



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
Captain of the Port
USCG PSSSTA Sabine
P.O. Box 412
Sabine, Texas 77655

* 22 May 1973

Dear Sirs:

During January of this year you were mailed a copy of the Federal Register dated 21 December 1972 covering the new pollution prevention regulations, most of which become effective 1 July 1974.

however, you are reminded that by 1 July of this year you are required to have on file with this office a letter of intent to operate as per 33 CFR 154.110 and an operations manual as per 33 CFR 154.300 - 300. This applies to facilities which transfer oil in bulk to or from vessels of 250 or more barrels capacity.

The deadline for your letter and manual is drawing near and this comes as a reminder of the filing requirements. You are urged to contact this office should any questions concerning the regulations arise.

F. R. PEASLEY
Lieutenant Commander
United States Coast Guard
Captain of the Port

Picked up by CEG in July '73 from Sabine office of C.G. - not issued specifically to UCM plant.

CCR 000036901



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:

Captain of the Port
USCG PSSTA Sabine
P. O. Box 412
Sabine, Texas 77655
713-971-2261/2361

25 January 1973

Dear Sir:

The Oil Pollution Prevention Regulations issued as a Notice of Proposed Rulemaking on 24 December 1971 are enclosed in final form in the attached copy of the Federal Register of 21 December 1972.

The effective date of the majority of the regulations is 1 July 1974. However, all facilities must file a letter of intent to operate with this office before July 1, 1973, pursuant to 33 CFR 154.110 (page 28253). Also, an operations manual will be submitted with the letter of intent to operate, pursuant to 33 CFR 154.300-330 (page 28254).

I realize there will be many questions regarding these regulations, so please feel free to call me at any time.

Sincerely,

F. R. PEASLEY
Lieutenant Commander, USCG
Captain of the Port Sabine

CCR 000036902

Federal Register

THURSDAY, DECEMBER 21, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 246

PART II



DEPARTMENT OF TRANSPORTATION

Coast Guard

Pollution Prevention

Vessels and Oil Transfer Facilities

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER O—POLLUTION

[CGD 71-160R]

POLLUTION PREVENTION VESSEL AND OIL TRANSFER FACILITIES

1. *Description and purpose of action.* The U.S. Coast Guard, acting under the authority of section 311(j) of the Federal Water Pollution Control Act, as amended (FWPCA), intends to issue regulations governing the design, construction, and operation of vessels operating in the navigable waters and contiguous zone of the United States, and governing the design, construction, and operation of onshore and offshore facilities engaged in the transfer of oil in bulk (more than 250 barrels) to and from vessels.

The purpose of these regulations is to reduce the probability of an accidental discharge of oil or oily wastes during normal vessel operations, during the bulk transfer of oil or oily wastes to or from vessels, or as a result of certain vessel accidents of limited energy. Although the high-energy collision or grounding is spectacular and may create locally severe environmental degradation, more significant and continuous degradation generally results from the regular and frequent discharges of oil into the waters of the United States. Furthermore, it is believed that the most effective means of minimizing the ecological damage of high-energy accidents is to prevent their occurrence through operational controls external to the vessel. The recently enacted Bridge-to-Bridge Communications Act and Ports and Waterways Safety Act should provide this control.

The final regulations are set forth below and constitute a part of this statement.

2. *Probable environmental impact.* The expected impact of these regulations is a reduction in the amount of oil discharged into the navigable waters of the United States.

The magnitude of the incidents at which these regulations are aimed is not known with certainty at this time. It is clear that not all discharges of harmful quantities of oil are reported and that quantities of reported discharges are often underestimated. For this reason, thorough assessment of the impact of these regulations on oil pollution can only follow an initial period of actual regulation. In general, vessel casualties involving a discharge of oil are relatively infrequent and result in medium or major incidents. Discharges during transfer operations are generally more frequent and involve minor or medium incidents, though the potential for a major incident is present whenever large quantities of bulk cargo are handled. It is anticipated that in combination with vessel traffic systems and vessel con-

struction requirements to be developed under authority of the Ports and Waterways Safety Act of 1972, the preventive regulations will significantly reduce the incidence of discharges of oil into U.S. waters.

3. *Adverse environmental effects.* There are no expected adverse environmental effects.

4. *Alternatives.* The Coast Guard has available two distinct alternative courses of regulatory action:

a. Take no action and continue to enforce civil penalties without the benefit of preventive regulation. This course is the "status quo" alternative. Penalty enforcement, however, involves the disadvantage of post-factum action—viz, the damage has already been done. Vigorous penalty action can have only a limited impact upon faulty equipment or procedures which persist in use because of ignorance, indifference, or competitive pressure. The goal of the intended action is to promote oil-free water resources by removing the costs of environmental protection from the competitive arena and making them a fixed cost of operation applicable to all businesses.

b. Issue regulations more stringent than those described in this statement. To do so is to increase the additional cost of compliance out of proportion to the additional enhancement of the marine environment. The public costs of complying with the regulations the Coast Guard intends to promulgate are not precisely known. The regulations, however, based upon comments received at the public hearing, are considered to be a reasonable attempt to deal with known problems at a not unreasonable public cost. In the extreme, oil pollution might be virtually eliminated by issuing regulations so onerous as to make oil transfer, or vessel operations economically unfeasible.

Stronger regulations could establish a requirement for persons engaged in oil transfer operations to obtain a permit issued by the Coast Guard. A formal permit system would produce a current inventory of all oil-handling facilities and allow inspection and control of such facilities to determine the adequacy of the physical plant, personnel, and procedures. A permit program of this kind was included in the Notice of Proposed Rule Making for the preventive regulations but has been withdrawn by the Coast Guard for the present time. A discussion of the permit system is contained in the preamble to the final regulations.

Besides these alternatives available to the Coast Guard, there are at least two broad alternative national policies which would significantly reduce oil pollution in U.S. waters. One alternative is to reduce the national demand for oil and thereby to reduce the amount of oil transported by tank vessel and transferred at marine facilities. This reduction might be brought about by one of two means. Demand for oil could be arbitrarily reduced by placing a substantial tax upon the production, transport, or consumption of oil or by establishing

a system of rationing or other controls. On the other hand, demand for oil could be more naturally reduced (i.e., without disrupting market forces) by developing alternative sources of energy, such as natural or synthetic gas, nuclear power, solar energy, or geothermal steam. A second national alternative is to promote a substitute for transshipment of oil by waterborne vessel. Other modes of transportation might include pipelines, rail or truck tank cars, or even transmission of electricity generated at oil sources.

The Coast Guard regulations described in this statement represent an attempt to achieve oil-free waters through a reasonable balance of punitive deterrence and modification of design, construction, and operation intended to minimize the opportunity for and the effects of human error or negligence. Recognizing this Nation's social and industrial dependence upon oil, these regulations are intended to provide maximum protection to the environment while remaining within economic and practical bounds. The regulatory process, however, is dynamic and evolutionary. As our experience and information improve, the preventive regulations will be modified as necessary.

5. *Relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity.* Studies showing that oil can be harmful to marine organisms lead biologists to believe that chronic or excessive introduction of petroleum and its products into marine ecosystems may seriously disrupt those systems. Therefore, reducing the quantity of oil being discharged into U.S. waters is beneficial to both the short-term uses and the long-term productivity of the marine environment.

6. *Commitments of environmental resources.* This action does not result in any irreversible or irretrievable commitment of environmental resources.

7. *Government, public, and industry problems or objections.* The Coast Guard's proposed regulations were widely disseminated to interested parties and were the subject of a public hearing held on February 15, 1972, in Washington, D.C. Following the public hearing, written comments were accepted through April 21, 1972. All comments, written and oral, were reviewed, and the regulations were subsequently revised as noted in the preamble.

Comments on the draft environmental impact statement for this proposed action were received from only three sources. In light of these comments, the discussion of alternatives was expanded to consider both less extreme and non-Coast Guard alternatives. The anticipated reduction in pollution and the expected public cost of compliance have been discussed qualitatively in paragraphs 2 and 4(b), since no quantitative data are available. Copies of comments received on the draft statement are attached.

This amendment promulgates new regulations that govern certain aspects of the design, equipment, and operation

of facilities and vessels engaged in the transfer of oil. The purpose of the regulations is to prevent the discharge of oil into the navigable waters and contiguous zone of the United States. A minor change to Part 151 of the same Subchapter O, concerning submission of oil record books from vessels in coastwise service, is also included.

A notice of proposed rule making (CGFR 71-160) with respect to these regulations was published in the December 24, 1971, issue of the *FEDERAL REGISTER* (36 F.R. 24960). Subsequent thereto the Ports and Waterways Safety Act of 1972 (Public Law 92-340) was enacted and which requires regulations be promulgated by the Coast Guard governing ship design and operation to prevent pollution from marine operations. It is emphasized that the regulations promulgated herein are not those required by the Ports and Waterways Safety Act but are issued under the Federal Water Pollution Control Act.

A public hearing on the proposed regulations was held on February 15, 1972, and the record remained open for written comment until April 21, 1972. Some 185 written comments were received from the public in addition to 31 State and territorial government responses and written comments from Coast Guard field offices. As a result of the written and oral comments the proposed regulations have been revised in part.

Many changes have been made to improve clarity without significant change in substance. Those changes that significantly alter the proposed regulations and those items that received considerable comment but which were not revised are discussed in the following paragraphs.

A comment generally applicable throughout the regulations was that the petroleum industry generally uses "barrels" rather than "gallons" as its unit of liquid measure. This change has been made and all volumes have been cited in barrels and rounded off. For example 10,000 gallons has been changed to 250 barrels (10,500 U.S. gallons).

Another general comment concerned the effective dates assigned to the various parts and the consequences of having different effective dates for vessels and facilities. As a result of this latter difficulty, and to allow adequate time for both vessels and facilities to make the necessary physical and administrative changes required, most of these rules become effective on July 1, 1974. However, although enforcement will not occur before July 1, 1974, it should be noted that §§ 154.500, 154.510, and 155.800 place special requirements on hoses and loading arms manufactured or placed in service after June 30, 1973. Also, to allow the Coast Guard a reasonable period of time to handle the many administrative problems and to assure compliance by July 1, 1974, all existing transfer facilities are required by § 154.110 to file before July 1, 1973, a letter of intent to operate. Section 154.110 becomes effective 30 days after publication of these amendments.

The applicability of Part 154 was questioned and, in particular, objection was

made to defining a large facility by the oil capacity of the vessels it serviced. The proposed applicability of Part 154 to oil transfer operations between facilities and vessels with a tank capacity of 10,000 gallons (now 250 barrels) is retained. The Coast Guard believes that this definition is the only way to reflect the operation's potential to pollute. Facilities that service vessels of this minimum capacity, regardless of the amount of oil actually transferred, will do so with equipment and pumping capacities of very large size. As to those objecting to any limitation on the facilities governed, the Coast Guard finds that presently the larger facilities are the significant problem and further, that smaller operations encompass different problems requiring different solutions. If spill data indicates that small facilities are a problem warranting regulation then further rule making action will be undertaken.

Several definitions were added to § 154.105 for clarification of the text and, in particular, the definition of oil was modified to exclude LNG and LPG (liquefied natural and petroleum gases), since, as a result of their properties, they cause an insignificant oil pollution problem.

The regulation which received the most comment was that of Part 154 requiring facility permits to conduct oil transfer operations. Public interest groups strongly supported this proposal and further recommended that vessel to vessel transfers should also be subject to a permit system. Opposition to the permit system was based not upon the concept, but upon the onerous administrative burden that such a system would place upon the industry, States, and the Coast Guard. The status of the existing discharge permit system administered by the Corps of Engineers and the Environmental Protection Agency was cited as a specific example. Opposition further cited legislative history as a basis for argument that a permit system is illegal because Congress had specifically considered and rejected such an approach to oil pollution prevention. The problem of State certification under section 401(a) of the Federal Water Pollution Control Act (FWPCA) was directly addressed by the Coast Guard to each of the State and Territorial Governments. Only 31 replies were received of which only 10 indicated the State had a certification program in existence.

The purpose of the Coast Guard program must be kept clearly in mind when considering permits for oil transfer operations. The program is intended to minimize the risk of a spill during operations which do not include any intentional discharge into the water at a facility which has, by appropriate local, State and Federal agencies, been authorized to be built and operated. It is now the view of the Coast Guard that this purpose can best be achieved by a direct regulatory approach. The permit program will be held in abeyance while experience is gained in controlling oil transfer operations. Based upon this experience, the need for a permit program will be reassessed. There-

fore the proposed regulations have been extensively revised to delete the requirements concerning permits and in lieu thereof require each facility to file a letter of intent to operate, control the equipment and conduct of operations, and require operations manuals for each facility. The Coast Guard will inspect each facility, will issue a report of inspection to each facility, will invoke civil penalties for operations conducted in violation of the regulations, and will take action to suspend operations when conditions are found that constitute an unacceptable risk to the environment.

Section 154.110, Letter of Intent, specifies that all facilities that conduct oil transfer operations must submit a letter, 60 days in advance of intended operations, that specifies the name of the operator and the facility and its location. For mobile facilities, such as tank trucks, the Captain of the Port must be advised of specific transfer locations at least 4 hours before each transfer. Initial filing of letters for existing facilities must be done by July 1, 1973.

Section 154.120, Facility inspection, is a revision of proposed § 154.370. The revision requires the facility operator to maintain a record of all inspections conducted by the Coast Guard and to conduct any tests which the Coast Guard deems necessary to determine the facility's compliance with these regulations. The entries in the record of inspection will be made by the Coast Guard inspecting personnel and will reflect the scope of the inspection conducted and the conditions found to exist at the time of inspection. The requirement that the facility conduct all required tests is in keeping with the intent of the proposed regulations and with current policy that testing is a responsibility of the equipment owner or operator.

A new § 154.140, Suspension of oil transfer operations, provides for the Captain of the Port to suspend oil transfer operations whenever, in his opinion, the conditions found at the facility are in such variance with the regulations that further operations would constitute an undue threat to the environment.

A revision to proposed § 154.360, Operations manual: Contents (now designated § 154.310) is to require a description of the "person in charge" training and qualification program to be included in the operations manual.

A new § 154.760, Operations manual: Changes, has been added to Subpart D, Facility Operations, to clarify the intent of the proposals that the facility operator must maintain the manual current to reflect the operations as conducted, and must submit copies of the changes to the Captain of the Port.

Section 154.500 has been modified to permit nonferrous flange materials. The omission of nonferrous flanges was an oversight to the draft proposals and the Coast Guard is not aware of any condition which prevents their usage.

Numerous comments requested that a pressure shutdown switch be accepted in § 154.500 to limit hose and system pressures. The Coast Guard does not believe that a pressure switch and the

necessary associated control circuitry is an acceptable method upon which to rely for pressure control and no change is made in this regard.

A new paragraph (b) has been added § 154.530, Small discharge containment, to define the "hose handling and loading arm areas" as those areas traversed by the free end of the hose or loading arm to which any oil in the hose may be discharged.

Several comments proposed that § 154.545 should require vessels to be enclosed by booms during transfer operations. The Coast Guard is of the opinion that these regulations are sufficiently broad that a Captain of the Port may, if specific conditions warrant, require a boom in place about the vessel (see §§ 154.140, 154.300(b) and 154.310(m)). However, booms, regardless of size or type, are ineffective in a current of more than 1½ knots and therefore a mandatory requirement for booms in place is not considered appropriate.

Comments suggested that § 154.550, Emergency shutdown, should permit a communications system to suffice under certain conditions. The comments submitted are particularly valid for offshore type facilities where a pier or other such structure is not used. Therefore, the proposed section has been modified to permit dedicated communications systems to a continuously manned control station and to amplify acceptable types of systems and their location.

Second only to the proposed permit requirement in number of comments received was the requirement for lighting contained in §§ 154.570 and 155.790. The objections were basically: The illumination specified was excessive for the need; high cost of providing the specified degree of lighting; the degree of lighting specified created a navigation hazard to transient vessels by blinding the navigating officers; and many communities have ordinances which would class such illumination as a public nuisance. Because of the general objection to the degree of illumination specified, the Coast Guard conducted illumination surveys at existing facilities that were considered to be adequately illuminated. As a result of these surveys the required illumination level has been reduced to 5 and 1 foot-candles from 10 and 2 as proposed. Additionally, the regulation has been modified to permit the Captain of the Port to accept lighting from portable sources at small or remote facilities and to permit the vessel to provide facility illumination. Fixed lighting is preferred but in some remote areas power is not available and a fixed installation is impracticable.

