

§ 151.2005

§ 151.2005 To which vessels does this subpart apply?

Unless exempted in §151.2010 or §151.2015, this subpart applies to all vessels, U.S. and foreign, equipped with ballast tanks, that operate in the waters of the United States and are bound for ports or places in the United States.

[USCG-2002-13147, 69 FR 32869, June 14, 2004]

§ 151.2007 What are the penalties for violations of the mandatory provisions of this subpart?

(a) A person who violates this subpart is liable for a civil penalty not to exceed \$ 27,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subpart for that violation.

(b) A person who knowingly violates the regulations of this subpart is guilty of a class C felony.

[USCG-2002-13147, 69 FR 32869, June 14, 2004]

§ 151.2010 Which vessels are exempt from the mandatory requirements?

(a) Two types of vessels are exempt from the requirements in §§151.2035, 151.2040, and 151.2045:

(1) A crude oil tanker engaged in the coastwise trade.

(2) A Department of Defense or Coast Guard vessel subject to the requirements of section 1103 of the Act, or any vessel of the Armed Forces, as defined in the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) that is subject to the “Uniform National Discharge Standards for Vessels of the Armed Forces” (33 U.S.C. 1322(n)).

(b) One type of vessel is exempt from the requirements in §§151.2040 and 151.2045:

(1) A vessel that operates exclusively within one Captain of the Port (COTP) Zone.

(2) [Reserved]

[USCG-2007-28201, 72 FR 27739, May 17, 2007]

§ 151.2015 Is a vessel in innocent passage exempt from the mandatory requirements?

A foreign vessel merely traversing the territorial sea of the U.S. (*i.e.*, not entering or departing a U.S. port, or

33 CFR Ch. I (7-1-10 Edition)

not navigating the internal waters of the U.S.) is exempt from the requirements of this subpart.

[USCG-2003-14273, 69 FR 44961, July 28, 2004]

§ 151.2025 What definitions apply to this subpart?

(a) Unless otherwise stated in this section, the definitions in 33 CFR 151.1504, 33 CFR 160.203, and the United Nations Convention on the Law of the Sea apply to this part.

(b) As used in this part—

ANSTF means the Aquatic Nuisance Species Task Force mandated under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA).

Ballast tank means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

Captain of the Port (COTP) means the Coast Guard officer designated as the COTP, or a person designated by that officer, for the COTP zone covering the U.S. port of destination. These COTP zones are listed in 33 CFR part 3.

Exchange means to replace the water in a ballast tank using one of the following methods:

(1) *Flow through exchange* means to flush out ballast water by pumping in mid-ocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water has been changed—to minimize the number of original organisms remaining in the tank.

(2) *Empty/refill exchange* means to pump out the ballast water taken on in ports, estuarine, or territorial waters until the tank is empty, then refilling it with mid-ocean water; masters/operators should pump out as close to 100 percent of the ballast water as is safe to do so.

Exclusive Economic Zone (EEZ) means the area established by Presidential Proclamation Number 5030, dated March 10, 1983 (48 FR 10605, 3 CFR, 1983 Comp., p. 22) which extends from the base line of the territorial sea of the United States seaward 200 miles, and the equivalent zone of Canada.

IMO guidelines mean the Guidelines for the Control and Management of Ships' Ballast Water to Minimize the