

tion 4102 of this Act [33 U.S.C. 2602] publicly available within 60 days after the date of enactment of this Act [Nov. 18, 1988].”

### § 2603. Waste handling practices

#### (a) In general

##### (1) Loading

The owner or operator of the waste source shall take all reasonable steps to assure that all municipal or commercial waste is loaded onto a vessel in a manner that assures that waste deposited in coastal waters is minimized.

##### (2) Securing

The owner or operator of a vessel shall assure that all municipal or commercial waste loaded onto the vessel is secured by netting or other means to assure that waste will not be deposited into coastal waters during transport.

##### (3) Offloading

The owner or operator of the receiving facility shall take all reasonable steps to assure that any municipal or commercial waste is offloaded from a vessel in a manner that assures that waste deposited into coastal waters is minimized.

##### (4) Cleaning up

The owner or operator of any waste source or receiving facility shall provide adequate control measures to clean up any municipal or commercial waste which is deposited into coastal waters.

#### (b) Regulations

The Administrator, in consultation with the Secretary of Transportation, shall prescribe regulations—

(1) requiring that waste sources, receiving facilities, and vessels provide the means and facilities to assure that the waste will not be deposited into coastal waters during loading, offloading, and transport;

(2) requiring, as appropriate, the submission and adoption by each responsible party of an operation and maintenance manual identifying procedures to be used to prevent, report, and clean up any deposit of municipal or commercial waste into coastal waters, including record keeping requirements; and

(3) if the Administrator determines that tracking systems are required to assure adequate enforcement of laws preventing the deposit of municipal or commercial waste into coastal waters, requiring installation of the appropriate systems within 18 months after the Administrator makes that determination.

(Pub. L. 100–688, title IV, § 4103, Nov. 18, 1988, 102 Stat. 4156.)

#### EFFECTIVE DATE

Pub. L. 100–688, title IV, § 4204(c), Nov. 18, 1988, 102 Stat. 4160, provided that: “Section 4103 of this Act [33 U.S.C. 2603] takes effect 60 days after the date of enactment of this Act [Nov. 18, 1988].”

### § 2604. Suspension, revocation, and injunctions

#### (a) Suspension and revocation

After notice and opportunity for a hearing, the Secretary of Transportation may, and at the re-

quest of the Administrator shall, suspend or revoke a permit issued to a vessel under this chapter for a violation of this chapter or a regulation prescribed under this chapter.

#### (b) Injunctions

The Secretary or the Administrator may bring a civil action to enjoin any operation in violation of this chapter or a regulation prescribed under this chapter in the district court of the United States for the district in which the violation occurred.

(Pub. L. 100–688, title IV, § 4104, Nov. 18, 1988, 102 Stat. 4157.)

### § 2605. Enforcement

#### (a) General authority

The Secretary of Transportation shall enforce this chapter under section 89 of title 14. The Secretary may authorize other officers or employees of the United States Government to enforce this chapter under that section.

#### (b) Periodic examinations

The Secretary shall conduct periodic examinations of vessels operating under this chapter transporting municipal or commercial waste to determine that each of these vessels has a permit issued under section 2602 of this title.

#### (c) Refusal of clearance

The Secretary of the Treasury may refuse the clearance required by section 60105 of title 46, to any vessel subject to this chapter which does not have a permit required under section 2602 of this title.

#### (d) Denial of entry and detention

If a vessel does not comply with this chapter, the Secretary of Transportation may—

(1) deny entry to any place in the United States; and

(2) detain at the place in the United States from which it is about to depart.

#### (e) Persistent violators

The Administrator shall conduct an investigation of the owner or operator of a vessel or facility if the owner has 5 or more separate violations during a 6-month period.

(Pub. L. 100–688, title IV, § 4105, Nov. 18, 1988, 102 Stat. 4157.)

#### CODIFICATION

In subsec. (c), “section 60105 of title 46” substituted for “section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91)” on authority of Pub. L. 109–304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 60105 of Title 46, Shipping.

### § 2606. Subpena authority

#### (a) General authority

In an investigation under this chapter, the attendance and testimony of witnesses, including parties in interest, and the production of any evidence may be compelled by subpena. The subpena authority granted by this section is coextensive with that of a district court of the United States, in civil matters, for the district in which the investigation is conducted.

#### (b) Subpena authority

An official designated by the Secretary of Transportation or Administrator to conduct an