§ 155.2210

(2) Resources must be capable of reaching the locations in which the vessel operates within the stated times following notification:
   (i) Inland, nearshore, and Great Lakes waters—12 hours.
   (ii) Offshore waters and rivers and canals—18 hours.
   (iii) Open ocean waters—36 hours.

(3) For barges operating in rivers and canals as defined in this subpart, the requirements of this paragraph (g)(3) may be met by listing resources capable of being deployed in an area within the response times in paragraph (g)(2) of this section. A vessel owner or operator may not identify such resources in a plan unless the response organization has provided written consent to be identified in a plan as an available resource.

(h) The response plan for a vessel that is located in any environment with year-round preapproval for use of dispersants suitable for animal fats and vegetable oils and that handles, stores, or transports animal fats or vegetable oils may request a credit for up to 25 percent of the worst case planning volume set forth by subpart D of this part. To receive this credit, the vessel owner or operator must identify in the plan and ensure, by contract or other approved means, the availability of specified resources to apply the dispersants and to monitor their effectiveness. To extent of the credit will be based on the volumes of the dispersant 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 the spill response will be governed by the provisions of the NCP and the applicable ACP.
Coast Guard, DHS

§ 155.2230

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

(c) The owner or operator of a vessel carrying other non-petroleum oil as a primary cargo must identify in the response plan and ensure, through contract or other approved means, the availability of required equipment including—

(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 oil carried; and

(3) Other appropriate equipment necessary to respond to a discharge involving the type of other non-petroleum oil carried.

(d) Response resources identified in a response plan under paragraph (c) of this section must be capable of arriving on-scene within the applicable Tier 1 response times specified in this paragraph. An oil spill removal organization may not be listed in the plan unless the organization has provided written consent to be listed in the plan as an available resource. Response times from the time of discovery of a discharge are as follows:

<table>
<thead>
<tr>
<th>Tier 1</th>
<th>Tier 2</th>
<th>Tier 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Higher volume port area.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Great Lakes</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>All other rivers and canals, inland, nearshore, and offshore areas.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Open ocean (plus travel time from shore)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(e) The owner or operator of a vessel carrying other non-petroleum oil as a primary cargo must identify in the response plan and ensure the availability of the following resources through contract or other approved means:

(1) A salvage company with appropriate expertise and equipment.

(2) A company with vessel firefighting capability that will respond to casualties in the area(s) in which the vessel is operating.

(f) Vessel owners or operators must identify intended sources of the resources required under paragraph (e) of this section capable of being deployed to the areas in which the vessel will operate. A company may not be listed in the plan unless the company has provided written consent to be listed in the plan as an available resource. To meet this requirement in a response plan submitted for approval or reapproval on or after February 18, 1998, the vessel owner or operator must identify both the intended sources of this capability and demonstrate that the resources are capable of being deployed to the port nearest to the area where the vessel operates within 24 hours of discovery of a discharge.

(g) The owner or operator of a vessel carrying other non-petroleum oil as a primary cargo must identify in the response plan, and ensure the availability of, through contract or other approved means, certain resources required by subpart D of this part, §155.1035(c)(5)(ii) and §155.1040(c)(5)(i) of this part, as applicable:

(1) Resources must include—

(i) Fendering equipment;

(ii) Transfer hoses and connection equipment; and

(iii) Portable pumps and ancillary equipment necessary to offload the vessel’s largest cargo tank in 24 hours of continuous operation.

(2) Resources must be capable of reaching the locations in which the vessel operates within the stated times following notification:

(i) Inland, nearshore, and Great Lakes waters—12 hours.

(ii) Offshore waters and rivers and canals—18 hours.

(iii) Open ocean waters—36 hours.

(3) For barges operating in rivers and canals as defined in this subpart, the requirements of this paragraph (g)(3) may be met by listing resources capable of being deployed in an area within the response times in paragraph (g)(2) of this section. A vessel owner or operator may not identify such resources in a plan unless the response organization has provided written consent to be identified in a plan as an available resource.

(h) The response plan for a vessel that is located in any environment with year-round preapproval for use of dispersants and that handles, stores, or transports other non-petroleum oils...
may request a credit for up to 25 percent of the worst case planning volume set forth by subpart D of this part. To receive this credit, the vessel owner or operator must identify in the plan and ensure, by contract or other approved means, the availability of specified resources to apply the dispersants and to monitor their effectiveness. The extent of the credit will be based on the volumes of the dispersant available to sustain operations at the manufacturers’ recommended dosage rates. 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.

§ 155.4010 Purpose of this subpart.

(a) The purpose of this subpart is to establish vessel response plan salvage and marine firefighting requirements for vessels that are carrying group I–IV oils, and that are required by §155.1015 to have a vessel response plan. Salvage and marine firefighting actions can save lives, property, and prevent the escalation of potential oil spills to worst case discharge scenarios.

(b) A planholder must ensure by contract or other approved means that response resources are available to respond. However, the response criteria specified in the regulations (e.g., quantities of response resources and their arrival times) are planning criteria, not performance standards, and are based on assumptions that may not exist during an actual incident, as stated in 33 CFR 155.1010. Compliance with the regulations is based upon whether a covered response plan ensures that adequate response resources are available, not on whether the actual performance of those response resources after an incident meets specified arrival times or other planning criteria. Failure to meet specified criteria during an actual spill response does not necessarily mean that the planning requirements of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1251–1376) and regulations were not met. The Coast Guard will exercise its enforcement discretion in light of all facts and circumstances.

§ 155.4015 Vessel owners and operators who must follow this subpart.

You must follow this subpart if your vessel carries group I–IV oils, and is required by §155.1015 to have a vessel response plan.

§ 155.4020 Complying with this subpart.

(a) If you have an existing approved vessel response plan, you must have your vessel response plan updated and submitted to the Coast Guard by February 22, 2011.

(b) All new or existing vessels operating on the navigable waters of the United States or transferring oil in a port or place subject to the jurisdiction of the United States, that meet the applicability requirements of §155.1015, that do not have an approved vessel response plan, must comply with §155.1065.

(c) Your vessel may not conduct oil transport or transfer operations if—

1. You have not submitted a plan to the Coast Guard in accordance with §155.1065 prior to February 22, 2011;

2. The Coast Guard determines that the response resources referenced in your plan do not meet the requirements of this subpart;

3. The contracts or agreements cited in your plan have lapsed or are otherwise no longer valid;

4. You are not operating in accordance with your plan; or

5. The plan’s approval has expired.

§ 155.4025 Definitions.

For the purposes of this subpart, the following definitions apply:

Assessment of structural stability means completion of a vessel’s stability and structural integrity assessment through the use of a salvage software program. The data used for the