

**§ 151.04 Penalties for violation.**

(a) A person who violates MARPOL 73/78, the Act, or the regulations of this subpart is liable for a civil penalty for each violation, as provided by 33 U.S.C. 1908(b)(1). Each day of a continuing violation constitutes a separate violation.

(b) A person who makes a false, fictitious statement or fraudulent representation in any matter in which a statement or representation is required to be made to the Coast Guard under MARPOL 73/78, the Act, or the regulations of this subpart, is liable for a civil penalty for each statement or representation, as provided by 33 U.S.C. 1908(b)(2).

(c) A person who knowingly violates MARPOL 73/78, the Act, or the regulations of this subpart commits a class D felony, as described in 18 U.S.C. 3551 *et seq.* In the discretion of the Court, an amount equal to not more than one-half of the fine may be paid to the person giving information leading to conviction.

(d) A ship operated in violation of MARPOL 73/78, the Act, or the regulations of this subpart is liable *in rem* for any civil penalty covered by paragraph (a) or (b) of this section, or any fine covered by paragraph (c) of this section, and may be proceeded against in the United States District Court of any district in which the ship may be found.

[CGD 88-002, 54 FR 18403, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990; CGD 92-007, 57 FR 33261, July 27, 1992; CGD 96-052, 62 FR 16703, Apr. 8, 1997; USCG-1999-5832, 64 FR 34714, June 29, 1999]

**§ 151.05 Definitions.**

As used in this subpart—

*Act* means the Act to Prevent Pollution from Ships, as amended (33 U.S.C. 1901-1911).

*Antarctica* means the area south of 60 degrees south latitude.

*Cargo associated wastes* means all materials which have become wastes as a result of use on board a ship for cargo stowage and handling. Cargo associated wastes include, but are not limited to dunnage, shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire, and steel strapping.

*Clean ballast* means the ballast in a tank which, since oil was last carried

therein, has been so cleaned that effluent therefrom, if it were discharged from a ship that is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If the ballast is discharged through an oil discharge monitoring and control system approved by the government of the country under whose authority the ship is operating, evidence based on such a system, to the effect that the oil content of the effluent does not exceed 15 parts per million (ppm) is determinative that the ballast is clean.

*Commandant* means Commandant, U.S. Coast Guard.

*Discharge* means any release, however caused, from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include—

(1) Dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or

(2) Release of oil or oily mixtures directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

*Discharge*, as defined by MARPOL 73/78 in relation to harmful substances or effluent containing such substances, means any release however caused from a ship, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include—

(1) Dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on November 13, 1972; or

(2) The release of harmful substances directly arising from the exploration, exploitation, and associated offshore processing of seabed mineral resources; or

(3) The release of harmful substances for purposes of legitimate scientific research relating to pollution abatement or control.

*Dishwater* means the liquid residue from the manual or automatic washing

of dishes and cooking utensils which have been pre-cleaned to the extent that any food particles adhering to them would not normally interfere with the operation of automatic dishwashers.

*Domestic wastes* means all types of wastes generated in the living spaces on board a ship, except victual wastes.

*Existing ship* means a ship that is not a new ship.

*Fuel oil* means any oil used to fuel the propulsion and auxiliary machinery of the ship carrying the fuel. The term "fuel oil" is also known as "oil fuel."

*Garbage* means all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically, except dishwater, graywater, and those substances that are defined or listed in other Annexes to MARPOL 73/78.

*Graywater* means drainage from dishwasher, shower, laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and cargo spaces.

*Great Lakes* means the Great Lakes of North America and the St. Lawrence River west of a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees west.

*Harmful substance* means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities, or interfere with other legitimate uses of the sea, and includes any substance subject to control by MARPOL 73/78.

*High viscosity Category B NLS* means any Category B NLS having a viscosity of at least 25 mPa.s at 20 °C and at least 25 mPa.s at the time it is unloaded.

*High viscosity Category C NLS* means any Category C NLS having a viscosity of at least 60 mPa.s at 20 °C and at least 60 mPa.s at the time it is unloaded.

*High viscosity NLS* includes Category A NLSs having a viscosity of at least 25 mPa.s at 20 °C and at least 25 mPa.s at the time they are unloaded, high vis-

cosity Category B NLSs, and high viscosity Category C NLSs.

*Instantaneous rate of discharge of oil content* means the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant.

*Length* means the horizontal distance between the foremost part of a ship's stem to the aftermost part of its stern, excluding fittings and attachments.

*Maintenance waste* means materials collected while maintaining and operating the ship, including, but not limited to, soot, machinery deposits, scraped paint, deck sweepings, wiping wastes, and rags.

*Major conversion* means a conversion of an existing ship—

(1) That substantially alters the dimensions or carrying capacity of the ship; or

(2) That changes the type of the ship; or

(3) The intent of which, in the opinion of the government of the country under whose authority the ship is operating, is substantially to prolong its life; or

(4) Which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of MARPOL 73/78 not applicable to it as an existing ship.