Proposed §§ 154.710 and 720, which concern designation and qualification of persons in charge, have been combined into a new § 154.710. Additionally, proposed § 154.710(a) (2) has been modified to permit the required 48 hours of experience to be at any facility engaged in oil transfer operations with the provision that the designee must also be familiar with and qualified to operate the facility for which designation is given. This

change was made to facilitate the use of personnel at various locations. The Coast Guard retains the prerogative to review the designation of a person in charge to assure he has adequate experience.

Section 154.740 is changed to require the facility operator to maintain a record of facility inspection as previously discussed.

Proposed § 154.365 has been revised and relocated as §§ 154.760 and 154.770, Operations manual: Changes, and availability, respectively. The revision was made for clarity and the relocation was made because the regulation is more a condition for operation than a general requirement.

On June 15, 1972, the United States published a notice for the purpose of implementation and enforcement of laws and treaties in the contiguous zone as permitted by Article 24 of the Convention on the Territorial Sea and Contiguous Zone. Therefore the applicability of Part 155 has been expanded to govern vessels in the navigable waters and contiguous zone in accordance with section 311 of the Federal Water Pollution Control Act. The Contiguous Zone is that area of water extending seaward 9 miles from the 3-mile territorial sea and thus, in general, extends applicability of the vessel oil pollution prevention regulations to 12 miles off shore.

Part 155.105 has several new definitions added for clarity in application of the part.

A great deal of criticism concerned the definition of "vessel" excluding public vessels, Navy or Coast Guard vessels, and thereby exempting them from the provisions of this part. The definition used is that contained in the Federal Water Pollution Control Act, as amended. However, attention is invited to Executive Order 11507 signed February 4, 1970, which requires all Federal vessels and facilities to have programs completed or underway by December 31, 1972, which will bring such facilities and vessels into compliance with air and water quality standards. The Army, Navy, and the Coast Guard have comprehensive programs underway and their vessels will, in fact, meet generally more restrictive requirements. Coast Guard vessels will for example, when in the navigable waters and contiguous zone, retain all vessel-generated wastes (sewage, laundry drains, galley waste, bilge wastes, and slop oil) on board.

A new § 155.130, similar to proposed § 154.140, has been added to provide that the Captain of the Port or the Officer in Charge, Marine Inspection, may suspend oil transfer operations if he deems that a severe risk to the environment would otherwise exist.

The inland barge industry entered strong objection to the proposed requirements for double wall construction of inland tank barges. The basis of the objection is that the costs have neither been adequately investigated nor has a case been made that double wall construction would significantly reduce oil pollution. The Coast Guard has, in cooperation with the Maritime Administra-

tion, entered into a study of costs and alternatives, including complete double hull construction, which will be completed within 18 months. Therefore, implementation of proposed § 155.305 is being withheld pending the results of the study.

Proposed § 155.320 Fuel oil discharge containment has been extensively revised because of many problems which existing vessels would have in complying with the proposed regulation. Specifically, present fuel tank fill and vent lines on river towboats are so arranged as to make centralization economically impossible. As modified, the regulation requires all new construction to have an installed deck spill containment system to retain all small spills and overflows that occur during vessel fueling operations. For existing vessels, the use of small portable spill containment systems is allowed. Additionally, it was pointed out that many small river towboats are fueled with gas station type fuel hoses and have not been a pollution source. Therefore, for existing vessels, the proposed regulations have been modified to allow the use of flush deck fuel fittings when serviced by an automatic back pressure shut-off nozzle.

Sections 155.340 and 155.350, bilge slops, have been revised to clarify that these requirements apply only to vessels with machinery space bilges. Specifically, the requirements of these sections do not apply to the double bottoms of barges which would need pumping only in the event of a leak or casualty.

The applicability of §§ 155.340 and 155.350 has been clarified by substituting "Ocean or Coastwise service" for the proposed "international voyages." One purpose of this section is to provide and establish an internationally accepted standard fitting on all vessels using facilities that service both domestic and international vessels. The proposed fitting is one recognized by the Intergovernmental Maritime Consultative Organization (IMCO).

Section 155.350 has been modified to establish a 4-inch flange as the inland standard for oily waste discharge connections instead of the proposed large international standard fitting. This was done at the request of the inland industry which considers the international fitting unnecessarily large for small inland vessels.

Proposed §§ 155.400, 155.410, 155.420, and 155.430 concerning the sealing of vessel overboard discharge valves have been deleted. Most comments indicated that such system was an unnecessary redundancy in view of the other sections of the regulations; that sealing would not be effective and would not provide a significant deterrent to intentional discharges of oil or oily waste; and that it would not be enforceable. Note that proposed §§ 155.450 and 155.460 have been renumbered §§ 155.400 and 155.410 respectively. With the deletion of the valve sealing requirements the proposed § 155.440: Placard, has been made applicable to all domestic vessels over 26 feet in length to alert shipboard personnel of the consequences of an intentional or careless discharge of oil.

Section 151.470 *Prohibited oil spaces* has been modified to apply only to self-propelled vessels. Self-propelled vessels have been the major source of spills from oil in forward spaces. It was pointed out that coastwise barges presently carry oil in their very large forward compartments and the proposed regulation would reduce their capacity by approximately 20 percent until the vessels could be modified. Since many of the technical details of defining the prohibited spaces on a barge are dependent upon much of the same data to be developed by the inland barge study, adoption of this proposed section is being stayed.

Many comments interpreted § 155.470 (b) as prohibiting vessels from carrying oil in wing tanks adjacent to the hull plate. Paragraph (b) applies only to spaces forward of the collision bulkhead specified in § 155.470(a).

Comments from the inland barge industry stated that their methods of operation were such that the requirement of § 155.700 *Designation of person in charge* could not be accomplished. The Coast Guard feels it is essential that the owner, or an agent acting on behalf of the owner, recognize a responsibility for the conduct of operations on the vessel. Therefore, § 155.700 has been modified only to the extent of recognizing that an agent may act on behalf of the owner in designating persons in charge.

The major concern voiced about Part 156, *Oil transfer operations*, was that the Coast Guard did not assign an overall responsibility and therefore, liability for oil transfer operations. That is, the vessel and the facility presently share responsibility, each being responsible for his own area and jointly responsible for common areas (such as mooring lines, adequate freedom in hoses, etc.), and neither has overall responsibility for the entire operation. The Coast Guard feels it cannot go beyond the designation of responsibility which has been done in the proposed regulations. However, some wording changes have been included to recognize that a person in charge need not completely inspect both units and that he may accept the signature of the other unit's person in charge on the declaration of inspection as satisfactory evidence of the acceptable condition of the other unit.

In consideration of the foregoing, Subchapter O, Title 33, Code of Federal Regulations is amended to read as follows:

PART 151—OIL POLLUTION REGULATIONS

a. By revising § 151.35(h) of Part 151 to read as follows:

§ 151.35 Oil Record Book.

(h) The Oil Record Book maintained on a vessel when not engaged on a foreign voyage shall be submitted during the months of April and October with entries for the preceding 6 months to the Commander, 3d Coast Guard Dis-

trict (m), New York, if the homeport is located on the east or gulf coast; or to the Commander, 12th Coast Guard District (m), San Francisco, if the homeport of the vessel is located on the west coast.

(Sec. 311(j) (1) (C), Federal Water Pollution Control Act, 86 Stat. 816, 868; sec. 9, 75 Stat. 404, as amended; sec. 6(g) (5), 80 Stat. 937; 33 U.S.C. 1161(j) (1) (C), 33 U.S.C. 1008, 49 U.S.C. 1655(g) (5); E.O. 11548, 3 CFR, 1966-1970 COMP., p. 949; 49 CFR 1.46(c) (7) and (m))

b. By adding new Parts 154, 155 and 156:

PART 154—LARGE OIL TRANSFER FACILITIES

Subpart A—General

Sec.	
154.100	Applicability.
154.105	Definitions.
154.110	Letter of intent.
154.120	Facility inspection.
154.140	Suspension of oil transfer operations.

Subpart B—Operations Manual

154.300	Operations manual: General.
154.310	Operations manual: Contents.
154.320	Operations manual: Amendment.
154.330	Operations manual: Waivers.

Subpart C—Equipment Requirements

154.500	Hose assemblies.
154.510	Loading arms.
154.520	Closure devices.
154.530	Small discharge containment.
154.540	Discharge removal.
154.545	Discharge containment equipment.
154.550	Emergency shutdown.
154.560	Communications.
154.570	Lighting.

Subpart D—Facility Operations

154.700	General.
154.710	Persons in charge: Designation and qualification.
154.730	Persons in charge: Evidence of designation.
154.740	Records.
154.750	Compliance with operations manual.
154.760	Operations manual: Changes.
154.770	Operations manual: Availability.
154.780	Compliance with suspension order.

AUTHORITY: The provisions of this Part 154 issued under section 311(j) (1) (C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j) (1) (C); E.O. 11548, 3 CFR, 1966-1970 COMP., p. 949; 49 CFR 1.46 (m).

Subpart A—General

§ 154.100 Applicability.

This part applies to each onshore and offshore facility, when it transfers oil in bulk to or from any vessel that has a capacity of 250 or more barrels of that oil except when it transfers—

- (a) Lubricating oil for use on board a vessel; or
- (b) Nonpetroleum based oil to or from a vessel other than a tank vessel.

§ 154.105 Definitions.

As used in this part:

- (a) "Barrel" means that unit of liquid measure equivalent to 42 U.S. gallons at 60° Fahrenheit.

(b) "Commandant" means the Commandant of the Coast Guard or his authorized representative.

(c) "Captain of the Port" means a U.S. Coast Guard officer commanding a Captain of the Port Area described in Part 3 of this chapter, or his authorized representative or, where there is no Captain of the Port Area, a District Commander of a Coast Guard District described in Part 3 of this chapter, or his authorized representative.

(d) "Discharge" includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(e) "District Commander" as used in this part, means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District, as described in Part 3 of this chapter or his authorized representative.

(f) "Facility" means either an onshore facility or an offshore facility.

(g) "Incompatible products" means products that, when mixed, create a hazard, such as spontaneous combustion, or energy release or form a product that is hazardous to health.

(h) "Officer in Charge, Marine Inspection" means a U.S. Coast Guard officer commanding a Marine Inspection Zone described in Part 3 of this chapter, or his authorized representative.

(i) "Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or a public vessel.

(j) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. For the purposes of this part liquefied natural gas and liquefied petroleum gas (LNG and LPG) are excluded.

(k) "Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.

(l) "Person" includes an individual, firm, corporation, association and a partnership.

(m) "Person in charge" means a person designated as a person in charge of oil transfer operations under § 154.710 or § 155.700 of this chapter.

(n) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such a vessel is engaged in commerce.

(o) "Tank vessel" means any vessel especially constructed or converted to carry liquid bulk cargo in tanks.

(p) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

§ 154.110 Letter of intent.

(a) The operator of any facility to which this part applies shall submit a letter of intent to operate a facility or to conduct mobile facility operations to

the Captain of the Port not less than 60 days before the intended operations unless a shorter period is allowed by the Captain of the Port; and, for facilities in operation on January 30, 1973, that are intended to be in operation on July 1, 1974, shall submit a letter of intent to operate before July 1, 1973.

(b) The letter of intent required by paragraph (a) of this section may be in any form but must contain—

(1) The name, address, and telephone number of the operator;

(2) The name, address, and telephone number of the facility or, in the case of a mobile facility, the dispatching office; and

(3) Except for mobile facility operations, the geographical location of the facility with respect to the associated body of navigable waters. The operator of a mobile facility shall advise the Captain of the Port of the location of each transfer operation at least 4 hours prior to each operation.

(c) The facility operator of any facility for which a letter of intent has been submitted, shall immediately advise the Captain of the Port in writing of any changes of information in the letter and shall cancel, in writing, the letter for any facility at which oil transfer operations are no longer conducted.

§ 154.120 Facility inspections.

(a) The facility operator shall allow the Commandant, at any time, to make any inspection and shall perform, upon request, any test to determine compliance with the Federal Water Pollution Control Act and this part. All required testing of facility equipment must be conducted by the facility operator in a manner acceptable to the Commandant.

(b) The Captain of the Port records the date, scope, and results of each facility inspection in the facility's inspection record required by § 154.740(e) and lists the deficiencies in the inspection record when the facility is not in compliance with the regulations in this part.

§ 154.140 Suspension of oil transfer operations.

The Captain of the Port may issue an order to suspend oil transfer operations to the operator of a facility if he finds that there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil.

(a) An order of suspension may be effective immediately.

(b) An order of suspension includes a statement of each condition requiring immediate action to prevent the discharge of oil.

(c) The facility operator may petition the District Commander in writing, or in any manner when the order is effective immediately, to reconsider the issuance of the order of suspension. The decision of the District Commander is the final administrative decision.

Subpart B—Operations Manuals

§ 154.300 Operations manual: General.

(a) The facility operator of each facility to which this part applies must pre-

pare and submit with his letter of intent to operate an operations manual that describes—

(1) The means and procedures that the applicant uses to meet the operating rules and equipment requirements prescribed by this part; and

(2) The duties and responsibilities of operations personnel in conducting oil transfer operations under this part.

(b) In determining whether the manual meets the requirements of this part, the Captain of the Port considers the size, complexity and capacity of the facility.

§ 154.310 Operations manual: Contents.

Each operations manual required by § 154.300 must contain—

(a) The geographic location of the facility;

(b) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, and locations of safety equipment;

(c) The hours of operation of the facility;

(d) The sizes, types, and number of vessels that the facility can transfer oil to or from simultaneously;

(e) The grade and trade name of each product transferred at the facility that is incompatible with oil;

(f) The minimum number of personnel on duty during transfer operations and their duties;

(g) The names and telephone numbers of facility, Coast Guard, and other personnel who may be called by the employees of the facility in an emergency;

(h) The duties and responsibilities of watchmen required by § 155.810 of this chapter and 46 CFR 35.05-15 for unmanned vessels moored at the facility;

(i) A description of each communication system required by this part;

(j) The location and facilities of each personnel shelter, if any;

(k) A description and instructions for use of drip and discharge collection and vessel slop reception facilities if any;

(l) A description and the location of each emergency shutdown system;

(m) Quantity, type, location and instructions for use of the containment equipment required by § 154.545;

(n) The maximum relief valve setting (or maximum system pressure when relief valves are not provided) for each oil transfer system;

(o) Procedures for—

(1) Operating each loading arm including the limitations of each loading arm;

(2) Transferring oil;

(3) Completion of pumping;

(4) Emergencies;

(p) A contingency plan for reporting and containing oil discharges; and

(q) A brief summary of applicable Federal, State, and local oil pollution laws and regulations.

(r) A description of the training and qualification program for persons in charge.

(s) Any other item the Captain of the Port requires, under § 154.320 to

cover a particular condition at the facility.

§ 154.320 Operations manual: Amendment.

(a) The Captain of the Port may require the facility operator to amend the operations manual if he finds that the operations manual does not meet the requirements of this part. See § 154.760 (a).

(b) When the Captain of the Port determines to require an amendment of an operations manual he notifies the facility operator in writing of a date not less than 14 days from the date of the notice, on or before which the facility operator may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Captain of the Port notifies the facility operator of any amendment required or adopted or he rescinds the notice. The amendment becomes effective not less than 30 days after the facility operator receives the notice unless the facility operator petitions the Commandant to reconsider the notice, in which case its effective date is stayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing to the Captain of the Port.

(c) If the Captain of the Port finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil that makes the procedure in paragraph (a) of this section impracticable or contrary to the public interest, he may issue an amendment effective, without stay, on the date the facility operator receives notice of it. In such a case, the Captain of the Port includes a brief statement of the reasons for his finding in the notice, and the owner or operator may petition the District Commander, in any manner, to reconsider the amendment.

§ 154.330 Operations manual: Waivers.

