

§ 158.165

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who is in charge of a ship, or agent for a ship.

(c) Ports and terminals required to have an Operations Manual under this chapter or 46 CFR Chapter 1 must have a copy of the Certificate of Adequacy issued for the port or terminal, including any waivers, attached to that Operations Manual.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18409, Apr. 28, 1989]

§ 158.165 Certificate of Adequacy: Change of information.

(a) Except as required in paragraph (b) of this section, the person in charge shall notify the COTP in writing within 10 days after any information required in section 2, 3A, 3G, or 3H, of Form A or section 2, 5A, or 5C of Form B changes.

(b) The person in charge shall notify the COTP in writing within 30 days after any information required in the following is changed:

- (1) Form A, sections 1, 3B, 3C, 3E, 3F, 3I, or 3J.
- (2) Form B, sections 1, 3, 4, 5B, 5D, 5E, 5F or 5G.
- (3) Form C, sections A1, B1, B2, or D4.

(c) The person in charge shall maintain at the port or terminal a copy of the information submitted under paragraphs (a) and (b) of this section, until a corrected Certificate of Adequacy is received from the COTP.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18409, Apr. 28, 1989; 55 FR 35988, Sept. 4, 1990]

§ 158.167 Reporting inadequate reception facilities.

Any person may report to the local Coast Guard COTP that reception facilities required by these regulations or MARPOL 73/78 are inadequate. Reports of inadequate reception facilities may be made orally, in writing or by telephone.

[CGD 88-002, 54 FR 18409, Apr. 28, 1989]

SUSPENSION, REVOCATION, AND APPEALS

§ 158.170 Grounds for suspension.

The COTP may suspend a Certificate of Adequacy if—

(a) Deficiencies recur or significantly affect the adequacy of the reception facility;

(b) Continued operations will result in undue delay to ships calling at the port or terminal;

(c) There is a failure to accept NLS residue from a ship after it's cargo tanks are prewashed in accordance with 46 CFR 153.1120; or

(d) There is a substantial threat of discharge of oil or NLS into or upon the navigable waters of the United States or adjoining shorelines.

§ 158.172 Notification of a suspension order.

(a) If the COTP has grounds for an immediate suspension of or is considering suspending a Certificate of Adequacy, the COTP notifies the person in charge of the intended action. Each notification of a suspension order, whether oral or written, includes—

- (1) The grounds for the suspension;
- (2) The date when the suspension becomes effective; and
- (3) Information on how the suspension may be withdrawn, including all corrective actions required.

(b) If the suspension order is made orally, the COTP issues a suspension order in writing within five days after the initial notification.

§ 158.174 Suspension of a Certificate of Adequacy: Procedure.

(a) If no evidence or arguments are submitted in response to a notification of a suspension order, the suspension is effective on the date stated in the order.

(b) If any petition for withdrawing a suspension order is submitted in response to a notification of a suspension order, the COTP considers the evidence or arguments and notifies the person in charge of any action taken including—

- (1) Denial of the petition for withdrawing a suspension order;
- (2) Initiation of civil or criminal penalty action under Subpart 1.07 of Part 1 of this chapter; or
- (3) Withdrawing the suspension order.

§ 158.176 Effect of suspension of a Certificate of Adequacy.

After the COTP notifies the person in charge and places a suspension order in