*MARPOL 73/78* means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating to that Convention. A copy of MARPOL 73/78 is available from the International Maritime Organization, 4 Albert Embankment, London, SE1, SR7, England.

*Medical waste* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes and potentially contaminated laboratory wastes, dialysis wastes, and such additional medical items as prescribed by the Administrator of the EPA by regulation.

*Nearest land.* The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of these regulations, "from the nearest land" off

the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in—

latitude 11°00' South, longitude 142°08' East to a point in—latitude 10°35' South, longitude 141°55' East, thence to a point—latitude 10°00' South, longitude 142°00' East, thence to a point—latitude 9°10' South, longitude 143°52' East, thence to a point—latitude 9°00' South, longitude 144°30' East, thence to a point—latitude 13°00' South, longitude 144°00' East, thence to a point—latitude 15°00' South, longitude 146°00' East, thence to a point—latitude 18°00' South, longitude 147°00' East, thence to a point—latitude 21°00' South, longitude 153°00' East, thence to a point on the coast of Australia in latitude 24°42' South, longitude 153°15' East.

*New ship* means a ship—

(1) For which the building contract is placed after December 31, 1975; or

(2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after June 30, 1976; or

(3) The delivery of which is after December 31, 1979; or

(4) That has undergone a major conversion—

(i) For which the contract is placed after December 31, 1975;

(ii) In the absence of a contract, the construction work of which is begun after June 30, 1976; or

(iii) That is completed after December 31, 1979.

(5) For the purposes of §§151.26 through 151.28, which is delivered on or after April 4, 1993.

*NLS* means Noxious Liquid Substance.

*NLS Certificate* means an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued under MARPOL 73/78.

*Noxious liquid substance* (NLS) means—

(1) Each substance listed in §151.47 or §151.49;

(2) Each substance having an “A”, “B”, “C”, or “D” beside its name in the column headed “Pollution Category” in Table 1 of 46 CFR Part 153; and

(3) Each substance that is identified as an NLS in a written permission issued under 46 CFR 153.900 (d).

*Oceangoing ship* means a ship that—

(1) Is operated under the authority of the United States and engages in international voyages;

(2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in §2.05 of this chapter; or

(5) Is operated under the authority of a country other than the United States.

NOTE: A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters, or exclusively on the internal waters of the United States and Canada; is not an “oceangoing” ship.

*Oil* means petroleum whether in solid, semi-solid, emulsified, or liquid form, including but not limited to, crude oil, fuel oil, sludge, oil refuse, oil residue, and refined products, and, without limiting the generality of the foregoing, includes the substances listed in Appendix I of Annex I of MARPOL 73/78. “Oil” does not include animal and vegetable based oil or noxious liquid substances (NLS) designated under Annex II of MARPOL 73/78.

*Oil cargo residue* means any residue of oil cargo whether in solid, semi-solid, emulsified, or liquid form from cargo tanks and cargo pump room bilges, including but not limited to, drainages, leakages, exhausted oil, muck, clingage, sludge, bottoms, paraffin (wax), and any constituent component of oil. The term “oil cargo residue” is also known as “cargo oil residue.”

*Oil residue* means—

(1) Oil cargo residue; and

(2) Other residue of oil whether in solid, semi-solid, emulsified, or liquid form, resulting from drainages, leakages, exhausted oil, and other similar occurrences from machinery spaces.

*Oily mixture* means a mixture, in any form, with any oil content. “Oily mixture” includes, but is not limited to—

(1) Slops from bilges;

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(2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);

(3) Oil residue; and

(4) Oily ballast water from cargo or fuel oil tanks.

*Oily rags* means rags soaked with oil.

*Oil-like NLS* means each cargo listed in § 151.49.

*Oil tanker* means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Annex II of MARPOL 73/78 when it is carrying a cargo or part cargo of oil in bulk.

*Oily mixture* means a mixture with any oil content, including bilge slops, oily wastes, oil residues (sludge), oily ballast water, and washings from cargo oil tanks.

*Operational waste* means all cargo-associated waste, maintenance waste, and cargo residues other than oil residues and NLS cargo residues. "Operational wastes" includes ashes and clinkers (*i.e.*, a mass of incombustible matter fused together by heat) from shipboard incinerators and coal-burning boilers but does not include plastic clinkers, which are treated as an Annex V waste, or oily rags, which are treated as an Annex I waste.

*Person* means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

*Plastic* means any garbage that is solid material, that contains as an essential ingredient one or more synthetic organic high polymers, and that is formed or shaped either during the manufacture of the polymer or polymers or during fabrication into a finished product by heat or pressure or both. "Degradable" plastics, which are composed of combinations of degradable starches and are either (a) synthetically produced or (b) naturally produced but harvested and adapted for use, are plastics under this part. Naturally produced plastics such as crabshells and other types of shells, which appear normally in the marine environment, are not plastics under this part.