The Captain of the Port may, by an appropriate amendment to the operations manual, waive, in whole or in part, compliance with any requirement in this part if—

(a) Application for the waiver is submitted to the Captain of the Port at least 30 days before operations under the waiver are proposed unless a shorter time is authorized by the Captain of the Port; and

(b) The Captain of the Port finds that an equivalent level of protection of the navigable waters from pollution by oil will be provided by the alternative procedures, methods, or equipment standards to be used by the applicant.

Subpart C—Equipment Requirements

§ 154.500 Hose assemblies.

(a) Each hose assembly, consisting of a hose that is larger than 3 inches inside diameter and couplings, that is manufactured after June 30, 1973, and used for transferring oil, must meet the requirements of this section.

(b) The pressure, which the manufacturer represents to be the minimum bursting pressure, for each hose assembly must be—

(1) 600 pounds per square inch or more; and

(2) At least four times the pressure of the relief valve setting (or four times the maximum pump pressure when no relief valve is installed) plus the static head pressure of the oil transfer system at the point where the hose is installed.

(c) The pressure that the manufacturer represents to be the recommended working pressure for each hose assembly must be—

(1) 150 pounds per square inch or more; and

(2) More than the pressure of the relief valve setting (or the maximum pump pressure when no valve is installed) plus the static head pressure of the oil transfer system at the point where the hose is installed.

(d) Each nonmetallic hose must be specified for oil service by its manufacturer.

(e) Each hose assembly must have—

(1) Full threaded connections;

(2) Flanges that meet standard B16.5, Steel Pipe Flanges and Flanges Fittings, or standard B16.31, Nonferrous Pipe Flanges, of the American National Standards Institute; or

(3) Quick-connect couplings that are acceptable to the Commandant.

(f) Except as provided in paragraph (g) of this section, each hose must be marked with—

(1) The products for which the hose may be used or the words "oil service;"

(2) Date of manufacture;

(3) Burst pressure;

(4) Manufacturer's recommended working pressure;

(5) Date of the last test required by § 156.170 of this chapter; and

(6) The pressure used for that test.

(g) The information required by paragraph (f) of this section need not be marked on a hose if it is recorded elsewhere at the facility and the hose is marked so as to identify it with the information in the record.

§ 154.510 Loading arms.

(a) Each mechanical loading arm used for transferring oil and placed into service after June 30, 1973, must meet the design, fabrication, material, inspection, and testing requirements in Standard B31.3, Petroleum Refinery Piping, of the American National Standards Institute.

(b) Each mechanical loading arm used for transferring oil must have a means of being drained or closed before disconnecting after transfer of oil.

§ 154.520 Closure devices.

The facility must have enough butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the Captain of the Port to blank off the end of each hose or loading arm that is disconnected after transfer of oil.

§ 154.530 Small discharge containment.

(a) Except as provided in paragraph (d) of this section, the facility must have fixed catchments, curbing, or other fixed means to contain oil discharged in at least—

(1) Each hose handling and loading arm area; and

(2) Each hose connection manifold area.

(b) "Hose handling and loading arm area" means that area on the facility which, with the loading arm or the hose attached to the facility discharge piping, is within the area traversed by the free end of the hose or loading arm when moved from its normal stowed or idle position into a position for connection to the vessel.

(c) The discharge containment means required by paragraph (a) of this section must hold at least—

(1) Three barrels if it serves one or more hoses of 6-inch inside diameter or smaller or loading arm connections of 6-inch nominal pipe size diameter or smaller;

(2) Four barrels if it serves one or more hoses larger than 6-inch inside diameter or loading arm connections larger than 6-inch nominal pipe size but less than 12 inches diameter; or

(3) Six barrels if it serves one or more hoses or a 12-inch inside diameter or larger or loading arm connections of 12-inch nominal pipe size diameter or larger.

(d) The facility may have portable means to meet the requirements of paragraph (a) of this section if the Captain of the Port finds that fixed means to contain discharges are not feasible for part or all of the facility.

§ 154.540 Discharge removal.

The facility must have a means to safely and quickly remove discharged oil from the containment means required by § 154.530 without mixing incompatible products or discharging it into the water.

§ 154.545 Discharge containment equipment.

(a) Each oil transfer facility must have ready access to oil containment material and equipment to contain oil discharged on the water considering—

(1) Oil handling rates;

(2) Oil capacity susceptible to being spilled;

(3) Frequency of facility operations;

(4) Tidal and current conditions;

(5) Facility age, capability, arrangement and past experience; and

(6) If the equipment is shared, the expected frequency of use and probability of availability.

(b) For the purpose of this section, "access" may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

§ 154.550 Emergency shutdown.

(a) The facility must have, in addition to the means of communication required by § 154.560, an emergency means to enable the person in charge of the transfer of oil on board the vessel at his

usual operating station to stop the flow of oil to the vessel. This means must be an electrical, pneumatic, or mechanical linkage to the shore facility or a continuous dedicated communications system manned by a person ashore who can stop the flow of oil in an emergency.

(b) The point in the oil transfer system at which the emergency means stops the flow of oil must be located on the facility near the loading arm or transfer hose connection point so as to minimize the loss of oil in the event of hose rupture or loading arm failure.

§ 154.560 Communications.

(a) Each facility must have a means that enables two-way voice communication between the person in charge of the transfer operation on board the vessel and the person in charge of the facility transfer operation.

(b) Each facility must have a means, which may be the communications system itself, that enables a person on board a vessel or on the facility to effectively indicate his desire to use the means of communication required by paragraph (a) of this section.

§ 154.570 Lighting.

(a) For operations between sunset and sunrise, the facility must have fixed lighting that illuminates—

(1) Each transfer connection point on the facility with an average minimum lighting intensity of 5-foot candles;

(2) Each oil transfer operations work area on the facility with an average minimum lighting intensity of 1-foot candle;

(3) Each transfer connection point in use on any barge moored at the facility, to or from which oil is being transferred, with an average minimum lighting intensity of 5-foot candles; and

(4) Each oil transfer operations work area on any barge moored at the facility, to or from which oil is being transferred, with an average minimum lighting intensity of 1 foot candle.

(b) The lighting intensity must be measured on a horizontal plane 3 feet above the barge deck or walking surface.

(c) For small or remote facilities, the Captain of the Port may authorize operations with an equivalent intensity of lighting provided by the vessel or by portable means.

Subpart D—Facility Operations

§ 154.700 General.

No person may operate a facility to which this part applies unless the equipment, personnel, and operating procedures of that facility meet the requirements of this part.

§ 154.710 Persons in charge; designation and qualification.

No person may serve, and the facility operator may not use the services of a person, as person in charge of facility oil transfer operations unless—

(a) The facility operator has designated that person as a person in charge and has advised the Captain of the Port in writing of his designation;

(b) He has had at least 48 hours of experience in oil transfer operations at a facility in operations to which this part applies;

(c) He has enough experience at the facility for which qualification is desired to enable the facility operator to determine that his experience is adequate and that he can operate the oil transfer equipment of the facility, except that, for new facilities, the Captain of the Port may authorize alternative experience requirements; and

(d) The facility operator has determined that he knows—

(i) The hazards of each product to be transferred;

(ii) The rules in this part and in Part 156 of this chapter;

(iii) The facility operating procedures as described in the operations manual;

(iv) Vessel oil transfer systems, in general;

(v) Vessel oil transfer control systems, in general;

(vi) Each facility oil transfer control system to be used;

(vii) Local discharge reporting procedures; and

(viii) The facility's contingency plan for discharge reporting and containment.

§ 154.730 Person in charge: Evidence of designation.

Each person in charge shall carry evidence of his designation as a person in charge when he is engaged in transfer operations unless such evidence is immediately available at the facility.

§ 154.740 Records.

Each facility operator shall keep at the facility and make available for inspection the Captain of the Port—

(a) A copy of the letter of intent for the facility;

(b) The name of each person currently designated as a person in charge of oil transfer operations;

(c) The date and result of the most recent test or inspection of each item tested or inspected under § 156.70 of this chapter;

(d) The hose information required by § 154.500(f) unless that information is marked on the hose; and

(e) The record of each inspection of the facility by the Captain of the Port.

§ 154.750 Compliance with operations manual.

The facility operator shall use and require its personnel to use the procedures in the operations manual prescribed by § 154.300 for operations under this part.

§ 154.760 Operations manual: Changes.

(a) Each facility operator shall keep the operations manual current so that at all times it meets the requirements in §§ 154.300 and 154.310.

(b) The facility operator shall provide a copy of each change to the operations manual to the Captain of the Port before transferring oil in operations to which this part applies.

§ 154.770 Operations manual: Availability.

Each facility operator shall keep an operations manual at the facility and shall make it readily available to the operating personnel, vessel personnel and, upon request, to the Captain of the Port.

§ 154.780 Compliance with suspension order.

No facility operator to whom an order of suspension has been issued under § 154.140 may conduct oil transfer operations until that order is withdrawn by the Captain of the Port or the District Commander.

PART 155—VESSEL DESIGN AND OPERATIONS

Subpart A—General

Sec.	
155.100	Applicability.
155.105	Definitions.
155.110	Waivers.
155.130	Suspension of operations.

Subpart B—Vessel Design and Equipment

155.310	Cargo oil discharge containment.
155.320	Fuel oil discharge containment.
155.330	Oily waste and slop retention.
155.340	Blige slops on vessels of 100 or more gross tons: Ocean or Coastwise service.
155.350	Blige slops on vessels of 100 or more gross tons: Operations other than ocean or coastwise service.
155.360	Blige slops on vessels of less than 100 gross tons.
155.370	Ballast discharge: Vessels of 100 or more gross tons: Ocean or coastwise service.
155.380	Ballast discharge: Vessels of 100 or more gross tons: Operations other than ocean or coastwise service.
155.390	Ballast discharge: Vessels of less than 100 gross tons.
155.400	Exception for all vessels: Oily waste processing equipment.
155.410	Exception for tank vessels: Oily waste transfer equipment.
155.440	Placard.
155.470	Prohibited oil spaces.
155.480	Inspection of valves.

Subpart C—Oil Transfer Personnel, Procedures, Equipment, and Records

155.700	Designation of person in charge.
155.710	Qualifications of person in charge.
155.720	Oil transfer procedures.
155.730	Compliance with oil transfer procedures.
155.740	Posting of oil transfer procedures.
155.750	Contents of oil transfer procedures.
155.780	Amendment of oil transfer procedures.
155.770	Machinery oil drains: U.S. vessels.
155.780	Emergency shutdown.
155.790	Deck lighting.
155.800	Oil transfer hose.
155.810	Tank vessel security.
155.820	Records.

Appendix A—Specifications for shore connection.

AUTHORITY: The provisions of this Part 155 issued under section 311(j) (1) (C) and (D) of the Federal Water Pollution Control Act (86 Stat. 816, 888); 33 U.S.C. 1161(j) (1) (C) and (D); E.O. 11548, 3 CFR, 1966-1970 COMP. p. 949; 49 CFR 1.46 (m).

Subpart A—General

§ 155.100 Applicability.

This part prescribes rules that apply to the operation of vessels on the navigable waters and contiguous zone of the United States for the purpose of preventing the discharge of oil into or upon the navigable waters or contiguous zone of the United States after June 30, 1974. U.S. vessels must meet the vessel design and equipment requirements in this part to be eligible for the issuance of a Certificate of Inspection under 46 CFR Ch. I.

§ 155.105 Definitions.

(a) "Barrel" means that unit of liquid measure equivalent to 42 U.S. gallons at 60° Fahrenheit.

(b) "Commandant" means the Commandant of the U.S. Coast Guard or his authorized representative.

(c) "Captain of the Port" means a U.S. Coast Guard officer commanding a Captain of the Port area described in Part 3 of this chapter or his authorized representative or, where there is no Captain of the Port area, a District Commander of a Coast Guard District described in Part 3 of this chapter or his authorized representative.

(d) "Contiguous zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

(e) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(f) "District Commander" as used in this part means the officer of the Coast Guard designated by the Commandant to command a Coast Guard district as described in Part 3 of this chapter or his authorized representative.

(g) "Facility" means either an onshore facility or an offshore facility.

(h) "Incompatible products" means products that, when mixed, create a hazard such as spontaneous combustion or energy release or form a product that is hazardous to health.

(i) "Officer in Charge, Marine Inspection" means a U.S. Coast Guard officer commanding a Marine inspection zone described in Part 3 of this chapter or his authorized representative.

(j) "Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or a public vessel.

(k) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. For the purpose of this part liquefied natural gas and liquefied petroleum gas (LNG and LPG) are excluded.

(l) "Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.

(m) "Person" includes an individual, firm, corporation, association, and a partnership.

(n) "Person in Charge" means an individual designated as a person in charge of oil transfer operations under § 154.710 or § 155.700 of this chapter.

(o) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such a vessel is engaged in commerce.

(p) "Tank vessel" means any vessel especially constructed or converted to carry liquid bulk cargo in tanks.

(q) "Tank barge" means any tank vessel not equipped with a means of self-propulsion.

(r) "U.S. vessel" means a vessel that is owned, documented, or registered in the United States and that is not a public vessel.

(s) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

§ 155.110 Waivers.

The Commandant may waive, in whole or in part, compliance with any requirement in this part if—

(a) Application for the waiver is submitted to the Captain of the Port or Officer in Charge, Marine Inspection, 30 days before operations under the waiver are proposed unless a shorter time is authorized by the Captain of the Port or Officer in Charge, Marine Inspection; and

(b) The Commandant finds that an equivalent level of protection of the navigable waters or contiguous zone from pollution by oil will be provided by the alternative procedures, methods, or equipment standards to be used by the vessel operator.

§ 155.130 Suspension of operations.

The Captain of the Port or Officer in Charge, Marine Inspection may issue an order to suspend oil transfer operations to the operator of the vessel when he finds there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil.

(a) An order of suspension may be effective immediately.

(b) An order of suspension includes a statement of each condition requiring immediate action to prevent the discharge of oil.

(c) The vessel operator may petition the District Commander in writing, or in any manner when the order is effective immediately, to reconsider the issuance of the order of suspension. The decision of the District Commander is the final administrative decision.

Subpart B—Vessel Design and Equipment

§ 155.310 Cargo oil discharge containment.

(a) No person may operate a tank vessel carrying oil that has a capacity

for 250 or more barrels of cargo oil unless it has—

(1) Fixed containers or enclosed deck areas that meet the requirements of this section under or around each oil loading manifold and each oil transfer connection area; and

(2) A means of draining or removing discharged oil from each container or enclosed deck area without mixing incompatible products or discharging it into the water.

(b) Each drain and scupper in an enclosed deck area required by this section must have a mechanical means of closing.

(c) Each fixed container or enclosed deck area must hold, in all conditions of vessel list or trim to be encountered during the loading operation, at least—

(1) Three barrels if it serves one or more hoses of 6-inch inside diameter or smaller or loading arms of 6-inch nominal pipe size diameter or smaller;

(2) Four barrels if it serves one or more hoses larger than 6-inch inside diameter or loading arms larger than 6-inch nominal pipe size diameter, but less than 12-inch diameter; or

(3) Six barrels if it serves one or more hoses of 12-inch inside diameter or larger or loading arms of 12-inch nominal pipe size diameter or larger.

§ 155.320 Fuel oil discharge containment.

No person may transfer oil for fuel to a vessel of 100 or more gross tons unless—

(a) For vessels constructed after June 30, 1974, it has a fixed container or enclosed deck area of at least two barrels capacity under or around each fuel tank vent, overflow, and fill pipe;

(b) For vessels constructed before July 1, 1974, it—

(1) Complies with paragraph (a) of this section; or

(2) Each fuel tank vent, overflow, and fill pipe is located where a portable container that is at least 18 inches deep and has at least a 5 U.S. gallon capacity can be placed under it; or

(3) It is a flush deck fill fitting and is being serviced by an automatic back pressure shutoff nozzle.

§ 155.330 Oily waste and slop retention.

(a) No person may operate a vessel of 100 or more gross tons unless it has capacity to retain on board all oily waste and oily bilge slops that may accumulate while operating in the navigable waters or contiguous zone.

(b) No person may use a tank for oily bilge slops or oily waste on U.S. vessels certificated under 46 CFR Ch. I unless the tank meets the requirements of 46 CFR 56.50–50(h) for isolation between oil and bilge systems.

§ 155.340 Bilge slops on vessels of 100 or more gross tons: Ocean or coastwise service.

