

and the availability of the required waste treatment systems. The schedules for compliance shall distinguish between new and existing vessels.

"(2) Regulations governing the discharge of ballast and bilge water into the navigable waters of the United States by tank vessel, vessels having dual service ballast tanks and all vessels on international voyages.

"(3) Regulations governing the discharge from any vessel of litter, sludge, garbage, or other substances of any kind or description, other than oil or dredge spoil, which originates on board a vessel or which is transported thereon into the navigable waters of the United States. Where the Secretary of the Army acting through the Chief of Engineers determines, after the effective date of any regulations issued under this paragraph, that the discharge of such substances from a vessel may constitute a potential obstruction to navigation, a permit to discharge such substances shall be issued solely by the Secretary of the Army or his designee in accordance with existing authorities and consistent with such regulations.

"(c) Regulations to carry out the provisions of this section shall prohibit discharges in quantities, under conditions and at times and locations deemed appropriate by the Secretary after taking into consideration the deleterious effect of such discharges on the public health, recreation and fish and wild life, provided that with respect to ballast water such prohibitions shall relate solely to tank vessels, vessels having dual service ballast tanks and vessels on international voyages.

"(d) Regulations to carry out the provisions of this section :

"(1) may exempt classes of vessels from all or part of a regulation for such periods of time and under such conditions as the Secretary deems appropriate.

"(2) shall apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

"(e) Before any regulations under this section are issued, the Secretary shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Transportation; the Secretary of Defense; the Secretary of Commerce; other interested Federal agencies; and industries affected. The Secretary shall also correlate any regulations issued under this section with efforts to control or eliminate other sources of pollution under this Act and other provisions of law. After regulations are issued, the Secretary shall afford all interested persons and public and private agencies and organizations a reasonable opportunity to comment thereon before they become effective. With respect to the Great Lakes and their connecting and tributary waters as far east as Montreal, any regulations promulgated pursuant to this section shall not become effective until such time as the Secretary of State shall have received assurances from the government of Canada of the adoption of substantially similar regulations upon such lakes and waters within the territorial jurisdiction of Canada.

"(f) After the effective date of any regulation issued hereunder, it shall be unlawful for any vessel subject to such regulations and not equipped with an approved type accepted overboard waste treatment system to make any overboard waste discharges into the navigable waters of the United States except in accordance with such regulations, but neither this section nor any regulation promulgated thereunder shall be construed as prohibiting the discharge of ballast water by other than tank vessels, vessels having dual service ballast tanks or vessels on international voyages. No state or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control or treatment of vessel overboard waste discharges. No state or any political subdivision thereof shall require certification, inspection or any other approval relating to the control or treatment of vessel overboard waste discharges.

"(g) Any person who knowingly violates the provisions of this section or any regulations issued thereunder shall, upon conviction, be punished by a fine not exceeding \$2,500 or by imprisonment not exceeding one year, or both.

"(h) Any vessel violating the provisions of this section or any regulations issued thereunder shall be liable for a penalty of not more than \$10,000. Clearance of a vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid or until a bond or other surety satisfactory to the Secretary is posted. The penalty shall constitute a lien on the vessel which may be recovered by action in rem in the district court of the United States for any district within which the vessel may be found. This penalty shall not apply