NOTE: Plastics possess material properties ranging from hard and brittle to soft and

elastic. Plastics are used for a variety of marine applications including, but not limited to: food wrappings, products for personal hygiene, packaging (vaporproof barriers, bottles, containers, and liners), ship construction (fiberglass and laminated structures, siding, piping insulation, flooring, carpets, fabrics, adhesives, and electrical and electronic components), disposable eating-utensils and cups (including styrene products), bags, sheeting, floats, synthetic fishing nets, monofilament fishing line, strapping bands, hardhats, and synthetic ropes and lines.

*Port* means—

(1) A group of terminals that combines to act as a unit and be considered a port for the purposes of this subpart;

(2) A port authority or other organization that chooses to be considered a port for the purposes of this subpart; or

(3) A place or facility that has been specifically designated as a port by the COTP.

*Prewash* means a tank washing operation that meets the procedure in 46 CFR 153.1120.

*Recognized Classification Society* means a classification society that is a participating member of the International Association of Classification Societies (IACS).

*Residues and mixtures containing NLSs* (NLS residue) means—

(1) Any Category A, B, C, or D NLS cargo retained on the ship because it fails to meet consignee specifications;

(2) Any part of a Category A, B, C, or D NLS cargo remaining on the ship after the NLS is discharged to the consignee, including but not limited to puddles on the tank bottom and in sumps, clingage in the tanks, and substance remaining in the pipes; or

(3) Any material contaminated with Category A, B, C, or D NLS cargo, including but not limited to bilge slops, ballast, hose drip pan contents, and tank wash water.

*Segregated ballast* means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of MARPOL 73/78.

*Ship* means a vessel of any type whatsoever, operating in the marine environment. This includes hydrofoils, air-

cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating drilling rigs and other platforms.

*Shipboard oil pollution emergency plan* means a plan prepared, submitted, and maintained according to the provisions of §§ 151.26 through 151.28 of this subpart for United States ships or maintained according to the provisions of § 151.29(a) of this subpart for foreign ships operated under the authority of a country that is party to MARPOL 73/78 or carried on board foreign ships operated under the authority of a country that is not a party to MARPOL 73/78, while in the navigable waters of the United States, as evidence of compliance with § 151.21 of this subpart.

*Solidifying NLS* means a Category A, B, or C NLS that has a melting point—

(1) Greater than 0 °C but less than 15 °C and a temperature, measured under the procedure in 46 CFR 153.908(d), that is less than 5 °C above its melting point at the time it is unloaded; or

(2) 15 °C or greater and a temperature, measured under the procedure in 46 CFR 153.908(d), that is less than 10 °C above its melting point at the time it is unloaded.

*Special area* means a sea area, where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of the traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil, NLSs, or garbage is required.

*Terminal* means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

NOTE: The Coast Guard interprets commercial fishing facilities, recreational boating facilities, and mineral and oil industry shorebases to be terminals for the purposes of Annex V of MARPOL 73/78, since these facilities normally provide wharfage and other services, including garbage handling, for ships.

*U.S. inspected ships* means those ship required to be inspected and certificated under 46 CFR 2.01-7.

*Victual waste* means any spoiled or unspoiled food waste.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983; 48 FR 54977, Dec. 8, 1983, as amended by CGD 85-010, 52 FR 7758, Mar. 12, 1987; CGD 88-002, 54 FR 18403, Apr. 28, 1989; CGD 88-002A, 55 FR 18582, May 2, 1990; CGD 88-002, 55 FR 35988, Sept. 4, 1990; CGD 88-002A, 56 FR 8880, Mar. 1, 1991; CGD 93-030, 59 FR 51338, Oct. 7, 1994; CGD 94-056, 60 FR 43377, Aug. 21, 1995; CGD 97-015, 62 FR 18045, Apr. 14, 1997; USCG 2000-7079, 65 FR 67155, Nov. 8, 2000; USCG-2000-7641, 66 FR 55570, Nov. 2, 2001]

#### § 151.06 Special areas.

(a) For the purposes of this part, the navigational descriptions of the special areas are as follows:

(1) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein, with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36' W.

(2) The Baltic Sea means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland, and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N.

(3) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean Sea and the Black Sea constituted by the parallel 41° N.

(4) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E).

(5) The Gulfs areas means the sea area located northwest of the rhumb line between Ras al Hadd (22°30' N, 59°48' E) and Ras al Fasteh (25°04' N, 61°25' E).

(6) The Gulf of Aden areas means the part of the Gulf of Aden between the Red Sea and the Arabian Sea bounded to the west by the rhumb line between Ras si Ane (12°28.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E) and to the east by the rhumb line between Ras Asir (11°50' N, 51°16.9' E) and the Ras Fartak (15°35' N, 52°13.8' E).

(7) The Antarctic areas means the sea south of 60° south latitude.