§ 154.804 Review, certification, and initial inspection.

(a) A new vapor control system installation must be certified by a certifying entity as meeting the requirements of this subpart prior to operating.

(b) [Reserved]

(c) An existing vapor control system installation that has been Coast Guard approved for operation with specific vessels must be certified by a certifying entity prior to receiving vapors from other vessels.

(d) Plans and information submitted to the certifying entity must include a qualitative failure analysis. The analysis must demonstrate the following:

1. The vapor control system is designed to permit the system to continuously operate safely when receiving cargo vapors from tankships and barges over the full range of transfer rates expected at the facility;
2. The vapor control system is provided with the proper alarms and automatic control systems to prevent unsafe operation;
3. The vapor control system is equipped with sufficient automatic or passive devices to minimize damage to personnel, property, and the environment if an accident were to occur; and
4. If a quantitative failure analysis is also conducted, the level of safety attained is at least one order of magnitude greater than that calculated for operating without a vapor control system.

NOTE: The American Institute of Chemical Engineers publication, “Guidelines for Hazard Evaluation Procedures” may be used as guidance when preparing a qualitative failure analysis. Military Standard MIL-STD-882B may be used as guidance when preparing a quantitative failure analysis.

(e) The certifying entity must conduct all initial inspections and witness all tests required to demonstrate that the facility:
1. Conforms to certified plans and specifications;
§ 154.806 Application for acceptance as a certifying entity.

(a) An individual or organization seeking acceptance as a certifying entity must apply in writing to the Commandant (Stop 7363, Washington, DC 20593–7363). Each application must be signed and certified to be correct by the applicant or, if the applicant is an organization, by an authorized officer or official representative of the organization, and must include a letter of intent from a facility owner or operator to use the services of the individual or organization to certify a vapor control system installation. Any false statement or misrepresentation, or the knowing and willful concealment of a material fact may subject the applicant to prosecution under the provisions of 18 U.S.C. 1001, and denial or termination of acceptance as a certifying entity.

(b) The applicant must possess the following minimum qualifications, and be able to demonstrate these qualifications to the satisfaction of the Commandant (Stop 7363, Washington, DC 20593–7363):

(1) The ability to review and evaluate design drawings and failure analyses;

(2) A knowledge of the applicable regulations of this subpart, including the standards incorporated by reference in these regulations;

(3) The ability to monitor and evaluate test procedures and results;

(4) The ability to perform inspections and witness tests of bulk liquid cargo handling systems;

(5) That it is not controlled by an owner or operator of a vessel or facility engaged in controlling vapor emissions; and

(6) That it is not dependent upon Coast Guard acceptance under this section to remain in business.

(c) Each application for acceptance must contain the following:

(1) The name and address of the applicant, including subsidiaries and divisions if applicable;

(2) A statement that the applicant is not controlled by an owner or operator of a vessel or facility engaged in controlling vapor emissions, or a full disclosure of any ownership or controlling interest held by such owners or operators;

(3) A description of the experience and qualifications of the person(s) who would be reviewing or testing the systems;

(4) A statement that the person(s) who would be reviewing or testing the systems is/are familiar with the regulations in this subpart; and

(5) A statement that the Coast Guard may verify the information submitted in the application and may examine the person(s) who would be reviewing or testing the systems to determine their qualifications.

(d) The acceptance of a certifying entity may be terminated by the Commandant (Stop 7363, Washington, DC