

§ 158.178

33 CFR Ch. I (7-1-05 Edition)

effect, the COTP denies entry of ships to the port or terminal while the Certificate of Adequacy is suspended.

§ 158.178 Actions during a suspension.

(a) If a Certificate of Adequacy is suspended for longer than a five day period, the person in charge shall return it to the COTP within five days after the suspension becomes effective.

(b) After the suspension is in effect, the COTP may—

(1) Terminate the suspension order after receiving information from the person in charge that corrective action has been taken; or

(2) Revoke the Certificate of Adequacy if no significant action is undertaken by the person in charge to meet any measures ordered by the COTP.

§ 158.180 Certificate of Adequacy: Procedures after revocation or the part no longer applies.

(a) If a Certificate of Adequacy is revoked, the person in charge shall return it to the COTP within five days after the revocation becomes effective.

(b) When this part no longer applies to the port or terminal, the person in charge shall return the Certificate of Adequacy to the COTP within 30 days after this part no longer applies.

(c) After the Certificate of Adequacy has been returned to the COTP under paragraph (a) or (b) of this section, an application for a new Certificate of Adequacy may be submitted under § 158.140.

§ 158.190 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard officer responsible for that action.

(b) Except as provided under paragraph (e) of this section, the person affected who is not satisfied with a ruling after having it reconsidered under paragraph (a) of this section may—

(1) Appeal that ruling in writing within 30 days after the ruling to the Coast Guard District Commander of the district in which the action was taken; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(c) The District Commander issues a ruling after reviewing the appeal submitted under paragraph (b) of this section. Except as provided under paragraph (e) of this section, the person affected who is not satisfied with this ruling may—

(1) Appeal that ruling in writing within 30 days after the ruling to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, DC, 20593; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(d) After reviewing the appeal submitted under paragraph (c) of this section, the Assistant Commandant for Marine Safety, Security and Environmental Protection issues a ruling which is final agency action.

(e) If the delay in presenting a written appeal has an adverse impact on the operations of the appellant, the appeal under paragraph (b) or (c) of this section—

(1) May be presented orally; and

(2) Must be submitted in writing within five days after the oral presentation—

(i) With the basis for the appeal and a summary of the material presented orally; and

(ii) To the same Coast Guard official who heard the oral presentation.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by 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]

Subpart B—Criteria for Reception Facilities: Oily Mixtures

SOURCE: CGD 78-035, 50 FR 36793, Sept. 9, 1985, unless otherwise noted.

§ 158.200 General.

(a) Except as allowed in paragraph (b) of this section, the facility used to meet Regulation 12 of Annex I to MARPOL 73/78 must—

(1) Be a reception facility as defined under § 158.120 that is available at the port or terminal;

(2) Hold each Federal, State, and local permit and license required by environmental laws and regulations concerning oily mixtures; and

(3) Be capable of—

(i) Receiving oily mixtures from oceangoing ships within 24 hours after notice by that ship;

(ii) Completing the reception of ballast water containing oily mixtures from the ship in less than 10 hours after waste transfer operations begin; and

(iii) Completing the reception of other oily mixtures in less than 4 hours after the transfer operation begins.

(b) Reception facilities for ship repair yards do not have to meet paragraphs (a)(3)(i) through (a)(3)(iii) of this section, but must be capable of completing transfer of oily mixtures from each oceangoing ship before the ship departs from the ship repair yard.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987; USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

§ 158.210 Ports and terminals loading crude oil.

The reception facility for a crude oil loading port or terminal must have the capacity for receiving—

(a) Oil residue from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons);

(b) Bilge water containing oily mixtures in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater; and

(c) Ballast water containing oily mixtures in the amount of 30% of the deadweight tonnage of the largest of the oceangoing tankers loading crude oil at the port or terminal that do not have clean ballast tanks (CBT), segregated ballast tanks (SBT), or crude oil washing (COW) meeting Part 157 of this subchapter, multiplied by one or the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987; USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

§ 158.220 Ports and terminals loading more than 1,000 metric tons of oil other than crude oil or bunker oil.

The reception facility for an oil loading port or terminal that loads a daily average of more than 1,000 metric tons (1,100 short tons) of oil other than crude oil or bunker oil to oceangoing tankers must have the capacity for receiving—

(a) Oil residue from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons);

(b) Bilge water containing oily mixtures in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater;

(c) Ballast water containing oily mixtures in the amount of 30% of the deadweight tonnage of the largest of the oceangoing tankers loading oil other than crude oil or bunker oil, at the port or terminal, that do not have CBT or SBT meeting Part 157 of this chapter, multiplied by one or the daily vessel average, whichever quantity is greater; and

(d) Oil cargo residue in the amount of 0.2% of the total cargo capacity of the largest of the oceangoing tankers loading oil other than crude oil or bunker oil, at the port or terminal, multiplied by one or the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987; USCG-2000-7641, 66 FR 55574, Nov. 2, 2001]

§ 158.230 Ports and terminals other than ports and terminals under §§ 158.210, 158.220, and 158.240.

Reception facilities for ports and terminals other than those under §§ 158.210, 158.220, and 158.240 of this subpart and those that are used exclusively by non-self-propelled tank barges, must have the capacity for receiving—

(a) Oil residue from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons), or 1 metric ton (1.1 short tons) multiplied by the daily vessel average, whichever quantity is greater; and