§ 154.1047  Response plan development and evaluation criteria for facilities that handle, store, or transport Group V petroleum oils.

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

(1) Procedures and strategies for responding to a worst case discharge of Group V 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 Group V petroleum oil must ensure that their response plans are in accordance with the ACP in effect 6 months prior to initial plan submission or the annual plan review required under §154.1065(a). Facility owners or operators are not required to, but may at their option, conform to an ACP which is less than 6 months old at the time of plan submission.

(n) Appendix C of this part describes the procedures to determine the maximum extent practicable quantity of response resources that must be identified and available, by contract or other approved means as described in §154.1028(a) (1)–(4), for the maximum most probable discharge volume, and for each worst case discharge response tier.

(1) Included in appendix C of this part is a cap that recognizes the practical and technical limits of response capabilities that an individual facility owner or operator can be expected to contract for in advance.

(2) Table 5 in appendix C of this part lists the caps that apply in February 18, 1993, and February 18, 1998. Depending on the quantity and type of petroleum oil handled by the facility and the facility’s geographic area of operations, the resource capability caps in this table may be reached. The owner or operator of a facility whose estimated recovery capacity exceeds the applicable contracting caps in Table 5 shall identify sources of additional equipment equal to twice the cap listed in Tiers 1, 2, and 3 or the amount necessary to reach the calculated planning volume, whichever is lower. The identified resources must be capable of arriving on scene not later than the Tier 1, 2, and 3 response times in this section. No contract is required. While general listings of available response equipment may be used to identify additional sources, a response plan must identify the specific sources, locations, and quantities of equipment that a facility owner or operator has considered in his or her planning. When listing Coast Guard classified oil spill removal organization(s) which have sufficient removal capacity to recover the volume above the response capability cap for the specific facility, as specified in Table 5 in appendix C of this part, it is not necessary to list specific quantities of equipment.

(o) The Coast Guard will continue to evaluate the environmental benefits, cost efficiency and practicality of increasing mechanical recovery capability requirements. This continuing evaluation is part of the Coast Guard’s long term commitment to achieving and maintaining an optimum mix of oil spill response capability across the full spectrum of response modes. As best available technology demonstrates a need to evaluate or change mechanical recovery capacities, a review of cap increases and other requirements contained within this subpart may be performed. Any changes in the requirements of this section will occur through a public notice and comment process. During this review, the Coast Guard will determine if established caps remain practicable and if increased caps will provide any benefit to oil spill recovery operations. The review will include, at least, an evaluation of:

(1) Best available technologies for containment and recovery;

(2) Oil spill tracking technology;

(3) High rate response techniques;

(4) Other applicable response technologies; and

(5) Increases in the availability of private response resources.

that any equipment identified in a re-
sponse plan is capable of operating in
the conditions expected in the geo-
graphic area(s) in which the facility oper-
ates using the criteria in Table 1 of
appendix C of this part. When evalu-
ating the operability of equipment, the
facility owner or operator must con-
sider limitations that are identified in
the ACPs for the COTP zones in which
the facility operates, including—
(1) Ice conditions;
(2) Debris;
(3) Temperature ranges; and
(4) Weather-related visibility.
(c) The owner or operator of a facil-
ity that handles, stores, or transports
Group V petroleum oil must identify
the response resources that are avail-
able by contract or other approved
means as described in §154.1028. The
equipment identified in a response plan
must include—
(1) Sonar, sampling equipment, or
other methods for locating the petro-
leum oil on the bottom or suspended in
the water column;
(2) Containment boom, sorbent boom,
silt curtains, or other methods for con-
taining the petroleum oil that may re-
main floating on the surface or to re-
duce spreading on the bottom;
(3) Dredges, pumps, or other equip-
ment necessary to recover petroleum
oil from the bottom and shoreline;
(4) Equipment necessary to assess the
impact of such discharges; and
(5) Other appropriate equipment nec-
essary to respond to a discharge involv-
ing the type of petroleum oil handled,
stored, or transported.
(d) Response resources identified in a
response plan for a facility that han-
dles, stores, or transports Group V pe-
troleum oils under paragraph (c) of this
section must be capable of being at the
spill site within 24 hours of discovery
of a discharge.
(e) A response plan for a facility that
handles, stores, or transports Group V
petroleum oils must identify response
resources with firefighting capability.
The owner or operator of a facility that
does not have adequate firefighting re-
sources located at the facility or that
can not rely on sufficient local fire-
fighting resources must identify and
ensure, by contract or other approved
means as described in §154.1028, the
availability of adequate firefighting re-
sources. The response plan must also
identify an individual located at the fa-
cility to work with the fire department
for petroleum oil fires. This individual
shall also verify that sufficient well-
trained firefighting resources are avail-
able within a reasonable response time
to a worst case scenario. The indi-
vidual may be the qualified individual
as defined in §154.1020 and identified in
the response plan or another appro-
priate individual located at the facili-
ty.
§ 154.1050 Training.
(a) A response plan submitted to
meet the requirements of §154.1035 or
§154.1040, as appropriate, must identify
the training to be provided to each in-
dividual with responsibilities under the
plan. A facility owner or operator must
identify the method to be used for train-
ing any volunteers or casual la-
borers used during a response to com-
ply with the requirements of 29 CFR
1910.120.
(b) A facility owner or operator shall
ensure the maintenance of records suf-
ficient to document training of facility
personnel; and shall make them avail-
able for inspection upon request by the
U.S. Coast Guard. Records for facility
personnel must be maintained at the
facility for 3 years.
(c) Where applicable, a facility owner
or operator shall ensure that an oil
spill removal organization identified in
a response plan to meet the require-
ments of this subpart maintains
records sufficient to document training
for the organization’s personnel and
shall make them available for inspec-
tion upon request by the facility’s
management personnel, the qualified
individual, and U.S. Coast Guard.
Records must be maintained for 3 years
following completion of training.
(d) The facility owner or operator re-
mains responsible for ensuring that all
private response personnel are trained
to meet the Occupational Safety and
Health Administration (OSHA) stand-
ar ds for emergency response operations
in 29 CFR 1910.120.
§ 154.1055 Exercises.
(a) A response plan submitted by an
owner or operator of an MTR facility