



## VIOLATION...WASTE MANAGEMENT PLAN

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A boarding of a 42 foot recreational vessel was completed. The boarding officer remembered she was taught the general rule that recreational vessels 40 - 65 feet are required to have a waste management plan on board. The boarding team found no waste management plan on board. Seems simple enough. It's a violation, right? Not so fast.

There are important elements to the regulation pertaining to waste management plans. Alleged violations of this regulation often fail because either the regulation did not apply to the vessel or there is insufficient evidence to support that the violation occurred.

Using job aids or general rules learned is often insufficient to properly apply a regulation and determine if a violation occurred. To ensure a regulation applies and a violation is properly identified, it is important to refer to, and carefully read, the relevant regulation and its applicability section to know whether it applies to the vessel and any other conditions that may be present. A brief examination of the regulation pertaining to waste management plans follows.

33 CFR 151.57(a) states in part: This section applies to the following:  
(1) Each manned oceangoing ship (other than a fixed or floating platform) of 40 feet or more in length that is documented under the laws of the United States or numbered by a state and that either is engaged in commerce or is equipped with a galley and berthing.

Paragraph (b) goes on to say in part, the Master or person in charge shall ensure that the ship is not operated unless a waste management plan is on the ship and that each person handling garbage follows the plan.

Simply stating a vessel was 42 feet long and did not have a waste management plan on board does not provide sufficient evidence of a violation. Evidence should be sufficient for a reader to know that the vessel is “oceangoing” and either documented or state numbered, and engaged in commerce or equipped with a galley and berthing.

According to 33 CFR 151.05, a “*Ship*” means a vessel of any type whatsoever, operating in the marine environment. This includes hydrofoils, air cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed floating drilling rigs and other platforms.

According to 33 CFR 151.05, an “*Oceangoing*” ship means a ship that is operated under the authority of the U.S. and (1) engages in international voyages; (2) is certificated for ocean service; (3) is certificated for coastwise service beyond three miles from land; (4) and operates at any time seaward of the territorial sea of the US as defined in 33 CFR 2.22; or (5) is operated under the authority of a country other than the US.

This definition makes it necessary to know the vessel's location or route of service to determine whether the vessel is in fact an “oceangoing ship” and required to have a waste management plan on board. Careful consideration should always be given to documenting the facts that establish the regulation applied to the vessel and how the vessel did not comply with the regulation.