No person may operate a U.S. vessel of 100 or more gross tons certificated under 46 CFR Ch. I for Ocean or coastwise service, or a foreign vessel of 100 or more gross tons, that is fitted with

either main or auxiliary machinery spaces, unless—

(a) The vessel has at least one pump installed to discharge oily bilge slops through a fixed piping system;

(b) The piping system required by this section has at least one outlet—

(1) For vessels of 1,600 or more gross tons, on each side of the weather deck; or

(2) For vessels of less than 1,600 gross tons, accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part or the vessel has at least one portable adapter that meets the specifications in Appendix A of this part and fits the required outlets;

(d) The vessel has a means on the weather deck near the discharge outlet to stop each pump that is used to discharge oily waste; and

(e) The vessel has a stop valve installed for each outlet required by this section.

§ 155.350 Bilge slops on vessels of 100 or more gross tons: Operations other than ocean or coastwise service.

No person may operate a vessel of 100 or more gross tons that is fitted with either main or auxiliary machinery spaces and is not subject to § 155.340, unless—

(a) The vessel has at least one pump installed to discharge oily bilge slops through a fixed piping system;

(b) The piping system required by this section has at least one outlet that is accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part or that meets standard B16.5, Steel Pipe Flanges and Flanged Fittings, or B16.31, Nonferrous Pipe Flanges, of the American National Standards Institute for a 4-inch standard flange; and

(d) The vessel has a stop valve installed for each outlet required by this section.

§ 155.360 Bilge slops on vessels less than 100 gross tons.

No person may operate a vessel of less than 100 gross tons unless it has a fixed or portable means to discharge oily bilge slops to a reception facility.

§ 155.370 Ballast discharge: Vessels of 100 or more gross tons: Ocean or coastwise service.

No person may operate a U.S. vessel of 100 or more gross tons that is certificated under 46 CFR Ch. I for ocean or coastwise service, or a foreign vessel of 100 or more gross tons, that ballasts fuel tanks or has combined fuel and ballast tanks unless—

(a) The vessel has at least one pump installed to discharge ballast through a fixed piping system;

(b) The piping system required by this section has at least one outlet—

(1) For vessels of 1,600 or more gross tons, on each side of the weather deck; or

(2) For vessels of less than 1,600 gross tons, accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part, or the vessel has at least one portable adapter that meets the specifications in Appendix A of this part and fits the required outlets;

(d) The vessel has a means near the discharge piping on the weather deck to stop each pump that is used to discharge oily ballast; and

(e) The vessel has a stop valve installed for each outlet required by this section.

§ 155.380 Ballast discharge: Vessels of 100 or more gross tons: Operations other than ocean or coastwise service.

No person may operate a vessel of 100 or more gross tons that is not subject to § 155.370 and ballast fuel tanks or has combined fuel and ballast tanks unless—

(a) The vessel has at least one pump installed to discharge all oily ballast through a fixed piping system;

(b) The piping system required by this section has at least one outlet that is accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part or the vessel has at least one portable adapter that meets the specifications in Appendix A of this part and fits the required outlets; and

(d) The vessel has a stop valve installed for each outlet required by this section.

§ 155.390 Ballast discharge: Vessels of less than 100 gross tons.

No person may operate a vessel of less than 100 gross tons that ballasts fuel oil tanks unless it has a fixed or portable means to discharge oily ballast to a reception facility.

§ 155.400 Exception for all vessels: Oily waste processing equipment.

Section 155.340 through 155.390 do not apply to a vessel that has a means acceptable to the Commandant to process oily bilge slops or oily ballast.

§ 155.410 Exception for tank vessels: Oily waste transfer equipment.

Sections 155.340 through 155.390 do not apply to tank vessels that have a means of transferring oily bilge slops or oily ballast to a cargo tank used for slops. On U.S. vessels, this means must meet the bilge and oil system isolation requirements in 46 CFR 56.50-50(h).

§ 155.440 Placard.

No person may operate a vessel, except a foreign vessel or a vessel less than 26 feet in length, unless it has a placard at least 5 by 8 inches, made of durable material, fixed in a conspicuous place in the machinery spaces, or at the bilge and ballast pump control station, stating the following:

DISCHARGE OF OIL PROHIBITED

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters and contiguous zone of the United States if such discharge causes a film or sheen upon, or

discoloration of, the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of \$5,000.

§ 155.470 Prohibited oil spaces.

(a) Except as provided in paragraph (b) of this section, no person may operate a self-propelled vessel carrying bulk oil or oily waste in any space forward of a collision bulkhead.

(b) Fuel for use on the vessel may be carried in independent tanks in a space forward of a collision bulkhead if such a tank is at least 24 inches inboard of the hull structure or is aft of the forward quarter length of the vessel.

§ 155.480 Inspection of valves.

No person may operate any U.S. vessel that has a certificate of inspection issued under 46 CFR Ch. I unless each of the following valves has been opened, inspected, and found to function properly by the owner or operator of the vessel, or his representative, at, or since, the last drydocking or hauling out of the vessel required by 46 CFR Ch. I:

- (a) Bilge emergency suction valves.
- (b) Ballast sea suction valves, except in lines to oil-free tanks.
- (c) Bilge overboard discharge valves.
- (d) Ballast overboard discharge valves, except in lines to oil-free tanks.
- (e) Valves used to separate clean ballast from oil or oily ballast.
- (f) Valves used to isolate oil or oily ballast from the sea.

Subpart C—Oil Transfer Personnel Procedures, Equipment, and Records

§ 155.700 Designation of person in charge.

The operator, or his agent, of each vessel that has a capacity for 250 or more barrels of oil shall designate the person or persons in charge of each transfer of oil to or from the vessel and of each tank cleaning operation.

§ 155.710 Qualifications of person in charge.

(a) No person may serve, and the operator of a vessel may not use the services of a person, as a person in charge of the transfer of oil to or from a vessel or of tank cleaning operations unless—

(1) For oil transfer operations on self-propelled tank vessels, he holds a valid license authorizing service on inspected vessels as a master, mate, pilot, or engineer, except that the person in charge of tank cleaning operations conducted at a tank cleaning facility may be a tankerman certificated for the grade of cargo last carried; or

(2) For tank barges, he holds a valid license authorizing service on inspected vessels as a master, mate, engineer, or is a tankerman certificated for the grade of cargo carried; or

(3) For vessels other than tank vessels that are required by 46 CFR Ch. I to have a licensed officer on board, he holds a valid license as a master, mate, pilot, engineer, or operator; or

(4) For all uninspected vessels of 100 or more gross tons, he has been instructed by the operator in his duties and

the Federal water pollution laws and regulations that apply to the vessel.

(5) For foreign vessels of the same size and type as those specified in subparagraphs (1), (2), and (3) of this paragraph, he holds a license or certificate authorizing service on that vessel as a master, mate, pilot, engineer, or operator.

§ 155.720 Oil transfer procedures.

No person may operate a vessel that has a capacity for 250 or more barrels of oil that is transferring oil unless that vessel has oil transfer procedures that meet the requirements of this part.

§ 155.730 Compliance with oil transfer procedures.

The operator of each vessel required by § 155.720 to have oil transfer procedures shall maintain them current and shall use and require its personnel to use the oil transfer procedures for each oil transfer operation.

§ 155.740 Posting of oil transfer procedures.

The oil transfer procedures required by § 155.720 must be—

- (a) Legibly printed in a language understood by the crew; and
- (b) Permanently posted or available at the fueling station or cargo control station or a place where the procedures can be easily seen and used by those members of the crew who engage in oil transfer operations.

§ 155.750 Contents of oil transfer procedures.

The oil transfer procedures required by § 155.720 must contain—

(a) If the vessel carries incompatible products, a list of the products to which the oil transfer procedures apply;

(b) A description of each oil transfer system installed on the vessel including—

(1) A line diagram of the vessel's oil transfer piping including the location of each valve, pump, control device, vent, and overflow; and

(2) The location of the shutoff valve or other isolation device that separates any bilge or ballast system from the oil transfer system.

(c) The number of persons required to be on duty during oil transfer operations;

(d) The duties by title of each officer, person in charge, tankerman, deckhand, and any other person required for each oil transfer operation;

(e) Procedures and duty assignments for tending the vessel's moorings during the transfer of oil;

(f) Procedures for operating the emergency shutdown means required by § 155.780;

(g) Any special procedures for topping off tanks;

(h) Procedures for insuring that all valves used during the oil transfer operations are closed upon completion of transfer;

(i) A description of the deck discharge containment system;

(j) The procedures for emptying the deck discharge containment system; and

(k) Procedures for reporting oil discharges on the water.

§ 155.760 Amendment of oil transfer procedures.

(a) The Captain of the Port or Officer in Charge, Marine Inspection may require the operator of any vessel that is required to have oil transfer procedures to amend those procedures if, after inspection, he finds that the oil transfer procedures are not adequate to meet the requirements of Part 156 of this chapter. See § 155.730.

(b) When the Captain of the Port or Officer in Charge, Marine Inspection determines to require an amendment of an oil transfer procedure, he notifies the operator, in writing, of a date not less than 14 days from the date of the notice on or before which the operator may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Captain of the Port or Officer in Charge, Marine Inspection notifies the operator of any amendment required or of his decision to rescind the notice. The amendment becomes effective not less than 30 days after the operator receives the notice, unless the operator petitions the Commandant to reconsider the notice, in which case its effective date is stayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing to the Captain of the Port or Officer in Charge, Marine Inspection who issued the requirement to amend.

(c) If the Captain of the Port or Officer in Charge, Marine Inspection finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil that makes the procedure in paragraph (b) of this section impractical or contrary to the public interest, he may issue an amendment effective, without stay, on the date the operator receives notice of it. In such a case, the Captain of the Port or Officer in Charge, Marine Inspection includes a brief statement of the reasons for his finding in the notice, and the operator may petition the District Commander, in any manner, to reconsider the amendment.

§ 155.770 Machinery oil drains: U.S. vessels.

No person may drain the sumps of oil lubricated machinery or the contents of oil filters, strainers, or purifiers into the bilge of any U.S. vessel.

§ 155.780 Emergency shutdown.

(a) No person may operate a tank vessel carrying oil that has a capacity for 250 or more barrels of cargo oil unless it has on board an emergency means to enable the person in charge of the transfer of oil to stop the flow of oil to the facility or other vessel.

(b) The emergency means must be a pump control or a quick-acting, power actuated valve. If an emergency pump control is used, it must stop the flow of oil if oil could siphon through the stopped pump.

(c) The emergency means must be operable from the cargo deck, cargo control room, or the usual operating station of the person in charge of the transfer of oil.

§ 155.790 Deck lighting.

(a) No person may operate a self-propelled vessel that has a capacity for 250 or more barrels of oil that is transferring oil to or from the vessel between sunset and sunrise unless that self-propelled vessel has installed deck lighting that illuminates—

(1) Each oil transfer connection point in use with an average minimum lighting intensity of 5 foot-candles; and

(2) Each oil transfer operations work area with an average minimum lighting intensity of 1 foot-candle.

(b) The lighting intensity must be measured on a horizontal plane 3 feet above the deck or walking surface.

§ 155.800 Oil transfer hose.

No person operating any vessel may use, and no person may operate a U.S. vessel that carries an oil transfer hose that is larger than 3 inches inside diameter unless it meets the requirements of § 154.500 of this chapter.

§ 155.810 Tank vessel security.

The owner or operator or person having custody of each tank vessel that contains more oil than the normal clingage and unpumpable bilge or sump residues in any cargo tank shall maintain surveillance of that vessel by a person who is responsible for the security of the vessel and for keeping unauthorized persons off the vessel.

§ 155.820 Records.

The owner or operator of each vessel subject to the following referenced regulations shall keep a written record available for inspection by the Commandant of—

(a) The name of each person currently designated as a person in charge of oil transfer operations as required by § 155.700;

(b) The date and result of the most recent test or inspection of each item tested or inspected as required by § 156.170 of this chapter;

(c) The hose information required by § 154.500(f) of this chapter unless that information is marked on the hose; and

(d) The date and location of each valve inspection required by § 155.480.

APPENDIX A

SPECIFICATIONS FOR SHORE CONNECTION
(See §§ 340, 360, 370, and 380 of this part)

Item	Description	Dimension
1	Outside diameter	215 mm. (8½ in.).
2	Inside diameter	According to pipe outside diameter.
3	Bolt circle diameter	188 mm. (7½ in.).
4	Slots in flange	6 holes 22 mm. (¾ in.) in diameter shall be equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width is to be 22 mm. (¾ in.).

APPENDIX A—Continued

Item	Description	Dimension
5	Flange thickness	20 mm. (¾ in.).
6	Bolts and nuts	6, each of 20 mm. (¾ in.) in diameter and of suitable length.

The flange shall be of steel having a flat face, with a gasket of oilproof material, and both shall be suitable for a service pressure of 6 kg./cm.² (85 p.s.i.). The steel materials used shall meet the material specifications of standard B16.5, Steel Pipe Flanges and Flanged Fittings of the American National Standards Institute (ANSI).

PART 156—OIL TRANSFER OPERATIONS

Sec.	
156.100	Applicability.
156.105	Definitions.
156.107	Waivers.
156.110	Person in charge: Limitations.
156.120	Requirements for oil transfer.
156.130	Connections.
156.150	Declaration of inspection.
156.160	Supervision by person in charge.
156.170	Equipment tests and inspections.

AUTHORITY: The provisions of this Part 156 issued under section 311(j)(1) (C) and (D) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1) (C) and (D); E.O. 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m).

§ 156.100 Applicability.

This part applies to the transfer of oil to or from any vessel with a capacity of 250 or more barrels for that oil on the navigable waters or contiguous zone of the United States, except the transfer of—

(a) Lubricating oil for use on board the vessel; and

(b) Non-petroleum-based oil that is transferred to or from a vessel other than a tank vessel.

§ 156.105 Definitions.

As used in this part:

(a) "Barrel" means that unit of liquid measure equivalent to 42 U.S. gallons at 60° F.

(b) "Captain of the Port" means a U.S. Coast Guard officer commanding a Captain of the Port area described in Part 3 of this chapter or his authorized representative or, where there is no Captain of the Port area, a District Commander of a Coast Guard district described in Part 3 of this chapter or his authorized representative.

(c) "District Commander" as used in this part means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District as described in Part 3 of this chapter or his authorized representative.

(d) "Facility" means either an onshore facility or an offshore facility.

(e) "Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or a public vessel.

(f) "Oil" means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. For the purpose of this part lique-

fied petroleum gas (LNG and LPG) are excluded.

(g) "Onshore facility" means any facility (including, but not limited to motor vessels and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.

(h) "Person in charge" means a person designated as a person in charge of oil transfer operations under § 154.710 or § 155.700 of this chapter.

(i) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such a vessel is engaged in commerce.

(j) "Tank vessel" means any vessel especially constructed or converted to carry liquid bulk cargo in tanks.

(k) "Tank barge" means any tank vessel not equipped with a means of self propulsion.

(l) "Vessel" means every description of watercraft, or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

§ 156.107 Waivers.

The Captain of the Port may waive, in whole or in part, compliance with any requirement in this part if—

(a) Application for the waiver is submitted to the Captain of the Port 30 days before operations under the waiver are proposed unless a shorter time is authorized by the Captain of the Port; and

(b) The Captain of the Port finds that an equivalent level of protection of the navigable waters and contiguous zone from pollution by oil will be provided by alternative procedures, methods or equipment standards to be used.

§ 156.110 Person in charge: Limitations.

(a) No person may serve as the person in charge of oil transfer operations on more than one vessel at a time unless—

(1) The vessels are immediately adjacent;

(2) There is a ready means of access between vessels; and

(3) The person in charge is not also the person in charge of the facility.

(b) No person may serve as the person in charge of both the vessel and the facility during oil transfer operations except when the Captain of the Port authorizes such procedure.

§ 156.120 Requirements for oil transfer.

