

Coast Guard, DHS

§ 158.140

Tanker means a ship constructed or adapted primarily to carry oil in bulk in the cargo spaces.

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. “The Act” means the Act to Prevent Pollution from Ships, as amended, (33 U.S.C. 1901–1911).

The Act means the Act to Prevent Pollution from Ships (94 Stat. 2297, 33 U.S.C. 1901 *et seq.*).

[CGD 85–010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88–002, 54 FR 18407, Apr. 28, 1989; USCG–2000–7641, 66 FR 55574, Nov. 2, 2001; USCG–2008–0179, 73 FR 35015, June 19, 2008]

§ 158.130 Delegations.

Each COTP is delegated the authority to—

(a) Conduct inspections at ports and terminals required to have reception facilities under this part;

(b) Issue Certificates of Adequacy;

(c) Grant waivers under § 158.150;

(d) Designate ports; and

(e) Deny entry of ships to any port or terminal, except when a ship is entering under force majeure, that does not have—

(1) A Certificate of Adequacy if required under § 158.135; or

(2) Reception facilities for garbage required under subpart D of this part.

[CGD 88–002, 54 FR 18408, Apr. 28, 1989]

§ 158.133 Which ports and terminals must provide reception facilities?

(a) A port or terminal which receives oceangoing tankers, or any other oceangoing ship of 400 gross tons or more, carrying oily mixtures, must have a reception facility which meets subpart B of this part.

(b) A port or terminal which receives oceangoing ships carrying NLSs must

have a reception facility which meets subpart C of this part.

(c) All ports and terminals under the jurisdiction of the United States, including commercial fishing facilities, mineral and oil shorebases, and recreational boating facilities, must have a reception facility which meets subpart D of this part.

[CGD 88–002, 54 FR 18408, Apr. 28, 1989, as amended by USCG–2000–7641, 66 FR 55574, Nov. 2, 2001]

§ 158.135 Which ports and terminals must have Certificates of Adequacy?

To continue to receive ships, a port or terminal must hold one or more Certificates of Adequacy to show compliance with—

(a) Subpart B of this part if it receives oceangoing tankers, or any other oceangoing ship of 400 gross tons or more, carrying oily mixtures.

(b) Subpart C of this part if it receives oceangoing ships carrying NLSs.

(c) Subpart D of this part if it receives—

(1) The ships under paragraph (a) or (b) of this section; or

(2) Fishing vessels which offload more than 500,000 pounds of commercial fishery products from all ships during a calendar year.

[CGD 88–002, 54 FR 18408, Apr. 28, 1989, as amended by USCG–2000–7641, 66 FR 55574, Nov. 2, 2001]

§ 158.140 Applying for a Certificate of Adequacy.

(a) To continue to receive ships at a port or terminal required by § 158.135 to have a Certificate of Adequacy for its reception facilities, the person in charge must apply to the Coast Guard for a certificate as follows:

(1) Applicants for a Certificate of Adequacy required by § 158.135(a) or (b) must apply to the COTP of the Zone in which the port or terminal is located using Form A or Form B, respectively.

(2) An applicant for a Certificate of Adequacy required by section 158.135(c) must apply on Form C to the COTP of the Zone in which the port or terminal is located.

(b) Applications for Certificates of Adequacy, Forms A, B, or C, may be