

**§ 154.1228**

**33 CFR Ch. I (7-1-10 Edition)**

(2) Adequate sorbent material capable of being at the site of an incident within 1 hour of its discovery;

(3) Oil recovery devices and recovered oil storage capacity capable of being at incident's site within 2 hours of the discovery of an incident; and

(4) Other equipment necessary to respond to an incident involving the type of oil handled.

(h) The response plan for a facility that is located in any environment with year-round preapproval for use of dispersants and that handles, stores, or transports animal fats and vegetable oils may request a credit for up to 25 percent of the worst case planning volume set forth by subpart F of this part. To receive this credit, the facility owner or operator must identify in the plan and ensure, by contract or other approved means as described in §154.1228(a), the availability of specified resources to apply the dispersants and to monitor their effectiveness. The extent of the credit for dispersants will be based on the volumes of the dispersants available to sustain operations at the manufacturers' recommended dosage rates. Other spill mitigation techniques, including mechanical dispersal, may be identified in the response plan provided they are in accordance with the NCP and the applicable ACP. Resources identified for plan credit should be capable of being on scene within 12 hours of a discovery of a discharge. Identification of these resources does not imply that they will be authorized for use. Actual authorization for use during a spill response will be governed by the provisions of the NCP and the applicable ACP.

[CGD 91-036, 61 FR 7931, Feb. 29, 1996, as amended by USCG-1999-5149, 65 FR 40826, June 30, 2000]

**§154.1228 Methods of ensuring the availability of response resources by contract or other approved means.**

(a) When required in this subpart, the availability of response resources must be ensured by the following methods:

(1) The identification of an oil spill removal organization with specified equipment and personnel available within stipulated response times in specified geographic areas. The organi-

zation must provide written consent to being identified in the plan;

(2) A document which—

(i) Identifies the personnel, equipment, and services capable of being provided by the oil spill removal organization within stipulated response times in the specified geographic areas;

(ii) Sets out the parties' acknowledgment that the oil spill removal organization intends to commit the resources in the event of a response;

(iii) Permits the Coast Guard to verify the availability of the identified response resources through tests, inspections, and drills;

(iv) Is referenced in the response plan;

(3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment required under this subpart that are available to respond to a discharge within stipulated response times in the specified geographic areas;

(4) Certification by the facility owner or operator that specified personnel and equipment required under this subpart are owned, operated, or under the direct control of the facility owner or operator, and are available within stipulated response times in the specified geographic areas; or

(5) A written contractual agreement with an oil spill removal organization. The agreement must identify and ensure the availability of specified personnel and equipment required under this subpart within stipulated response times in the specified geographic areas.

(b) The contracts and documents required in paragraph (a) of this section must be retained at the facility and must be produced for review upon request by the COTP.

**§154.1240 Specific requirements for animal fats and vegetable oils facilities that could reasonably be expected to cause substantial harm to the environment.**

(a) The owner or operator of a facility, classified under §154.1216 as a facility that could reasonably be expected to cause substantial harm to the environment, must submit a response plan that meets the requirements of §154.1035, except as modified by this section.

(b) The plan does not need to list the facility or corporate organizational structure that the owner or operator will use to manage the response, as required by §154.1035(b)(3)(iii).

(c) The owner or operator must ensure and identify, by contract or a method described in §154.1228, that the response resources required under §154.1035(b)(3)(iv) are available for a worst case discharge.

[USCG-1999-5149, 65 FR 40827, June 30, 2000]

**Subpart I—Response Plans for Other Non-Petroleum Oil Facilities**

SOURCE: CGD 91-036, 61 FR 7932, Feb. 29, 1996, unless otherwise noted.

**§ 154.1310 Purpose and applicability.**

This subpart establishes oil spill response planning requirements for an owner or operator of a facility that handles, stores, or transports other non-petroleum oils. The requirements of this subpart are intended for use in developing response plans and identifying response resources during the planning process. They are not performance standards.

**§ 154.1320 Response plan submission requirements.**

An owner or operator of a facility that handles, stores, or transports other non-petroleum oils shall submit a response plan in accordance with the requirements of this subpart, and with all sections of subpart F of this part, except §§154.1045 and 154.1047, which apply to petroleum oils.

**§ 154.1325 Response plan development and evaluation criteria for facilities that handle, store, or transport other non-petroleum oils.**

(a) An owner or operator of a facility that handles, stores, or transports other non-petroleum oils must provide information in his or her plan that identifies—

- (1) Procedures and strategies for responding to a worst case discharge of other non-petroleum oils to the maximum extent practicable; and
- (2) Sources of the equipment and supplies necessary to locate, recover, and mitigate such a discharge.

(b) An owner or operator of a facility that handles, stores, or transports other non-petroleum oils must ensure that any equipment identified in a response plan is capable of operating in the conditions expected in the geographic area(s) in which the facility operates using the criteria in Table 1 of appendix C of this part. When evaluating the operability of equipment, the facility owner or operator must consider limitations that are identified in the ACPs for the COTP zone in which the facility is located, including—

- (1) Ice conditions;
- (2) Debris;
- (3) Temperature ranges; and
- (4) Weather-related visibility.

(c) The owner or operator of a facility that handles, stores, or transports other non-petroleum oils must identify the response resources that are available by contract or other approved means as described in §154.1028(a). The equipment identified in a response plan must include—

- (1) Containment boom, sorbent boom, or other methods for containing oil floating on the surface or to protect shorelines from impact;
- (2) Oil recovery devices appropriate for the type of other non-petroleum oils handled; and
- (3) Other appropriate equipment necessary to respond to a discharge involving the type of oil handled.

(d) Response resources identified in a response plan under paragraph (c) of this section must be capable of commencing an effective on-scene response within the times specified in this paragraph for the applicable operating area:

	Tier 1 (hrs.)	Tier 2	Tier 3
Higher volume port area .....	6	N/A	N/A
Great Lakes .....	12	N/A	N/A
All other river and canal, inland, near-shore, and offshore areas .....	12	N/A	N/A

(e) A response plan for a facility that handles, stores, or transports other non-petroleum oils must identify response resources with firefighting capability. The owner or operator of a facility that does not have adequate firefighting resources located at the facility or that cannot rely on sufficient local firefighting resources must identify and ensure, by contract or other