No person may transfer oil to or from a vessel unless—

(a) The vessel's moorings are strong enough to hold in all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;

(b) Oil transfer hoses or loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on the hose, loading arm, or transfer piping system;

(c) Each hose is supported in a manner that prevents strain on its coupling;

(d) Each part of the transfer system

necessary to allow the flow of oil is lined up for the transfer;

(e) Each part of the transfer system not necessary for the transfer operation is securely blanked or shut off;

(f) The transfer system is connected to a fixed piping system on the receiving vessel or facility except that when receiving fuel for the vessel an automatic back pressure shutoff nozzle may be used;

(g) Except when used to receive or discharge ballast, each overboard discharge or sea suction valve that is connected to the vessel's oil transfer, ballast, or cargo tank systems is sealed, lashed, or locked in the closed position;

(h) Each oil transfer hose has no loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(i) Each coupling meets the requirement of § 156.130;

(j) The discharge containment required by §§ 154.530, 155.310, and 155.320 of this chapter, as appropriate, is in place;

(k) Each scupper or drain in a discharge containment system is closed;

(l) Any continuing loss of oil from any transfer component is at a rate that will not exceed the capacity of the containment system;

(m) The communications required by § 154.560 of this chapter are operable for the transfer operation;

(n) The emergency means of shutdown required by §§ 154.550 and 155.780 of this chapter, as appropriate, is in position and operable;

(o) The designated personnel are on duty to conduct the transfer operations in accordance with the facility operations manual and vessel oil transfer procedures that apply to the transfer operation;

(p) At least one person is present who fluently speaks the language spoken by each person in charge;

(q) The person in charge of oil transfer operations on the transferring vessel or facility and the person in charge of oil transfer operations on the receiving vessel or facility have held a conference, to assure that each person in charge understands the following details of the transfer operations—

(1) The identity of the product to be transferred.

(2) The sequence of transfer operations.

(3) The transfer rate.

(4) The name or title and location of each person participating in the transfer operation.

(5) Particulars of the transferring and receiving systems.

(6) Critical stages of the transfer operation.

(7) Federal, State, and local rules that apply to the transfer of oil.

(8) Emergency procedures.

(9) Discharge containment procedures.

(10) Discharge reporting procedures.

(11) Watch or shift arrangement.

(12) Transfer shutdown procedures.

(r) The person in charge of oil transfer operations on the transferring vessel or facility and the person in charge of oil

transfer operations on the receiving vessel or facility agree to begin the transfer operation;

(s) Each person in charge required by this part is present;

(t) Between sunset and sunrise the lighting required by §§ 154.570 and 155.790 of this chapter is provided; and

(u) For vessel to vessel transfer operations involving a tank barge between sunset and sunrise, lighting of the intensity specified in § 155.790 of this chapter is provided on the barge.

§ 156.130 Connections.

(a) Each person who makes a connection for oil transfer operations shall—

(1) Use suitable material in joints and couplings to make a tight seal;

(2) Use a bolt in at least every other hole and in no case less than four bolts in each temporary connection utilizing an American National Standards Institute (ANSI) standard flange coupling;

(3) Use a bolt in each hole of couplings other than ANSI standard flange couplings;

(4) Use a bolt in each hole of each permanently connected flange coupling;

(5) Use bolts of the same size in each bolted coupling; and

(6) Tighten each bolt and nut uniformly to distribute the load.

(b) No person who makes a connection for oil transfer operations may use any bolt that shows signs of strain or is elongated or deteriorated.

(c) No person may use a connection for oil transfer operations unless it is—

(1) A bolted or full threaded connection; or

(2) A quick-connect coupling approved by the Commandant; or

(3) An automatic back pressure shutoff nozzle used to fuel the vessel.

§ 156.150 Declaration of inspection.

(a) No person may transfer oil to or from a vessel unless each person in charge, designated under §§ 154.710 and 155.700 of this chapter, has signed the declaration of inspection form prescribed in paragraph (c) of this section.

(b) No person in charge may sign the declaration of inspection unless he or the other person in charge has determined by inspection that the facility and vessel meets the requirements in § 156.120.

(c) The declaration of inspection required to be signed in paragraph (a) of this section may be in any form but must contain at least—

(1) The name or other identification of the transferring vessel or facility and the receiving vessel or facility;

(2) The address of the facility or location of the transfer operation if not at a facility;

(3) The date the transfer operation is started;

(4) A list of the requirements in § 156.120 of this chapter with spaces on the form following each requirement for the person in charge of the vessel or facility to indicate whether the requirement is met for the transfer operation; and

(5) A space for the date, time of signing, signature, and title of each person in charge during oil transfer operations on the transferring vessel or facility and

a space for the date, time of signing, signature, and title of each person in charge during the oil transfer operations on the receiving facility or vessel.

(d) The form for the declaration of inspection required in paragraph (a) of this section may incorporate the declaration-of-inspection requirements of 46 CFR 35.35-30.

(e) The operator of each facility shall retain for at least 1 month from the date of signature, a signed copy of each declaration of inspection required for that facility.

(f) The operator of each vessel engaged in vessel-to-vessel transfers shall retain for at least 1 month from the date of signature a signed copy of each declaration of inspection for such vessel-to-vessel transfers.

§ 156.160 Supervision by person in charge.

(a) No person may connect, top off, disconnect, or engage in any other critical oil transfer operation unless the person in charge, designated under § 154.710 or § 155.700 of this chapter, personally supervises the operation.

(b) No person may start the flow of oil to or from a vessel unless instructed to do so by the person in charge.

(c) No person may transfer oil to or from a vessel unless the person in charge is in the immediate vicinity of the transfer operation and immediately available to the oil transfer personnel.

§ 156.170 Equipment tests and inspections.

(a) No person may use any item of equipment listed in paragraph (c) of this section, except hose used in underwater service, in oil transfer operations unless the operator of the vessel or facility has tested and inspected it annually in accordance with paragraphs (b) and (c) of this section and found that it is in the condition specified in paragraph (c) of this section.

(b) During any test or inspection required by this section, a hose must be in a straight and horizontal position and the entire external surface must be accessible.

(c) For the purpose of paragraph (a) of this section—

(1) Each nonmetallic oil transfer hose that is larger than 3 inches inside diameter must—

(i) Have no loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(ii) Have no external and, to the extent internal inspection is possible with both ends of the hose open, no internal deterioration; and

(iii) Not burst, bulge, leak, or abnormally distort under static liquid pressure at least as great as the pressure of the relief valve setting (or maximum pump pressure when no relief valve is installed) plus any static head pressure of the system in which the hose is used;

(2) Each transfer system relief valve must open at or below the pressure at which it is set to open;

(3) Each pressure gage must show pressure within 10 percent of the actual pressure;

(4) Each loading arm and each oil transfer piping system, including each metallic hose, must not leak under static liquid pressure at least as great as the pressure of the relief valve setting (or maximum pump pressure when no relief valve is installed) plus any static head pressure in the system; and

(5) Each item of remote operating or indicating equipment, such as a remotely operated valve, tank level alarm, or emergency shutdown device, must perform its intended function.

(d) No person may use any hose in underwater service for oil transfer operations unless the operator of the vessel or facility has tested and inspected it biennially in accordance with paragraph (c) (1) or (c) (4) of this section, as applicable.

Effective date. These amendments shall become effective on July 1, 1974, except § 154.110 shall become effective on January 30, 1973, and the revision of § 151.35 shall become effective on January 30, 1973.

Dated: December 14, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-21816 Filed 12-20-72; 8:45 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 71-161R]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

PART 12—CERTIFICATION OF SEAMEN

PART 31—INSPECTION AND CERTIFICATION

PART 71—INSPECTION AND CERTIFICATION

PART 91—INSPECTION AND CERTIFICATION

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

PART 175—GENERAL PROVISIONS

PART 176—INSPECTION AND CERTIFICATION

PART 187—LICENSING

PART 188—GENERAL PROVISIONS

PART 189—INSPECTION AND CERTIFICATION

Pollution Prevention Inspection of Vessels and Deck and Engineer Officers' Licenses

This amendment promulgates new regulations that require merchant marine officers and seamen to have addi-

tional knowledge of oil pollution and of laws, regulations, and procedures to prevent oil pollution; to require pollution prevention equipment for vessel certification; and to require more frequent hull inspection (drydocking) of tank barges in fresh water service.

A notice of proposed rule making (CGFR 71-161) with respect to these regulations was published in December 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 24970). Subsequent thereto the Ports and Waterways Safety Act of 1972 (Public Law 92-340) was enacted and which requires regulations to be promulgated by the Coast Guard governing ship design and operation to prevent pollution from marine operations. It is emphasized that the regulations promulgated herein are not those required by the Ports and Waterways Safety Act but are issued under the Federal Water Pollution Control Act (86 Stat. 816; 33 U.S.C. 1151).

A public hearing on the proposed regulations was held on February 15, 1972, and the record remained open until April 21, 1972, for public comment. One hundred and eighty-five public comments were received on the two notices. The comments of record have been carefully reviewed and the following changes have been made to the regulations proposed in notice CGFR 71-161 amending Chapter I of Title 46 Code of Federal Regulations.

The majority of comments received as a result of CGFR 71-161 concerned the proposed changes to § 31.10-20, *Drydocking or hauling out TB/ALL*. The comments principally objected to the wording which could be read to mean vessels operating in salt water must be docked every 18 months; to the shortening of the fresh water service period between drydockings; and to the time allowed to bring vessels into compliance with the new schedule. The proposed wording has been revised to clarify that vessels regardless of service need not be docked more frequently than every 24 months.

The present drydocking schedule is based upon anticipated corrosion and deterioration. However, Coast Guard records and comments received indicate that the principal hull problem with barges is damage resulting from handling and operations rather than long-term corrosion. One comment received, which is supported by Coast Guard data, is that on the average a barge will suffer sufficient damage to cause a leak once a year. Another comment stated that, on the average, the bilge knuckles must be replaced every 6 or 7 years. The Coast Guard believes that the existing authorized interval of 5 years between required drydocking is excessive and is therefore retaining the proposed 3-year cycle for drydocking.

It is emphasized that the effective date of July 1, 1974, for this section means that by that date all tank vessels in fresh water service must be on the 3-year cycle for drydocking. Thus, on July 1, 1974, all U.S. tank vessels, except those double hulled vessels meeting the internal inspection exemption, must have been drydocked since June 30, 1971.

Because of the unanticipated delays in publishing these regulations, the effective date after which an examination in pollution abatement will be required for an original, raise of grade or first renewal of a merchant mariner's license has been changed from June 30, 1972, to July 30, 1973. The Coast Guard will publish examination preparation material and sample examination questions at least 120 days prior to instituting the license renewal pollution examination. That portion of the examination dealing with statutes and their implementing rules and regulations will be open book. Publications covering these will be available in all license examination offices for use by the applicants. The examination on the subjects concerning pollution will initially be basic and the questions will be continued and expanded upon as the regulations become well known and as additional reference books become available.

Numerous comments, both pro and con, were received in response to the proposed increases in scope of merchant seamen examinations to include additional knowledge of marine pollution and its prevention. It is emphasized that the pollution abatement examination for license renewal is only for the first renewal after publication of the regulations and is intended to insure that all licensed personnel are knowledgeable on the subject. The examinations will be scaled to suit the license and it is not intended to make every seaman an expert on the laws and regulations, but it is intended that every seaman be aware of the pollution problem, the penalties that he may be subject to for violating the law, generally what constitutes a violation of the law and a knowledge of good practices to prevent pollution.

The requirement for oil pollution prevention examination subjects for the rating of lifeboatman has been deleted as unnecessary.

In consideration of the above, Chapter I of Title 46, Code of Federal Regulations, is amended to read as follows:

a. By amending Part 31 as follows:

§ 31.01-1 [Amended]

1. By amending § 31.01-1(a) by striking the period and adding the words "and 33 CFR Part 155, Subpart E."

2. By revising the citation of authority following § 31.01-1 to read as follows:

(R.S. 4418, as amended, 4433, as amended, 4472, as amended, 4488, as amended, section 311(j)(1)(C) and (D) of the Federal Water Pollution Control Act, 86 Stat. 816, 868, National Environmental Policy Act of 1969, 83 Stat. 852; 46 U.S.C. 392, 411, 170, 481, 33 U.S.C. 1161(j)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

3. By revising § 31.05-1(a) to read as set forth below.

4. By adding a citation of authority following § 31.05-1 to read as set forth below.

§ 31.05-1 Issuance of certificate of inspection—TB/ALL.

(a) When a tank vessel is found to comply with law and the regulations in

this subchapter, and applicable provisions of Subchapters E, F, J, O, and Q of this chapter and 33 CFR Part 155, Subpart E, a certificate of inspection shall be issued to it, or to its owners, by the Officer in Charge, Marine Inspection.

(Sec. 311(j)(1)(C) and (D) of the Federal Water Pollution Control Act, 86 Stat. 816, 868, National Environmental Policy Act of 1969, 83 Stat. 852; 33 U.S.C. 1161(j)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

5. By revoking subparagraphs (4) and (5) and revising subparagraphs (2) and (3), of § 31.10-20(a) to read as follows:

§ 31.10-20 Drydocking or hauling out—TB/ALL.

(a) * * *

(2) Each tank vessel that operates in salt water an aggregate of less than 6 months in any 12-month period since it was last drydocked or hauled out shall be drydocked or hauled out at intervals not to exceed 36 months. Each tank vessel that operates in salt water an aggregate of more than 6 months in any 12-month period shall be drydocked or hauled out within 12 months of the end of such 12-month period or within 36 months of its last drydocking or hauling out, whichever occurs first.

(3) Tank barges which operate in salt water an aggregate of less than 1 month in any 12-month period shall meet the requirements of subparagraph (2) of this paragraph except that the Officer in Charge, Marine Inspection, may accept an internal inspection in lieu of the first required drydocking or hauling out after date of build, and for double hulled barges (double sides, ends, and bottoms), he may also accept an internal inspection for each alternate drydocking or hauling out thereafter.

(4) [Revoked].

(5) [Revoked].

§ 31.10-20 [Amended]

6. By adding an authority citation following § 31.10-20 to read as follows:

(National Environmental Policy Act of 1969, 83 Stat. 852; 42 U.S.C. 4321, et seq.)

b. By amending Part 71 as follows:

§ 71.20-15 [Amended]

1. By amending § 71.20-15(a) by inserting the words "pollution prevention equipment," immediately after the words "pilot ladders," in the second sentence.

2. By revising the citation of authority following § 71.20-15 to read as follows:

(R.S. 4472, as amended, sec. 2, 23 Stat. 118, as amended, sec. 2, 63 Stat. 496, as amended, sec. 633, 63 Stat. 545, sec. 311(j)(1)(C) of the Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; 46 U.S.C. 170, 2, 14 U.S.C. 2, 633, 33 U.S.C. 1161(j)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

3. By adding immediately following § 71.25-35 a new § 71.25-37 with an authority citation to read as follows:

§ 71.25-37 Pollution prevention.

At each inspection for certification, the inspector shall examine the vessel to determine that it meets the vessel design and equipment requirements for pollution prevention in 33 CFR Part 155, Subpart E.

(Sec. 311(j)(1)(C) and (D) of the Federal Water Pollution Control Act, 86 Stat. 816, 868, National Environmental Policy Act of 1969, 83 Stat. 852; 33 U.S.C. 1161(j)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

c. By amending Part 91 as follows:

§ 91.20-15 [Amended]

1. By amending § 91.20-15(a) by inserting the words "pollution prevention equipment," immediately after the words "pilot ladders," in the second sentence.

2. By amending the citation of authority following § 91.20-15 to read as follows:

(R.S. 4472, as amended, sec. 2, 23 Stat. 118, as amended, sec. 2, 63 Stat. 496, as amended, sec. 633, 63 Stat. 545, sec. 311(j)(1)(C) of the Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; 46 U.S.C. 170, 2, 14 U.S.C. 2, 633, 33 U.S.C. 1161(j)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

§ 91.25-10 [Amended]

3. By amending § 91.25-10(a) by inserting the words "pollution prevention equipment," immediately after the words "pilot ladders," in the second sentence.

4. By adding a citation of authority following § 91.25-10 to read as follows:

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act 86 Stat. 816, 868, National Environmental Policy Act of 1969 83 Stat. 852; 33 U.S.C. 1161(j)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

5. By adding immediately following § 91.25-37 a new § 91.25-38 with an authority citation to read as follows:

§ 91.25-38 Pollution prevention.

At each inspection for certification, the inspector shall examine the vessel to determine that it meets the vessel design and equipment requirements for pollution prevention in 33 CFR Part 155, Subpart E.

