

or as a result of inadequacies noted in the response plan during an actual pollution incident at the facility.

(e) If required by §§ 154.1035(b)(3) or 154.1045, a new or existing facility owner or operator must submit the required dispersant and aerial oil tracking resource revisions to a previously submitted or approved plan, made pursuant to §§ 154.1035(b)(3) or 154.1045, to the COTP and all other holders of the response plan for information or approval no later than February 22, 2011.

[CGD 91-036, 61 FR 7917, Feb. 29, 1996, as amended by USCG-2001-8661, 74 FR 45025, Aug. 31, 2009]

#### § 154.1070 Deficiencies.

(a) The cognizant COTP will notify the facility owner or operator in writing of any deficiencies noted during review of a response plan, drills observed by the Coast Guard, or inspection of equipment or records maintained in connection with this subpart.

(b) Deficiencies shall be corrected within the time period specified in the written notice provided by the COTP. The facility owner or operator who disagrees with a deficiency issued by the COTP may appeal the deficiency to the cognizant COTP within 7 days or the time specified by the COTP to correct the deficiency, whichever is less. This time commences from the date of receipt of the COTP notice. The owner or operator may request a stay from the COTP decision pending appeal in accordance with § 154.1075.

(c) If the facility owner or operator fails to correct any deficiencies or submit a written appeal, the COTP may invoke the provisions of § 154.1025 prohibiting the facility from storing, handling, or transporting oil.

#### § 154.1075 Appeal process.

(a) Any owner or operator of a facility who desires to appeal the classification that a facility could reasonably be expected to cause substantial harm or significant and substantial harm to the environment, shall submit a written request to the cognizant COTP requesting review and reclassification by the COTP. The facility owner or operator shall identify those factors to be considered by the COTP. The factors to be considered by the COTP regarding re-

classification of a facility include, but are not limited to, those listed in § 154.1016(b). After considering all relevant material presented by the facility owner or operator and any additional material available to the COTP, the COTP will notify the facility owner or operator of the decision on the reclassification of the facility.

(b) Any facility owner or operator directly affected by an initial determination or action of the COTP may submit a written request to the cognizant COTP requesting review and reconsideration of the COTP's decision or action. The facility owner or operator shall identify those factors to be considered by the COTP in making his or her decision on reconsideration.

(c) Within 10 days of the COTP's decision under paragraph (b) of this section, the facility owner or operator may appeal the decision of the COTP to the District Commander. This appeal shall be made in writing via the cognizant COTP to the District Commander of the district in which the office of the COTP is located.

(d) Within 30 days of the District Commander's decision, the facility owner or operator may formally appeal the decision of the District Commander. This appeal shall be submitted in writing to Commandant (CG-535) via the District Commander.

(e) When considering an appeal, the COTP, District Commander, or Commandant may stay the effect of the decision or action being appealed pending the determination of the appeal.

[CGD 91-036, 61 FR 7930, Feb. 29, 1996, as amended by CGD 96-026, 61 FR 33666, June 28, 1996; USCG-2010-0351, 75 FR 36284, June 25, 2010]

### Subpart G—Additional Response Plan Requirements for a Trans-Alaska Pipeline Authorization Act (TAPAA) Facility Operating in Prince William Sound, Alaska

SOURCE: CGD 91-036, 61 FR 7930, Feb. 29, 1996, unless otherwise noted.

#### § 154.1110 Purpose and applicability.

(a) This subpart establishes oil spill response planning requirements for a