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## **Title 33 - Navigation and Navigable Waters**

### **Chapter I - Coast Guard, Department of Homeland Security**

#### **Subchapter O - Pollution**

#### **Part 151 - Vessels Carrying Oil, Noxious Liquid Substances, Garbage, Municipal or Commercial Waste, and Ballast Water**

#### **Subpart D - Ballast Water Management for Control of Nonindigenous Species in Waters of the United States**

**Authority:** 16 U.S.C. 4711; Department of Homeland Security Delegation No. 0170.1(II)(57).

**Source:** USCG-2001-10486, 77 FR 17306, Mar. 23, 2012, unless otherwise noted.

**Authority:** 33 U.S.C. 1902, 1903, 1908; 46 U.S.C. 6101; 46 U.S.C. 70034; Pub. L. 104-227, 110 Stat. 3034; sec. 623, Pub. L. 108-293, 118 Stat. 1063; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; DHS Delegation 00170.1, Revision No. 01.2, paragraph (II)(77).

#### **§ 151.2050 Additional requirements - nonindigenous species reduction practices.**

The master, owner, operator, agent, or person in charge of any vessel equipped with ballast water tanks that operates in the waters of the United States must follow these practices:

- (a) Avoid the discharge or uptake of ballast water in areas within, or that may directly affect, marine sanctuaries, marine preserves, marine parks, or coral reefs.
- (b) Minimize or avoid uptake of ballast water in the following areas and situations:
  - (1) Areas known to have infestations or populations of harmful organisms and pathogens (e.g., toxic algal blooms).
  - (2) Areas near sewage outfalls.
  - (3) Areas near dredging operations.
  - (4) Areas where tidal flushing is known to be poor or times when a tidal stream is known to be turbid.
  - (5) In darkness, when bottom-dwelling organisms may rise up in the water column.
  - (6) Where propellers may stir up the sediment.
  - (7) Areas with pods of whales, convergence zones, and boundaries of major currents.
- (c) Clean the ballast tanks regularly to remove sediments. Sediments must be disposed of in accordance with local, State, and Federal regulations.
- (d) Discharge only the minimal amount of ballast water essential for vessel operations while in the waters of the United States.
- (e) Rinse anchors and anchor chains when the anchor is retrieved to remove organisms and sediments at their places of origin.
- (f) Remove fouling organisms from the vessel's hull, piping, and tanks on a regular basis and dispose of any removed substances in accordance with local, State and Federal regulations.

- (g) Maintain a ballast water management (BWM) plan that has been developed specifically for the vessel and that will allow those responsible for the plan's implementation to understand and follow the vessel's BWM strategy and comply with the requirements of this subpart. The plan must include -
  - (1) Detailed safety procedures;
  - (2) Actions for implementing the mandatory BWM requirements and practices;
  - (3) Detailed fouling maintenance and sediment removal procedures;
  - (4) Procedures for coordinating the shipboard BWM strategy with Coast Guard authorities;
  - (5) Identification of the designated officer(s) in charge of ensuring that the plan is properly implemented;
  - (6) Detailed reporting requirements and procedures for ports and places in the United States where the vessel may visit; and
  - (7) A translation of the plan into English, French, or Spanish if the vessel's working language is another language.
- (h) Train the master, operator, person in charge, and crew on the application of ballast water and sediment management and treatment procedures.
- (i) When discharging ballast water to a reception facility in the United States, discharge only to reception facilities that have an NPDES permit to discharge ballast water.