(Sec. 311(j)(1)(C) and (D) of the Federal Water Pollution Control Act 86 Stat. 816, 868, National Environmental Policy Act of 1969, 83 Stat. 852; 33 U.S.C. 1161(j)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

d. By amending the citation authority for Part 175, Subchapter T, by striking the words "unless otherwise noted" and adding the words "Additional authority cited with regulations affected."

e. By amending Part 176 as follows:

§ 176.05-5 [Amended]

1. By amending § 176.05-5(a) by inserting the words "pollution prevention equipment," immediately after the words

"fire extinguishing equipment," in the first sentence.

2. By adding a citation of authority following § 176.05-5 to read as follows:

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; 33 U.S.C. 1161(j)(1)(C), 42 U.S.C. 4321 et seq.; E.O. 11548; 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

3. By amending § 176.05-10 by inserting the words "pollution prevention equipment," immediately after the words "fire extinguishing equipment," and by adding a new paragraph (b) to read as set forth below.

4. By adding a citation of authority following § 176.05-10 to read as set forth below.

§ 176.05-10 Subsequent inspections for certification.

(b) At each inspection for certification, the inspector shall examine the vessel to determine that it meets the vessel design and equipment requirements for pollution prevention in 33 CFR Part 155, Subpart B.

(Sec. 311(j)(1)(C) and (D) of the Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; 33 U.S.C. 1161(j)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

f. By amending the citation of authority for Part 188, Subchapter U, by adding the following words: "Additional authority cited with regulations affected."

g. By amending Part 189 as follows:

§ 189.20-15 [Amended]

1. By amending § 189.20-15(a) by inserting the words "pollution prevention equipment," immediately after the words "pilot ladders," in the second sentence.

2. By adding an authority citation following § 189.20-15 to read as follows:

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; 33 U.S.C. 1161(j)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

§ 189.25-10 [Amended]

3. By amending § 189.25-10(a) by inserting the words "pollution prevention equipment," immediately following the words "pilot ladders," in the second sentence.

4. By adding an authority citation following § 189.25-10 to read as follows:

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; 33 U.S.C. 1161(j)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

5. By adding immediately following § 189.25-35 a new § 189.25-38 with an authority citation to read as follows:

§ 189.25-38 Pollution prevention.

At each inspection for certification, the inspector shall examine the vessel to determine that it meets the vessel design and equipment requirements for pollution prevention in 33 CFR Part 155, Subpart B.

(Sec. 311(j)(1)(C) and (D) of the Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; 33 U.S.C. 1161(j)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

h. By amending Parts 10, 12, 105, and 187 of Title 46 as follows:

1. By adding the following sentence as subparagraph (2) of § 10.02-9(a); subparagraph (2) of § 10.20-9(a); and paragraph (e) of § 187.15-1:

"Upon the first renewal of a license after July 30, 1973, each applicant must demonstrate a knowledge of pollution abatement equivalent to that required for an original license."

2. By amending the authority citations following §§ 10.02-9 and 10.20-9 by adding an additional citation and by adding a new authority citation to follow § 187.15-1 to read as follows:

(National Environmental Policy Act of 1969, 83 Stat. 852; 42 U.S.C. 4321, et seq.)

3. By adding a new subject "Pollution abatement" as subject number (7-a) in § 10.05-43(a); (28-a) in the table in § 10.05-45(b); (20-a) in § 10.05-47(a); (13-a) in § 10.05-49(a); (9-a) in § 10.05-51(a); (10-a) in § 10.05-52(a); (9-a) in § 10.05-58(a); and by inserting an X in each column for the new subject "(28-a) pollution abatement" in the table in § 10.05-45(b).

4. By adding the following authority citation following §§ 10.05-43, 10.05-45, 10.05-47, 10.05-49, 10.05-51, 10.05-52, and 10.05-58 to read as follows:

(National Environmental Policy Act of 1969, 83 Stat. 852; 42 U.S.C. 4321, et seq.)

5. By adding the following sentence to §§ 10.05-53; 10.05-55; 10.05-57; 10.05-59; as (c-1) of § 12.05-9; to 12.20-5; as (a)(10) of § 105.60-10; as (a)(8) of § 187.20-10; (a)(8) of § 187.20-15; (a)(8) of § 187.20-17; (12-a) of § 187.25-15; (12-a) of § 187.25-20(a); (12-a) of § 187.25-21(a); and (4-a) of § 187.25-25(a):

"The applicant must demonstrate to the satisfaction of the Officer in Charge, Marine Inspection, his knowledge of pollution laws and regulations, procedures for discharge containment and cleanup, and methods for disposal of sludge and waste material from cargo and fueling operations."

§ 12.15-9 [Amended]

6. By inserting an X in each column for the following new subject (29-a) in table 12.15-9(b): 29-a Pollution laws and regulations, procedures for discharge containment and cleanup, and methods for disposal of sludge and waste from cargo and fueling operations.

7. By adding an authority citation to the following §§ 10.05-53, 10.05-55, 10.05-57, 10.05-59, 12.05-9, 12.10-5, 12.15-9, 12.20-5, 105.60-10, 187.20-10, 187.20-15, 187.20-17, 187.25-20, 187.25-21, and 187.25-25 to read as follows:

(National Environmental Policy Act of 1969, 83 Stat. 852; 42 U.S.C. 4321, et seq.)

§ 10.10-4 [Amended]

(8) By adding the following new subjects set forth below to the table in § 10.10-4(b) and by inserting an X in each column for each new subject.

9. By adding an authority citation following § 10.10-4 to read as set forth below.

POLLUTION

- 78. Pollution laws and regulations.
- 79. Discharge containment and clean-up.
- 80. Disposal of sludge and waste.
- 81. Loading and transfer of bunkers.
- 82. Bilge and ballast disposal.

(National Environmental Policy Act of 1969, 83 Stat. 852; 42 U.S.C. 4321, et seq.)

§ 10.15-31 [Amended]

10. By adding the subject "pollution abatement" as new paragraphs (b)(2) (viii); (c)(8); and (e)(7) of § 10.15-31.

11. By adding an authority citation following § 10.15-31 to read as follows:

(National Environmental Policy Act of 1969, 83 Stat. 852; 42 U.S.C. 4321, et seq.)

12. By adding the following new subdivision (vii) to § 10.20-5(b)(1) as set forth below.

13. By adding an authority citation following § 10.20-5 to read as set forth below.

§ 10.20-5 Professional examinations.

- (b)
- (1)

(vii) Pollution laws and regulations, procedures for discharge containment and clean-up, and methods for disposal of sludge and waste material from cargo and fueling operations.

(National Environmental Policy Act of 1969, 83 Stat. 852; 42 U.S.C. 4321, et seq.)

These amendments shall become effective on July 1, 1974, except the amendments to Parts 10, 12, 105, and 187, which shall become effective July 30, 1973.

(R.S. 4405, as amended, R.S. 4462, as amended, section 311(j)(1)(C) and (D) of the Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 33 U.S.C. 1161(j)(1)(C) and (D), 42 U.S.C. 4321, et seq.; 42 U.S.C. 1855(b)(1); E.O. 11548; 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(b) and (m))

Dated: December 14, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commander.

[FR Doc. 72-21817 Filed 12-20-72; 8:45 am]

An Invaluable Reference Tool



1972/73 Edition

This guidebook provides information about significant programs and functions of the U.S. Government agencies, and identifies key officials in each agency.

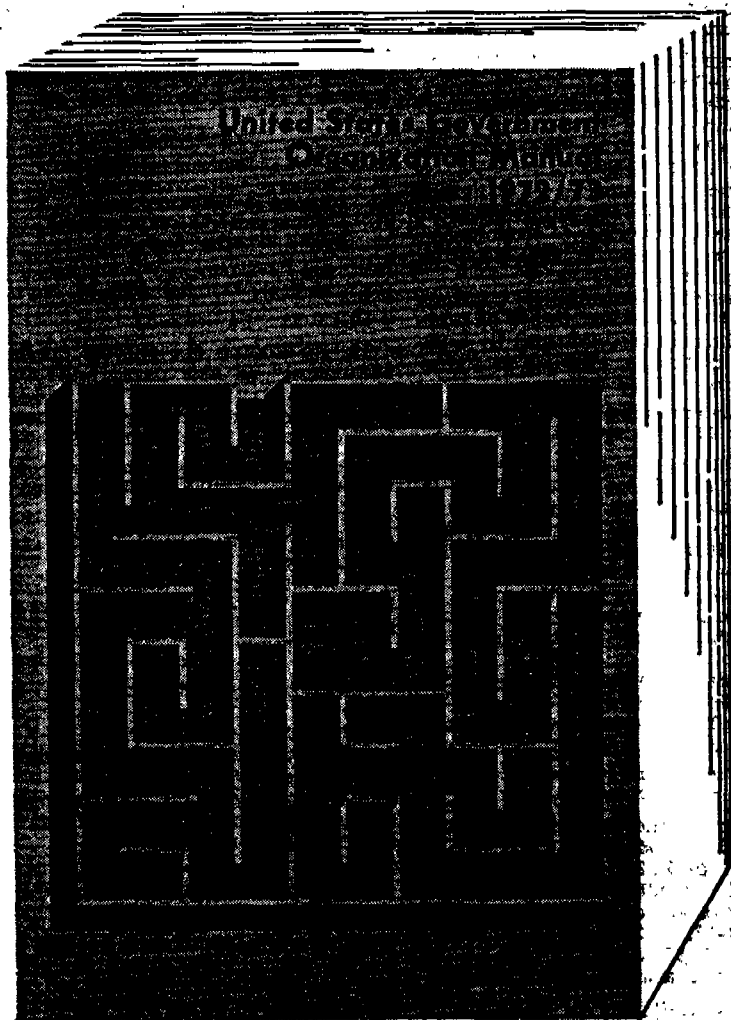
Included with most agency statements are "Sources of Information" sections which give helpful information on:

- Employment
- Contracting with the Federal Government
- Environmental programs
- Small business opportunities
- Federal publications
- Speakers and films available to civic and educational groups

This handbook is a "must" for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

\$3.00

per copy.
Paperbound, with charts



MAIL ORDER FORM TO:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find \$_____ (check, money order, or Supt. of Documents coupons). Please send me _____ copies of the UNITED STATES GOVERNMENT ORGANIZATION MANUAL, 1972/73, at \$3.00 per copy. (Catalog No. GS 4.109:972) (Stock No. 2203-0035)

Please charge this order
to my Deposit Account
No. _____

Name _____
Street address _____
City and State _____ ZIP Code _____

For Use of Supt. Docs.

Enclosed _____
To be mailed _____
later _____
Subscription _____
Refund _____
Coupon refund _____
Postage _____

CCR 000036918

TUESDAY, DECEMBER 5, 1972
WASHINGTON, D.C.

Volume 37 # Number 234

PART II



ENVIRONMENTAL PROTECTION AGENCY

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Proposed Forms and Guidelines for
Acquisition of Information From Owners
and Operators of Point Sources

CCR 000036919

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 126]

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Proposed Forms and Guidelines for Acquisition of Information From Owners and Operators of Point Sources

NOVEMBER 21, 1972.

Notice is hereby given that the forms and guidelines set forth in tentative form below are proposed by the U.S. Environmental Protection Agency. The proposed forms and accompanying instructions describe, pursuant to the authority contained in section 304(h)(1) of the Federal Water Pollution Control Act Amendments of 1972 (35 Stat. 816; 23 U.S.C. ____ (1972) (hereinafter referred to as the "Act"), requirements for the acquisition of information from owners and operators of point sources subject to the National Pollutant Discharge Elimination System.

Section 402 of the Act creates a National Pollutant Discharge Elimination System (hereinafter referred to as the "NPDES") under which the Administrator of the Environmental Protection Agency may, after opportunity for public hearing, issue permits for the discharge of any pollutant or combination of pollutants upon condition that such discharge will meet all applicable requirements of the Act relating to effluent limitations, water quality standards and implementation plans, new source performance standards, toxic and pretreatment effluent standards, inspections, monitoring, and entry provisions, and guidelines establishing ocean discharge criteria. Section 402 also provides that States desiring to administer their own permit programs may submit a full and complete description of such a program to the Administrator for approval. The Administrator is to approve a State's program, and suspend issuance of permits under section 402, unless he determines that the State does not possess adequate authority to perform certain acts detailed in 402(b) of the Act. The State also must have an approved continuing planning process under section 303(e) of the Act before approval of its permit program can be granted. In addition to these requirements, a State permit program cannot be approved unless it conforms to guidelines issued under section 304(h)(2) of the Act prescribing minimum procedural and other elements of any State program under section 402. These latter guidelines were published in the FEDERAL REGISTER on Saturday, November 11, 1972, 27 F.R. 219 (1972).

Section 402(k) of the Act requires all owners or operators of point sources to

apply for a permit to discharge pursuant to section 402 within 180 days of the date of enactment if the discharge is not to be a violation of the Act. Section 304(h)(1) directs the Administrator to promulgate guidelines for the acquisition of information from owners and operators of point sources of discharge subject to any State program under section 402. These guidelines which are the subject of this notice, include four application short forms and a form for the reporting by permit holders of monitoring results and general and specific instructions for the use of the forms.

With the exception of those facilities within the jurisdiction of a municipal wastewater treatment authority serving over 10,000 population, and as provided in the general instructions accompanying the proposed application short forms, each owner or operator of a point source of discharge of pollutants must complete and submit a short form which corresponds to the type of discharge as follows:

- Short Form A—Municipal Wastewater Treatment Facilities.
- Short Form B—Agriculture, Forestry and Fishing.
- Short Form C—Manufacturing Establishments.
- Short Form D—Services, Wholesale and Retail Trade, and All Other Commercial Establishments Not Engaged in Manufacturing or Agriculture.

Accompanying each application short form are specific instructions for use in filling out and submitting the short forms. Any person who follows the general instructions and properly fills out and submits the appropriate short forms herein will have satisfied the initial NPDES filing requirements. In many cases, however, additional information and analyses will be required of the applicant. Standard forms for the submission of additional information and analyses will be proposed in this part at a future date along with instructions for their use. Also proposed is a discharge monitoring report form. Instructions for the discharge monitoring report form are printed on the form itself.

All forms proposed or to be proposed in the future herein are to be used by the Administrator of the Environmental Protection Agency and by approved State programs as a principal means of acquiring information from owners and operators of point sources. The four short application forms proposed herein and the standard application forms to be proposed shortly are included within the meaning of the term "NPDES application form" as that term is used in the guidelines published under section 304(h)(2) of the Act. The discharge monitoring report form is included within the meaning of the term "NPDES reporting form" as that term is used in the guidelines published under section 304(h)(2) of the Act.

Because of the importance of promptly making application forms available for

the use of the Administrator and all States participating in the NPDES and because of this 60-day deadline imposed by section 304(h)(1) of the Act, the Administrator finds good cause to restrict the time for comment upon the proposed forms and guidelines to 15 days. It is hoped that interested persons will submit their comments in writing within such 15-day period so that they may be considered prior to the deadline for promulgation.

Prior to the adoption of the proposed forms and guidelines, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of Enforcement and General Counsel, Washington, D.C. 20460, within a period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501-3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Washington, D.C. 20503.

WILLIAM D. RUCKELSHAUS,
Administrator.

NOVEMBER 29, 1972.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR PERMIT TO DIS- CHARGE (SHORT FORM) (FORM NO. ____)

GENERAL INSTRUCTIONS

The Federal Water Pollution Control Act, as amended by Public Law 92-500 enacted October 16, 1972, prohibits any person from discharging pollutants into a waterway from a point source (see definitions below), unless his discharge is authorized by a permit issued either by the U.S. Environmental Protection Agency or by an approved State Agency. (See "Procedures for Filing".)

REQUIREMENTS

If you have a discharge or discharges, such as that described in the first paragraph of these instructions, you must complete one of the following forms to apply for a discharge permit. The forms differ by types of discharges as indicated below:

- Short Form A—Municipal Wastewater Treatment Facilities.
- Short Form B—Agriculture, Forestry and Fishing.
- Short Form C—Manufacturing Establishments.
- Short Form D—Services, Wholesale and Retail Trade, and All Other Commercial Establishments Not Engaged in Manufacturing or Agriculture.

If your business or activity involves production of both raw products and ready-for-market products you may be required to complete two of the above forms. For example, if you produce a raw product such as milk and, on the same site, process the raw milk into cheese, you must complete Form B—Agriculture, and Form C—Manufacturing.

EXCLUSIONS

You are not required to obtain a permit for the following types of waste discharges: (1) Sewage discharged from vessels (e.g., ships); or

(2) "Water, gas, and other materials injected into a well to facilitate production of oil or gas, or water derived in a location with oil or gas production and disposed of in a well" where authorized by the State in which the well is located; or

(3) These discharges directed solely to a publicly owned waste treatment facility (however, discharges originating from publicly owned waste treatment facilities are not excluded).

NOTE: Municipal and manufacturing dischargers that believe they are exempt due to Item 3, are requested to complete certain items and return the form (see "Procedures for Filing").

PROCEDURES FOR FILING

Copies of all forms are available at State water pollution control agencies and at all Environmental Protection Agency Regional Offices (see attached table).

Data submitted on these forms are to be used as a basis for issuing discharge permits. Depending on the adequacy and nature of the data submitted, you may be called upon for additional information before a permit is granted.

If you have any questions as to whether or not you need a permit under this program, contact your State water pollution control agency or the nearest Regional Office of the U.S. Environmental Protection Agency. A list of EPA Regional Offices is in the attached table.

Complete the appropriate form(s) for your operation, being sure that each item is considered and the required data submitted. If an item does not apply, please enter in the appropriate place "Not Applicable" or "NA" to show that the item was given consideration. Most of the items on the form require the checking of one or more of several possible answers.

Check the items which most nearly apply to you and your operation. If you have received a form and determined that you are not required to obtain a permit, fill out the requested information and return the application as described below *without the designated registration fee*.

Mail the original of the completed form, together with a registration fee of ten dollars (\$10) for each application, to the EPA Regional Office which has jurisdiction over the State in which you are located, unless the State in which you are located has a federally approved permit program. If unknown, consult your EPA Regional Office to determine if your State has an approved program and the mailing address of the designated State agency.

Agencies or instrumentalities of Federal, State, or local governments will not be required to pay any fee with the filing of an application for a permit.

Applications for existing discharges must be filed with your EPA Regional Office or approved State agency by April 16, 1973. Applicants who have applied for a permit to the U.S. Corps of Engineers under the Refuse Act permit program need not reapply. New discharges commencing on or after June 16, 1973, must apply no later than 180 days in advance of the date the discharge is due to begin. New discharges beginning on or before June 15, 1973, must apply a minimum of 60 days in advance unless a delay is approved by the EPA Regional Administrator.

DEFINITIONS

1. A "person" is an individual, partnership, corporation, association, State, municipality, commission, other political subdivision of a State, any interstate body, or any agency or instrumentality of the Federal Government.

2. A "pollutant" includes dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

3. A "point source" includes a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

4. The term "municipality" means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved area-wide waste treatment management agency.

ADDRESSES OF EPA REGIONAL OFFICES AND STATES WITHIN THEIR JURISDICTION

Region and address	State
I. Regional Administrator, Region I, Environmental Protection Agency, John F. Kennedy Federal Bldg., Room 2303, Boston, Mass. 02203. ATTENTION: Permits Branch.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
II. Regional Administrator, Region II, Environmental Protection Agency, 1100 York Ave., New York, NY 10007. ATTENTION: Permits Branch.	New Jersey, New York, Virginia, Islands, Puerto Rico.

Region and address	State
III. Regional Administrator, Region III, Environmental Protection Agency, Curtis Bldg., 6th and Walnut Sts., Philadelphia, PA 19106. ATTENTION: Permits Branch.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
IV. Regional Administrator, Region IV, Environmental Protection Agency, 1121 Peachtree St. N.E., Atlanta, GA 30306. ATTENTION: Permits Branch.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
V. Regional Administrator, Region V, Environmental Protection Agency, 1 North Wacker Dr., Chicago, IL 60606. ATTENTION: Permits Branch.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
VI. Regional Administrator, Region VI, Environmental Protection Agency, 1600 Parsonson St., Suite 1100, Dallas, TX 75201. ATTENTION: Permits Branch.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
VII. Regional Administrator, Region VII, Environmental Protection Agency, 1201 B. Lincoln Ave., Kansas City, MO 64108. ATTENTION: Permits Branch.	Iowa, Kansas, Missouri, Nebraska.
VIII. Regional Administrator, Region VIII, Environmental Protection Agency, 1910 15th St., Suite 211, Denver, CO 80202. ATTENTION: Permits Branch.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX. Regional Administrator, Region IX, Environmental Protection Agency, 160 California St., San Francisco, CA 94111. ATTENTION: Permits Branch.	Arizona, California, Hawaii, Nevada, Guam, American Samoa.
X. Regional Administrator, Region X, Environmental Protection Agency, 1900 6th Ave., Seattle, WA 98101. ATTENTION: Permits Branch.	Alaska, Idaho, Oregon, Washington.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR PERMIT TO DISCHARGE—SHORT FORM A

TO BE FILED ONLY BY MUNICIPAL TREATMENT PLANTS

Do not attempt to complete this form before reading the accompanying instructions

- Name of responsible organization_____
- Facility information:

- | | |
|-------------------------|-----------------|
| A. Name _____ | D. County _____ |
| B. Street address _____ | F. ZIP _____ |
| C. City _____ | |
| E. State _____ | |

- If all of your waste is discharged into a publicly owned waste treatment facility and to the best of your knowledge you are not required to obtain a discharge permit, check here ☐ and supply the following information:

- Name of responsible organization receiving waste: _____
- Facility receiving waste:

- | | |
|-------------------------|-----------------|
| 1. Name _____ | 4. County _____ |
| 2. Street address _____ | 6. ZIP _____ |
| 3. City _____ | |
| 5. State _____ | |

C. Average flow into facility, mgd (check one)

0-0.0009	0.01-0.019	0.05-0.099	0.1-0.49	0.5-0.99	1.0-4.9	5 or more
(1)	(2)	(3)	(4)	(5)	(6)	(7)

PROPOSED RULE MAKING

Fill in this form to the proper reviewing office (see instructions) **DO NOT** fill in the remainder of this form.

1. Name of community: _____
2. Type of treatment: A. ☐ None B. ☐ Primary C. ☐ Intermediate D. ☐ Secondary E. ☐ Advanced
3. Flow of waste water (MGD): _____
4. Percent BOD removal (actual): A. ☐ 0-19 B. ☐ 20-49 C. ☐ 50-64.9 D. ☐ 65-84.9 E. ☐ 85-94.9 F. ☐ 95 or more
5. Population served: A. ☐ 1-99 B. ☐ 100-499 C. ☐ 500-999 D. ☐ 1,000-1,999 E. ☐ 2,000-9,999 F. ☐ 10,000 or more
6. Number of separate discharge points: A. ☐ 1 B. ☐ 2 C. ☐ 3 D. ☐ 4 E. ☐ 5 F. ☐ 6 or more
7. Description of waste water discharged to surface waters only (check as applicable).

Discharge point	Flow, MGD (million gallons per operating day)							Amount treated before discharging, percent				
	0.00-0.0099	0.01-0.049	0.05-0.099	0.1-0.49	0.5-0.99	1.0-2.9	3.0 or more	None	0.1-24.9	25-49.9	50-74.9	75-99.9
A. Average	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
B. Maximum												

10. If any waste water, treated or untreated, is discharged to places other than surface waters, check below as applicable.

Waste water is discharged to	Flow, MGD (million gallons per operating day)						
	0.00-0.0099	0.01-0.049	0.05-0.099	0.1-0.49	0.5-0.99	1.0-2.9	3.0 or more
A. Deep Well	(1)	(2)	(3)	(4)	(5)	(6)	(7)
B. Evaporation Pond							
C. Other, specify: _____							

11. Is any sludge ultimately returned to a waterway? A. ☐ yes B. ☐ no
12. a. Do you receive industrial waste? 1. ☐ yes 2. ☐ no
13. Type of collection system: A. ☐ Separate storm B. ☐ Separate sanitary C. ☐ Combined sanitary and storm D. ☐ Both separate and combined sewer systems
14. Receiving water name: _____
15. Does the discharge contain any materials which may be toxic to humans or other living organisms other than normal domestic wastewater? A. ☐ yes B. ☐ no

Date	I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.	Signature of Principal Executive Officer or Authorized Agent
Yr. Mo. Day		

16 U.S.C. Section 1001 provides that: Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations; or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

SHORT FORM A—SPECIFIC INSTRUCTIONS MUNICIPAL TREATMENT PLANTS

- Item 1. This is the name of the organization responsible for the facility named in item 2.
- Item 2. When a community is served by more than one municipal waste treatment facility, a separate form must be completed for each facility which is required to obtain a discharge permit (see General Instructions).
- Item 3. Complete this item only if all of your waste is discharged to another municipal treatment facility.

- Item 4. Check the box indicating the most prevalent type of treatment provided for the waste water prior to discharge.
- "None"—No treatment or minor treatment less than sedimentation (with or without chlorination).
- "Primary"—Sedimentation alone or combined with chlorination.
- "Intermediate"—Sedimentation plus conventional chemical coagulation processes with or without chlorination.
- "Secondary"—Sedimentation plus conventional biological processes (e.g., trickling

filter or activated sludge), with or without chlorination.

"Advanced"—(Tertiary treatment)—Secondary treatment plus an added conventional secondary treatment process which will remove additional BOD (biological oxygen demand) and/or solids (e.g., a terminal lagoon, sand filter, etc.), or an added advanced treatment process, for further removal of BOD and/or suspended solids and dissolved solids (e.g., coagulation-sedimentation, adsorption, reverse osmosis and electrodialysis).

Item 5. Provide flow rate in million gallons per day for which facility was designed to accommodate.

Item 6. Check the percentage of average annual BOD (5-day) actually removed from the waste water prior to its discharge.

Item 7. Check approximate total population served by this facility including any other communities or installations which may be discharging to this facility.

Item 8. A separate discharge point is defined as a discernible, confined conveyance, such as a pipe, ditch, conduit, container, vessel, or other floating craft, which empties to a body of water. This includes sewer overflow and bypass points.

Item 9. For any waste water discharged to surface waters only (e.g., a lake, stream, creek, ocean, etc.), check the appropriate box (1-7) to show the average (annual) flow per operating day (line A) and the maximum flow observed in any one day during the last year when the discharge was occurring (line B). Also, on line A, check one of the boxes numbered 8-12, to indicate the percentage of daily average flow which is treated, before discharging (see item 3 above).

Item 10. Check the appropriate box(es) to indicate daily average flow of waste, if any, to places other than surface waters. If a box on line C is checked write in the place of discharge in the space provided.

Item 11. Indicate whether any sewage sludge (treated or untreated) is returned to a waterway.

Item 12. If any process and/or cooling water waste from industrial sources are present in the incoming flow, check the "yes" box and enter number of industries connected to the collection system.

Item 13. "Separate"—Sanitary sewers are separate from surface storm drainage. "Combined"—Sanitary wastes and storm drainage are carried in the same channel or pipe. "Both"—Part of the collection system is "separate" and part is "combined".

Item 14. Give the name of the waterway into which all or a major portion of the waste water is discharged. Use the name of the waterway as shown on published maps. If the discharge is into an unnamed tributary, give the name of the water body fed by the tributary, and identify as "Tributary to" (name of water body).

Item 15. The term "toxic material" means those materials or combination of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms or their offsprings. Toxic substances include but are not limited to: lead, cadmium, mercury, vanadium, arsenic, molybdenum, antimony, nickel, barium, beryllium, copper, selenium, zinc, nitrilotriacetic acid (NTA), ortho-chloro-benzene (OCB), polychlorinated biphenyls (PCBs), dichlorodiphenyl-trichloroethane (DDT).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR PERMIT TO DISCHARGE--
SHORT FORM B

TO BE FILED ONLY BY PERSONS ENGAGED IN AGRICULTURE

Do not attempt to complete this form before reading the accompanying instructions

1. Facility:

A. Name _____
B. Street name _____
C. City _____ D. State _____
E. County _____ F. ZIP _____

2. SIC _____

3. Principal product or service name _____

4. Principal product, yield, season, and acreage _____

Product type	Maximum yield per season							Length of season (months)	Acreage
	1-499	500-999	1,000-9,999	10,000-49,999	50,000-99,999	100,000-199,999	200,000 or more		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Number of animals (A-E):									
A. Cattle.....									
B. Hogs.....									
C. Sheep.....									
D. Poultry.....									
E. Fish.....									
F. Grain--tons.....									
G. Fruit--tons.....									
H. Vegetables--tons.....									
I. Eggs--gross.....									
J. Milk--lbs.....									
K. Other (specify).....									

5. (a) Check here if discharge occurs all year ☐ or

(b) Check the month(s) discharge occurs:

1. ☐ January 2. ☐ February 3. ☐ March 4. ☐ April 5. ☐ May 6. ☐ June
7. ☐ July 8. ☐ August 9. ☐ September 10. ☐ October 11. ☐ November
12. ☐ December

(c) Check number of days per week:

1. ☐ 1 2. ☐ 2-3 3. ☐ 4-5 4. ☐ 6-7

6. Waste water discharged to surface waters only (check as applicable)

Discharge per operating day	Flow, gallons per operating day					Amount treated before discharging, percent				
	0.1-999	1000-4999	5000-9999	10,000-49,999	50,000 or more	None	0.1-29.9	30-64.9	65-94.9	95-100
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
A. Average.....										
B. Maximum.....										

7. If any waste water, either treated or untreated, is discharged to places other than surface waters, check below as applicable.

Waste water is discharged to:	Average flow, gallons per operating day				
	0-1-999	1000-4999	5000-9999	10,000-49,999	50,000 or more
	(1)	(2)	(3)	(4)	(5)
A. Municipal sewer system.....					
B. Underground well.....					
C. Septic tank.....					
D. Evaporation/lagoon/pond.....					
E. Other, specify.....					

8. Number of separate discharge points:

A. ☐ 1 B. ☐ 2-3 C. ☐ 4-5 D. ☐ 6 or more

9. Do you practice any type of irrigation?

A. ☐ yes B. ☐ no

If yes, check the appropriate box for the rate at which water is applied.

Rate of irrigation water applied in acre-feet per acre per year				
0-1.99	2-3.99	4-5.99	6-7.99	8 or more
(1)	(2)	(3)	(4)	(5)

10. (a) Indicate rate at which fertilizer(s) is/are used in total (combined) pounds per acre per year (check appropriate box)

0-49.9	50-99.9	100-149.9	150-199.9	200 or more
(1)	(2)	(3)	(4)	(5)

(b) Indicate type of fertilizer used (check appropriate box)

Nitrogen only	Phosphorus only	Nitrogen and phosphorus	Other (specify)
(1)	(2)	(3)	(4)

11. (a) Specify rate at which pesticides are used in pounds per acre per year _____

(b) Specify type of pesticide used _____

12. Receiving water name _____

13. Does the discharge contain any materials which may be toxic to human or other living organisms?

A. ☐ yes B. ☐ no

Date	I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.	Signature of Principal Executive Officer Authorized Agent
Yr. Mo. Day		

18 U.S.C. Section 1001 provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations; or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

SHORT FORM B—SPECIFIC INSTRUCTIONS AGRICULTURE

Item 3. Write here the name of the crop, livestock, farm product, or service from which you get most of your income, for example, eggs, beef cattle feedlot, hog farm, wheat, cotton, timber, fish hatchery, etc.

Item 4. Check the box beside the general name of the product given in item 3, to show greatest amount produced per season and write in the length of season in months and the number of acres which you use.

Item 5. If you discharge wastes all year, check the box provided in (a). Otherwise, check the box beside the month(s) listed under (b) to show when wastes are discharged.

Also, check one box to show how many days out of a week the wastes are usually discharged (c).

Item 6. This item applies to wastes discharged to surface waters only, (e.g., lake, stream, creek, ocean, etc.). Check the appropriate box (1-7) to show the average (annual) flow of discharge per operating day (line A). This average should be based only on the number of days the discharge is actually occurring and not on the entire calendar year. For example, 300,000 gallons of waste is discharged one year. The discharge occurs for 100 days of that year. The average flow will be $300,000/100 = 3,000$ gallons per day (box B-2 should be checked) and not $300,000/365 = 820$ gallons per day.

If any kind of treatment (such as lagooning or ponding) is used before discharging the wastes, check one box (8-10) on line A to show the percent of total wastes which is treated. If no treatment is used, check the box labeled "None". If waste is subject to disinfection only (e.g., chlorination) do not include as treated waste.

On line B, check a box (1-5) to indicate the maximum flow observed in any 1 day during the last year when the discharge was occurring.

Item 7. Check the appropriate box(es) to indicate daily average flow of waste, if any, to places other than surface waters. If a box on line B is checked, write in the place of discharge in the space provided.

Item 8. Check the box beside the number(s) to show the number of separate discharge points. A separate discharge point is defined as a completely or partly enclosed

container or channel through which the waste is discharged into a body of water, for example, a pipe, ditch, culvert, refuse container, barge, boat, etc.

Item 9. Give the name of the waterway into which all or a major portion of the waste water is discharged. Use the name of the waterway as shown on published maps. If the discharge is into an unnamed tributary, give the name of the water body fed by the tributary and identify as tributary to (name of water body).

9. A. Indicate if you use any method of irrigation in your operation such as spraying, flooding, subsurface irrigation, etc.

B. Check the appropriate box to show the average annual rate at which irrigation water is applied to land.

10. A. Check the appropriate box to indicate the annual total rate at which you apply any fertilizer(s). If more than one type is used, the rate should show the combined pounds of all fertilizers.

B. Check the appropriate box which gives the best indication of the type of fertilizer(s) used in greatest amounts.

11. A. Specify the average annual rate at which you apply any pesticide(s). Pesticides include all herbicides, insecticides, algicides, rodenticides, etc., or any other chemicals used to control unwanted plant or animal infestation in conjunction with your operation.

B. Specify the type of most commonly used pesticide either from manufacturer's label or by giving its common chemical name.

Item 13. The term "toxic material" means those materials or combination of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformation, in such organisms or their offspring. Toxic substances include but are not limited to: lead, cadmium, mercury, vanadium, arsenic, molybdenum, antimony, nickel, barium, beryllium, copper, selenium, zinc, nitrotriacetic acid (NTA), o-thonitrochlorobenzene (ONCB), polychlorinated biphenyls (PCB's), dichlorodiphenyl-trichloroethane (DDT).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR A PERMIT TO DISCHARGE—SHORT FORM C

TO BE FILLED ONLY BY PERSONS ENGAGED IN MANUFACTURING

Do not attempt to complete this form before reading accompanying instructions

1. Facility:

A. Name _____
B. Street address _____
C. City _____ D. State _____
E. County _____ F. ZIP _____

2. SIC _____

(Leave Blank)

3. Number of employees _____

4. If all of your waste is discharged into a publicly owned waste treatment facility and to the best of your knowledge you are not required to obtain a discharge permit, check here ☐ and supply the following information:

A. Name of community receiving waste _____
B. Facility receiving waste:

1. Name _____
2. Street address _____
3. City _____ 4. County _____
5. State _____ 6. ZIP _____

C. Average flow into facility, gallons per day (check one)

0.1-999 (1)	1000-1000 (2)	1000-1000 (3)	1000-1000 (4)	50,000 or more (5)

Sign and return this form to the proper reviewing office (see instructions) DO NOT COMPLETE THE REMAINDER OF THIS FORM.

5. Principal product or raw material _____

6. Principal process _____

7. Maximum amount of principal product produced or raw material consumed per (check one)

Basis	Amount							
	1-99 (1)	100-199 (2)	200-499 (3)	500-999 (4)	1,000-4,999 (5)	5,000-24,999 (6)	25,000-49,999 (7)	50,000 or more (8)
A. Day _____								
B. Month _____								
C. Year _____								

8. Maximum amount of principal product produced or raw material consumed, reported in item 6, above, is measured in (check one):

A. ☐ pounds B. ☐ tons C. ☐ barrels D. ☐ bushels E. ☐ square feet
F. ☐ gallons G. ☐ pieces or units H. ☐ other, specify _____

9. (a) Check here if discharge occurs all year ____, or (b) Check the month(s) discharge occurs:

1. ☐ January 2. ☐ February 3. ☐ March 4. ☐ April 5. ☐ May 6. ☐ June
7. ☐ July 8. ☐ August 9. ☐ September 10. ☐ October 11. ☐ November
12. ☐ December

(c) Check how many days per week—

1. ☐ 1 2. ☐ 2-3 3. ☐ 4-5 4. ☐ 6-7

10. Types of waste water discharged to surface waters only (check as applicable)

PROPOSED RULE MAKING

PROPOSED RULE MAKING

25903

Discharge per operating day	Flow, gallons per operating day					Amount treated before discharging, percent				
	0-1,499	1,500-4,999	5,000-9,999	10,000-49,999	50,000 or more	None	0.1-29.9	30-64.9	65-94.9	95-100
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
A. Sanitary, daily average										
B. Cooling water, etc. daily average										
C. Process water daily average										
D. Maximum peak flow per day for combined discharge (all types)										

11. If any of the three types of waste identified in Item 9, either treated or untreated, are discharged to places other than surface waters, check below as applicable.

Waste water is discharged to:	Average flow, gallons per operating day				
	0-1,499	1,500-4,999	5,000-9,999	10,000-49,999	50,000 or more
	(1)	(2)	(3)	(4)	(5)
A. Municipal sewer					
B. Underground well					
C. Septic tank					
D. Evaporation lagoon or pond					
E. Other, specify:					

12. Number of separate discharge points:

A. ☐ 1 B. ☐ 2-3 C. ☐ 4-5 D. ☐ 6 or more

13. Receiving water name:

14. Do you discharge any of the following types of waste to the receiving water body?
A. ☐ yes B. ☐ no

Date	I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.	Signature of Principal Executive Officer or Authorized Agent
Yr. Mo. Day		

18 U.S.C. Section 1001 provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations; or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

SHORT FORM C—SPECIFIC INSTRUCTIONS

MANUFACTURING

Item 4. Complete this item only if all of your waste is discharged to another municipal treatment facility.

Item 5. List the principal products produced at this location or the raw material consumed, whichever one will give a better measure of the over-all volume of production in conjunction with the number and units provided in Item 7. Where several similar articles are produced, use a broader term which will include all or most of the specific ones (e.g., "costume jewelry" to designate the production of bracelets, earrings, and pins).

Item 6. Name the process used for producing the principal product.

Item 7. The maximum amount of principal product produced or raw material consumed may be calculated on a daily, monthly, or yearly basis, whichever is more convenient. Check appropriate boxes to indicate basis used (lines A-C), and amount produced or consumed (box 1-8).

Item 8. Check one box to indicate the units in which the measure of production was reported (Item 6). If box H is checked, enter units in the space provided.

Item 9. If you discharge wastes all year, check the box provided in (a). Otherwise, check the box beside the month(s) listed and (b) to show when wastes are usually discharged. Also, check one box under (c) to show how many days out of the week the wastes are discharged.

Item 10. This item applies to wastes discharged to surface waters only (e.g., a lake, stream, creek, ocean, etc.). Types of discharged waste water are classified in the table as follows:

A. "Sanitary"—Consisting only of used water from restrooms, toilets, showers, and similar sanitary or comfort facilities.

B. "Noncontact Cooling Water, Condensed Steam, etc."—Water used for cooling steam generation, etc. which does not come in contact with the product, intermediates, and/or raw materials.

C. "Process Water"—Water used directly in the manufacturing process, which comes in contact with the product, intermediates, or raw materials.

For each type of waste discharged, check one box (1-5) to show the average (annual) flow per operating day (lines A-C). This average should be based only on the number of actual days during the past year the discharge is occurring and not the entire calendar year. For example, 300,000 gallons of cooling water is discharged in the course of a year. This discharge occurs for 100 days of that year. The average daily flow is $300,000/100=3,000$ gallons (box 1-2 should be checked) and not $300,000/365=820$ gallons.

If pretreatment (such as lagooning, ponding, chemical addition, aeration, etc.) before discharging the wastes is practiced check the appropriate box (6-10) under the heading "Amount Treated Before Discharging, Percent" (lines A-C). If no treatment is used, check the box labeled "None".

On line D, check the box (1-5) to indicate the maximum combined flow (of all types of discharges together) observed for any one day in the last full year of operation. For new facilities, this should reflect the best engineering estimates.

Item 11. Check the appropriate box(es) to indicate daily average flow of waste, if any, to places other than surface waters. If a box on line E is checked write in the place of discharge in the space provided.

Item 12. Check the box beside the number(s) to show the number of separate discharge points. A separate discharge point is defined as an easily identifiable completely or partly enclosed container or channel through which the waste is discharged into a body of water, for example, a pipe, ditch, culvert, refuse container, barge, boat, etc.

Item 13. Give the name of the waterway into which all or a major portion of the waste water is discharged. Whenever possible, use the name of the waterway as shown on published maps. If the discharge is into an unnamed tributary, give the name of the water body fed by the tributary and identify as tributary to (name of water body).

Item 14. The term "toxic material" means those materials, or combination of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by infection through food chains will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms or their offspring. Toxic substances include but are not limited to: lead, cadmium, mercury, vanadium, arsenic, molybdenum, antimony, nickel, barium, beryllium, copper, selenium, zinc, nitrotriacetic acid (NTA), ortho-chlorobenzene (ONCB), polychlorinated biphenyls (PCB's), dichlorodiphenyl-trichloroethane (DDT).

PROPOSED RULE MAKING

FOR OFFICIAL USE ONLY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR PERMIT TO DISCHARGE—SHORT FORM D
TO BE FILED ONLY BY SERVICES, WHOLESALE AND RETAIL TRADE, AND OTHER COMMERCIAL ESTABLISHMENTS

Do not attempt to complete this form without reading the accompanying instructions

1. Facility:
 - A. Name _____
 - B. Street address _____
 - C. City _____ D. State _____
 - E. County _____ F. ZIP _____
2. SIC _____
(leave blank)
3. Number of employees _____
4. Nature of business _____
5. (a) Check here if discharge occurs all year ☐ or
 (b) Check the month(s) discharge occurs:
 1. ☐ January 2. ☐ February 3. ☐ March 4. ☐ April 5. ☐ May 6. ☐ June
 7. ☐ July 8. ☐ August 9. ☐ September 10. ☐ October 11. ☐ November
 12. ☐ December
 (c) How many days per week:
 1. ☐ 1 2. ☐ 2-3 3. ☐ 4-5 4. ☐ 6-7
6. Types of waste water discharged to *surface waters only* (check as applicable)

Discharge per operating day	Flow, gallons per operating day					Amount treated before discharging, percent				
	0.1-999	1000-4999	5000-9999	10,000-49,999	50,000 or more	None	0.1-29.9	30-64.9	65-91.9	92-100
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
A. Sanitary, daily average.										
B. Cooling water, etc., daily average.										
C. Other discharge(s), daily average; Specify _____										
D. Maximum per operating day for combined discharge (all types).										

7. If any of the following materials are discharged or untreated, are discharged to places other than surface waters, check below, as applicable.

Waste water is discharged to:	Average flow, gallons per operating day				
	0.1-999	1000-4999	5000-9999	10,000-49,999	50,000 or more
	(1)	(2)	(3)	(4)	(5)
A. Municipal sewer system.					
B. Underground well.					
C. Septic tank.					
D. Evaporation lagoon or pond.					
E. Other, specify: _____					

3. Number of separate discharge points:
 A. ☐ 1 B. ☐ 2-3 C. ☐ 4-5 D. ☐ 6 or more
9. Receiving water name _____
10. Does the discharge contain any materials which may be toxic to humans or other living organisms?
 A. ☐ yes B. ☐ no

Date	I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.	Signature of Principal Executive Officer or Authorized Agent
Yr. Mo. Day		

18 U.S.C. Section 1001 provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations; or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

SHORT FORM D—SPECIFIC INSTRUCTIONS

SERVICES, WHOLESALE AND RETAIL TRADE AND OTHER COMMERCIAL ESTABLISHMENTS

Item 4. Briefly state the nature of your business or service.

Item 5. If you discharge wastes all year, check the box provided in (a). Otherwise check the box beside the month(s) listed under (b) to show when wastes are usually discharged.

Also, check one box under (c) to show how many days out of the week the wastes are usually discharged.

Item 6. This item applies to wastes discharged to *surface waters only* (e.g., a lake, stream, creek, ocean, etc.). Types of discharged waste water are classified in the table as follows:

A. "Sanitary"—Consisting only of used water from bathrooms, toilets, showers, and similar sanitary or comfort facilities.

B. "Cooling water, condensed steam, etc."—Spent water from air-conditioning system, heating plant's etc.

C. "Other"—Water used for purposes other than the two named above to which something is added during its use (e.g., detergents in laundries, disinfectants in hospitals, remains of food in restaurants, etc.).

For each type of waste discharged, check one box (1-5) to show the average (annual) flow per operating day (lines A-C). This average should be based only on the number of days the discharge is occurring and not the entire calendar year. For example, 300,000 gallons of cooling water is discharged in the course of a year. The discharge occurs for 100 days of that year. The average daily flow is 300,000/100=3,000 gallons (box B-2 should be checked) and not 300,000/365=820 gallons.

If treatment (such as chemical addition, aeration, "packaged" treatment plants, etc.) before discharging the wastes is practiced, check the appropriate box (6-10) under the heading "Amount treated before discharging, Percent". To show the percentage of total wastes of a given type (lines A-C) which is treated. If no pretreatment is used check the box labeled "None". On line D, check the box (1-5) to indicate the maximum combined flow (of all types of discharges together) observed for any one day in the last full year of operation. For new facilities, this should reflect the best engineering estimates.

Item 7. Check the appropriate box(es) to indicate daily average flow of wastes, if any, places other than surface waters. If a box on line E is checked, write in the place of discharge in the space provided.

Item 8. Check the box beside the number(s) to show the number of separate discharge points. A separate discharge point is defined as a completely or partly enclosed container or channel through which the waste is discharged into a body of water, for example, a pipe, ditch, culvert, refuse container, barge, boat, etc.

Item 9. Give the name of the waterway into which all or a major portion of the waste water is discharged. Whenever possible, use the name of the waterway as shown on published maps. If the discharge is into an unnamed tributary, give the name of the water body fed by the tributary and identify as tributary to (name of water body).

Item 10. The term "toxic material" means those materials, or combination of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in

PROPOSED RULE MAKING

25905

such organisms or their offspring. Toxic substances include but are not limited to: Lead, cadmium, mercury, vanadium, arsenic, molybdenum, antimony, nickel, barium, beryllium, copper, selenium, zinc, nitrioltriacetic acid (NTA), orthonitrochlorobenzene (ONCB), polychlorinated biphenyls (PCBs), dichlorodiphenyl-trichloroethane (DDT).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE MONITORING REPORT

(2-3)	(4-10)	(17-19)			
ST	Permit number	DIS	SIC	Latitude	Longitude
		(20-21)	(22-23)	(24-25)	(26-27) (28-29) (30-31)
		Year	Mo.	Day	To Year Mo. Day

Parameter		(3 card only) (38-45)		Quantity (54-61)		No. EX
		Minimum	Average	Maximum	Units	
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
Name of Principal Executive Officer		Title of the officer			Date	
Last	First	Middle	Title			Year Mo. Day

DISCHARGE MONITORING REPORT--Continued

1. Provide dates for period covered by this report in spaces marked "Reporting period".
2. Enter reported minimum, average and maximum values under "Quantity" and "Concentration" in the units specified for each parameter as appropriate. Enter extreme values in boxes containing asterisks. "Average" is average computed over actual time discharge reporting. "Maximum" and "Minimum" are extreme values observed during the reporting period.
3. Specify the number of analytical samples collected (the maximum (and/or minimum as appropriate) permit conditions in the column labeled "vol. for" or "enter").
4. Specify frequency of analyses for each parameter in analyses/100 days (e.g., "34" is equivalent to 3 analyses per month every 7 days). If nondetectable, enter "ND".
5. Specify sample type ("grab" or "1 hr. composite") if applicable. If frequency was continuous, enter "NA".
6. Appropriate signature is required on bottom of report form.
7. Remove carbon and retain copy for your record.
8. Fold along dotted lines, staple and mail (send) to office specified in permit.

(39-75)

I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.

Signature of Principal Executive Officer
or Authorized Agent

CCR 000036928