

## Frequently Asked Questions

*Am I covered by this rule?*

Yes, you are covered if you are a commercial vessel operating on the Great Lakes in accordance with 33 Code of Federal Regulations (CFR) 151.66.

*Generally*, these include:

- Commercial ships on the United States' waters of the Great Lakes, (excluding non-self propelled barges that are not part of an integrated tug and barge unit), carrying non-hazardous and non-toxic bulk dry cargos, such as limestone and other clean stone, iron ore, coal, salt, and cement.
- Integrated tug and barge units consisting of tug barge combinations which, through the use of special design features or a specially designed connection system, have increased seakeeping capabilities relative to a tug and barge in the conventional pushing mode.

*What action must I take if I am covered by the rule?*



You must comply with 33 CFR Table 151.66(b) Bulk Dry Cargo Residue Discharges Allowed on the Great Lakes

and complete recordkeeping and reporting on every bulk dry cargo loading, unloading, and sweeping that results in DCR discharge into the United States' waters of the Great Lakes in compliance with 33 CFR 151.66(c). You must comply with the regulations immediately and initial reports are due January 15, 2009.

## Small Entity Compliance Guide

If you have questions about this rule, contact:

Environmental Standards Division  
United States Coast Guard

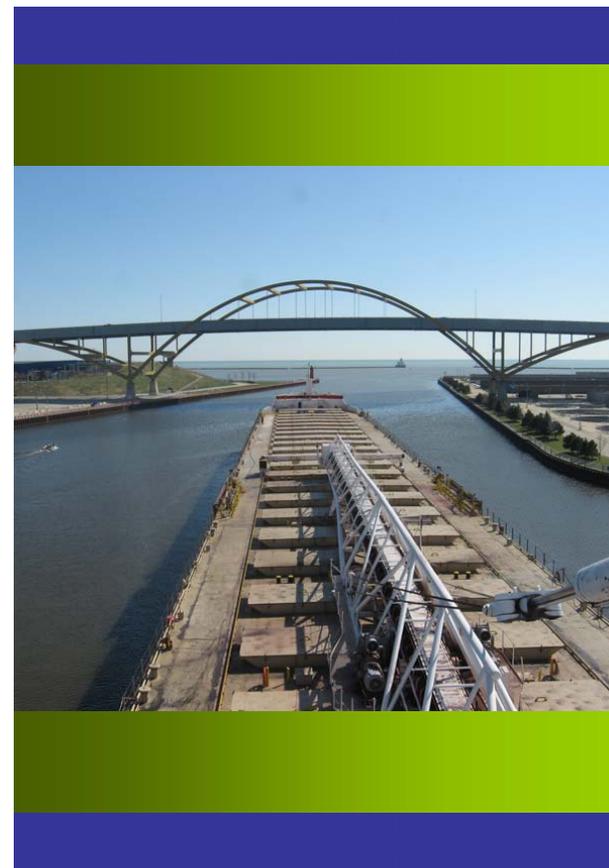
Phone: 202-372-1402

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## Small Entity Compliance Guide

# Dry Cargo Residue Discharges in the Great Lakes



**33 CFR 151.66**

**United States Coast Guard**

## Basics



The Coast Guard has developed rules regarding the discharge of dry cargo residue (DCR) in the Great Lakes. DCR is the residue of non-toxic and non-hazardous bulk dry cargos like limestone, iron ore, and coal. The regulation will allow self-propelled vessels, and barges that are part of an integrated tug and barge unit, to discharge DCR in limited areas of the Great Lakes that exclude protected and sensitive areas. The regulation also adds recordkeeping and reporting requirements and encourages carriers to adopt voluntary control measures for reducing discharges.

Prior to the adoption of this interim rule, an interim enforcement policy (IEP) allowed DCR discharges of non-toxic and non-hazardous DCR on the Great Lakes. The IEP was mandated by Congress in 1998, 2000, and 2004 (Pub. L. 105-383, sec. 415; Pub. L. 106-554, sec. 1117; Pub. L. 108-293, sec. 623). The interim rule derives its regulations from the IEP with additional safeguards for protected and sensitive areas.

The interim rule became effective on **September 29, 2008**. This Compliance Guide, issued under the Small Business Regulatory Enforcement Act of 1996, provides a plain-language overview of the interim rule, **but you should refer to the interim rule directly for details**.

*What must I do to fulfill the recordkeeping and reporting requirements of this rule?*

Upon each unloading, loading, and discharge of DCR, records must be kept on Coast Guard Form CG-33 (OMB 1625-0072), which can be found at [www.uscg.mil/hq/cg5/cg522/cg5224/dry\\_cargo.asp](http://www.uscg.mil/hq/cg5/cg522/cg5224/dry_cargo.asp). The records must be certified and kept onboard for two years. Copies of the records must be forwarded to the Coast Guard at least once each quarter, no later than the 15<sup>th</sup> day of January, April, July, and October. The first reports are due no later than January 15, 2009.

*How will this rule affect my vessel's discharge of dry cargo residue?*

The interim rule prohibits DCR discharge in several sensitive and protected areas including the Western Basin of Lake Erie, Caribou Island, and the Detroit River International Wildlife Refuge. For a complete list see the interim rule.

*Are there alternatives to this rule for small businesses?*

The Coast Guard has determined that the interim rule will not have a significant impact on a substantial number of small entities and therefore has not considered alternatives to this rule.

*Will my vessel be required to implement control measures?*

No. At this time, the Coast Guard is only

encouraging carriers to *voluntarily* adopt control measures.

*How can I comment on the interim rule?*

Comments on the interim rule, possible control measures, boundaries for sensitive and protected areas, or alternatives for small businesses may be submitted to the Coast Guard for review by several methods including electronic submission at [www.regulations.gov](http://www.regulations.gov). For more detailed submission instructions, please see the interim rule.

## How to Find This Rule

The official text of the “Dry Cargo Residue Discharges in the Great Lakes” interim rule appears in 73 Federal Register 56492 for September 29, 2008. The Federal Register is available on the web at [www.archives.gov/federal-register/index.html](http://www.archives.gov/federal-register/index.html).

To view the dry cargo residue discharges in the Great Lakes interim rule, exclusion zones, and definitions, you may also visit the Coast Guard’s website, [www.uscg.mil/hq/cg5/cg522/cg5224/dry\\_cargo.asp](http://www.uscg.mil/hq/cg5/cg522/cg5224/dry_cargo.asp).

For additional details on the rulemaking record, including the interim rule, the regulatory analysis, exclusion zones, definitions, and the FEIS, visit the website [www.regulations.gov](http://www.regulations.gov). The docket number for this rule is USCG-2004-19621.