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[Laws in effect as of January 2, 2001]  
[Document not affected by Public Laws enacted between  
January 2, 2001 and December 19, 2002]  
[CITE: **33USC2602**]

TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 39--SHORE PROTECTION FROM MUNICIPAL OR COMMERCIAL WASTE

SUBCHAPTER I--SHORE PROTECTION

Sec. 2602. Vessel permits and numbers

(a) In general

A vessel (except a public vessel as defined in section 2101 of title 46) may not transport municipal or commercial waste in coastal waters without--

- (1) a permit for that vessel from the Secretary of Transportation; and
- (2) displaying a number or other marking on the vessel as prescribed by the Secretary under chapter 123 or section 12502(b) of title 46.

(b) Permit applications

Application for a permit required by subsection (a) of this section shall be made by the vessel owner or operator and include--

- (1) the name, address, and telephone number of the vessel owner and operator;
- (2) the vessel's name and identification number;
- (3) the vessel's area of operation;
- (4) the vessel's transport capacity;
- (5) a history of the types of cargo transported by that vessel during the previous year, including identifying the type of municipal or commercial waste transported as--
  - (A) municipal waste;
  - (B) commercial waste;
  - (C) medical waste; or
  - (D) waste of another character.
- (6) any other information the Secretary may require; and
- (7) an acknowledgment.

(c) Effective date of permits

A permit issued under this section--

- (1) is effective 30 days after the date on which it was issued;
- (2) may be issued only for a period of not more than 5 years after the effective date of the permit;
- (3) may be renewed for periods of not more than 5 years only by the vessel owner or operator that applied for the original permit; and
- (4) is terminated when the vessel is sold.

(d) Denial of permits

The Secretary may, or at the request of the Administrator shall, deny the issuance of a permit for any vessel if the owner or operator of the vessel has a record of a pattern of serious violations of--

- (1) this subchapter;

- (2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);
- (3) the Marine Protection, Research, and Sanctuaries Act of 1972 [16 U.S.C. 1431 et seq., 1447 et seq.; 33 U.S.C. 1401 et seq., 2801 et seq.];
- (4) the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 et seq.); or
- (5) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(e) Permit decision

The Secretary, after consultation with the Administrator, shall issue or deny a vessel permit under this section within 30 days after receiving a complete application. On denying the issuance of the permit for a vessel the Secretary shall--

- (1) notify the applicant of the denial and the reasons for the denial; and
- (2) provide an opportunity for a hearing on the denial.

(f) Maintaining permit

(1) In general

The permit issued for a vessel under this chapter shall be maintained in a manner prescribed by the Secretary.

(2) Endorsements

If a vessel is a documented vessel, the Secretary may endorse a permit on the vessel's certificate of documentation.

(g) Vessel information system

The Secretary may include information in a permit in the vessel information system maintained under chapter 125 of title 46.

(Pub. L. 100-688, title IV, Sec. 4102, Nov. 18, 1988, 102 Stat. 4155.)

References in Text

The Solid Waste Disposal Act, referred to in subsec. (d)(2), is title II of Pub. L. 89-272, Oct. 20, 1965, 79 Stat. 997, as amended generally by Pub. L. 94-580, Sec. 2, Oct. 21, 1976, 90 Stat. 2795, which is classified generally to chapter 82 (Sec. 6901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of Title 42 and Tables.

The Marine Protection, Research, and Sanctuaries Act of 1972, referred to in subsec. (d)(3), is Pub. L. 92-532, Oct. 23, 1972, 86 Stat. 1052, as amended, which is classified generally to chapters 27 (Sec. 1401 et seq.) and 41 (Sec. 2801 et seq.) of this title and chapters 32 (Sec. 1431 et seq.) and 32A (Sec. 1447 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1401 of this title and Tables.

The Rivers and Harbors Appropriation Act of 1899, referred to in subsec. (d)(4), is act Mar. 3, 1899, ch. 425, 30 Stat. 1151, as amended, which enacted sections 401, 403, 404, 406 to 409, 411 to 416, 418, 502, 549, 686, and 687 of this title. For complete classification of this Act to the Code, see Tables.

The Federal Water Pollution Control Act, referred to in subsec. (d)(5), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, Sec. 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (Sec. 1251 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

## Effective Date

Section 4204(b) of Pub. L. 100-688 provided that: ``Section 4102(a) of this Act [33 U.S.C. 2602(a)] is effective 240 days after the date of enactment of this Act [Nov. 18, 1988].''

## Availability of Applications

Section 4204(a) of Pub. L. 100-688 provided that: ``The Secretary shall make vessel applications for permits to be issued under section 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].''

## Section Referred to in Other Sections

This section is referred to in sections 2605, 2609 of this title.