Dedicated Clean Ballast Tanks Operations Manual* approved under § 157.210 and is operating in the navigable waters of the United States or transferring cargo at a port or place subject to the jurisdiction of the United States and the master of a U.S. tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a), or § 157.10c(c)(1) shall ensure that the procedure listed in the *Dedicated Clean Ballast Tanks Operations Manual* are followed.

[CGD 82-28, 50 FR 11629, Mar. 22, 1985]

§ 157.228 Isolating Valves: Closed during a voyage.

(a) The master of each U.S. tank vessel under § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the valves under § 157.222(d) remain closed during each voyage.

(b) The master of each foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the valves under § 157.222(d) remain closed when the vessel is on a voyage in the navigable waters of the United States.

[CGD 82-28, 50 FR 11629, Mar. 22, 1985]

Subpart F—Exemption From § 157.10a or § 157.10c

SOURCE: CGD 79-126, 46 FR 3513, Jan. 15, 1981, unless otherwise noted.

§ 157.300 Qualifications for exemptions under this part.

(a) Each vessel under § 157.10a or § 157.10c of this part may qualify for an

exemption from the requirements of § 157.10a or § 157.10c of this part if—

(1) The vessel loads and discharges cargo only at ports or places within the United States, its territories, or its possessions; and

(2) The application for exemption meets § 157.302.

(b) Except where the owner can show good cause, a vessel is not granted an exemption under this subpart if a previous exemption for the vessel has been revoked by the Coast Guard under § 157.308(a)(1) or § 157.308 (a)(2).

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by CGD 82-28, 50 FR 11630, Mar. 22, 1985]

§ 157.302 Applying for an exemption or requesting modification of an exemption.

(a) Each application for an exemption or modification must be in writing and submitted to the Commandant (G-MOC), U.S. Coast Guard, Washington, D.C. 20593-0001.

(b) Each application for exemption must include the following: (1) The name and official number of the vessel for which the exemption is requested.

(2) A list of each port or place where the vessel would load cargo.

(3) The name, address, and telephone number for each shore-based reception facility at each port listed under paragraph (b)(2) of this section where the vessel would discharge its ballast water and oil cargo residues, including:

(i) The name or title of the person at each facility who should be contacted for information concerning the operation of the reception facility; and

(ii) A statement from the facility owner disclosing whether or not, based on current operating conditions, the facility has the capability of processing the anticipated volume and type of discharges from the vessel without adversely affecting the service of the facility to current users.

(4) The number of the permit under the National Pollutant Discharge Elimination System (NPDES permit) issued to each listed shore-based reception facility.

(5) A list of each type of oil cargo that the vessel would load.

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(6) A description of the method by which the vessel would discharge ballast water and oil cargo residues to each listed shore based reception facility.

(c) Each request for modification to an exemption must include the following:

(1) The name and official number of the vessel for which the modification to the exemption is requested.

(2) The reason for requesting modification of the exemption.

(3) Any additional information which is pertinent to the modification.

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by CGD 82-28, 50 FR 11630, Mar. 22, 1985; CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33668, June 28, 1996; USCG-2000-7641, 66 FR 55573, Nov. 2, 2001]

§ 157.304 Shore-based reception facility: standards.

No shore-based reception facility may be listed to meet § 157.302(b)(3) unless that reception facility has:

(a) A valid NPDES permit which allows it to process the ballast water and oil cargo residues of the vessel for which the exemption is being requested; and

(b) The capacity to receive and store a volume of dirty ballast water equivalent to 30 percent of the deadweight, less the segregated ballast volume, of the vessel for which the exemption is being requested.

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by USCG-2000-7641, 66 FR 55573, Nov. 2, 2001]

§ 157.306 Granting, denying, or modifying an exemption.

(a) The Assistant Commandant for Marine Safety, Security and Environmental Protection issues a written decision concerning the grant or denial of each exemption or modification requested under § 157.302.

(b) If the exemption or request for modification is denied, the decision under paragraph (a) of this section includes the reasons for the denial.

(c) Any person directly affected by, and not satisfied with, a decision made under paragraph (a) of this section may appeal that decision, in writing, to the Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001. The

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appeal may contain any supporting documentation or evidence that the appellant wishes to have considered.

(d) The Commandant, U.S. Coast Guard issues a ruling after reviewing the appeal submitted under paragraph (c) of this section. This ruling is final agency action.

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33668, June 28, 1996; CGD 97-023, 62 FR 33364, June 19, 1997; USCG-2002-12471, 67 FR 41333, June 18, 2002]

§ 157.308 Revocation of exemption: procedure and appeals.

(a) The Officer in Charge, Marine Inspection may consider the revocation of the exemption granted under this subpart when:

(1) Requested by the vessel's owner;

(2) There is evidence that the vessel's owner, operator, or master has failed to comply with the requirements of this subpart; or

(3) There have been changes to the NPDES permit of a reception facility listed to meet § 157.304(b)(3) that would adversely affect the ability of that facility to process the vessel's discharges.

(b) The Officer in Charge, Marine Inspection, of the zone in which an occurrence under paragraph (a)(2) or (a)(3) of this section takes place notifies the owner, operator, and master of the exempted vessel of the specific reasons for considering the revocation of the exemption.

(c) Evidence or arguments for the retention of the exemption that are submitted to the Officer in Charge, Marine Inspection within thirty days of receipt of the notice under paragraph (b) of this section will be considered before a ruling is made.

(d) If the owner is not satisfied with the ruling made under this section by the Officer in Charge, Marine Inspection, that ruling may be appealed under the procedure in § 157.06 of this part.

§ 157.310 Exempted vessels: operations.

The owner, operator, and master of each vessel that has been granted an exemption under this subpart must ensure that: