

that training is tailored to the needs of the individuals involved in the program.

3.3 An owner or operator may identify equivalent work experience which fulfills specific training requirements.

3.4 The training program should include participation in periodic announced and unannounced exercises. This participation should approximate the actual roles and responsibilities of individual specified in the plan.

3.5 Training should be conducted periodically to reinforce the required knowledge and to ensure an adequate degree of preparedness by individuals with responsibilities under the facility response plan.

3.6 Training may be delivered via a number of different means; including classroom sessions, group discussions, video tapes, self-study workbooks, resident training courses, on-the-job training, or other means as deemed appropriate to ensure proper instruction.

3.7 New employees should complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

4. Conclusion

The information in this appendix is only intended to assist response plan preparers in reviewing the content of and in modifying the training section of their response plans. It may be more comprehensive than is needed for some facilities and not comprehensive enough for others. The Coast Guard expects that plan preparers have determined the training needs of their organizations created by the development of the response plans and the actions identified as necessary to increase the preparedness of the company and its personnel to respond to actual or threatened discharges of oil from their facilities.

[CGD 91-036, 61 FR 7938, Feb. 29, 1996]

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

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APPENDIX A TO PART 155—SPECIFICATIONS FOR SHORE CONNECTION

APPENDIX B TO PART 155—DETERMINING AND EVALUATING REQUIRED RESPONSE RESOURCES FOR VESSEL RESPONSE PLANS

APPENDIX C TO PART 155—TRAINING ELEMENTS FOR OIL SPILL RESPONSE PLANS

AUTHORITY: 3 U.S.C. 301 through 303; 33 U.S.C. 1321(j), 1903(b), 2735; 46 U.S.C. 3306, 3703, 70011, 70034; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Section 155.1020 also issued under section 316 of Pub. L. 114–120. Section 155.480 also issued under section 4110(b) of Pub. L. 101–380.

NOTE: Additional requirements for vessels carrying oil or hazardous materials are contained in 46 CFR parts 30 through 40, 150, 151, and 153

Subpart A—General

SOURCE: CGD 75–124a, 48 FR 45714, Oct. 6, 1983, unless otherwise noted.

§ 155.100 Applicability.

(a) Subject to the exceptions provided for in paragraph (b) and (c) of this section, this part applies to each ship that:

- (1) Is operated under the authority of the United States, wherever located; or
- (2) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or ter-

minal under the jurisdiction of the United States.

(b) This part does not apply to:

(1) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in non-commercial service; or

(2) Any other ship specifically excluded by MARPOL 73/78.

(c) Section 155.480 applies to each tank vessel with a cargo capacity of 1,000 or more cubic meters (approximately 6,290 barrels), loading oil or oil residue as cargo that is operated under the authority of the United States, wherever located, or operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

[CGD 75–124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 90–071a, 62 FR 48773, Sept. 17, 1997]

§ 155.110 Definitions.

Except as specifically stated in a section, the definitions in part 151 of this chapter, except for the word “oil”, and in part 154 of this chapter, apply to this part. The following definition also applies to this part:

Merchant mariner credential or MMC means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner’s document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner’s qualification document, certificate of identification, and certificate of service.

[USCG–2006–24371, 74 FR 11212, Mar. 16, 2009]

§ 155.120 Equivalentents.

(a) For ships required to be surveyed under § 151.17 of this chapter, the Commandant may, upon receipt of a written request, allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by both MARPOL 73/78 and subpart B of this part if such fitting, material, appliance, or apparatus is at least as effective as that required by subpart B. Substitution of operational

methods to control the discharge of oil in place of those design and construction features prescribed by MARPOL 73/78 that are also prescribed by subpart B of this part is not allowed.

(b) Any equivalent to a feature prescribed by MARPOL 73/78 that is authorized for a ship having an IOPP Certificate is noted on that Certificate.

(c) For tank vessels required to have overfill devices installed under parts 155 and 156 of this chapter, the Commandant may, upon receipt of a written request, allow any fitting, material, appliance, or apparatus to be fitted in a tank vessel as an alternative to the required overfill device(s) that are specified in these parts if the proposed alternative device is at least as effective as that required in the regulations.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 90-071a, 59 FR 53290, Oct. 21, 1994]

§ 155.130 Exemptions.

(a) The Commandant grants an exemption or partial exemption from compliance with any requirement in this part if:

(1) A ship operator submits a written request for an exemption via the COTP or OCMI thirty (30) days before operations under the exemption are proposed unless the COTP or OCMI authorizes a shorter time; and

(2) It is determined from the request that:

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution; and

(iii) The likelihood of discharges occurring as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and the reasons for the exemption and proposed procedures, methods, or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An oceangoing ship is not given an exemption from the requirements of subpart B of this part unless the ship is a hydrofoil, air cushion vehicle or other new type of ship (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of subpart B relating to construction and equipment unreasonable or impractical. The construction and equipment of the ship must provide protection equivalent to that afforded by subpart B of this part against pollution, having regard to the service for which the ship is intended.

(e) An exemption is granted or denied in writing. The decision of the Commandant is a final agency action.

NOTE TO §155.130: Additional exemptions/temporary waivers related to *salvage* and *marine firefighting* requirements can be found in §155.4055.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990; USCG-1998-3417, 73 FR 80648, Dec. 31, 2008]

§ 155.140 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, it is available for inspection at Coast Guard Headquarters. Contact Commandant (CG-CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501, 202-372-1251. Approved material is available from the sources indicated in this section.

(b) *American National Standards Institute, Inc. (ANSI)*, 25 West 43rd Street,

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New York, NY 10036, 212-642-4980, <http://www.ansi.org/>:

(1) ANSI A10.14, Requirements for Safety Belts, Harnesses, Lanyards and Lifelines for Construction and Demolition Use, 1991 (“ANSI A10.14”), incorporation by reference approved for § 155.230.

(2) [Reserved]

(c) *ASTM International*, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 877-909-2786, <http://www.astm.org/>:

(1) ASTM F 631-93, Standard Guide for Collecting Skimmer Performance Data in Controlled Environments (“ASTM F 631-93”), incorporation by reference approved for Appendix B.

(2) ASTM F 715-95, Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage (“ASTM F 715-95”), incorporation by reference approved for in Appendix B.

(3) [Reserved]

(4) ASTM F1413-07, Standard Guide for Oil Spill Dispersant Application Equipment: Boom and Nozzle Systems, incorporation by reference approved for § 155.1050.

(5) ASTM F1737-07, Standard Guide for Use of Oil Spill Dispersant-Application Equipment During Spill Response: Boom and Nozzle Systems, incorporation by reference approved for § 155.1050.

(6) ASTM F1779-08, Standard Practice for Reporting Visual Observations of Oil on Water, incorporation by reference approved for § 155.1050.

(d) *International Maritime Organization (IMO)*, 4 Albert Embankment, London SE1 7SR, United Kingdom, <http://www.imo.org/>:

(1) Resolution A.535(13), Recommendations on Emergency Towing Requirements for Tankers, November 17, 1983 (“Resolution A.535(13)”), incorporation by reference approved for § 155.235.

(2) Resolution A.741(18), International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code), adopted 4 November, 1993, incorporation by reference approved for § 155.5035.

(3) Resolution A.851(20), General Principles for Ship Reporting Systems and Ship Reporting Requirements, In-

cluding Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants, adopted 27 November, 1997, incorporation by reference approved for § 155.5035.

(4) Resolution MSC.35(63), Adoption of Guidelines for Emergency Towing Arrangement on Tankers, May 20, 1994 (“Resolution MSC.35(63)”), incorporation by reference approved for § 155.235.

(5) Resolution MSC.104(73), Adoption of Amendments to the International Safety Management (ISM) Code, adopted 5 December, 2000, incorporation by reference approved for § 155.5035.

(6) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, Chapter 3—Requirements for machinery spaces of all ships, Part A-Construction, Regulation 12A, “Oil fuel tank protection”, incorporation by reference approved for § 155.250 (Annex I, Regulation 12A).

(e) *National Fire Protection Association (NFPA)*, 1 Batterymarch Park, Quincy, MA 02269-7471, 617-770-3000, <http://www.nfpa.org/>:

(1) NFPA 1001, Standard for Fire Fighter Professional Qualifications, 2008 Edition (“NFPA 1001”), incorporation by reference approved for § 155.4050.

(2) NFPA 1005, Standard for Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters, 2007 Edition (“NFPA 1005”), incorporation by reference approved for § 155.4050.

(3) NFPA 1021, Standard for Fire Officer Professional Qualifications, 2003 Edition (“NFPA 1021”), incorporation by reference approved for § 155.4050.

(4) NFPA 1405, Guide for Land-Based Fire Fighters Who Respond to Marine Vessel Fires, 2006 Edition (“NFPA 1405”), incorporation by reference approved for §§ 155.4035 and 155.4050.

(5) NFPA 1561, Standard on Emergency Services Incident Management System, 2008 Edition (“NFPA 1561”), incorporation by reference approved for § 155.4050.

(f) *Oil Companies International Marine Forum (OCIMF)*, 29 Queen Anne’s Gate, London, SW1H 9BU England, <http://www.ocimf.com/>:

(1) Ship to Ship Transfer Guide (Petroleum), Second Edition, 1988, incorporation by reference approved for § 155.1035.

(2) Ship to Ship Transfer Guide (Petroleum), Fourth Edition, 2005, incorporation by reference approved for § 155.5035.

[USCG-1998-3417, 73 FR 80648, Dec. 31, 2008, as amended by USCG-2001-8661, 74 FR 45026, Aug. 31, 2009; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2012-0866, 78 FR 13249, Feb. 27, 2013; USCG-2008-1070, 78 FR 60122, Sept. 30, 2013; USCG-2014-0410, 79 FR 38436, July 7, 2014; USCG-2010-0194, 80 FR 5934, Feb. 4, 2015]

Subpart B—Vessel Equipment

SOURCE: CGD 75-124a, 48 FR 45715, Oct. 6, 1983, unless otherwise noted.

§ 155.200 Definitions.

As used in this subpart:

Inland oil barge means a tank barge carrying oil in bulk as cargo certificated by the Coast Guard under 46 CFR chapter I, subchapter D for river or canal service or lakes, bays, and sounds service.

On-deck spill means a discharge of oil on the deck of a vessel during loading, unloading, transfer, or other shipboard operations. An on-deck spill could result from a leaking fitting, an overflow, a bad connection, or similar operational mishap. The term *on-deck spill* is used to differentiate these operational discharges from those caused by collision or grounding where the hull is punctured and a tank is ruptured, resulting in an uncontrolled discharge of oil into the marine environment.

Offshore oil barge means a tank barge carrying oil in bulk as cargo, including dual-mode integrated tug-barges, certificated by the Coast Guard under 46 CFR chapter I, subchapter D, for navigation in waters outside the Boundary Lines, as defined in 46 CFR part 7, in any ocean or the Gulf of Mexico; any tank barge in Great Lakes service; or any foreign flag tank barge.

Oil tanker means a self-propelled vessel carrying oil in bulk as cargo, including integrated tug-barges designed for push-mode operation.

Vessel carrying oil as secondary cargo means a vessel carrying oil pursuant to a permit issued under 46 CFR 30.01-5, 46 CFR 70.05-30, or 46 CFR 90.05-35 or pursuant to an International Oil Pollution Prevention (IOPP) or Noxious Liquid Substance (NLS) certificate required by § 151.33 or § 151.35 of this chapter; or any uninspected vessel that carries oil in bulk as cargo.

[CGD 90-068, 58 FR 67996, Dec. 22, 1993, as amended by USCG-2001-9046, 67 FR 58524, Sept. 17, 2002; 73 FR 79316, Dec. 29, 2008]

§ 155.205 Discharge removal equipment for vessels 400 feet or greater in length.

(a) Oil tankers and offshore oil barges with an overall length of 400 feet or more must carry appropriate equipment and supplies for the containment and removal of on-deck oil cargo spills of at least 12 barrels.

(b) The equipment and supplies must include—

- (1) Sorbents;
- (2) Non-sparking hand scoops, shovels, and buckets;
- (3) Containers suitable for holding recovered waste;
- (4) Emulsifiers for deck cleaning;
- (5) Protective clothing;
- (6) A minimum of one non-sparking portable pump with hoses; and
- (7) Scupper plugs.

(c) During cargo transfer operations, the equipment and supplies must remain ready for immediate use.

[CGD 90-068, 58 FR 67996, Dec. 22, 1993, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 155.210 Discharge removal equipment for vessels less than 400 feet in length.

(a) Oil tankers and offshore oil barges with an overall length of less than 400 feet must carry appropriate equipment and supplies for the containment and removal of on-deck oil spills of at least 7 barrels.

(b) The equipment and supplies must include—

- (1) Sorbents;
- (2) Non-sparking hand scoops, shovels, and buckets;
- (3) Containers suitable for holding recovered waste;
- (4) Emulsifiers for deck cleaning;

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- (5) Protective clothing;
- (6) A minimum of one non-sparking portable pump with hoses; and
- (7) Scupper plugs.

(c) During cargo transfer operations, the equipment and supplies must remain ready for immediate use.

[CGD 90-068, 58 FR 67996, Dec. 22, 1993, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 155.215 Discharge removal equipment for inland oil barges.

(a) During cargo transfer operations, inland oil barges must have appropriate equipment and supplies ready for immediate use to control and remove on-deck oil cargo spills of at least one barrel.

(b) The equipment and supplies must include—

- (1) Sorbents;
- (2) Non-sparking hand scoops, shovels, and buckets;
- (3) Containers suitable for holding recovered waste;
- (4) Emulsifiers for deck cleaning; and
- (5) Protective clothing.

(c) The oil barge owner or operator may rely on equipment available at the transfer facility receiving from or discharging to the barge, provided the barge owner or operator has prearranged for the use of the equipment by contract or other means approved by the Coast Guard.

[CGD 90-068, 58 FR 67996, Dec. 22, 1993, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 155.220 Discharge removal equipment for vessels carrying oil as secondary cargo.

(a) Vessels carrying oil as secondary cargo must carry appropriate equipment and supplies for the containment and removal of on-deck oil cargo spills of at least one-half barrel.

(b) The equipment and supplies must include—

- (1) Sorbents;
- (2) Non-sparking hand scoops, shovels, and buckets;
- (3) Containers suitable for holding recovered waste;
- (4) Emulsifiers for deck cleaning; and
- (5) Protective clothing

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(c) The equipment and supplies must be ready for immediate use during cargo transfer operations.

[CGD 90-068, 58 FR 67996, Dec. 22, 1993, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 155.225 Internal cargo transfer capability.

Oil tankers and offshore oil barges must carry suitable hoses and reducers for internal transfer of cargo to tanks or other spaces within the cargo block, unless the vessel's installed cargo piping system is capable of performing this function.

[CGD 90-068, 58 FR 67996, Dec. 22, 1993, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 155.230 Emergency control systems for tank barges.

(a) *Application.* This section does not apply to foreign vessels engaged in innocent passage (that is, neither entering nor leaving a U.S. port); it applies to tank barges and vessels towing them on the following waters:

(1) On the territorial sea of the U.S. [as defined in Presidential Proclamation 5928 of December 27, 1988, it is the belt of waters 12 nautical miles wide with its shoreward boundary the baseline of the territorial sea], unless—

(i) The barge is being pushed ahead of, or towed alongside, the towing vessel; and

(ii) The barge's coastwise route is restricted, on its certificate of inspection (COI), so the barge may operate "in fair weather only, within 20 miles of shore," or with words to that effect. The Officer in Charge, Marine Inspection, may define "fair weather" on the COI.

(2) In Great Lakes service unless—

(i) The barge is being pushed ahead of, or towed alongside, the towing vessel; and

(ii) The barge's route is restricted, on its certificate of inspection (COI), so the barge may operate "in fair weather only, within 5 miles of a harbor," or with words to that effect. The Officer in Charge, Marine Inspection, may define "fair weather" on the COI.

(3) On Long Island Sound. For the purposes of this section, Long Island Sound comprises the waters between

the baseline of the territorial sea on the eastern end (from Watch Hill Point, Rhode Island, to Montauk Point, Long Island) and a line drawn north and south from Premium Point, New York (about 40°54.5' N, 73°45.5' W), to Hewlett Point, Long Island (about 40°50.5' N, 73°45.3' W), on the western end.

(4) In the Strait of Juan de Fuca.

(5) On the waters of Admiralty Inlet north of Marrowstone Point (approximately 48°06' N, 122°41' W).

(b) *Safety program.* If you are the owner or operator of a single-hull tank barge or of a vessel towing it, you must adequately man and equip either the barge or the vessel towing it so the crew can arrest the barge by employing *Measure 1*, described in paragraph (b)(1) of this section. Moreover, the crew must be able to arrest or retrieve the barge by employing either *Measure 2* or *Measure 3*, described in paragraphs (b)(2) and (3) of this section, respectively. If you are the owner or operator of a double-hull tank barge, you must adequately equip it and train its crew or, if it is unmanned, train the crew of the vessel towing it, so the crew can retrieve the barge by employing *Measure 2* described in paragraph (b)(2) of this section.

(1) *Measure 1.* Each single-hull tank barge, whether manned or unmanned, must be equipped with an operable anchoring system that conforms to 46 CFR 32.15-15; except that, for barges operating only on the West Coast of the U.S., a system comprising heavy surge gear and bridle legs may serve instead of the anchoring system. Because these systems will also serve as emergency control systems, the owner or operator must ensure that they meet the following criteria:

(i) *Operation and performance.* When the barge is underway—

(A) The system is ready for immediate use;

(B) No more than two crewmembers are needed to operate the system and anchor the barge or arrest its movement;

(C) While preparing to anchor the barge or arrest its movement, the operator of the system should confer with the master or mate of the towing ves-

sel regarding appropriate length of cable or chain to use; and

(D) Each operator of the system should wear a safety belt or harness secured by a lanyard to a lifeline, drop line, or fixed structure such as a welded padeye, if the sea or the weather warrants this precaution. Each safety belt, harness, lanyard, lifeline, and drop line must meet the specifications of ANSI A10.14 (incorporated by reference, see §155.140).

(ii) *Maintenance and inspections.* The owner or operator of the system shall inspect it annually. The inspection must verify that the system is ready for immediate use, and must include a visual inspection of the equipment that comprises the system in accordance with the manufacturer's recommendations. The inspection must also verify that the system is being maintained in accordance with the manufacturer's recommendations. The inspection need not include actual demonstration of the operation of the equipment or system.

(iii) *Training.* On each manned barge, every crewmember must be thoroughly familiar with the operation of the system. On each vessel towing an unmanned barge, every deck crewmember must be thoroughly familiar with the operation of the system installed on the barge. If during the last 12 months the system was not used to anchor or arrest the movement of the barge, then a drill on the use of the system must be conducted within the next month. The drill need not involve actual deployment of the system. However, it must allow every participant to demonstrate the competencies (that is, the knowledge, skills, and abilities) needed to ensure that everyone assigned a duty in anchoring or arresting the movement of the barge is ready to do his or her duty.

(2) *Measure 2.* If you are the owner or operator of a tank barge or a vessel towing it and this section applies to you by virtue of paragraph (a) of this section, you must have installed an emergency retrieval system or some other measure acceptable to the Coast Guard, as provided in paragraph (b)(3) of this section. Any such system must meet the following criteria:

(i) *Design.* The system must use an emergency towline with *at least* the same pulling strength as required of the primary towline. The emergency towline must be readily available on either the barge or the vessel towing it. The towing vessel must have on board equipment to regain control of the barge and continue towing (using the emergency towline), without having to place personnel on board the barge.

(ii) *Operation and performance.* The system must use a stowage arrangement that ensures the readiness of the emergency towline and the availability of all retrieval equipment for immediate use in an emergency whenever the barge is being towed astern.

(iii) *Maintenance and inspection.* The owner or operator of the system shall inspect it annually. The inspection must verify that the emergency retrieval system is ready for immediate use, and must include a visual inspection of the equipment that comprises the system in accordance with the manufacturer's recommendations. The inspection must also verify that the system is being maintained in accordance with the manufacturer's recommendations. The inspection need not include actual demonstration of the operation of the equipment or system. Details concerning maintenance of toelines appear in 33 CFR 164.74(a)(3) and Navigation and Vessel Inspection Circular (NVIC) No. 5-92. Our NVICs are available online at <http://www.uscg.mil/hq/g-m/nvic/index.htm>.

(iv) *Training.* Barge-retrieval drills must take place annually, and not more than one month after a master or mate responsible for supervising barge retrieval begins employment on a vessel that tows tank barges.

(A) Each drill must allow every participant to demonstrate the competencies (that is, the knowledge, skills, and abilities) needed to ensure that everyone assigned a duty in barge retrieval is ready to do his or her part to regain control of a drifting barge.

(B) If the drill includes actual operation of a retrieval system, it must be conducted under the supervision of the master or mate responsible for retrieval, and preferably in open waters free from navigational hazards so as to

minimize risk to personnel and the environment.

(3) *Measure 3.* If you are the owner or operator of a tank barge or a vessel towing it and this section applies to you by virtue of paragraph (a) of this section, you may use an alternative measure or system fit for retrieving a barge or arresting its movement as a substitute for Measure 2, described in paragraph (b)(2) of this section. Before you use such a measure or system, however, it must receive the approval of the Commandant (CG-ENG). It will receive this approval if it provides protection against grounding of the tank vessel comparable to that provided by one of the other two measures described in this section.

[USCG-1998-4443, 65 FR 31811, May 19, 2000, as amended by USCG-2001-8661, 74 FR 45026, Aug. 31, 2009; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2014-0410, 79 FR 38436, July 7, 2014]

§ 155.235 Emergency towing capability for oil tankers.

An emergency towing arrangement shall be fitted at both ends on board all oil tankers of not less than 20,000 deadweight tons (dwt), constructed on or after September 30, 1997. For oil tankers constructed before September 30, 1997, such an arrangement shall be fitted at the first scheduled dry-docking, but not later than January 1, 1999. The design and construction of the towing arrangement shall be in accordance with IMO resolution MSC.35(63) (incorporated by reference; see §155.140).

[USCG-2001-8661, 74 FR 45026, Aug. 31, 2009]

§ 155.240 Damage stability information for oil tankers and offshore oil barges.

(a) Owners or operators of oil tankers and offshore oil barges shall ensure that their vessels have prearranged, prompt access to computerized, shore-based damage stability and residual structural strength calculation programs.

(b) Vessel baseline strength and stability characteristics must be pre-entered into such programs and be consistent with the vessel's existing configuration.

(c) Access to the shore-based calculation program must be available 24 hours a day.

(d) At a minimum, the program must facilitate calculation of the following:

(1) Residual hull girder strength based on the reported extent of damage.

(2) Residual stability when the vessel's compartments are breached.

(3) The most favorable off-loading, ballasting, or cargo transfer sequences to improve residual stability, reduce hull girder stresses, and reduce ground-force reaction.

(4) The bending and shear stresses caused by pinnacle loads from grounding or stranding.

[CGD 90-068, 58 FR 67996, Dec. 22, 1993, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 155.245 Damage stability information for inland oil barges.

(a) Owners or operators of inland oil barges shall ensure that the vessel plans necessary to perform salvage, stability, and residual hull strength assessments are maintained at a shore-based location.

(b) Access to the plans must be available 24 hours a day.

[CGD 90-068, 58 FR 67997, Dec. 22, 1993, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 155.250 Oil fuel tank protection.

Each ship with an aggregate oil fuel capacity of 600 cubic meters or more that is delivered on or after August 1, 2010, must meet the minimum standard of oil fuel tank protection required by Annex I, Regulation 12A (incorporated by reference, see §155.140).

[USCG-2010-0194, 80 FR 5934, Feb. 4, 2015]

§ 155.310 Containment of oil and hazardous material cargo discharges.

(a) A tank vessel with a capacity of 250 or more barrels that is carrying oil or hazardous material as cargo must have—

(1) Under or around each loading manifold and each transfer connection point, a fixed container or enclosed deck area that, in all conditions of ship list or trim encountered during the

loading operation, has a capacity of at least:

(i) One half barrel if it serves one or more hoses with an inside diameter of 2 inches or less, or one or more loading arms with a nominal pipe size diameter of 2 inches or less;

(ii) One barrel if it serves one or more hoses with an inside diameter of more than 2 inches but less than 4 inches, or one or more loading arms with a nominal pipe size diameter of more than 2 inches but less than 4 inches;

(iii) Two barrels if it serves one or more hoses with an inside diameter of 4 inches or more, but less than 6 inches, or one or more loading arms with a nominal pipe size diameter of 4 inches or more, but less than 6 inches;

(iv) Three barrels if it serves one or more hoses with an inside diameter of 6 inches or more, but less than 12 inches, or one or more loading arms with a nominal pipe size diameter of 6 inches or more, but less than 12 inches; or

(v) Four barrels if it serves one or more hoses with an inside diameter of 12 inches or more, or one or more loading arms with a nominal pipe size diameter of 12 inches or more;

(2) A means of draining or removing discharged oil or hazardous material from each container or enclosed deck area without discharging the oil or hazardous material into the water; and

(3) A mechanical means of closing each drain and scupper in the container or enclosed deck area required by this section.

(b) An offshore tank barge with a cargo capacity of 250 or more barrels that is carrying hazardous material as cargo and an inland tank barge with the capacity of 250 or more barrels that is carrying oil or a hazardous material as cargo must meet paragraph (a) of this section or be equipped with—

(1) A coaming, at least 4 inches high but not more than 8 inches high, enclosing the immediate area of the cargo hatches, loading manifolds, and transfer connections, that has a capacity, in all conditions of vessel list and trim to be encountered during the loading operation, of at least one-half barrel per hatch, manifold, and connection within the enclosed area;

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(2) A fixed or portable container under each loading manifold and each transfer connection within the coaming, that holds at least one-half barrel;

(3) A mechanical means of closing each drain and scupper within the coaming; and

(4) A means of draining or removing discharged oil or hazardous material from the fixed or portable container and from within the coamings without discharging the oil or hazardous material into the water.

(c) All oil tankers and offshore oil barges with a cargo capacity of 250 or more barrels must have peripheral coamings, including port and starboard coamings and forward and aft athwartships coamings, completely enclosing the cargo deck area, cargo hatches, manifolds, transfer connections, and any other openings where cargo may overflow or leak.

(1) Coamings must be at least 4 inches high except in the aft corners.

(2) In the aft corners (port and starboard) of a vessel, the coamings must be at least 8 inches high and extend—

(i) Forward at least 14 feet from each corner; and

(ii) Inboard at least 8 feet from each corner.

(3) Each area enclosed by the coaming required under this paragraph must have—

(i) A means of draining or removing oil from the enclosed deck area without discharging oil into the water; and

(ii) A mechanical means of closing each drain and scupper in the enclosed deck-area.

(4) For a tankship, as defined in 46 CFR 30.10-67, the coaming or other barrier required in 46 CFR 32.56-15 may serve as the aft athwartships coaming if the tankship is otherwise in compliance with the requirements of this section.

(d) In addition to the requirements of paragraphs (a) and (b) of this section, an offshore oil barge with a cargo capacity of 250 or more barrels must have—

(1) A fixed or portable container that holds at least one-half barrel under each oil loading manifold and each oil transfer connection within the coaming;

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(2) A mechanical means of closing each drain and scupper within the coaming; and

(3) A means of draining or removing discharged oil from the fixed or portable container and from within the coaming without discharging the oil into the water.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990; CGD 90-068, 58 FR 67997, Dec. 22, 1993; USCG-1998-3799, 63 FR 35531, June 30, 1998]

§ 155.320 Fuel oil and bulk lubricating oil discharge containment.

(a) A ship of 300 gross tons or more constructed after June 30, 1974 must have a fixed container or enclosed deck area under or around each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe, that:

(1) For a ship of 300 or more but less than 1600 gross tons has a capacity of at least one-half barrel; and

(2) For a ship of 1600 or more gross tons has a capacity of one barrel.

(b) A ship of 100 gross tons or more constructed before July 1, 1974, and a ship of 100 or more but less than 300 gross tons constructed after June 30, 1974 must:

(1) Meet paragraph (a)(1) of this section; or

(2) Equip each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe during oil transfer operations with a portable container of at least a 5 U.S. gallon capacity; or

(3) If the ship has a fill fitting for which containment is impractical, use an automatic back pressure shut-off nozzle.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

§ 155.330 Oily mixture (bilge slops)/fuel oil tank ballast water discharges on U.S. non-oceangoing ships.

(a) No person may operate a U.S. non-oceangoing ship in the navigable waters of the United States, unless it has the capacity to retain on board all oily mixtures and is equipped to discharge these oily mixtures to a reception facility.

(b) A U.S. non-oceangoing ship may retain all oily mixtures on board in the

ship's bilges. An oil residue (sludge) tank is not required.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by USCG-2000-7641, 66 FR 55571, Nov. 2, 2001]

§ 155.350 Oily mixture (bilge slops)/fuel oil tank ballast water discharges on oceangoing ships of less than 400 gross tons.

(a) No person may operate an oceangoing ship of less than 400 gross tons, unless it either:

(1) Has the capacity to retain on board all oily mixtures and is equipped to discharge these oily mixtures to a reception facility; or

(2) Has approved oily-water separating equipment for processing oily mixtures from bilges or fuel oil tank ballast and discharges into the sea according to § 151.10 of this chapter.

(3) For equipment installed after 2004 to be approved under paragraph (a)(2) of this section, it must meet current standards in 46 CFR part 162, subpart 162.050 by the date set forth in paragraphs (a)(3)(i) and (a)(3)(ii) of this section, unless the equipment is installed on a ship constructed before 2005 and it would be unreasonable or impracticable to meet those current standards.

(i) A ship entering international service for the first time since 2004, must comply with the requirements of paragraph (a)(3) of this section by the date of its initial survey prior to receiving its International Oil Pollution Prevention (IOPP) certificate.

(ii) Any ship, other than a ship described in paragraph (a)(3)(i) of this section, must comply with the requirements of paragraph (a)(3) of this section by the date of the ship's first drydock after October 13, 2009.

(b) An oceangoing ship of less than 400 gross tons may retain all oily mixtures on board in the ship's bilges. An oil residue (sludge) tank is not required.

(c) This section does not apply to a barge that is not equipped with an installed bilge pumping system for discharge into the sea.

(d) This section does not apply to a fixed or floating drilling rig or other platform.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by CGD 88-002, 54 FR 18407, Apr. 28, 1989; CGD 97-023, 62 FR 33364, June 19, 1997; USCG-1998-3799, 63 FR 35531, June 30, 1998; USCG-2000-7641, 66 FR 55571, Nov. 2, 2001; USCG-2004-18939, 74 FR 3377, Jan. 16, 2009; 74 FR 52418, Oct. 13, 2009]

§ 155.360 Oily mixture (bilge slops) discharges on oceangoing ships of 400 gross tons and above but less than 10,000 gross tons, excluding ships that carry ballast water in their fuel oil tanks.

(a)(1) Except as provided in paragraph (a)(3) of this section, no person may operate an oceangoing ship of 400 gross tons and above but less than 10,000 gross tons, excluding a ship that carries ballast water in its fuel oil tanks, unless it is fitted with approved 15 parts per million (ppm) oily-water separating equipment for the processing of oily mixtures from bilges or fuel oil tank ballast.

(2) For equipment installed after 2004 to be approved under paragraph (a)(1) of this section, it must meet current standards in 46 CFR part 162, subpart 162.050 by the date set forth in paragraphs (a)(2)(i) and (a)(2)(ii) of this section, unless the equipment is installed on a ship constructed before 2005 and it would be unreasonable or impracticable to meet those current standards.

(i) A ship entering international service for the first time since 2004, must comply with the requirements of paragraph (a)(2) of this section by the date of its initial survey prior to receiving its International Oil Pollution Prevention (IOPP) certificate.

(ii) Any ship, other than a ship described in paragraph (a)(2)(i) of this section, must comply with the requirements of paragraph (a)(2) of this section by the date of the ship's first drydock after October 13, 2009.

(3) Any ship certified under the International Code of Safety for High-Speed Craft engaged on a scheduled service with a turn-around time not exceeding 24 hours and covering also non-passenger/cargo-carrying relocation voyages for these ships need not be provided with oil filtering equipment. These ships must be fitted with an oily

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bilge water holding tank having a volume adequate for the total retention onboard of the oily bilge water. All oily bilge water must be retained onboard for subsequent discharge to reception facilities.

(b) No person may operate a ship under this section unless it is fitted with an oil residue (sludge) tank or tanks of adequate capacity to receive the oil residue that cannot be dealt with otherwise.

(1) In new ships such tanks shall be designed and constructed to facilitate cleaning and the discharge of the oily residues to reception facilities. Existing ships shall comply with this requirement as far as reasonable and practicable.

(2) Tanks used for oily mixtures on ships certificated under 46 CFR Chapter I shall meet the requirements of 46 CFR 56.50-50(h) for isolation between oil and bilge systems.

(3) Ships subject to this section must—

(i) Be provided with a designated pump for disposal that is capable of taking suction from the oil residue (sludge) tank(s); and

(ii) Have no discharge connections to the bilge system, oily bilge water holding tank(s), tank top or oily water separators except that the tank(s) may be fitted with drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, that lead to an oily bilge water holding tank or bilge well, or an alternative arrangement, provided such arrangement does not connect directly to the bilge piping system.

(c) No person may operate a ship unless it is equipped with a pipeline to discharge oily mixtures to a reception facility.

(d) This section does not apply to a barge that is not equipped with an installed bilge pumping system for discharge into the sea.

(e) This section does not apply to a fixed or floating drilling rig or other

platform, except as specified in § 155.400(a)(2).

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998; USCG-2000-7641, 66 FR 55571, Nov. 2, 2001; USCG-2004-18939, 74 FR 3377, Jan. 16, 2009; 74 FR 52418, Oct. 13, 2009; USCG-2010-0194, 80 FR 5934, Feb. 4, 2015]

§ 155.370 Oily mixture (bilge slops)/fuel oil tank ballast water discharges on oceangoing ships of 10,000 gross tons and above and oceangoing ships of 400 gross tons and above that carry ballast water in their fuel oil tanks.

(a) Except as provided in paragraph (a)(5) of this section, no person may operate an oceangoing ship of 10,000 gross tons and above, or any oceangoing ship of 400 gross tons and above, that carries ballast water in its fuel oil tanks, unless it has—

(1) Approved 15 ppm oily-water separating equipment for the processing of oily mixtures from bilges or fuel oil tank ballast;

(2) A bilge alarm; and

(3) A means for automatically stopping any discharge of oily mixture when the oil content in the effluent exceeds 15 ppm.

(4) For equipment installed after 2004 to be approved under paragraph (a) of this section, it must meet current standards in 46 CFR part 162, subpart 162.050 by the date set forth in paragraphs (a)(4)(i) and (a)(4)(ii) of this section, unless the equipment is installed on a ship constructed before 2005 and it would be unreasonable or impracticable to meet those current standards.

(i) A ship entering international service for the first time since 2004, must comply with the requirements of paragraph (a)(4) of this section by the date of its initial survey prior to receiving its International Oil Pollution Prevention (IOPP) certificate.

(ii) Any ship, other than a ship described in paragraph (a)(4)(i) of this section, must comply with the requirements of paragraph (4) of this section by the date of the ship's first drydock after October 13, 2009.

(5) Any ship certified under the International Code of Safety for High-Speed Craft engaged on a scheduled service with a turn-around time not exceeding

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24 hours and covering also non-passenger/cargo-carrying relocation voyages for these ships need not be provided with oil filtering equipment. These ships must be fitted with an oily bilge water holding tank having a volume adequate for the total retention onboard of the oily bilge water. All oily bilge water must be retained onboard for subsequent discharge to reception facilities.

(b) No person may operate a ship under this section unless it is fitted with an oil residue (sludge) tank or tanks of adequate capacity to receive the oil residue that cannot be dealt with otherwise.

(1) In new ships such tanks shall be designed and constructed to facilitate cleaning and the discharge of the oil residue to reception facilities. Existing ships shall comply with this requirement as far as reasonable and practicable.

(2) Tanks used for oily mixtures on ships certificated under 46 CFR Chapter I shall meet the requirements of 46 CFR 56.50–50(h) for isolation between oil and bilge systems.

(3) Ships subject to this section must—

(i) Be provided with a designated pump for disposal that is capable of taking suction from the oil residue (sludge) tank(s); and

(ii) Have no discharge connections to the bilge system, oily bilge water holding tank(s), tank top or oily water separators except that the tank(s) may be fitted with drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, that lead to an oily bilge water holding tank or bilge well, or an alternative arrangement, provided such arrangement does not connect directly to the bilge piping system.

(c) No person may operate a ship under this section unless it is equipped with a pipeline to discharge oily mixtures to a reception facility.

(d) This section does not apply to a barge that is not equipped with an installed bilge pumping system for discharge into the sea.

(e) This section does not apply to a fixed or floating drilling rig or other

platform, except as specified in § 155.400(a)(2).

(Approved by the Office of Management and Budget under control number 1625–0009)

[CGD 75–124a, 48 FR 45715, Oct. 6, 1983, as amended by USCG–1998–3799, 63 FR 35531, June 30, 1998; USCG–2000–7641, 66 FR 55571, Nov. 2, 2001; USCG–2006–25150, 71 FR 39210, July 12, 2006; USCG–2004–18939, 74 FR 3377, Jan. 16, 2009; 74 FR 52418, Oct. 13, 2009; USCG–2010–0194, 80 FR 5934, Feb. 4, 2015]

§ 155.380 Oily water separating equipment and bilge alarm approval standards.

(a) On U.S. inspected ships, oily water separating equipment and bilge alarms must be approved under 46 CFR 162.050.

(b) On U.S. uninspected ships and foreign ships, oily water separating equipment and bilge alarms must be approved under either 46 CFR 162.050 or MARPOL 73/78 Annex I.

NOTE TO § 155.380(b): A copy of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78) may be purchased from the International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 75R, United Kingdom, Telex 23588; see also <http://www.imo.org>.

(c) A ship that is required to have a bilge alarm may defer installment and use a previously installed bilge monitor provided the bilge monitor met Coast Guard approval requirements at the time of its installation and it does not allow more than a 15 ppm oil content in water discharge.

(d) The accuracy of the bilge alarms must be checked at IOPP Certificate renewal surveys according to the manufacturer's instructions. Alternatively, the unit may be replaced by a calibrated bilge alarm. The calibration certificate for the bilge alarm, which certifies the date of the last calibration check, should be retained onboard for inspection purposes. The accuracy checks can only be done by the manufacturer or persons authorized by the manufacturer.

(e) Ship staff training must include familiarization in the operation and maintenance of the equipment.

(f) The routine maintenance of the oily water separating equipment and

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the bilge alarm must be clearly defined by the manufacturer in the associated operating and maintenance manuals. All routine and repair maintenance must be recorded.

[USCG-2004-18939, 74 FR 3377, Jan. 16, 2009]

§ 155.400 Platform machinery space drainage on oceangoing fixed and floating drilling rigs and other platforms.

(a) No person may operate an oceangoing fixed or floating drilling rig or other platform unless it either—

(1) Complies with the oily-water separating equipment requirements of a valid National Pollutant Discharge Elimination System (NPDES) permit issued in accordance with section 402 of the Clean Water Act and 40 CFR Chapter I;

(2) Complies with the oily-water separating equipment requirements for oceangoing ships of 400 gross tons and above as set forth in either §155.360 or §155.370; or

(3) Is not equipped with an installed bilge pumping system for discharge of oily mixtures from platform machinery spaces into the sea and has the capacity to retain on board all of these oily mixtures and is equipped to discharge these mixtures for transport to a reception facility.

(b) When an oceangoing fixed or floating drilling rig or other platform is in a special area, is not proceeding en route, or is within 12 nautical miles of the nearest land; it must either—

(1) Have the capacity to retain on board all machinery space oily mixtures from platform machinery space drainage and be equipped to discharge these mixtures for transport to a reception facility; or

(2) Discharge in accordance with §151.10 (b)(3), (b)(4), and (b)(5) of this chapter, provided the drilling rig or platform is not within a special area.

(c) Paragraph (b) of this section does not apply to a fixed or floating drilling rig or other platform that is operating under an NPDES permit.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by CGD 88-002, 54 FR 18407, Apr. 28, 1989; CGD 94-056, 60 FR 43378, Aug. 21, 1995; USCG-1998-3799, 63 FR 35531, June 30, 1998]

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§ 155.410 Pumping, piping and discharge requirements for non-oceangoing ships of 100 gross tons and above.

(a) No person may operate a non-oceangoing ship of 100 gross tons and above that is fitted with main or auxiliary machinery spaces in the navigable waters of the United States unless:

(1) The ship has at least one pump installed to discharge oily mixtures through a fixed piping system to a reception facility;

(2) The piping system required by this section has at least one outlet that is accessible from the weather deck;

(3) Each outlet required by this section has a shore connection that is compatible with reception facilities in the ship's area of operation; and

(4) The ship has a stop valve for each outlet required by this section.

(b) Paragraph (a) of this section does not apply to a ship that has approved oily-water separating equipment for the processing of oily mixtures from bilges or fuel oil tank ballast.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by USCG-2000-7641, 66 FR 55572, Nov. 2, 2001]

§ 155.420 Pumping, piping and discharge requirements for oceangoing ships of 100 gross tons and above but less than 400 gross tons.

(a) No person may operate an oceangoing ship of 100 gross tons and above but less than 400 gross tons that is fitted with main or auxiliary machinery spaces unless:

(1) The ship has at least one pump installed to discharge oily mixtures through a fixed piping system to a reception facility;

(2) The piping system required by this section has at least one outlet accessible from the weather deck;

(3) For a ship on an international voyage, the outlet required by this section has a shore connection that meets the specifications in §155.430, or the ship has at least one adapter that meets the specifications in §155.430 and fits the required outlets;

(4) For a ship not on an international voyage, the outlet required by this section has a shore connection that is compatible with reception facilities in the ship's area of operation;

(5) The ship has a means on the weather deck near the discharge outlet to stop each pump that is used to discharge oily mixtures; and

(6) The ship has a stop valve installed for each outlet required by this section.

(b) Paragraph (a) of this section does not apply to a ship that has approved oily-water separating equipment for the processing of oily mixtures from bilges or fuel oil tank ballast.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by USCG-2000-7641, 66 FR 55572, Nov. 2, 2001]

§ 155.430 Standard discharge connections for oceangoing ships of 400 gross tons and above.

(a) All oceangoing ships of 400 gross tons and above must have a standard shore connection for reception facilities to discharge oily mixtures from machinery space bilges or ballast water containing an oily mixture from fuel oil tanks. The discharge connection must have the following dimensions:

(1) Outside diameter = 215 millimeters (mm).

(2) Inner diameter = according to pipe outside diameter.

(3) Bolt circle diameter = 183 mm.

(4) Slots in flange = 6 holes 22 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm.

(5) Flange thickness = 20 mm.

(6) Bolts and nuts, quantity and number = 6 each of 20 mm in diameter and of suitable length.

(b) A portable adapter that meets the specifications of paragraph (a) of this section and that fits the discharge shore connection, for the discharge of oily wastes from machinery space bilges may be substituted for the standard discharge connection requirement of paragraph (a) of this section.

(c) The flange must be designed to accept pipes up to a maximum internal

diameter of 125 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oilproof material, must be suitable for a service pressure of 6 kilograms/square centimeters (kg/cm²).

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by USCG-2000-7641, 66 FR 55572, Nov. 2, 2001]

§ 155.440 Segregation of fuel oil and ballast water on new oceangoing ships of 4,000 gross tons and above, other than oil tankers, and on new oceangoing oil tankers of 150 gross tons and above.

(a) Except as provided for in paragraph (b) of this section, in new oceangoing ships of 4,000 gross tons and above other than oil tankers, and in new oceangoing oil tankers of 150 gross tons and above, ballast water must not be carried in any fuel oil tank.

(b) Where abnormal conditions or the need to carry large quantities of fuel oil render it necessary to carry ballast water that is not a clean ballast in any fuel oil tank, that ballast water must be discharged to reception facilities or into the sea in compliance with part 151 of this chapter using the equipment specified in § 155.370, and an entry shall be made in the Oil Record Book to this effect.

(Approved by the Office of Management and Budget under control number 1625-0009)

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by USCG-2006-25150, 71 FR 39210, July 12, 2006]

§ 155.450 Placard.

(a) A ship, except a ship of less than 26 feet in length, must have a placard of at least 5 by 8 inches, made of durable material fixed in a conspicuous place in each machinery space, or at the bilge and ballast pump control station, stating the following:

DISCHARGE OF OIL PROHIBITED

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States, or the waters of the contiguous zone, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, if such discharge causes a film or discoloration of the surface of the

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water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil penalties and/or criminal sanctions including fines and imprisonment.

(b) Existing stocks of placards may be used for the life of the placard.

(c) The placard required by paragraph (a) or (b) of this section must be printed in the language or languages understood by the crew.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by CGD 93-054, 58 FR 62262, Nov. 26, 1993]

§ 155.470 Prohibited spaces.

(a) In a ship of 400 gross tons and above, for which the building contract is placed after January 1, 1982 or, in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after July 1, 1982, oil or hazardous material must not be carried in a forepeak tank or a tank forward of the collision bulkhead.

(b) A self-propelled ship of 300 gross tons and above, to which paragraph (a) of this section does not apply, may not carry bulk oil or hazardous material in any space forward of a collision bulkhead except:

(1) For a ship constructed after June 30, 1974, fuel oil for use on the ship may be carried in tanks forward of a collision bulkhead, if such tanks are at least 24 inches inboard of the hull structure; or

(2) For a ship constructed before July 1, 1974, fuel oil for use on the ship may be carried in tanks forward of a collision bulkhead, if such tanks were designated, installed, or constructed for fuel oil carriage before July 1, 1974.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990]

§ 155.480 Overfill devices.

(a) For the purposes of this section, “oil” has the same definition as provided in §151.05 of this chapter.

(b) Each tank vessel with a cargo capacity of 1,000 or more cubic meters (approximately 6,290 barrels), loading oil or oil residue as cargo, must have one overfill device that is permanently installed on each cargo tank and meets the requirements of this section.

(1) On a tankship, each cargo tank must be equipped with an overfill device (including an independent audible alarm or visible indicator for that tank) that meets the requirements for tank overfill alarms under 46 CFR 39.20-7(b)(2) and (3), and (d)(1) through (d)(4).

(2) On a tank barge, each cargo tank must be equipped with an overfill device that—

(i) Meets the requirements of 46 CFR 39.2007(b)(2) through (b)(4), (d)(1) through (d)(4), and 46 CFR 39.2009(a)(1);

(ii) Is an installed automatic shutdown system that meets the requirements of 46 CFR 39.2009(a)(2); or

(iii) Is an installed high-level indicating device that meets the requirements of 46 CFR 39.2003(b)(1), (2), and (3).

(c) Each cargo tank of a U.S. flag tank vessel must have installed on it an overfill device meeting the requirements of this section at the next scheduled cargo tank internal examination performed on the vessel under 46 CFR 31.10-21.

(d) Each cargo tank of a foreign flag tank vessel must have installed on it an overfill device—

(1) At the first survey that includes dry docking, as required by the vessel’s flag administration, to meet the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, or the International Load Line Convention of 1966; or

(2) At the first cargo tank internal examination performed on the tank vessel under 46 CFR 31.10-21.

(e) This section does not apply to a tank vessel that does not meet the double hull requirements of §157.10d of this chapter and, under 46 U.S.C. 3703a(c), may not operate in the navigable waters or Exclusive Economic Zone of the United States after January 1, 2000.

(f) This section does not apply to tank vessels that carry asphalt, animal fat, or vegetable oil as their only cargo.

[CGD 90-071a, 59 FR 53290, Oct. 21, 1994, as amended by CGD 90-071a, 62 FR 48773, Sept. 17, 1997; USCG-2015-0433, 80 FR 44282, July 27, 2015; USCG-2016-0498, 82 FR 35082, July 28, 2017]

§ 155.490 [Reserved]

Subpart C—Transfer Personnel, Procedures, Equipment, and Records**§ 155.700 Designation of person in charge.**

Each operator or agent of a vessel with a capacity of 250 or more barrels of fuel oil, cargo oil, hazardous material, or liquefied gas as regulated in Table 4 of 46 CFR part 154, or each person who arranges for and hires a person to be in charge of a transfer of fuel oil, of a transfer of liquid cargo in bulk, or of cargo-tank cleaning, shall designate, either by name or by position in the crew, the person in charge (PIC) of each transfer to or from the vessel and of each tank-cleaning.

[CGD 79-116, 62 FR 25126, May 8, 1997]

§ 155.710 Qualifications of person in charge.

(a) On each tankship required to be documented under the laws of the United States, the operator or agent of the vessel, or the person who arranges and hires a person to be in charge either of a transfer of liquid cargo in bulk or of cargo-tank cleaning, shall verify to his or her satisfaction that each person designated as a PIC—

(1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the Crude-Oil Washing (COW), inert-gas, and vapor-control systems—to safely conduct a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning;

(2) Except as provided in paragraph (g) of this section, holds a license or officer endorsement issued under 46 CFR part 10 authorizing service aboard a vessel certified for voyages beyond any Boundary Line described in 46 CFR part 7, except on tankships or self-propelled tank vessels not certified for

voyages beyond the Boundary Line; and

(3) Except as provided in paragraph (g) of this section and 46 CFR 13.113 (a) or (c), holds a Tankerman-PIC endorsement issued under 46 CFR part 13 that authorizes the holder to supervise the transfer of fuel oil, the transfer of liquid cargo in bulk, or cargo-tank cleaning, as appropriate to the product.

(b) On each tank barge required to be inspected under 46 U.S.C. 3703, the operator or agent of the vessel, or the person who arranges and hires a person to be in charge of a transfer of fuel oil, of a transfer of liquid cargo in bulk, or of cargo-tank cleaning, shall verify to his or her satisfaction that each PIC—

(1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the COW, inert-gas, and vapor-control systems—to safely conduct either a transfer of liquid cargo in bulk or cargo-tank cleaning; and

(2) Except as provided in paragraph (g) of this section and 46 CFR part 13.113 (a) or (c), holds a Tankerman-PIC or Tankerman-PIC (Barge) endorsement issued under 46 CFR part 13 that authorizes the holder to supervise the transfer of fuel oil, the transfer of liquid cargo in bulk, or cargo-tank cleaning, as appropriate to the product and vessel.

(c) On each foreign tankship, the operator or agent of the vessel shall verify to his or her satisfaction that each PIC either of a transfer of liquid cargo in bulk or of cargo-tank cleaning—

(1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged, including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the systems for crude-oil

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washing, inert gas, and vapor control, to safely conduct either a transfer of liquid cargo in bulk or cargo-tank cleaning;

(2) Except as provided in paragraph (g) of this section, holds a license or other document issued by the flag state or its authorized agent authorizing service as master, mate, pilot, engineer, or operator on that vessel;

(3) Except as provided in paragraph (g) of this section, holds a Dangerous-Cargo Endorsement or Certificate issued by a flag state party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), or other form of evidence acceptable to the Coast Guard, attesting the PIC's meeting the requirements of Chapter V of STCW as a PIC of the transfer of fuel oil, of the transfer of liquid cargo in bulk, or of cargo-tank cleaning;

(4) Is capable of reading, speaking, and understanding in English, or a language mutually-agreed-upon with the shoreside PIC of the transfer, all instructions needed to commence, conduct, and complete a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning, except that the use of an interpreter meets this requirement if the interpreter—

(i) Fluently speaks the language spoken by each PIC;

(ii) Is immediately available to the PIC on the tankship at all times during the transfer or cargo-tank cleaning; and

(iii) Is knowledgeable about, and conversant with terminology of, ships, transfers, and cargo-tank cleaning; and

(5) Is capable of effectively communicating with all crewmembers involved in the transfer or cargo-tank cleaning, with or without an interpreter.

(d) On each foreign tank barge, the operator or agent of the vessel shall verify to his or her satisfaction that each PIC either of the transfer of liquid cargo in bulk or of cargo-tank cleaning—

(1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the

cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the COW, inert-gas, and vapor-control systems—to safely conduct a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning;

(2) Except as provided in paragraph (g) of this section, holds a Dangerous-Cargo Endorsement or Certificate issued by a flag state party to STCW, or other form of evidence acceptable to the Coast Guard, attesting the PIC's meeting the requirements of Chapter V of STCW as a PIC of the transfer of fuel oil, of the transfer of liquid cargo in bulk, or of cargo-tank cleaning;

(3) Is capable of reading, speaking, and understanding in English, or a language mutually-agreed-upon with the shoreside PIC of the transfer, all instructions needed to commence, conduct, and complete a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning, except that the use of an interpreter meets this requirement if the interpreter—

(i) Fluently speaks the language spoken by each PIC;

(ii) Is immediately available to the PIC on the tankship at all times during the transfer or cargo-tank cleaning; and

(iii) Is knowledgeable about, and conversant with terminology of, ships, transfers, and cargo-tank cleaning; and

(4) Is capable of effectively communicating with all crewmembers involved in the transfer or cargo-tank cleaning, with or without an interpreter.

(e) The operator or agent of each vessel to which this section applies must verify to his or her satisfaction that the PIC of any transfer of fuel oil requiring a Declaration of Inspection—

(1) On each inspected vessel required by 46 CFR chapter I to have an officer aboard, and on each uninspected vessel, either:

(i) Holds a valid merchant mariner credential issued under 46 CFR chapter I, subchapter B, with an endorsement as master, mate, pilot, engineer, or operator aboard that vessel, or holds a

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valid merchant mariner credential endorsed as Tankerman-PIC; or

(ii) Carries a letter satisfying the requirements of §155.715 and designating him or her as a PIC, unless equivalent evidence is immediately available aboard the vessel or at his or her place of employment.

(2) On each tank barge, for its own engine-driven pumps, either complies with paragraph (e)(1) of this section or has been instructed by the operator or agent of the vessel both in his or her duties and in the Federal statutes and regulations on water pollution that apply to the vessel; or

(3) On each foreign vessel, holds a license or certificate issued by a flag state party to STCW, or other form of evidence acceptable to the Coast Guard, attesting the qualifications of the PIC to act as master, mate, pilot, operator, engineer, or tankerman aboard that vessel.

(f) Except as provided in paragraph (g) of this section, the operator or agent of each self-propelled tank vessel carrying oil or hazardous material in bulk shall verify to his or her satisfaction that the PIC of the transfer of oil or hazardous material in bulk to or from a vessel, or of cargo-tank cleaning, holds a Tankerman-PIC endorsement on his or her MMD or merchant mariner credential and either a license, officer endorsement, or a Certificate issued by a flag state party to STCW authorizing service as a master, mate, pilot, engineer, or operator aboard that vessel.

(g) The PIC of a cargo-tank cleaning on a vessel at a tank-cleaning facility or shipyard need not hold any of the merchant mariner credentials, licenses, documents, certificates, or endorsements required in paragraphs (a) through (f) of this section, if he or she is a National Fire Protection Association Certificated Marine Chemist.

[CGD 79-116, 60 FR 17141, Apr. 4, 1995, as amended by CGD 79-116, 61 FR 25126, May 8, 1997; CGD 79-116, 63 FR 35826, July 1, 1998; USCG-2006-24371, 74 FR 11212, Mar. 16, 2009; USCG-2018-0493, 85 FR 31690, May 27, 2020]

§ 155.715 Contents of letter of designation as a person-in-charge of the transfer of fuel oil.

The letter referenced in §155.710(e)(1) must designate the holder as a person-in-charge of the transfer of fuel oil and state that the holder has received sufficient formal instruction from the operator or agent of the vessel to ensure his or her ability to safely and adequately carry out the duties and responsibilities of the PIC described in 33 CFR 156.120 and 156.150.

[CGD 79-116, 63 FR 35826, July 1, 1998, as amended by USCG-2018-0493, 85 FR 31690, May 27, 2020]

§ 155.720 Transfer procedures.

The operator of a vessel with a capacity of 250 or more barrels of oil, hazardous material, or liquefied gas as regulated in Table 4 of 46 CFR part 154 shall provide transfer procedures that meet the requirements of this part and part 156 of this chapter for transferring—

(a) To or from the vessel; and

(b) From tank to tank within the vessel.

[CGD 86-034, 55 FR 36254, Sept. 4, 1990, as amended by CGD 79-116, 62 FR 25127, May 8, 1997]

§ 155.730 Compliance with transfer procedures.

The vessel operator of each vessel required by §155.720 to have transfer procedures shall maintain them current and shall require vessel personnel to use the transfer procedures for each transfer operation.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990]

§ 155.740 Availability of transfer procedures.

The transfer procedures required by §155.720 must be:

(a) Available for inspection by the COTP or OCMI whenever the vessel is in operation;

(b) Legibly printed in a language or languages understood by personnel engaged in transfer operations; and

(c) Permanently posted or available at a place where the procedures can be easily seen and used by members of the

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crew when engaged in transfer operations.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990]

§ 155.750 Contents of transfer procedures.

(a) The transfer procedures required by §155.720 must contain, either in the order listed or by use of a cross-reference index page:

(1) A list of each product transferred to or from the vessel, including the following information:

- (i) Generic or chemical name;
- (ii) Cargo information as described in §154.310(a)(5)(ii) of this chapter; and
- (iii) Applicability of transfer procedures;

(2) A description of each transfer system on the vessel including:

(i) A line diagram of the vessel's transfer piping, including the location of each valve, pump, control device, vent, and overflow;

(ii) The location of the shutoff valve or other isolation device that separates any bilge or ballast system from the transfer system; and

(iii) A description of and procedures for emptying the discharge containment system required by §§155.310 and 155.320;

(3) The number of persons required to be on duty during transfer operations;

(4) The duties by title of each officer, person in charge, tankerman, deckhand, and any other person required for each transfer operation;

(5) Procedures and duty assignments for tending the vessel's moorings during the transfer of oil or hazardous material;

(6) Procedures for operating the emergency shutdown and communications means required by §§155.780 and 155.785, respectively;

(7) Procedures for topping off tanks;

(8) Procedures for ensuring that all valves used during the transfer operations are closed upon completion of transfer;

(9) Procedures for reporting discharges of oil or hazardous material into the water; and

(10) Procedures for closing and opening the vessel openings in §155.815.

(11) Statements explaining that each hazardous materials transfer hose is marked with either the name of each product which may be transferred through the hose or with letters, numbers or other symbols representing all such products and the location in the transfer procedures where a chart or list of the symbols used and a list of the compatible products which may be transferred through the hose can be found for consultation before each transfer.

(b) Exemptions or alternatives granted must be placed in the front of the transfer procedures.

(c) The vessel operator shall incorporate each amendment to the transfer procedures under §155.760 in the procedures with the related existing requirement, or at the end of the procedures if not related to an existing requirement.

(d) If a vessel is fitted with a vapor control system, the transfer procedures must contain a description of the vapor collection system on the vessel which includes:

(1) A line diagram of the vessel's vapor collection system piping, including the location of each valve, control device, pressure-vacuum relief valve, pressure indicator, flame arresters, and detonation arresters, if fitted;

(2) The location of spill valves and rupture disks, if fitted;

(3) The maximum allowable transfer rate determined in accordance with 46 CFR 39.3001(d)(1) through (3);

(4) The initial transfer rate for each tank that complies with 46 CFR 39.3001(g);

(5) A table or graph of transfer rates and corresponding vapor collection system pressure drops calculated in accordance with 46 CFR 39.3001(c);

(6) The relief settings of each spill valve, rupture disk, and pressure-vacuum relief valve; and

(7) A description of and procedures for operating the vapor collection system, including the:

(i) Pre-transfer equipment inspection requirements;

(ii) Vapor line connection;

(iii) Closed gauging system;

(iv) High level alarm system, if fitted; and

(v) Independent automatic shutdown system, if fitted.

(e) If a cargo tank of a tank vessel is fitted with an overfill device, the transfer procedures must contain a description of the overfill device, including:

(1) The tank overfill device system and specific procedures for the person in charge to—

(i) Monitor the level of cargo in the tank; and

(ii) Shut down transfer operations in time to ensure that the cargo level in each tank does not exceed the maximum amount permitted by §155.775(b).

(2) Pre-transfer overfill device equipment inspection and test requirements.

(Approved by the Office of Management and Budget under control number 1625-0030)

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25445, June 21, 1990; CGD 86-034, 55 FR 36254, Sept. 4, 1990; CGD 92-027, 58 FR 39662, July 26, 1993; CGD 90-071a, 59 FR 53291, Oct. 21, 1994; USCG-2006-25150, 71 FR 39210, July 12, 2006; USCG-1999-5150, 78 FR 42641, July 16, 2013]

§ 155.760 Amendment of transfer procedures.

(a) The COTP or OCMI may require the vessel operator of any vessel that is required to have transfer procedures under §155.720 to amend those procedures if the COTP or OCMI finds that the transfer procedures do not meet the requirements of this part.

(b) The COTP or OCMI shall notify the vessel operator in writing of any inadequacies in the oil transfer procedures. The vessel operator may submit written information, views, and arguments on and proposals for amending the procedures within 14 days from the date of the COTP or OCMI notice. After considering all relevant material presented, the COTP or OCMI shall notify the vessel operator of any amendment required or adopted, or the COTP or OCMI may rescind the notice. The amendment becomes effective 30 days after the vessel operator receives the notice, unless the vessel operator petitions the Commandant to review the COTP or OCMI notice, in which case its effective date is delayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing via the COTP or OCMI who issued the requirement to amend.

(c) If the COTP or OCMI finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge that makes the procedure in paragraph (b) of this section impractical or contrary to the public interest, he or she may issue an amendment effective on the date the vessel operator receives notice of it. In such a case, the COTP or OCMI includes a brief statement of the reasons for the findings in the notice, and the vessel operator may petition the Commandant, in any manner, to review the amendment. The petition does not postpone the amendment.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

§ 155.770 Draining into bilges.

No person may intentionally drain oil or hazardous material from any source into the bilge of a vessel.

[CGD 86-034, 55 FR 36255, Sept. 4, 1990]

§ 155.775 Maximum cargo level of oil.

(a) For the purposes of this section, “oil” has the same meaning as provided in §151.05 of this chapter.

(b) A cargo tank on a tank vessel may not be filled with oil higher than—

(1) 98.5 percent of the cargo tank volume; or

(2) The level at which the overfill alarm required by §155.480 is set.

[CGD 90-071a, 59 FR 53291, Oct. 21, 1994]

§ 155.780 Emergency shutdown.

(a) A tank vessel with a capacity of 250 or more barrels that is carrying oil or hazardous material as cargo must have on board an emergency means to enable the person in charge of a transfer operation to a facility, to another vessel, or within the vessel to stop the flow of oil or hazardous material.

(b) The means to stop the flow may be a pump control, a quick-acting, power actuated valve, or an operating procedure. If an emergency pump control is used, it must stop the flow of oil or hazardous material if the oil or hazardous material could siphon through the stopped pump.

(c) The means to stop the flow must be operable from the cargo deck, cargo control room, or the usual operating

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station of the person in charge of the transfer operation.

[CGD 86-034, 55 FR 36255, Sept. 4, 1990]

§ 155.785 Communications.

(a) During vessel to vessel transfers, each tank vessel with a capacity of 250 or more barrels of cargo that is carrying oil or hazardous material must have a means that enables continuous two-way voice communication between the persons in charge of the transfer operations on both vessels.

(b) Each vessel must have a means, which may be the communication system itself, that enables a person on board each vessel to effectively indicate his desire to use the means of communication required by paragraph (a) of this section.

(c) The means required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all conditions of weather.

(d) Portable radio devices used to comply with paragraph (a) of this section during the transfer of flammable or combustible liquids must be intrinsically safe, as defined in 46 CFR 110.15-100(i), and meet Class I, Division I, Group D requirements as defined in 46 CFR 111.80.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980; 45 FR 43705, June 30, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

§ 155.790 Deck lighting.

(a) A self-propelled vessel with a capacity of 250 or more barrels of oil or hazardous material that is conducting transfer operations between sunset and sunrise must have deck lighting that adequately illuminates—

(1) Each transfer operations work area and each transfer connection point in use on the vessel; and

(2) Each transfer operations work area and each transfer connection point in use on each barge, if any, moored to the vessel to or from which oil or hazardous material is being transferred;

(b) Where the illumination is apparently inadequate the OCM I or COTP may require verification by instrument of the levels of illumination. On a hori-

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zontal plane 3 feet above the deck the illumination must measure at least:

(1) 5.0 foot candles at transfer connection points; and

(2) 1.0 foot candle in transfer operations work areas.

(c) Lighting must be located or shielded so as not to mislead or otherwise interfere with navigation on the adjacent waterways.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

§ 155.800 Transfer hose.

Hose used to transfer oil or hazardous material must meet the requirements of § 154.500 of this chapter.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

§ 155.805 Closure devices.

(a) Each end of each transfer hose on board which is not connected for the transfer of oil or hazardous material must be blanked off with butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the COTP or OCM I.

(b) New, unused hose is exempt from the requirement in paragraph (a) of this section.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

§ 155.810 Tank vessel security.

Operators of tank vessels carrying more oil cargo residue than normal in any cargo tank must assign a surveillance person or persons responsible for maintaining standard vessel security.

[USCG-2000-7641, 66 FR 55572, Nov. 2, 2001]

§ 155.815 Tank vessel integrity.

(a) Except as provided in paragraph (b) of this section, a tank vessel underway or at anchor must have all closure mechanisms on the following openings properly closed:

- (1) Expansion trunk hatches;
- (2) Ullage openings;
- (3) Sounding ports;
- (4) Tank cleaning openings; and
- (5) Any other tank vessel openings that maintain the seaworthy condition

of the tank vessel and prevent the inadvertent release of oil or hazardous material in the event of a tank vessel accident.

(b) No person may open any of the closure mechanisms in paragraph (a) of this section while the tank vessel is underway or at anchor except when authorized and supervised by a licensed or credentialed officer or the tankerman required by 46 CFR 31.15-5(a).

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990; USCG-2006-24371, 74 FR 11212, Mar. 16, 2009]

§ 155.820 Records.

The vessel operator shall keep a written record available for inspection by the COTP or OCMI of:

(a) The name of each person currently designated as a person in charge of transfer operations.

(b) The date and result of the most recent test and inspection of each item tested or inspected as required by § 156.170 of this chapter;

(c) The hose information required by § 154.500(e) and (g) of this chapter unless that information is marked on the hose; and

(d) The Declaration of Inspection as required by § 156.150(f) of this chapter.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

Subpart D—Tank Vessel Response Plans for Oil

SOURCE: CGD 91-034, 61 FR 1081, Jan. 12, 1996, unless otherwise noted.

§ 155.1010 Purpose.

The purpose of this subpart is to establish requirements for oil spill response plans for certain vessels. The planning criteria in this subpart are intended for use in response plan development and the identification of resources necessary to respond to the oil spill scenarios prescribed during the planning process. The development of a response plan prepares the vessel owner or operator and the vessel's crew to respond to an oil spill. The specific criteria for response resources and their

arrival times are not performance standards. They are planning criteria based on a set of assumptions that may not exist during an actual oil spill incident.

§ 155.1015 Applicability.

(a) Except as provided in paragraph (c) of this section, this subpart applies to each vessel that is constructed or adapted to carry, or that carries, oil in bulk as cargo or oil cargo residue, and that—

(1) Is a vessel of the United States;

(2) Operates on the navigable waters of the United States; or

(3) Transfers oil in a port or place subject to the jurisdiction of the United States.

(b) This subpart also applies to vessels which engage in oil lightering operations in the marine environment beyond the baseline from which the territorial sea is measured, when the cargo lightered is destined for a port or place subject to the jurisdiction of the United States.

(c) This subpart does not apply to the following types of vessels:

(1) Public vessels and vessels deemed public vessels under 14 U.S.C. 827.

(2) Vessels that, although constructed or adapted to carry oil in bulk as cargo or oil cargo residue, are not storing or carrying oil in bulk as cargo or oil cargo residue.

(3) Dedicated response vessels when conducting response operations.

(4) Vessels of opportunity when conducting response operations in a response area.

(5) Offshore supply vessels as defined in 46 U.S.C. 2101.

(6) Fishing or fishing tender vessels as defined in 46 U.S.C. 2101 of not more than 750 gross tons when engaged only in the fishing industry.

(7) Foreign-flag vessels engaged in innocent passage through the territorial sea or transit passage through a strait used for international navigation, unless bound for or departing from a port or place of the United States.

(8) Vessels carrying oil as a secondary cargo and measuring 400 gross tons or greater.

(d) Vessels covered by this subpart that are not operating within the navigable waters or the exclusive economic

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zone of the United States must meet all requirements of this subpart except for—

(1) Identifying and ensuring, through contract or other approved means, the availability of response resources including the shore-based spill management team;

(2) Providing the geographic-specific appendices required in §155.1035, 155.1040, or 155.1045, as appropriate; and

(3) Identifying and designating a qualified individual and alternate qualified individual required in §155.1026.

NOTE TO §155.1015: Response plan requirements for nontank vessels are found in subpart J of this part.

[CGD 91–034, 61 FR 1081, Jan. 12, 1996, as amended by USCG–2000–7641, 66 FR 55572, Nov. 2, 2001; USCG–2008–1070, 78 FR 60122, Sept. 30, 2013]

§ 155.1020 Definitions.

Except as otherwise defined in this section, the definitions in §155.110 apply to this subpart and subparts F and G of this part. For the purposes of this subpart only, the term:

Adverse weather means the weather conditions that will be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include, but are not limited to, significant wave height, ice, temperature, weather-related visibility, and currents within the Captain of the Port (COTP) zone in which the systems or equipment are intended to function.

Animal fat means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

Average most probable discharge means a discharge of the lesser of 50 barrels of oil or 1 percent of the cargo from the vessel during cargo oil transfer operations to or from the vessel.

Bulk means any volume of oil carried in an integral tank of the vessel and oil transferred to or from a marine portable tank or independent tank while on board a vessel.

Captain of the Port (COTP) Zone means a zone specified in 33 CFR part 3 and, for coastal ports, the seaward extension of that zone to the outer

boundary of the exclusive economic zone (EEZ).

Cargo means oil that is transported to and off-loaded at a destination by a vessel. It does not include—

(1) Oil carried in integral tanks, marine portable tanks, or independent tanks for use by machinery, helicopters, and boats carried aboard the vessel, or for use by helicopters that are directly supporting the vessel's primary operations; or

(2) Oil transferred from a towing vessel to a vessel in its tow to operate installed machinery other than the propulsion plant.

Contract or other approved means includes—

(1) A written contractual agreement between a vessel owner or operator and 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;

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

(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) 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 exercises; and

(iv) Is referenced in the response plan; or

(5) With the written consent of the oil spill removal organization, the

identification of an oil spill removal organization with specified equipment and personnel which are available within stipulated response times in the specified geographic areas. This paragraph is an other approved means for only—

(i) A vessel carrying oil as secondary cargo to meet the requirements under § 155.1045(i)(3);

(ii) A barge operating on rivers and canals to meet the requirements for lightering capability under §§ 155.1050(j), 155.1052(g), 155.1230(g), and 155.2230(g);

(iii) A vessel to meet the salvage and firefighting requirements in §§ 155.1050(j), 155.1052(f), 155.1230(f), and 155.2230(f); and

(iv) A vessel to meet the resource requirements in § 155.1052(c), 155.1230(c), and 155.2230(c).

Dedicated response vessel means a vessel of which the service is limited exclusively to oil and hazardous substance spill response-related activities, including spill recovery and transport, tanker escorting, deployment of spill response equipment, supplies, and personnel, and spill response-related training, testing, exercises, and research.

Dispersant-application platform means the vessel or aircraft outfitted with the dispersant-application equipment acting as the delivery system for the dispersant onto the oil spill.

Effective daily application capacity or *EDAC* means the estimated amount of dispersant that can be applied to a discharge by an application system, given the availability of supporting dispersant stockpiles, when operated in accordance with approved standards and within acceptable environmental conditions.

Estimated Dispersant System Potential Calculator (EDSP) means an internet-accessible application that estimates EDAC for different dispersant response systems. The NSFCC will use EDSP for evaluating OSRO dispersant classification levels.

Exclusive economic zone means the zone contiguous to the territorial sea of United States extending to a distance up to 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

Gulf Coast means for the purposes of dispersant application requirements, the regions encompassing the following Captain of the Port Zones:

- (1) Corpus Christi, TX;
- (2) Houston/Galveston, TX;
- (3) Port Arthur, TX;
- (4) Morgan City, LA;
- (5) New Orleans, LA;
- (6) Mobile, AL; and
- (7) St. Petersburg, FL.

Higher volume port area means the following areas, including any water area within 50 nautical miles seaward of the entrance(s) to the specified port:

- (1) Boston, MA.
- (2) New York, NY.
- (3) Delaware Bay and River to Philadelphia, PA.
- (4) St. Croix, VI.
- (5) Pascagoula, MS.
- (6) Mississippi River from Southwest Pass, LA to Baton Rouge, LA. Note: Vessels destined for, departing from, or offloading at the Louisiana Offshore Oil Port are not considered to be operating in this higher volume port area.
- (7) Lake Charles, LA.
- (8) Sabine-Neches River, TX.
- (9) Galveston Bay and Houston Ship Channel, TX.
- (10) Corpus Christi, TX.
- (11) Los Angeles/Long Beach Harbor, CA.
- (12) San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay to Antioch, CA.
- (13) Strait of Juan De Fuca at Cape Flattery to and including Puget Sound, WA.
- (14) Prince William Sound, AK.

NOTE 1 TO PARAGRAPH (13) OF THIS DEFINITION: The western boundary of the Strait of Juan de Fuca higher volume port area in this part differs from that in § 154.1020 of this chapter. The difference stems from section 316(b) of the Coast Guard Authorization Act of 2015 (Pub. L. 114-120), which expands only the definition in this part.

Inland area means the area shoreward of the boundary lines defined in 46 CFR part 7, except that in the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines)

as defined in §§ 80.740 through 80.850 of this chapter. The inland area does not include the Great Lakes.

Maximum extent practicable means the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the criteria in this subpart or in a specific plan approved by the Coast Guard.

Maximum most probable discharge means a discharge of—

(1) 2,500 barrels of oil for vessels with an oil cargo capacity equal to or greater than 25,000 barrels; or

(2) 10% of the vessel's oil cargo capacity for vessels with a capacity of less than 25,000 barrels.

Nearshore area means the area extending seaward 12 miles from the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, a nearshore area is one extending seaward 12 miles from the line of demarcation (COLREG lines) as defined in §§ 80.740 through 80.850 of this chapter.

Non-persistent or Group I oil means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions—

(1) At least 50% of which by volume, distill at a temperature of 340 degrees C (645 degrees F); and

(2) At least 95% of which by volume, distill at a temperature of 370 degrees C (700 degrees F).

Non-petroleum oil means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal fats and vegetable oils.

Ocean means the open ocean, offshore area, and nearshore area as defined in this subpart.

Nontank vessel means a vessel meeting the description provided in 33 CFR 155.5015(a).

Offshore area means the area up to 38 nautical miles seaward of the outer boundary of the nearshore area.

Oil field waste means non-pumpable drilling fluids with possible trace amounts of metal and oil.

Oil spill removal organization (OSRO) means an entity that provides oil spill response resources.

On-scene coordinator or OSC means the Federal official predesignated by the Coast Guard or Environmental Pro-

tection Agency to coordinate and direct Federal removal efforts at the scene of an oil or hazardous substance discharge as prescribed in the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) as published in 40 CFR part 300.

Open ocean means the area from 38 nautical miles seaward of the outer boundary of the nearshore area, to the seaward boundary of the exclusive economic zone.

Operating in compliance with the plan means operating in compliance with the provisions of this subpart, including ensuring the availability of the response resources by contract or other approved means and conducting the necessary training and exercises.

Operational effectiveness monitoring means monitoring concerned primarily with determining whether the dispersant was properly applied and how the dispersant is affecting the oil.

Operator means person who is an owner, a demise charterer, or other contractor, who conducts the operation of, or who is responsible for the operation of a vessel. For the purposes of this subpart only, the operator of a towing vessel is not, per se, considered the operator of a vessel being towed.

Other non-petroleum oil means an oil of any kind that is not a petroleum oil, an animal fat, or a vegetable oil.

Owner or vessel owner means any person holding legal or equitable title to a vessel; provided, however, that a person holding legal or equitable title to a vessel solely as security is not the owner. In a case where a Certificate of Documentation has been issued, the owner is the person or persons whose name or names appear on the vessel's Certificate of Documentation provided, however, that where a Certificate of Documentation has been issued in the name of a president or secretary of an incorporated company, such incorporated company is the owner.

Persistent oil means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. For the purposes of this subpart, persistent oils are further classified based on specific gravity as follows:

(1) Group II—specific gravity of less than .85.

(2) Group III—specific gravity equal to or greater than .85 and less than .95.

(3) Group IV—specific gravity equal to or greater than .95 and less than or equal to 1.0.

(4) Group V—specific gravity greater than 1.0.

Petroleum oil means petroleum in any form, including but not limited to, crude oil, fuel oil, sludge, oil residue, and refined products.

Pre-authorization for dispersant use means an agreement, adopted by a regional response team in coordination with area committees, that authorizes the use of dispersants at the discretion of the Federal On-Scene Coordinator without the further approval of other Federal or State authorities. These pre-authorization areas are generally limited to particular geographic areas within each region.

Primary dispersant staging site means a site designated within a Captain of the Port zone which is identified as a forward staging area for dispersant-application platforms and the loading of dispersant stockpiles. Primary staging sites would normally be the planned location where the platform would load or reload dispersants prior to departing for application at the site of the discharge and may not be the location where dispersant stockpiles are stored or application platforms are home based.

Qualified individual and alternate qualified individual means a shore-based representative of a vessel owner or operator who meets the requirements of 33 CFR 155.1026.

Response activity means the containment and removal of oil from the water and shorelines, the temporary storage and disposal of recovered oil, or the taking of other actions as necessary to minimize or mitigate damage to public health or welfare or the environment.

Response resources means the personnel, equipment, supplies, and other capability necessary to perform the response activities identified in a response plan.

Rivers and canals mean bodies of water confined within the inland area, including the Intracoastal Waterways and other waterways artificially created for navigation, that have a project depth of 12 feet or less.

Secondary Cargo (see Vessels Carrying Oil as a Secondary Cargo)

Specific gravity means the ratio of the mass of a given volume of liquid at 15 degrees C (60 degrees F) to the mass of an equal volume of pure water at the same temperature.

Spill management team means the personnel identified to staff the organizational structure identified in a response plan to manage response plan implementation.

Substantial threat of such a discharge means any incident involving a vessel that may create a significant risk of discharge of cargo oil. Such incidents include, but are not limited to, groundings, strandings, collisions, hull damage, fire, explosion, loss of propulsion, flooding, on-deck spills, or other similar occurrences.

Tanker means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

Tier means the combination of required response resources and the times within which the resources must arrive on scene. Appendix B of this part, especially Tables 5 and 6, provide specific guidance on calculating the response resources required by each tier. Sections 155.1050(g), 155.1135, 155.1230(d), and 155.2230(d) set forth the required times within which the response resources must arrive on scene. Tiers are applied in three categories:

(1) Higher volume port areas;

(2) The Great Lakes; and

(3) All other operating environments, including rivers and canals, inland, nearshore, and offshore areas.

Vegetable oil means a non-petroleum oil or fat not specifically identified elsewhere in this part that is derived from plant seeds, nuts, kernels or fruits.

Vessel of opportunity means a vessel engaged in spill response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo.

Vessels carrying oil as a primary cargo means all vessels except dedicated response vessels carrying oil in bulk as cargo or cargo residue that have a Certificate of Inspection issued under 46 CFR Chapter I, subchapter D.

Vessels carrying oil as a secondary cargo means vessels, other than vessels carrying oil as a primary cargo, carrying oil in bulk as cargo or cargo residue pursuant to a permit issued under 46 CFR 30.01-5, 70.05-30, or 90.05-35, an International Oil Pollution Prevention (IOPP) or Noxious Liquid Substance (NLS) certificate required by 33 CFR § 151.33 or § 151.35; or any uninspected vessel that carries oil in bulk as cargo or cargo residue.

Worst case discharge means a discharge in adverse weather conditions of a vessel's entire oil cargo.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by USCG-2000-7641, 66 FR 55572, Nov. 2, 2001; USCG-1998-3417, 73 FR 80649, Dec. 31, 2008; USCG-2001-8661, 74 FR 45026, Aug. 31, 2009; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2008-1070, 78 FR 60122, Sept. 30, 2013; USCG-2011-0576, 83 FR 26220, June 6, 2018; USCG-2018-0874, 84 FR 30880, June 28, 2019]

§ 155.1025 Operating restrictions and interim operating authorization.

(a) Vessels subject to this subpart may not perform the following functions, unless operating in compliance with a plan approved under § 155.1065:

(1) Handling, storing, or transporting oil on the navigable waters of the United States; or

(2) Transferring oil in any other port or place subject to U.S. jurisdiction.

(b) Vessels subject to this subpart may not transfer oil in a port or place subject to the jurisdiction of the United States, where the oil to be transferred was received from another vessel subject to this subpart during a lightering operation referred to in § 155.1015(b), unless both vessels engaged in the lightering operation were operating at the time in compliance with a plan approved under § 155.1065.

(c)(1) Notwithstanding the requirements of paragraph (a) of this section, a vessel may continue to handle, store, transport, transfer, or lighter oil for 2 years after the date of submission of a response plan pending approval of that plan, if the vessel owner or operator has received written authorization for continued operations from the Coast Guard.

(2) To receive this authorization, the vessel owner or operator must certify in writing to the Coast Guard that the

owner or operator has identified and ensured the availability of, through contract or other approved means, the necessary private response resources to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of such a discharge from their vessel as described in § 155.1050, § 155.1052, § 155.1230, or § 155.2230, as appropriate.

(d) With respect to paragraph (b) of this section, a vessel may not continue to handle, store, transport, transfer, or lighter oil if—

(1) The Coast Guard determines that the response resources identified in the vessel's certification statement do not meet the requirements of this subpart;

(2) The contracts or agreements cited in the vessel's certification statement are no longer valid;

(3) The vessel is not operating in compliance with the submitted plan; or

(4) The period of this authorization expires.

(e) An owner or operator of a vessel may be authorized by the applicable COTP to have that vessel make one voyage to transport or handle oil in a geographic specific area not covered by the vessel's response plan. All requirements of this subpart must be met for any subsequent voyages to that geographic specific area. To be authorized, the vessel owner or operator shall certify to the COTP in writing, prior to the vessel's entry into the COTP zone, that—

(1) A response plan meeting the requirements of this subpart (except for the applicable geographic specific appendix) or a shipboard oil pollution emergency plan approved by the flag state that meets the requirements of Regulation 37 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78);

(2) The approved response plan or the required plan section(s) is aboard the vessel;

(3) The vessel owner or operator has identified and informed the vessel master and the COTP of the designated qualified individual prior to the vessel's entry into the COTP zone; and

(4) The vessel owner or operator has identified and ensured the availability

of, through contract or other approved means, the private response resources necessary to respond, to the maximum extent practicable under the criteria in § 155.1050, § 155.1052, § 155.1230, or § 155.2230, as appropriate, to a worst case discharge or substantial threat of discharge from the vessel in the applicable COTP zone.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by USCG-2008-0179, 73 FR 35015, June 19, 2008]

§ 155.1026 Qualified individual and alternate qualified individual.

(a) The response plan must identify a qualified individual and at least one alternate who meet the requirements of this section. The qualified individual or alternate qualified individual must be available on a 24-hour basis.

(b) The qualified individual and alternate must—

- (1) Speak fluent English;
 - (2) Except as set out in paragraph (c) of this section, be located in the United States;
 - (3) Be familiar with the implementation of the vessel response plan; and
 - (4) Be trained in the responsibilities of the qualified individual under the response plan.
- (c) For Canadian flag vessels while operating on the Great Lakes or the Strait of Juan de Fuca and Puget Sound, WA, the qualified individual may be located in Canada if he or she meets all other requirements in paragraph (b) of this section.

(d) The owner operator shall provide each qualified individual and alternate qualified individual identified in the plan with a document designating them as a qualified individual and specifying their full authority to—

- (1) Activate and engage in contracting with oil spill removal organization(s) and other response related resources identified in the plan;
- (2) Act as a liaison with the predesignated Federal On-Scene Coordinator (OCS); and
- (3) Obligate funds required to carry out response activities.

(e) The owner or operator of a vessel may designate an organization to fulfill the role of the qualified individual and alternate qualified individual. The organization must then identify a

qualified individual and at least one alternate qualified individual who meet the requirements of this section. The vessel owner or operator is required to list in the response plan the organization, the person identified as the qualified individual, and the person or persons identified as the alternate qualified individual(s).

(f) The qualified individual is not responsible for—

- (1) The adequacy of response plans prepared by the owner or operator; or
- (2) Contracting or obligating funds for response resources beyond the full authority contained in their designation from the owner or operator of the vessel.

(g) The liability of a qualified individual is considered to be in accordance with the provisions of 33 U.S.C. 1321(c)(4).

§ 155.1030 General response plan requirements.

(a) The plan must cover all geographic areas of the United States in which the vessel intends to handle, store, or transport oil, including port areas and offshore transit areas.

(b) The plan must be written in English and, if applicable, in a language that is understood by the crew members with responsibilities under the plan.

(c) A vessel response plan must be divided into the following sections:

- (1) General information and introduction.
 - (2) Notification procedures.
 - (3) Shipboard spill mitigation procedures.
 - (4) Shore-based response activities.
 - (5) List of contacts.
 - (6) Training procedures.
 - (7) Exercise procedures.
 - (8) Plan review and update procedures.
 - (9) On board notification checklist and emergency procedures (unmanned tank barges only).
 - (10) Geographic-specific appendix for each COTP zone in which the vessel or vessels operate.
 - (11) An appendix for vessel-specific information for the vessel or vessels covered by the plan.
- (d) A vessel owner or operator with multiple vessels may submit one plan

for each class of vessel (*i.e.*, manned vessels carrying oil as primary cargo, unmanned vessels carrying oil as primary cargo, and vessels carrying oil as secondary cargo) with a separate vessel-specific appendix for each vessel covered by the plan and a separate geographic-specific appendix for each COTP zone in which the vessel(s) will operate.

(e) The required contents for each section of the plan are contained in §§ 155.1035, 155.1040, and 155.1045, as applicable to the type or service of the vessel.

(f) The response plan for a barge carrying nonhazardous oil field waste may follow the same format as that for a vessel carrying oil as a secondary cargo under § 155.1045 in lieu of the plan required under § 155.1035 or § 155.1040.

(g) A response plan must be divided into the sections described in paragraph (c) of this section unless the plan is supplemented with a cross-reference table to identify the location of the information required by this subpart.

(h) The information contained in a response plan must be consistent with the—

(1) National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR part 300) and the Area Contingency Plan(s) (ACP) in effect on the date 6 months prior to the submission date of the response plan; or

(2) More recent NCP and ACP(s).

(i) Copies of the submitted and approved response plan must be available as follows:

(1) The vessel owner or operator must ensure that they maintain one English language copy of the VRP, at a minimum the contents listed in paragraphs (c)(1), (c)(2), (c)(3), (c)(5), (c)(6), (c)(7), (c)(10) and (c)(11) of this section and a copy of the Coast Guard approval letter, onboard the vessel. In lieu of paper format, the vessel owner or operator may keep an electronic copy of the VRP and approval letter onboard the vessel. If applicable, additional copies of the required VRP sections must be in the language understood by crew members with responsibilities under the VRP and maintained onboard the vessel.

(2) The owner or operator of all unmanned tank barges shall ensure that

one English language copy of the plan section listed in paragraph (c)(9) of this section and the Coast Guard approval letter is maintained aboard the barge. An electronic copy of the VRP is authorized.

(3) The vessel owner or operator must maintain a current copy of the entire plan, and ensure that each person identified as a qualified individual and alternate qualified individual in the plan has a current copy of the entire plan. An electronic copy of the VRP is authorized.

(j) If an owner or operator of a United States flag vessel informs the Coast Guard in writing at the time of the plan submission according to the procedures of § 155.1065, the owner or operator may address the provisions of Regulation 37 of MARPOL 73/78 if the owner or operator—

(1) Develops a vessel response plan under § 155.1030 and § 155.1035, § 155.1040, or § 155.1045, as applicable;

(2) Expands the plan to cover discharges of all oils defined under MARPOL, including fuel oil (bunker) carried on board. The owner or operator is not required to include these additional oils in calculating the planning volumes that are used to determine the quantity of response resources that the owner or operator must ensure through contract or other approved means;

(3) Provides the information on authorities or persons to be contacted in the event of an oil pollution incident as required by Regulation 37 of MARPOL 73/78. This information must include—

(i) An appendix containing coastal State contacts for those coastal States the exclusive economic zone of which the vessel regularly transits. The appendix should list those agencies or officials of administrations responsible for receiving and processing pollution incident reports; and

(ii) An appendix of port contacts for those ports at which the vessel regularly calls; and

(4) Expands the plan to include the procedures and point of contact on the ship for coordinating shipboard activities with national and local authorities in combating an oil spill incident. The plan should address the need to contact

the coastal State to advise them of action(s) being implemented and determine what authorization(s), if any, are needed.

(5) Provides a cross reference section to identify the location of the information required by §155.1030(j).

(k) A vessel carrying oil as a secondary cargo may comply with the requirements of §155.1045 by having a response plan approved under Regulation 37 of MARPOL 73/78 with the addition of the following—

(1) Identification of the qualified individual and alternate that meets the requirements of §155.1026;

(2) A geographic specific appendix meeting the requirements of §155.1045(i), including the identification of a contracted oil spill removal organization;

(3) Identification of a spill management team;

(4) An appendix containing the training procedures required by 155.1045(f); and

(5) An appendix containing the exercise procedures required by 155.1045(g).

(1) For plans submitted prior to the effective date of this final rule, the owner or operator of each vessel may elect to comply with any or all of the provisions of this final rule by amending or revising the appropriate section of the previously submitted plan.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-2008-1070, 78 FR 60122, Sept. 30, 2013; USCG-2014-0410, 79 FR 38436, July 7, 2014]

§ 155.1035 Response plan requirements for manned vessels carrying oil as a primary cargo.

(a) *General information and introduction.* This section of the response plan must include—

(1) The vessel's name, country of registry, call sign, official number, and International Maritime Organization (IMO) international number (if applicable). If the plan covers multiple vessels, this information must be provided for each vessel;

(2) The name, address, and procedures for contacting the vessel's owner or operator on a 24-hour basis;

(3) A list of the COTP zones in which the vessel intends to handle, store, or transport oil;

(4) A table of contents or index of sufficient detail to permit personnel with responsibilities under the response plan to locate the specific sections of the plan; and

(5) A record of change(s) page to record information on plan reviews, updates or revisions.

(b) *Notification procedures.* This section of the response plan must include the following notification information:

(1) A checklist with all notifications, including telephone or other contact numbers, in order of priority to be made by shipboard or shore-based personnel and the information required for those notifications. Notifications must include those required by—

(i) MARPOL 73/78 and 33 CFR part 153; and

(ii) Any applicable State.

(2) Identification of the person(s) to be notified of a discharge or substantial threat of a discharge of oil. If the notifications vary due to vessel location, the persons to be notified also must be identified in a geographic-specific appendix. This section must separately identify—

(i) The individual(s) or organization(s) to be notified by shipboard personnel; and

(ii) The individual(s) or organization(s) to be notified by shore-based personnel.

(3) The procedures for notifying the qualified individual(s) designated by the vessel's owner or operator.

(4) Descriptions of the primary and, if available, secondary communications methods by which the notifications will be made that should be consistent with the regulations in §155.1035(b)(1).

(5) The information that is to be provided in the initial and any follow up notifications required by paragraph (b)(1) of this section.

(i) The initial notification may be submitted in accordance with IMO Resolution A648(16) "General Principles for Ship Reporting Systems and Ship Reporting Requirements" which is available at Coast Guard Headquarters. Contact Commandant (CG-OES), Attn: Office of Operating and Environmental Standards, U.S. Coast Guard Stop 7509,

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2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509. It must include at least the following information:

- (A) Vessel name, country of registry, call sign, and official number (if any);
- (B) Date and time of the incident;
- (C) Location of the incident;
- (D) Course, speed, and intended track of vessel;
- (E) Radio station(s) and frequencies guarded;
- (F) Date and time of next report;
- (G) Type and quantity of oil on board;
- (H) Nature and detail of defects, deficiencies, and damage (e.g. grounding, collision, hull failure, etc.);
- (I) Details of pollution, including estimate of oil discharged or threat of discharge;
- (J) Weather and sea conditions on scene;
- (K) Ship size and type;
- (L) Actions taken or planned by persons on scene;
- (M) Current conditions of the vessel; and
- (N) Number of crew and details of injuries, if any.

(ii) After the transmission of the initial notification, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident must be reported to the appropriate on-scene coordinator in a follow-up report. This information must include—

- (A) Additional details on the type of cargo on board;
- (B) Additional details on the condition of the vessel and ability to transfer cargo, ballast, and fuel;
- (C) Additional details on the quantity, extent and movement of the pollution and whether the discharge is continuing;
- (D) Any changes in the on-scene weather or sea conditions; and
- (E) Actions being taken with regard to the discharge and the movement of the ship.

(6) Identification of the person(s) to be notified of a vessel casualty potentially affecting the seaworthiness of a vessel and the information to be provided by the vessel's crew to shore-based personnel to facilitate the assessment of damage stability and stress.

(c) *Shipboard spill mitigation procedures.* This section of the response plan must include—

(1) Procedures for the crew to mitigate or prevent any discharge or a substantial threat of such discharge of oil resulting from shipboard operational activities associated with internal or external cargo transfers. Responsibilities of vessel personnel should be identified by job title. These procedures must address personnel actions in the event of a—

- (i) Transfer system leak;
- (ii) Tank overflow; or
- (iii) Suspected cargo tank or hull leak;

(2) Procedures in the order of priority for the crew to mitigate or prevent any discharge or a substantial threat of such a discharge in the event of the following casualties or emergencies:

- (i) Grounding or stranding.
- (ii) Collision.
- (iii) Explosion or fire, or both.
- (iv) Hull failure.
- (v) Excessive list.
- (vi) Equipment failure (e.g. main propulsion, steering gear, etc.);

(3) Procedures for the crew to deploy discharge removal equipment as required under subpart B of this part;

(4) The procedures for internal transfers of cargo in an emergency;

(5) The procedures for ship-to-ship transfers of cargo in an emergency:

(i) The format and content of the ship-to-ship transfer procedures must be consistent with the Ship to Ship Transfer Guide (Petroleum) (incorporated by reference; see §155.140) published jointly by the International Chamber of Shipping and the Oil Companies International Marine Forum (OCIMF).

(ii) The procedures must identify the response resources necessary to carry out the transfers, including—

- (A) Fendering equipment (ship-to-ship only);
- (B) Transfer hoses and connection equipment;
- (C) Portable pumps and ancillary equipment;
- (D) Lightering and mooring masters (ship-to-ship only); and
- (E) Vessel and barge brokers (ship-to-ship only).

(iii) Reference can be made to a separate oil transfer procedure and lightering plan carried aboard the vessel, provided that safety considerations are summarized in the response plan.

(iv) The location of all equipment and fittings, if any, carried aboard the vessel to perform such transfers must be identified;

(6) The procedures and arrangements for emergency towing, including the rigging and operation of any emergency towing equipment, including that required by subpart B of this part, aboard the vessel;

(7) The location, crew responsibilities, and procedures for use of shipboard equipment which may be carried to mitigate an oil discharge;

(8) The crew responsibilities, if any, for recordkeeping and sampling of spilled oil. Any requirements for sampling must address safety procedures to be followed by the crew;

(9) The crew's responsibilities, if any, to initiate a response and supervise shore-based response resources;

(10) Damage stability and hull stress considerations when performing shipboard mitigation measures. This section must identify and describe—

(i) Activities in which the crew is trained and qualified to execute absent shore-based support or advice; and

(ii) The information to be collected by the vessel's crew to facilitate shore-based assistance; and

(11)(i) Location of vessel plans necessary to perform salvage, stability, and hull stress assessments. A copy of these plans must be maintained ashore by either the vessel owner or operator or the vessel's recognized classification society unless the vessel has pre-arranged for a shore-based damage stability and residual strength calculation program with the vessel's baseline strength and stability characteristics pre-entered. The response plan must indicate the shore location and 24-hour access procedures of the calculation program or the following plans:

- (A) General arrangement plan.
- (B) Midship section plan.
- (C) Lines plan or table of offsets.
- (D) Tank tables.
- (E) Load line assignment.
- (F) Light ship characteristics.

(ii) The plan must identify the shore location and 24-hour access procedures for the computerized, shore-based damage stability and residual structural strength calculation programs required by § 155.240.

(d) *Shore-based response activities.* This section of the response plan must include the following information:

(1) The qualified individual's responsibilities and authority, including immediate communication with the Federal on-scene coordinator and notification of the oil spill removal organization(s) identified in the plan.

(2) If applicable, procedures for transferring responsibility for direction of response activities from vessel personnel to the shore-based spill management team.

(3) The procedures for coordinating the actions of the vessel owner or operator or qualified individual with the predesignated Federal on-scene coordinator responsible for overseeing or directing those actions.

(4) The organizational structure that will be used to manage the response actions. This structure must include the following functional areas and must further include information for key components within each functional area:

- (i) Command and control;
- (ii) Public information;
- (iii) Safety;
- (iv) Liaison with government agencies;
- (v) Spill response operations;
- (vi) Planning;
- (vii) Logistics support; and
- (viii) Finance.

(5) The responsibilities of, duties of, and functional job descriptions for each oil spill management team position within the organizational structure identified in paragraph (d)(4) of this section.

(e) *List of contacts.* The name, location, and 24-hour contact information for the following key individuals and organizations must be included in this section of the response plan or, if more appropriate, in a geographic-specific appendix and referenced in this section of the response plan:

- (1) Vessel owner or operator.

(2) Qualified individual and alternate qualified individual for the vessel's area of operation.

(3) Applicable insurance provider, representative, or surveyor for the vessel's area of operation.

(4) The vessel's local agent(s) for the vessel's area of operation or a reference to the 24-hour point of contact as listed on the vessel's notice of arrival.

(5) Person(s) within the oil spill removal organization to notify for activation of that oil spill removal organization for the three spill scenarios identified in paragraph (i)(5) of this section for the vessel's area of operation.

(6) Person(s) within the identified response organization to notify for activating that organization to provide:

(i) The required emergency lightering required by §155.1050(j), §155.1052(g), §155.1230(g), or §155.2230(g), as applicable to the type of service of the vessel; and

(ii) The required salvage and fire-fighting required by §155.1050(j), §155.1052(e), §155.1230(e), and §155.2230(e), as applicable to the type of service of the vessel.

(7) Person(s) to notify for activation of the spill management team for the spill response scenarios identified in paragraph (i)(5) of this section for the vessel's area of operation.

(f) *Training procedures.* This section of the response plan must address the training procedures and programs of the vessel owner or operator to meet the requirements in §155.1055.

(g) *Exercise procedures.* This section of the response plan must address the exercise program to be carried out by the vessel owner or operator to meet the requirements in §155.1060.

(h) *Plan review, update, revision, amendment, and appeal procedure.* This section of the response plan must address—

(1) The procedures to be followed by the vessel owner or operator to meet the requirements of §155.1070; and

(2) The procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness.

(i) *Geographic-specific appendices for each COTP zone in which a vessel operates.* A geographic-specific appendix

must be included for each COTP zone identified. The appendices must include the following information or identify the location of such information within the plan:

(1) A list of the geographic areas (port areas, rivers and canals, Great Lakes, inland, nearshore, offshore, and open ocean areas) in which the vessel intends to handle, store, or transport oil within the applicable COTP zone.

(2) The volume and group of oil on which the required level of response resources are calculated.

(3) Required Federal or State notifications applicable to the geographic areas in which a vessel operates.

(4) Identification of the qualified individuals.

(5) Identification of the oil spill removal organization(s) that are identified and ensured available, through contract or other approved means, and the spill management team to respond to the following spill scenarios:

(i) Average most probable discharge.

(ii) Maximum most probable discharge.

(iii) Worst case discharge.

(6) The organization(s) identified to meet the requirements of paragraph (i)(5) of this section must be capable of providing the equipment and supplies necessary to meet the requirements of §§155.1050, 155.1052, 155.1230, and 155.2230, as appropriate, and sources of trained personnel to continue operation of the equipment and staff the oil spill removal organization(s) and spill management team identified for the first 7 days of the response.

(7) The appendix must list the response resources and related information required under §§155.1050, 155.1052, 155.1230, 155.2230, and Appendix B of this part, as appropriate.

(8) If an oil spill removal organization(s) has been evaluated by the Coast Guard and their capability has been determined to equal or exceed the response capability needed by the vessel, the appendix may identify only the organization and their applicable classification and not the information required in paragraph (i)(7) of this section.

(9) For vessels that handle, store, or transport Group I through Group V petroleum oils, the appendix must also

separately list the resource providers identified to provide the salvage, vessel firefighting, and lightering capabilities required in this subpart.

(10) For vessels that handle, store, or transport Group II through Group IV petroleum oils, and that operate in waters where dispersant use pre-authorization agreements exist, the appendix must also separately list the resource providers and specific resources, including appropriately trained dispersant-application personnel, necessary to provide, if appropriate, the dispersant capabilities required in this subpart. All resource providers and resources must be available by contract or other approved means. The dispersant resources to be listed within this section must include the following:

(i) Identification of each primary dispersant staging site to be used by each dispersant-application platform to meet the requirements of §155.1050(k) of this chapter;

(ii) Identification of the platform type, resource provider, location, and dispersant payload for each dispersant-application platform identified. Location data must identify the distance between the platform's home base and the identified primary dispersant-staging site(s) for this section.

(iii) For each unit of dispersant stockpile required to support the effective daily application capacity (EDAC) of each dispersant-application platform necessary to sustain each intended response tier of operation, identify the dispersant product resource provider, location, and volume. Location data must include the distance from the stockpile to the primary staging sites where the stockpile would be loaded onto the corresponding platforms. If an oil spill removal organization has been evaluated by the Coast Guard and its capability has been determined to meet the response capability needed by the owner or operator, the section may identify the oil spill removal organization only, and not the information required in paragraphs (i)(10)(i) through (i)(10)(iii) of this section.

(11) The appendix must also separately list the resource providers and specific resources necessary to provide oil-tracking capabilities required in this subpart. The oil tracking re-

sources to be listed within this section must include the following:

(i) The identification of a resource provider; and

(ii) The type and location of aerial surveillance aircraft that have been ensured available, through contract or other approved means, to meet the oil tracking requirements of §155.1050(1) of this chapter.

(j) *Appendices for vessel-specific information.* This section must include for each vessel covered by the plan the following information:

(1) List of the vessel's principal characteristics.

(2) Capacities of all cargo, fuel, lube oil, ballast, and fresh water tanks.

(3) The total volume and cargo groups of oil cargo that would be involved in the—

(i) Maximum most probable discharge; and

(ii) Worst case discharge.

(4) Diagrams showing location of all tanks.

(5) General arrangement plan (can be maintained separately aboard the vessel providing the response plan identifies the location).

(6) Midships section plan (can be maintained separately aboard the vessel providing the response plan identifies the location).

(7) Cargo and fuel piping diagrams and pumping plan, as applicable (can be maintained separately aboard the vessel providing the response plan identifies the location).

(8) Damage stability data (can be maintained separately providing the response plan identifies the location).

(9) Location of cargo and fuel stowage plan for vessel (normally maintained separately aboard the vessel).

(10) Location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo aboard the vessel. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, SOLAS 74 regulation VI/5-1, cargo information required by 33 CFR

154.310, or equivalent will meet this requirement. This information can be maintained separately.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by CGD 96-026, 61 FR 33666, June 28, 1996; USCG-2005-21531, 70 FR 36349, June 23, 2005; USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-2001-8661, 74 FR 45027, Aug. 31, 2009; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2008-1070, 78 FR 60122, Sept. 30, 2013; USCG-2014-0410, 79 FR 38436, July 7, 2014; USCG-2010-0194, 80 FR 5935, Feb. 4, 2015]

§ 155.1040 Response plan requirements for unmanned tank barges carrying oil as a primary cargo.

(a) *General information and introduction.* This section of the response plan must include—

(1) A list of tank barges covered by the plan, which must include the country of registry, call sign, IMO international numbers (if applicable), and official numbers of the listed tank barges;

(2) The name, address, and procedures for contacting the barge's owner or operator on a 24-hour basis;

(3) A list of the COTP zones in which the tank barges covered by the plan intend to handle, store, or transport oil;

(4) A table of contents or index of sufficient detail to permit personnel with responsibilities under the response plan to locate the specific sections of the plan; and

(5) A record of change(s) page used to record information on plan reviews, updates or revisions.

(b) *Notification procedures.* This section of the response plan must include the following notification information:

(1) A checklist with all notifications. The checklist must include notifications required by MARPOL 73/78, 33 CFR part 153, and any applicable State, including telephone or other contact numbers, in the order of priority and the information required for those notifications to be made by the—

- (i) Towing vessel;
- (ii) Vessel owner or operator; or
- (iii) Qualified individual.

(2) Identification of the person(s) to be notified of a discharge or substantial threat of a discharge of oil. If the notifications vary due to the location of the barge, the persons to be notified also must be identified in a geographic-

specific appendix. This section must separately identify—

(i) The individual(s) or organization(s) to be notified by the towing vessel; and

(ii) The individual(s) or organization(s) to be notified by shore-based personnel.

(3) The procedures for notifying the qualified individuals designated by the barge's owner or operator.

(4) Identification of the primary and, if available, secondary communications methods by which the notifications will be made, consistent with the requirements of paragraph (b)(1) of this section.

(5) The information that is to be provided in the initial and any follow-up notifications required by paragraph (b)(1) of this section.

(i) The initial notification information must include at least the following information:

(A) Towing vessel name (if applicable);

(B) Tank barge name, country of registry, and official number;

(C) Date and time of the incident;

(D) Location of the incident;

(E) Course, speed, and intended track of towing vessel (if applicable);

(F) Radio station(s) frequencies guarded by towing vessel (if applicable);

(G) Date and time of next report;

(H) Type and quantity of oil on board;

(I) Nature and details of defects, deficiencies, and damage (e.g., grounding, collision, hull failure, etc.);

(J) Details of pollution, including estimate of oil discharged or threat of discharge;

(K) Weather and sea conditions on scene;

(L) Barge size and type;

(M) Actions taken or planned by persons on scene;

(N) Current condition of the barge; and

(O) Details of injuries, if any.

(ii) After the transmission of the initial notification, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident must be reported to the appropriate on-scene

coordinator in a follow-up report. This information must include—

(A) Additional detail on the type of cargo on board;

(B) Additional details on the condition of the barge and ability to transfer cargo, ballast, and fuel;

(C) Additional details on the quantity, extent and movement of the pollution and whether the discharge is continuing;

(D) Any changes in the on-scene weather or sea conditions; and

(E) Actions being taken with regard to the discharge and the movement of the vessel.

(6) Identification of the person(s) to be notified of a vessel casualty potentially affecting the seaworthiness of a vessel and the information to be provided by the towing vessel personnel or tankermen, as applicable, to shore-based personnel to facilitate the assessment of damage stability and stress.

(c) *Shipboard spill mitigation procedures*. This section of the response plan must include—

(1) Procedures to be followed by the tankerman, as defined in 46 CFR 35.35-1, to mitigate or prevent any discharge or a substantial threat of such a discharge of oil resulting from operational activities and casualties. These procedures must address personnel actions in the event of a—

(i) Transfer system leak;

(ii) Tank overflow; or

(iii) Suspected cargo tank or hull leak;

(2) Procedures in the order of priority for the towing vessel or barge owner or operator to mitigate or prevent any discharge or a substantial threat of such a discharge of oil in the event of the following casualties or emergencies:

(i) Grounding or stranding;

(ii) Collision;

(iii) Explosion or fire, or both;

(iv) Hull failure;

(v) Excessive list; and

(3) Procedures for tankermen or towing vessel crew to employ discharge removal equipment required by subpart B of this part;

(4) The procedures for the internal transfer of cargo in an emergency;

(5) The procedures for ship-to-ship transfers of cargo in an emergency:

(i) The procedures must identify the response resources necessary to carry out the transfers, including—

(A) Fendering equipment (ship-to-ship only);

(B) Transfer hoses and connection equipment;

(C) Portable pumps and ancillary equipment; and

(D) Lightering vessels (ship-to-ship only).

(ii) Reference can be made to separate oil transfer procedures or a lightering plan provided that safety considerations are summarized in the response plan.

(iii) The location of all equipment and fittings, if any, to perform such transfers must be identified;

(6) The procedures and arrangements for emergency towing, including the rigging and operation of any emergency towing equipment, including that required by subpart B of this part aboard the barge;

(7) The location and procedures for use of equipment stowed aboard either the barge or towing vessel to mitigate an oil discharge;

(8) The responsibilities of the towing vessel crew and facility or fleeting area personnel, if any, to initiate a response and supervise shore-based response resources;

(9) Damage stability, if applicable, and hull stress considerations when performing on board mitigation measures. This section must identify and describe—

(i) Activities in which the towing vessel crew or tankerman is trained and qualified to execute absent shore-based support or advice;

(ii) The individuals who shall be notified of a casualty potentially affecting the seaworthiness of the barge; and

(iii) The information that must be provided by the towing vessel to facilitate the assessment of damage stability and stress; and

(10)(i) Location of barge plans necessary to perform salvage, stability, and hull stress assessments. A copy of these barge plans must be maintained ashore by either the barge owner or operator or the vessel's recognized classification society. The response plan must indicate the shore location and

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24-hour access procedures of the following plans:

- (A) General arrangement plan.
- (B) Midship section plan.
- (C) Lines plan or table of offsets, as available.
- (D) Tank tables; and

(ii) Plans for offshore oil barges must identify the shore location and 24-hour access procedures for the computerized shore-based damage stability and residual structural strength calculation programs required by § 155.240.

(d) *Shore-based response activities.* This section of the response plan must include the following information:

(1) The qualified individual's responsibilities and authority, including immediate communication with the Federal on-scene coordinator and notification of the oil spill removal organization(s) identified in the plan.

(2) If applicable, procedures for transferring responsibility for direction of response activities from towing vessel personnel or tankermen to the shore-based spill management team.

(3) The procedures for coordinating the actions of the barge owner or operator of qualified individual with the action of the predesignated Federal on-scene coordinator responsible for overseeing or directing those actions.

(4) The organizational structure that will manage the barge owner or operator's response actions. This structure must include the following functional areas and must further include information for key components within each functional area:

- (i) Command and control;
- (ii) Public information;
- (iii) Safety;
- (iv) Liaison with government agencies;
- (v) Spill response operations;
- (vi) Planning;
- (vii) Logistics support; and
- (viii) Finance.

(5) The responsibilities of, duties of, and functional job descriptions for each oil spill management team position within the organizational structure identified in paragraph (d)(4) of this section.

(e) *List of contacts.* The name, location, and 24-hour contact information for the following key individuals and organizations must be included in this

section or, if more appropriate, in a geographic-specific appendix and referenced in this section:

(1) Barge owner or operator.

(2) Qualified individual and alternate qualified individual for the tank barge's area of operation.

(3) Applicable insurance representatives or surveyors for the barge's area(s) of operation.

(4) Person(s) within the oil spill removal organization to notify for activation of that oil spill removal organization for the spill scenarios identified in paragraph (j)(5) of this section for the barges's area(s) of operation.

(5) Person(s) within the identified response organization to notify for activating that organization to provide:

(i) The required emergency lightering required by §§ 155.1050(j), 155.1052(g), 155.1230(g), and 155.2230(g), as applicable to the type of service of the barge(s); and

(ii) The required salvage and fire fighting required by §§ 155.1050(j), 155.1052(e), 155.1230(e), and 155.2230(e), as applicable to the type of service of the barge(s).

(6) Person(s) to notify for activation of the spill management team for the spill response scenarios identified in paragraph (j)(5) of this section for the vessel's area of operation.

(f) *Training procedures.* This section of the response plan must address the training procedures and programs of the barge owner or operator to meet the requirements in § 155.1055.

(g) *Exercise procedures.* This section of the response plan must address the exercise program carried out by the barge owner or operator to meet the requirements in § 155.1060.

(h) *Plan review, update, revisions amendment, and appeal procedure.* This section of the response plan must address—

(1) The procedures to be followed by the barge owner or operator to meet the requirements of § 155.1070; and

(2) The procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness.

(i) *On board notification checklist and emergency procedures.* This portion of the response plan must be maintained in the documentation container aboard

the unmanned barge. The owner or operator of an unmanned tank barge subject to this section shall provide the personnel of the towing vessel, fleeting area, or facility that the barge may be moored at with the information required by this paragraph and the responsibilities that the plan indicates will be carried out by these personnel. The on board notification checklist and emergency procedures must include—

(1) The toll-free number of the National Response Center;

(2) The name and procedures for contacting a primary qualified individual and at least one alternate on a 24-hour basis;

(3) The name, address, and procedure for contacting the vessel's owner or operator on a 24-hour basis;

(4) The list of information to be provided in the notification by the reporting personnel;

(5) A statement of responsibilities of and actions to be taken by reporting personnel after an oil discharge or substantial threat of such discharge; and

(6) The information contained in paragraph (c)(1) of this section.

(j) *Geographic-specific appendices for each COTP zone in which a tank barge operates.* A geographic-specific appendix must be included for each COTP zone identified. The appendices must include the following information or identify the location of such information within the plan:

(1) A list of the geographic areas (port areas, rivers and canals, Great Lakes, inland, nearshore, offshore, and open ocean areas) in which the barge intends to handle, store, or transport oil within the applicable COTP zone.

(2) The volume and group of oil on which the required level of response resources are calculated.

(3) Required Federal or State notifications applicable to the geographic areas in which the barge operates.

(4) Identification of the qualified individuals.

(5) Identification of the oil spill removal organization(s) that are identified and ensured available, through contract or other approved means and the spill management team to provide the response resources necessary to respond to the following spill scenarios:

(i) An average most probable discharge.

(ii) A maximum most probable discharge.

(iii) A worst case discharge to the maximum extent practicable.

(6) The organization(s) identified to meet the provisions of paragraph (j)(5) of this section must be capable of providing the equipment and supplies necessary to meet the provisions of §§ 155.1050, 155.1052, 155.1230, and 155.2230, as appropriate, and sources of trained personnel to continue operation of the equipment and staff the oil spill removal organization(s) and spill management team identified for the first seven days of the response.

(7) The appendix must list the response resources and related information required under §§ 155.1050, 155.1052, 155.1230, 155.2230, and Appendix B of this part, as appropriate.

(8) If the oil spill removal organization(s) providing the necessary response resources has been evaluated by the Coast Guard and their capability has been determined to equal or exceed the response capability needed by the vessel, the appendix may identify only the organization and their applicable classification and not the information required in paragraph (j)(7) of this section.

(9) The appendix must include a separate listing of the resource providers identified to provide the salvage, vessel firefighting, and lightering capabilities required in this subpart.

(10) The appendix must include a separate listing of the resource providers and specific resources necessary to provide, if appropriate, the dispersant capabilities required in this subpart. The dispersant resources to be listed within this section must include:

(i) Identification of a primary dispersant-staging site or sites to be used by each dispersant-application platform that is ensured available, through contract or other approved means, to meet the requirements of § 155.1050(k);

(ii) Identification of the type, resource provider, location, and dispersant payload for each dispersant-application platform identified and ensured available. Location data must identify the distance between the platform's home base and the identified primary

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dispersant staging sites for this section; and,

(iii) For each unit of dispersant stockpile required to support the effective daily application capacity (EDAC) of each dispersant-application platform necessary to sustain each intended response tier of operation, identification of the dispersant product resource provider, location, and volume. Location data must include the stockpile's distance to the primary staging sites where it will be loaded onto the corresponding platforms. If an oil spill removal organization has been evaluated by the Coast Guard and its capability has been determined to equal or exceed the response capability needed by the owner or operator, the appendix may identify only the oil spill removal organization, and not the information required in paragraphs (j)(10)(i) through (j)(10)(iii) of this section.

(11) The appendix must include a separate listing of the resource providers and specific resources necessary to provide oil-tracking capabilities required in this subpart. The oil tracking resources listed within this section must include:

(i) The identification of a resource provider; and,

(ii) The type and location of aerial surveillance aircraft that have been ensured available, through contract or other approved means, to meet the oil tracking requirements of §155.1050(1) of this chapter.

(k) *Appendices for barge-specific information.* Because many of the tank barges covered by a response plan may be of the same design, this information does not need to be repeated provided the plan identifies the tank barges to which the same information would apply. The information must be part of the response plan unless specifically noted. This section must include for each barge covered by the plan the following information:

(1) List of the principal characteristics of the vessel.

(2) Capacities of all cargo, fuel, lube oil, and ballast tanks.

(3) The total volumes and cargo group(s) of oil cargo that would be involved in the—

(i) Maximum most probable discharge; and

(ii) Worst case discharge.

(4) Diagrams showing location of all tanks aboard the barge.

(5) General arrangement plan (can be maintained separately providing that the location is identified).

(6) Midships section plan (can be maintained separately providing that the location is identified).

(7) Cargo and fuel piping diagrams and pumping plan, as applicable (can be maintained separately providing that the location is identified).

(8) Damage stability data, if applicable.

(9) Location of cargo and fuel stowage plan for barge(s) (normally maintained separately).

(10) Location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo aboard the barge. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, SOLAS 74 regulation VI/5-1, cargo information required by 33 CFR 154.310, or equivalent will meet this requirement. This information can be maintained separately.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by USCG-2001-8661, 74 FR 45027, Aug. 31, 2009; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2010-0194, 80 FR 5933, Feb. 4, 2015]

§ 155.1045 Response plan requirements for vessels carrying oil as a secondary cargo.

(a) *General information and introduction.* This section of the response plan must include—

(1) The vessel's name, country of registry, call sign, official number, and IMO international number (if applicable). If the plan covers multiple vessels, this information must be provided for each vessel;

(2) The name, address, and procedures for contacting the vessel's owner or operator on a 24-hour basis;

(3) A list of COTP zones in which the vessel intends to handle, store, or transport oil;

(4) A table of contents or index of sufficient detail to permit personnel with responsibilities under the response plan to locate the specific sections of the plan; and

(5) A record of change(s) page used to record information on plan updates or revisions.

(6) As required in paragraph (c) of this section, the vessel owner or operator must list in his or her plan the total volume of oil carried in bulk as cargo.

(i) For vessels that transfer a portion of their fuel as cargo, 25 percent of the fuel capacity of the vessel plus the capacity of any oil cargo tank(s) will be assumed to be the cargo volume for determining applicable response plan requirements unless the vessel owner or operator indicates otherwise.

(ii) A vessel owner or operator can use a volume less than 25 percent if he or she submits historical data with the plan that substantiates the transfer of a lower percentage of its fuel capacity between refuelings.

(b) *Notification procedures.* This section of the response plan must include the following notification information:

(1) A checklist with all notifications, including telephone or other contact numbers, in the order of priority to be made by shipboard or shore-based personnel and the information required for those notifications. Notifications must include those required by—

(i) MARPOL 73/78 and 33 CFR part 153; and

(ii) Any applicable State.

(2) Identification of the person(s) to be notified of a discharge or substantial threat of discharge of oil. If notifications vary due to vessel location, the person(s) to be notified also must be identified in a geographic-specific appendix. This section must separately identify—

(i) The individual(s) or organization(s) to be notified by shipboard personnel; and

(ii) The individual(s) or organization(s) to be notified by shore-based personnel.

(3) The procedures for notifying the qualified individual and alternate qualified individual.

(4) Descriptions of the primary and, if available, secondary communication methods by which the notifications will be made, consistent with the requirements in paragraph (b)(1) of this section.

(5) The information that is to be provided in the initial and any follow-up notifications required by paragraph (b)(1) of this section.

(i) The initial notification may be submitted in accordance with IMO Resolution A648(16) “General Principles for Ship Reporting Systems and Ship Reporting Requirements.” It must include at least the following information:

(A) Vessel name, country of registry, call sign, IMO international number (if applicable), and official number (if any);

(B) Date and time of the incident;

(C) Location of the incident;

(D) Course, speed, and intended track of vessel;

(E) Radio station(s) and frequencies guarded;

(F) Date and time of next report;

(G) Type and quantity of oil on board;

(H) Nature and detail of defects, deficiencies, and damage (e.g., grounding, collision, hull failure, etc.);

(I) Details of pollution, including estimate of oil discharged or threat of discharge;

(J) Weather and sea conditions on scene;

(K) Ship size and type;

(L) Actions taken or planned by persons on scene;

(M) Current conditions of the vessel; and

(N) Number of crew and details of injuries, if any.

(ii) After the transmission of the initial notification, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident must be reported to the appropriate on-scene coordinator in a follow-up report. This information must include—

(A) Additional details on the type of cargo on board;

(B) Additional details on the condition of the vessel and ability to transfer cargo, ballast, and fuel;

(C) Additional details on the quantity, extent and movement of the pollution and whether the discharge is continuing;

(D) Any changes in the on-scene weather or sea conditions; and

(E) Actions being taken with regard to the discharge and the movement of the ship.

(c) *Shipboard spill mitigation procedures.* This section of the response plan must identify the vessel's total volumes of oil carried in bulk as cargo and meet the applicable requirements of this paragraph as in paragraph (a)(6) of this section.

(1) For vessels carrying 100 barrels or less of oil in bulk as cargo, the plan must include a basic emergency action checklist for vessel personnel including notification and actions to be taken to prevent or mitigate any discharge or substantial threat of such a discharge of oil from the vessel.

(2) For vessels carrying over 100 barrels of oil but not exceeding 5,000 barrels of oil in bulk as cargo, the plan must include—

(i) Detailed information on actions to be taken by vessel personnel to prevent or mitigate any discharge or substantial threat of such a discharge of oil from the vessel due to operational activities or casualties;

(ii) Detailed information on damage control procedures to be followed by vessel personnel;

(iii) Detailed procedures for internal or external transfer of oil in bulk as cargo in an emergency; and

(iv) Procedures for use of any equipment carried aboard the vessel for spill mitigation.

(3) For vessels carrying over 5,000 barrels of oil as a secondary cargo, the plan must provide the information required by §155.1035(c) for shipboard spill mitigation procedures.

(4) For all vessels, the plan must include responsibilities and actions to be taken by vessel personnel, if any, to initiate a response and supervise shore-based response resources.

(d) *Shore-based response activities.* This section of the response plan must include the following information:

(1) The qualified individual's responsibilities and authority, including immediate communication with the Federal on-scene coordinator and notification of the oil spill removal organization(s) identified in the plan.

(2) If applicable, procedures for transferring responsibility for direction of response activities from vessel per-

sonnel to the shore-based spill management team.

(3) The procedures for coordinating the actions of the vessel owner or operator with the actions of the predesignated Federal on-scene coordinator responsible for overseeing or directing those actions.

(4) The organizational structure that will be used to manage the response actions. This structure must include the following functional areas and must further include information for key components within each functional area:

(i) Command and control;

(ii) Public information;

(iii) Safety;

(iv) Liaison with government agencies;

(v) Spill response operations;

(vi) Planning;

(vii) Logistics support; and

(viii) Finance.

(5) The responsibilities, duties, and functional job description for each oil spill management team member within the organizational structure identified in paragraph (d)(4) of this section.

(e) *List of contacts.* The name, location, and 24-hour contact information for the following key individuals or organizations must be included in this section or, if more appropriate, in a geographic-specific appendix and referenced in this section:

(1) Vessel owner or operator, and if applicable, charterer.

(2) Qualified individual and alternate qualified individual for the vessel's area of operation.

(3) Vessel's local agent(s), if applicable, for the vessel's area of operation.

(4) Applicable insurance representatives or surveyors for the vessel's area of operation.

(5) Person(s) within the identified oil spill removal organization(s) to notify for activation of the oil spill removal organization(s) identified under paragraph (i)(3) of this section for the vessel's area of operation.

(6) Person(s) to notify for activation of the spill management team.

(f) *Training procedures.* (1) This section of the response plan must address the training procedures and programs of the vessel owner or operator. The

vessel owner or operator shall ensure that—

(i) All personnel with responsibilities under the plan receive training in their assignments and refresher training as necessary, and participate in exercises required under paragraph (g) of this section. Documented work experience can be used instead of training; and

(ii) Records of this training are maintained aboard the vessel, at the U.S. location of the spill management team, or with the qualified individual. The plan must specify where the records are located.

(2) Nothing in this section relieves the vessel owner or operator from responsibility to ensure that all private shore-based response personnel are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120.

(g) *Exercise procedures.* This section of the response plan must address the exercise program carried out by the vessel owner or operator to evaluate the ability of vessel and shore-based personnel to perform their identified functions in the plan. The required exercise frequency for each category of vessel is as follows:

(1) For vessels carrying 100 barrels or less of oil as cargo—

(i) On board spill mitigation procedures and qualified individual notification exercises must be conducted annually; and

(ii) Shore-based oil spill removal organization exercises must be conducted biennially.

(2) For vessels carrying over 100 barrels and up to 5,000 barrels of oil in bulk as cargo—

(i) On board emergency procedures and qualified individual notification exercises must be conducted quarterly; and

(ii) Shore-based oil spill removal organization exercises must be conducted annually.

(3) Vessels carrying over 5,000 barrels of oil in bulk as cargo must meet the exercise requirement of § 155.1060.

(h) *Plan review, update, revision, amendment, and appeal procedures.* This section of the response plan must address—

(1) The procedures to be followed by the vessel owner or operator to meet the requirement of § 155.1070; and

(2) The procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness

(i) *Geographic-specific appendices for each COTP zone in which a vessel operates.* A geographic-specific appendix must be included for each COTP zone identified. The appendix must include the following information or identify the location of such information within the plan:

(1) Required Federal or State notifications applicable to the geographic areas in which a vessel operates.

(2) Identification of the qualified individuals.

(3) A list of the oil spill removal organization(s) and the spill management team(s) available to respond to the vessel's worst case oil discharge in each COTP zone in which a vessel operates. The oil spill removal organization(s) identified must be capable of commencing oil spill containment and on-water recovery within the response times listed for Tier 1 in § 155.1050(g); providing temporary storage of recovered oil; and conducting shoreline protection and cleanup operations. An oil spill removal organization may not be identified in the plan unless the organization has provided written consent to being identified in the plan as an available resource.

(j) *Appendices for vessel-specific information.* This section must include for each vessel covered by the plan the following information:

(1) List of the vessel's principal characteristics (*i.e.*, length, beam, gross tonnage, etc.).

(2) Capacities of all cargo, fuel, lube oil, ballast, and fresh water tanks.

(3) The total volume and cargo groups of oil cargo that would be involved in the—

(i) Maximum most probable discharge; and

(ii) Worst case discharge.

(4) Diagrams showing location of all tanks.

(5) Cargo and fuel piping diagrams and pumping plan as applicable. These diagrams and plans can be maintained separately aboard the vessel providing

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the response plan identifies the location.

(6) Location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo aboard the vessel. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, SOLAS 74 regulation VI/5-1, cargo information required by 33 CFR 154.310, or the equivalent, will meet this requirement. This information can be maintained separately on board the vessel, providing the response plan identifies the location.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by USCG-2010-0194, 80 FR 5933, Feb. 4, 2015]

§ 155.1050 Response plan development and evaluation criteria for vessels carrying groups I through IV petroleum oil as a primary cargo.

(a) The following criteria must be used to evaluate the operability of response resources identified in the response plan for the specified operating environment:

(1) Table 1 of appendix B of this part.

(i) The criteria in table 1 of appendix B of this part are to be used solely for identification of appropriate equipment in a response plan.

(ii) These criteria reflect conditions used for planning purposes to select mechanical response equipment and are not conditions that would limit response actions or affect normal vessel operations.

(2) Limitations that are identified in the Area Contingency Plans for the COTP zones in which the vessel operates, including—

(i) Ice conditions;

(ii) Debris;

(iii) Temperature ranges; and

(iv) Weather-related visibility.

(b) The COTP may reclassify a specific body of water or location within the COTP zone. Any reclassifications will be identified in the applicable Area Contingency Plan. Reclassifications may be to—

(1) A more stringent operating environment if the prevailing wave conditions exceed the significant wave height criteria during more than 35 percent of the year; or

(2) A less stringent operating environment if the prevailing wave conditions do not exceed the significant wave height criteria for the less stringent operating environment during more than 35 percent of the year.

(c) Response equipment must—

(1) Meet or exceed the criteria listed in table 1 of appendix B of this part;

(2) Be capable of functioning in the applicable operating environment; and

(3) Be appropriate for the petroleum oil carried.

(d) The owner or operator of a vessel that carries groups I through IV petroleum oil as a primary cargo shall identify in the response plan and ensure the availability of, through contract or other approved means, the response resources that will respond to a discharge up to the vessel's average most probable discharge.

(1) For a vessel that carries groups I through IV petroleum oil as its primary cargo, the response resources must include—

(i) Containment boom in a quantity equal to twice the length of the largest vessel involved in the transfer and capable of being deployed at the site of oil transfer operations—

(A) Within 1 hour of detection of a spill, when the transfer is conducted between 0 and 12 miles from the nearest shoreline; or

(B) Within 1 hour plus travel time from the nearest shoreline, based on an on-water speed of 5 knots, when the transfer is conducted over 12 miles up to 200 miles from the nearest shoreline; and

(ii) Oil recovery devices and recovered oil storage capacity capable of being at the transfer site—

(A) Within 2 hours of the detection of a spill during transfer operations, when the transfer is conducted between 0 and 12 miles from the nearest shoreline; or

(B) Within 1 hour plus travel time from the nearest shoreline, based on an on-water speed of 5 knots, when the transfer is conducted over 12 miles up to 200 miles from the nearest shoreline.

(2) For locations of multiple vessel transfer operations, a vessel may identify the same equipment as identified by other vessels, provided that each

vessel has ensured access to the equipment through contract or other approved means. Under these circumstances, prior approval by the Coast Guard is not required for temporary changes in the contracted oil spill removal organization under § 155.1070(c)(5).

(3) The owner or operator of a vessel conducting transfer operations at a facility required to submit a response plan under 33 CFR 154.1017 is required to plan for and identify the response resources required in paragraph (d)(1) of this section. However, the owner or operator is not required to ensure by contract or other means the availability of such resources.

(e) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, the response resources necessary to respond to a discharge up to the vessel's maximum most probable discharge volume.

(1) These resources must be positioned such that they can arrive at the scene of a discharge within—

(i) 12 hours of the discovery of a discharge in higher volume port areas and the Great Lakes;

(ii) 24 hours of the discovery of a discharge in all rivers and canals, inland, nearshore and offshore areas; and

(iii) 24 hours of the discovery of a discharge plus travel time from shore for open ocean areas.

(2) The necessary response resources include sufficient containment boom, oil recovery devices, and storage capacity for any recovery of up to the maximum most probable discharge planning volume.

(3) The response plan must identify the storage location, make, model, and effective daily recovery capacity of each oil recovery device that is identified for plan credit.

(4) The response resources identified for responding to a maximum most probable discharge must be positioned to be capable of meeting the planned arrival times in this paragraph. The COTP with jurisdiction over the area in which the vessel is operating must be notified whenever the identified re-

sponse resources are not capable of meeting the planned arrival times.

(f) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, the response resources necessary to respond to discharges up to the worst case discharge volume of the oil cargo to the maximum extent practicable.

(1) The location of these resources must be suitable to meet the response times identified for the applicable geographic area(s) of operation and response tier.

(2) The response resources must be appropriate for—

(i) The capacity of the vessel;

(ii) Group(s) of petroleum oil carried as cargo; and

(iii) The geographic area(s) of vessel operation.

(3) The resources must include sufficient boom, oil recovery devices, and storage capacity to recover the planning volumes.

(4) The response plan must identify the storage location, make, model, and effective daily recovery capacity of each oil recovery device that is identified for plan credit.

(5) The guidelines in appendix B of this part must be used for calculating the quantity of response resources required to respond at each tier to the worst case discharge to the maximum extent practicable.

(6) When determining response resources necessary to meet the requirements of this paragraph (f)(6), a portion of those resources must be capable of use in close-to-shore response activities in shallow water. The following percentages of the response equipment identified for the applicable geographic area must be capable of operating in waters of 6 feet or less depth:

(i) Open ocean—none.

(ii) Offshore—10 percent.

(iii) Nearshore, inland, Great Lakes, and rivers and canals—20 percent.

(7) Response resources identified to meet the requirements of paragraph (f)(6) of this section are exempt from the significant wave height planning requirements of table 1 of appendix B of this part.

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(g) Response equipment identified to respond to a worst case discharge must be capable of arriving on scene within the times specified in this paragraph for the applicable response tier in a higher volume port area, Great Lakes, and in other areas. Response times for these tiers from the time of discovery of a discharge are—

| | Tier 1 | Tier 2 | Tier 3 |
|---|--------------|--------------|----------|
| Higher volume port area (except tankers in Prince William Sound covered by § 155.1135). | 12 hrs | 36 hrs | 60 hrs |
| Great Lakes | 18 hrs | 42 hrs | 66 hrs |
| All other rivers & canals, inland, near-shore, and off-shore areas. | 24 hrs | 48 hrs | 72 hrs |
| Open ocean (plus travel time from shore). | 24 hrs + ... | 48 hrs + ... | 72 hrs + |

(h) For the purposes of arranging for response resources through contract or other approved means, response equipment identified for Tier 1 plan credit must be capable of being mobilized and enroute to the scene of a discharge within 2 hours of notification. The notification procedures identified in the plan must provide for notification and authorization for mobilization of identified Tier 1 response resources—

(1) Either directly or through the qualified individual; and

(2) Within 30 minutes of a discovery of a discharge or substantial threat of discharge.

(i) Response resources identified for Tier 2 and Tier 3 plan credit must be capable of arriving on scene within the time listed for the applicable tier.

(j) *Salvage* (including lightering) and *marine firefighting* requirements are found in subpart I of this part.

(k) The owner or operator of a vessel carrying groups II through IV petroleum oil as a primary cargo that operates in any inland, nearshore, or off-shore area with pre-authorization for dispersant use must identify in their response plan, and ensure availability through contract or other approved

means, of response resources capable of conducting dispersant operations within those areas.

(1) Dispersant response resources must be capable of commencing dispersant-application operations at the site of a discharge within 7 hours of the decision by the Federal On-Scene Coordinator to use dispersants.

(2) Dispersant response resources must include all of the following:

(i) Sufficient dispersant capability for application as required by paragraph (k)(3) of this section. Any dispersants identified in a response plan must be of a type listed on the National Oil and Hazardous Substances Pollution Contingency Plan Product Schedule (contained in 40 CFR part 300, and available online from the U.S. Government Printing Office).

(ii) Dispersant-application platforms capable of delivering and applying dispersant in the amounts required by paragraph (k)(3) of this section. At least 50 percent of each effective daily application capacity (EDAC) tier requirement must be achieved through the use of fixed wing aircraft-based application platforms. The adequacy of dispersant-application platforms not detailed within the EDSP must be documented by presentation of independent evaluation materials (e.g., field tests and reports of actual use).

(iii) Dispersant-application personnel trained in and capable of applying dispersants within the performance criteria in ASTM F1413-07 (incorporated by reference, see §155.140). The adequacy of dispersant-application systems not fully covered by ASTM F1413-07, such as fire monitor-type applicators, must be documented by presentation of independent evaluation materials (e.g., laboratory tests, field tests, and reports of actual use).

(iv) Dispersant-application systems ensured to be available, including trained personnel, that are capable of applying dispersants in accordance with the recommended procedures in ASTM F1737-07 (incorporated by reference, see §155.140).

TABLE 155.1050(k)—TIERS FOR EFFECTIVE DAILY APPLICATION CAPABILITY

| | Response time for completed application | Dispersant application dispersant: oil treated in gallons (Gulf Coast) | Dispersant application dispersant: oil treated in gallons All other U.S. |
|--------------|---|--|--|
| Tier 1 | 12 | 8,250:165,000 | 4,125:82,500 |
| Tier 2 | 36 | 23,375:467,000 | 23,375:467,000 |
| Tier 3 | 60 | 23,375:467,000 | 23,375:467,000 |
| Total | 60 | 55,000:1,100,000 | 50,875:1,017,500 |

NOTE: Gulf Coast Tier 1 is higher due to greater potential spill size and frequency in that area, and it is assumed that dispersant stockpiles would be centralized in the Gulf area. Alternative application ratios may be considered based on submission to Coast Guard Headquarters, Office of Incident Management & Preparedness (CG-533) of peer-reviewed scientific evidence of improved capability.

(3) Dispersant stockpiles, application platforms, and other supporting resources must be ensured available in a quantity and type sufficient to treat a vessel's worst case discharge (as determined by using the criteria in Section 8 of appendix B), or in quantities sufficient to meet the requirements in Table 155.1050(k), whichever is the lesser amount.

(1) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan, and ensure their availability through contract or other approved means, response resources necessary to provide aerial oil tracking to support oil spill assessment and cleanup activities. Vessels operating on inland rivers are not required to comply with this paragraph.

(1) Aerial oil tracking resources must be capable of arriving at the site of a discharge in advance of the arrival of response resources identified in the plan for tiers 1, 2, and 3 Worst Case Discharge response times, and for a distance up to 50 nautical miles from shore (excluding inland rivers).

(2) Aerial oil tracking resources must include the following:

(i) Appropriately located aircraft and personnel capable of meeting the response time requirement for oil tracking in §155.1050(1)(1) of this section;

(ii) Sufficient numbers of aircraft, pilots, and trained observation personnel to support oil spill operations, commencing upon initial assessment, and

capable of coordinating on-scene clean-up operations, including dispersant, in-situ burning, and mechanical recovery operations;

(iii) Observation personnel must be trained in the protocols of oil spill reporting and assessment, including estimation of slick size, thickness, and quantity. Observation personnel must be trained in the use of assessment techniques in ASTM F1779-08 (incorporated by reference, see §155.140), and familiar with the use of pertinent guides, including, but not limited to, NOAA's "Open Water Oil Identification Job Aid for Aerial Observation" and the "Characteristic Coastal Habitats" guide; and

(iv) The capability of supporting oil spill removal operations continuously for three 10-hour operational periods during the initial 72 hours of the discharge.

(m) [Reserved]

(n) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, response resources necessary to perform shoreline protection operations.

(1) The response resources must include the quantities of boom listed in table 2 of appendix B of this part, based on the areas in which the vessel operates.

(2) Vessels that intend to offload their cargo at the Louisiana Offshore Oil Port (LOOP) marine terminal are not required to comply with the requirements of this paragraph when they are within the offshore area and under one of the following conditions:

(i) Approaching or departing the LOOP marine terminal within the LOOP Shipping Safety Fairway, as defined in 33 CFR 166.200.

(ii) Moored at the LOOP marine terminal for the purposes of cargo transfer operations or anchored in the designated anchorage area awaiting discharge.

(o) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, an oil spill removal organization capable of effecting a shoreline cleanup operation commensurate with the quantity of emulsified petroleum oil to be planned for in shoreline cleanup operations.

(1) The shoreline cleanup resources required must be determined as described in appendix B of this part.

(2) Vessels that intend to offload their cargo at the Louisiana Offshore Oil Port (LOOP) marine terminal are not required to comply with the requirements of this paragraph when they are within the offshore area and under one of the following conditions:

(i) Approaching or departing the LOOP marine terminal within the LOOP Shipping Safety Fairway as defined in 33 CFR 166.200.

(ii) Moored at the LOOP marine terminal for the purposes of cargo transfer operations or anchored in the designated anchorage area awaiting discharge.

(p) Appendix B of this part sets out caps that recognize the practical and technical limits of response capabilities for which an individual vessel owner or operator can contract in advance. Table 6 in appendix B lists the contracting caps that are applicable, as of February 18, 1993, and that are slated to apply on February 18, 1998. The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo, whose required daily recovery capacity exceeds the applicable contracting caps in table 6, shall identify commercial sources of additional equipment equal to twice the cap listed for each tier or the amount necessary to reach the calculated planning volume, whichever is lower, to the extent that this equipment is available. The equipment so identified must be capable of arriving on scene no later than the applicable tier response times contained in §155.1050(g) or as quickly as

the nearest available resource permits. A response plan must identify the specific sources, locations, and quantities of this additional equipment. No contract is required.

(q) 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 and 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.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-1998-3417, 73 FR 80649, Dec. 31, 2008; USCG-2001-8661, 74 FR 45028, Aug. 31, 2009; USCG-2018-0874, 84 FR 30880, June 28, 2019]

§ 155.1052 Response plan development and evaluation criteria for vessels carrying group V petroleum oil as a primary cargo.

(a) Owners and operators of vessels that carry group V petroleum oil as a primary cargo must provide information in their plan that identifies—

(1) Procedures and strategies for responding to discharges up 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) Using the criteria in Table 1 of Appendix B of this part, an owner or operator of a vessel carrying group V petroleum oil as a primary cargo 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 vessel operates. When evaluating the operability of equipment, the vessel owner or operator must consider limitations that are identified in the Area Contingency Plans for the COTP zones in which the vessel operates, including—

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

(c) The owner or operator of a vessel carrying group V 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) Sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column;
- (2) Containment boom, sorbent boom, silt curtains, or other methods for containing oil that may remain floating on the surface or to reduce spreading on the bottom;
- (3) Dredges, pumps, or other equipment necessary to recover oil from the bottom and shoreline; and
- (4) Other appropriate equipment necessary to respond to a discharge involving the type of oil carried.

(d) Response resources identified in a response plan under paragraph (c) of this section must be capable of being deployed within 24 hours of discovery of a discharge to the port nearest the area where the vessel is operating. An oil spill removal organization may not be listed in the plan unless the oil spill removal organization has provided written consent to be listed in the plan as an available resource.

(e) The owner or operator of a vessel carrying group V petroleum oil as a primary cargo shall 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; and

(2) A company with vessel fire-fighting 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 re-approval 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 group V petroleum oil as a primary cargo shall identify in the response plan and ensure the availability of certain resources required by §§ 155.1035(c)(5)(ii) and 155.1040(c)(5)(i), as applicable, through contract or other approved means.

(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

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identified in a plan as an available resource.

§ 155.1055 Training.

(a) A response plan submitted to meet the requirements of §155.1035 or §155.5035 must identify the training to be provided to persons having responsibilities under the plan, including members of the vessel crew, the qualified individual, and the spill management team. A response plan submitted to meet the requirements of §155.1040 must identify the training to be provided to the spill management team, the qualified individual, and other personnel in §155.1040 with specific responsibilities under the plan including tankermen and members of the towing vessel crew. The training program must differentiate between that training provided to vessel personnel and that training provided to shore-based personnel. Appendix C of this part provides additional guidance regarding training.

(b) A vessel owner or operator shall ensure the maintenance of records sufficient to document this training and make them available for inspection upon request by the Coast Guard. Records must be maintained for 3 years following completion of training. The response plan must identify the location of training records, which must be—

- (1) On board the vessel;
- (2) With the qualified individual; or
- (3) At a U.S. location of the spill management team.

(c) A vessel owner or operator may identify equivalent work experience which fulfills specific training requirements.

(d) The vessel owner or operator shall ensure that any oil spill removal organization identified in a response plan to meet the requirements of this part maintains records sufficient to document training for the organization's personnel. These records must be available for inspection upon request by the Coast Guard. Records must be maintained for 3 years following completion of training.

(e) Nothing in this section relieves the vessel owner or operator from the responsibility to ensure that all private shore-based response personnel

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are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120.

(f) A training plan may be prepared in accordance with Training Elements for Oil Spill Response to satisfy the requirements of this section.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by USCG-2008-1070, 78 FR 60123, Sept. 30, 2013]

§ 155.1060 Exercises.

(a) A vessel owner or operator required by §155.1035, §155.1040, or §155.5035 to have a response plan shall conduct exercise as necessary to ensure that the plan will function in an emergency. Both announced and unannounced exercises must be included. The following are the minimum exercise requirements for vessels covered by this subpart:

(1) Qualified individual notification exercises, which must be conducted quarterly;

(2) Emergency procedures exercises, which must be conducted quarterly;

(3) Shore-based spill management team tabletop exercises, which must be conducted annually. In a triennial period, at least one of these exercises must include a worst case discharge scenario;

(4) Oil spill removal organization equipment deployment exercises, which must be conducted annually; and

(5) An exercise of the entire response plan, which must be conducted every 3 years. The vessel owner or operator shall design the exercise program so that all components of the response plan are exercised at least once every 3 years. All of the components do not have to be exercised at one time; they may be exercised over the 3-year period through the required exercises or through an area exercise.

(b) Annually, at least one of the exercises listed in §155.1060(a) (2) and (4) must be unannounced. An unannounced exercise is one in which the personnel participating in the exercise have not been advised in advance of the exact date, time, and scenario of the exercise.

(c) A vessel owner or operator shall participate in unannounced exercises, as directed by the Coast Guard COTP.

The objectives of the unannounced exercises will be to evaluate notifications and equipment deployment for responses to average most probable discharge spill scenarios outlined in vessel response plans. The unannounced exercises will be limited to four per area per year, an area being that geographic area for which a separate and distinct Area Contingency Plan has been prepared, as described in the Oil Pollution Act of 1990. After participating in an unannounced exercise directed by a COTP, the owner or operator will not be required to participate in another unannounced exercise for at least 3 years from the date of the exercise.

(d) A vessel owner or operator shall participate in area exercises as directed by the applicable on-scene coordinator. The area exercises will involve equipment deployment to respond to the spill scenario developed by the exercise design team, of which the vessel owner or operator will be a member. After participating in an area exercise, a vessel owner or operator will not be required to participate in another area exercise for at least 6 years.

(e) The vessel owner or operator shall ensure that adequate exercise records are maintained. The following records are required:

(1) On board the vessel, records of the qualified individual notification exercises and the emergency procedures exercises. These exercises may be documented in the ship's log or may be kept in a separate exercise log.

(2) At the United States' location of either the qualified individual, spill management team, the vessel owner or operator, or the oil spill removal organization, records of exercises conducted off the vessel. Response plans must indicate the location of these records.

(f) Records described in paragraph (e) of this section must be maintained and available to the Coast Guard for 3 years following completion of the exercises.

(g) The response plan submitted to meet the requirements of this subpart must specify the planned exercise program. The plan shall detail the exercise program, including the types of exercises, frequencies, scopes, objectives,

and the scheme for exercising the entire response plan every 3 years.

(h) Compliance with the National Preparedness for Response Exercise Program (PREP) Guidelines will satisfy the vessel response plan exercise requirements. These guidelines are available from the TASC DEPT Warehouse, 33141Q 75th Avenue, Landover, MD 20875 (fax: 301-386-5394, stock number USCG-X0241). Compliance with an alternative program that meets the requirements of paragraph (a) of this section and has been approved under § 155.1065 will also satisfy the vessel response plan exercise requirements.

NOTE TO PARAGRAPH (h): The PREP guidelines are available online at <http://www.uscg.mil/hq/g-m/nmc/response/msprep.pdf>.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by 68 FR 37741, June 25, 2003; USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-2008-1070, 78 FR 60123, Sept. 30, 2013]

§ 155.1062 Inspection and maintenance of response resources.

(a) The owner or operator of a vessel required to submit a response plan under this part must ensure that—

(1) Containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan are periodically inspected and maintained in good operating condition, in accordance with manufacturer's recommendations and best commercial practices; and

(2) All inspections and maintenance are documented and that these records are maintained for 3 years.

(b) For equipment which must be inspected and maintained under this section the Coast Guard may—

(1) Verify that the equipment inventories exist as represented;

(2) Verify the existence of records required under this section;

(3) Verify that the records of inspection and maintenance reflect the actual condition of any equipment listed or referenced; and

(4) Inspect and require operational tests of equipment.

(c) This section does not apply to containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan and ensured available through the written consent of an oil spill removal organization, as

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described in the definition of “contract or other approved means” at §155.1020.

§ 155.1065 Procedures for plan submission, approval, requests for acceptance of alternative planning criteria, and appeal.

(a) An owner or operator of a vessel to which this subpart applies shall submit one complete English language copy of a vessel response plan to Commandant electronically by using the Vessel Response Plan Electronic Submission Tool available at <http://homeport.uscg.mil/vrpexpress> or by mail to Commandant (CG–MER), Attn: Vessel Response Plans, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501 or vrp@uscg.mil. The plan must be submitted at least 60 days before the vessel intends to handle, store, transport, transfer, or lighter oil in areas subject to the jurisdiction of the United States.

(b) The owner or operator shall include a statement certifying that the plan meets the applicable requirements of subparts D, E, F, G, and J of this part and shall include a statement indicating whether the vessel(s) covered by the plan are manned vessels carrying oil as a primary cargo, unmanned vessels carrying oil as a primary cargo, or vessels carrying oil as a secondary cargo. For plans submitted in paper format, CG Form “Application for Approval/Revision of Vessel Pollution Response Plans” (CG–6083) located at: http://www.uscg.mil/forms/CG/CG_6083.pdf meets the requirement for a vessel response plan certification statement as required by this paragraph.

(c) If the Coast Guard determines that the plan meets all requirements of this subpart, the Coast Guard will notify the vessel owner or operator with an approval letter. The plan will be valid for a period of up to 5 years from the date of approval.

(d) If the Coast Guard reviews the plan and determines that it does not meet all of the requirements, the Coast Guard will notify the vessel owner or operator of the response plan’s deficiencies. The vessel owner or operator must then resubmit the revised plan, or corrected portions of the plan, with-

in the time period specified in the written notice provided by the Coast Guard.

(e) For those vessels temporarily authorized under §155.1025 to operate without an approved plan pending formal Coast Guard approval, the deficiency provisions of §155.1070(c), (d), and (e) will also apply.

(f) When the owner or operator of a vessel believes that national planning criteria contained elsewhere in this part are inappropriate to the vessel for the areas in which it is intended to operate, the owner or operator may request acceptance of alternative planning criteria by the Coast Guard. Submission of a request must be made 90 days before the vessel intends to operate under the proposed alternative and must be forwarded to the COTP for the geographic area(s) affected.

(g) An owner or operator of a United States flag vessel may meet the response plan requirements of Regulation 37 of MARPOL 73/78 and subparts D, E, F, and G of this part by stating in writing, according to the provisions of §155.1030(j), that the plan submitted is intended to address the requirements of both Regulation 37 of MARPOL 73/78 and the requirements of subparts D, E, F, and G of this part.

(h) Within 21 days of notification that a plan is not approved, the vessel owner or operator may appeal that determination to the Director of Incident Management and Preparedness Policy (CG–5RI). This appeal must be submitted in writing to Commandant (CG–5RI), Attn: Director of Incident Management and Preparedness Policy, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7516.

[CGD 91–034, 61 FR 1081, Jan. 12, 1996, as amended by CGD 96–026, 61 FR 33666, June 28, 1996; CGD 97–023, 62 FR 33364, June 19, 1997; USCG–2002–12471, 67 FR 41333, June 18, 2002; USCG–2008–0179, 73 FR 35015, June 19, 2008; USCG–2010–0351, 75 FR 36285, June 25, 2010; USCG–2008–1070, 78 FR 60123, Sept. 30, 2013; USCG–2014–0410, 79 FR 38436, July 7, 2014; USCG–2016–0498, 82 FR 35082, July 28, 2017]

§ 155.1070 Procedures for plan review, revision, amendment, and appeal.

(a) A vessel response plan must be reviewed annually by the owner or operator.

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(1) This review must occur within 1 month of the anniversary date of Coast Guard approval of the plan.

(2) The owner or operator shall submit any plan amendments to the Coast Guard for information or approval. Revisions to a plan must include a cover page that provides a summary of the changes being made and the pages being affected. Revised pages must further include the number of the revision and date of that revision. Although plans should be submitted electronically, for plans submitted in paper format, CG Form "Application for Approval/Revision of Vessel Pollution Response Plans" (CG-6083) located at: http://www.uscg.mil/forms/CG/CG_6083.pdf should be used in lieu of a cover letter to request the required re-submission, plan amendment, or revision.

(3) Any required changes must be entered in the plan and noted on the record of changes page. The completion of the annual review must also be noted on the record of changes page.

(b) The vessel owner or operator subject to subparts D, E, F, G, or J of this part must resubmit the entire plan to the Coast Guard for approval—

(1) Six months before the end of the Coast Guard approval period identified in § 155.1065(c) or § 155.5065(c); and

(2) Whenever there is a change in the vessel owner or operator, if the previous vessel owner or operator provided the certifying statement required by § 155.1065(b) or § 155.5065(b), then the new vessel owner or operator must submit a new statement certifying that the plan continues to meet the applicable requirements of subparts D, E, F, G, or J of this part.

(c) Revisions or amendments to an approved response plan must be submitted for approval by the vessel's owner or operator whenever there is—

(1) A change in the vessel owner or operator, if that vessel owner or operator is not the one who provided the certifying statement required by § 155.1065(b) or § 155.5065(b);

(2) A change in the vessel's operating area that includes ports or geographic area(s) not covered by the previously approved plan. A vessel may operate in an area not covered in a previously approved plan upon receipt of written ac-

knowledgment by the Coast Guard that a new geographic-specific appendix has been submitted for approval by the vessel's owner or operator and the certification required in § 155.1025(c)(2) or § 155.5023(b) has been provided;

(3) A significant change in the vessel's configuration that affects the information included in the response plan;

(4) A change in the type of oil carried onboard (oil group) that affects the required response resources, except as authorized by the COTP for purposes of assisting in an oil spill response activity;

(5) A change in the identification of the oil spill removal organization(s) or other response-related resource required by § 155.1050, § 155.1052, § 155.1230, § 155.2230, § 155.5050, or § 155.5052 as appropriate, except an oil spill removal organization required by § 155.1050(d) or § 155.5050(d) that may be changed on a case-by-case basis for an oil spill removal organization previously classified by the Coast Guard, which has been ensured to be available by contract or other approved means;

(6) A significant change in the vessel's emergency response procedures;

(7) A change in the qualified individual;

(8) The addition of a vessel to the plan. This change must include the vessel-specific appendix required by this subpart and the vessel owner or operator's certification required in § 155.1025(c) or § 155.5023(b); or

(9) Any other significant changes that affect the implementation of the plan.

(d) Thirty days in advance of operation, the vessel owner or operator must submit any revision or amendments identified in paragraph (c) of this section. The certification required in § 155.1065(b) or § 155.5065(b) must be submitted along with the revisions or amendments.

(e) The Coast Guard may require a vessel owner or operator to revise a response plan at any time if it is determined that the response plan does not meet the requirements of this subpart. The Coast Guard will notify the vessel owner or operator in writing of any deficiencies and any operating restrictions. Deficiencies must be corrected

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and submitted for acceptance within the time period specified in the written notice provided by the Coast Guard or the plan will be declared invalid and any further storage, transfer, handling, transporting or lightering of oil in areas subject to the jurisdiction of the United States will be in violation of section 311(j)(5)(E) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321(j)(5)(E)).

(f) A vessel owner or operator who disagrees with a deficiency determination may submit a petition for reconsideration to Commandant (CG-MER), Attn: Vessel Response Plans, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7516 or *vrp@uscg.mil* within the time period required for compliance or within 7 days from the date of receipt of the Coast Guard notice of a deficiency determination, whichever is less. After considering all relevant material presented, the Coast Guard will notify the vessel owner or operator of the final decision.

(1) Unless the vessel owner or operator petitions for reconsideration of the Coast Guard's decision, the vessel's owner or operator must correct the response plan deficiencies within the period specified in the Coast Guard's initial determination.

(2) If the vessel owner or operator petitions the Coast Guard for reconsideration, the effective date of the Coast Guard notice of deficiency determination may be delayed pending a decision by the Coast Guard. Petitions to the Coast Guard must be submitted in writing, via the Coast Guard official who issued the requirement to amend the response plan, within 5 days of receipt of the notice.

(g) Within 21 days of notification that a plan is not approved, the vessel owner or operator may appeal that determination to the Director of Incident Management and Preparedness Policy (CG-5RI). This appeal must be submitted in writing to Commandant (CG-5RI), Attn: Director of Incident Management and Preparedness Policy, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7516.

(h) Except as required in paragraph (c) of this section, amendments to per-

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sonnel and telephone number lists included in the response plan do not require prior Coast Guard approval.

(i) The Coast Guard and all other holders of the response plan shall be advised of any revisions to personnel and telephone numbers and provided a copy of these revisions as they occur.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by CGD 96-026, 61 FR 33666, June 28, 1996; CGD 97-023, 62 FR 33364, June 19, 1997; USCG-2002-12471, 67 FR 41333, June 18, 2002; USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-2001-8661, 74 FR 45029, Aug. 31, 2009; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2008-1070, 78 FR 60123, Sept. 30, 2013; USCG-2014-0410, 79 FR 38436, July 7, 2014; USCG-2016-0498, 82 FR 35082, July 28, 2017]

Subpart E—Additional Response Plan Requirements for Tankers Loading Cargo at a Facility Permitted Under the Trans-Alaska Pipeline Authorization Act

SOURCE: CGD 91-034, 61 FR 1097, Jan. 12, 1996, unless otherwise noted.

§ 155.1110 Purpose and applicability.

(a) This subpart establishes oil spill response planning requirements for an owner or operator of a tanker loading cargo at a facility permitted under the Trans-Alaska Pipeline Authorization Act (TAPAA) (43 U.S.C. 1651 *et seq.*) in Prince William Sound, Alaska, in addition to the requirements of subpart D of this part. 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.

(b) The information required in this subpart must be included in a Prince William Sound geographic-specific appendix to the vessel response plan required by subpart D of this part.

§ 155.1115 Definitions.

Except as provided in this section, the definitions in § 155.1020 apply to this subpart.

Prince William Sound means all State and Federal waters within Prince William Sound, Alaska, including the approach to Hinchinbrook Entrance out to and encompassing Seal Rock.

§ 155.1120 Operating restrictions and interim operating authorization.

The owner or operator of a tanker to which this subpart applies may not load cargo at a facility permitted under the Trans-Alaska Pipeline Authorization Act unless the requirements of this subpart and §155.1025 have been met. The owner or operator of such a tanker shall certify to the Coast Guard that they have provided, through an oil spill removal organization required by §155.1125, the necessary response resources to remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater, in Prince William Sound, AK.

§ 155.1125 Additional response plan requirements.

(a) The owner or operator of a tanker subject to this subpart shall include the requirements of this section in the Prince William Sound geographic-specific appendix required by subpart D of this part.

(1) The response plan must include identification of an oil spill removal organization that shall—

- (i) Perform response activities;
- (ii) Provide oil spill removal and containment training, including training in the operation of prepositioned equipment, for personnel, including local residents and fishermen, from the following locations in Prince William Sound—
 - (A) Valdez;
 - (B) Tatitlek;
 - (C) Cordova;
 - (D) Whittier;
 - (E) Chenega; and
 - (F) Fish hatcheries located at Port San Juan, Main Bay, Esther Island, Cannery Creek, and Solomon Gulch.

(iii) Consist of sufficient numbers of trained personnel with the necessary technical skills to remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater;

(iv) Provide a plan for training sufficient numbers of additional personnel to remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater; and

(v) Address the responsibilities required in §155.1035(d)(4).

(2) The response plan must include exercise procedures that must—

(i) Provide two exercises of the oil spill removal organization each year to ensure prepositioned equipment and trained personnel required under this subpart perform effectively;

(ii) Provide for both announced and unannounced exercises; and

(iii) Provide for exercises that test either the entire appendix or individual components.

(3) The response plan must identify a testing, inspection, and certification program for the prepositioned response equipment required in §155.1130 that must provide for—

(i) Annual testing and equipment inspection in accordance with the manufacturer's recommended procedures, to include—

(A) Start-up and running under load of all electrical motors, pumps, power packs, air compressors, internal combustion engines, and oil recovery devices; and

(B) Removal of no less than one-third of required boom from storage annually, such that all boom will have been removed and examined within a period of 3 years;

(ii) Records of equipment tests and inspection; and

(iii) Use of an independent entity to certify that the equipment is on-site and in good operating condition and that required tests and inspections have been performed. The independent entity must have appropriate training and expertise to provide this certification.

(4) The response plan must identify and give the location of the prepositioned response equipment required in §155.1130 including the make, model, and effective daily recovery rate of each oil recovery resource.

(b) The owner or operator shall submit to the COTP for approval, no later than September 30th of each calendar year, a schedule for the training and exercises required by the geographic-specific appendix for Prince William Sound for the following calendar year.

(c) All records required by this section must be available for inspection

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by the Coast Guard and must be maintained for a period of 3 years.

§ 155.1130 Requirements for prepositioned response equipment.

The owner or operator of a tanker subject to this subpart shall provide the following prepositioned response equipment, located within Prince William Sound, in addition to that required by §155.1035:

(a) On-water recovery equipment with a minimum effective daily recovery capacity of 30,000 barrels, capable of being on scene within 6 hours of notification of a discharge.

(b) On-water storage capacity of 100,000 barrels, capable of being on scene within 6 hours of notification of a discharge.

(c) Additional on-water recovery equipment with a minimum effective daily recovery capacity of 40,000 barrels capable of being on scene within 18 hours of notification of a discharge.

(d) On-water storage capacity of 300,000 barrels for recovered oily material, capable of being on scene within 24 hours of notification of a discharge.

(e) On-water oil recovery devices and storage equipment located in communities and at strategic locations.

(f) For sufficient protection of the environment in the locations identified in §155.1125(a)(1)(ii)—

- (1) Boom appropriate for the specific locations;
- (2) Sufficient boats to deploy boom and sorbents;
- (3) Sorbents including booms, sweeps, pads, blankets, drums and plastic bags;
- (4) Personnel protective clothing and equipment;
- (5) Survival equipment;
- (6) First aid supplies;
- (7) Buckets, shovels, and various other tools;
- (8) Decontamination equipment;
- (9) Shoreline cleanup equipment;
- (10) Mooring equipment;
- (11) Anchored buoys at appropriate locations to facilitate the positioning of defensive boom; and
- (12) Other appropriate removal equipment for the protection of the environment as identified by the COTP.

(g) For each oil-laden tanker, an escorting response vessel which is fitted with skimming and on board storage

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capabilities practicable for the initial oil recovery planned for a cleanup operation, as identified by the oil spill removal organization.

(h) Lightering resources required in subpart I of this part capable of arriving on scene within 6 hours of notification of a discharge.

[CGD 91-034, 61 FR 1097, Jan. 12, 1996, as amended by USCG-2009-0416, 74 FR 27441, June 10, 2009]

§ 155.1135 Response plan development and evaluation criteria.

For tankers subject to this subpart, the following response times must be used in determining the on-scene arrival time in Prince William Sound, for the response resources required by §155.1050:

| | Tier 1 | Tier 2 | Tier 3 |
|-----------------------|--------------|--------------|--------|
| Prince William Sound. | 12 hrs | 24 hrs | 36 hrs |

§ 155.1145 Submission and approval procedures.

An appendix prepared under this subpart must be submitted and approved in accordance with §155.1065.

§ 155.1150 Plan revision and amendment procedures.

An appendix prepared and submitted under this subpart must be revised and amended, as necessary, in accordance with §155.1070.

Subpart F—Response plan requirements for vessels carrying animal fats and vegetable oils as a primary cargo

SOURCE: CGD 91-034, 61 FR 1098, Jan. 12, 1996, unless otherwise noted.

§ 155.1210 Purpose and applicability.

This subpart establishes oil spill response planning requirements for an owner or operator of a vessel carrying animal fats and vegetable oils as a primary cargo. 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.

§ 155.1225 Response plan submission requirements.

An owner or operator of a vessel carrying animal fats and vegetable oils as a primary cargo shall submit a response plan in accordance with the requirements of this subpart, and with all sections of subpart D of this part, except §§ 155.1050 and 155.1052.

§ 155.1230 Response plan development and evaluation criteria.

(a) Owners and operators of vessels that carry animal fats or vegetable oils as a primary cargo must provide information in their plan that identifies—

(1) Procedures and strategies for responding to a worst case discharge of animal fats or vegetable oils to the maximum extent practicable; and

(2) Sources of the equipment and supplies necessary to contain, recover, and mitigate such a discharge.

(b) An owner or operator of a vessel carrying animal fats or vegetable oils as a primary cargo 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 vessel operates using the criteria in Table 1 of Appendix B of this part. When evaluating the operability of equipment, the vessel owner or operator must consider limitations that are identified in the Area Contingency Plans for the COTP zones in which the vessel operates, including—

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

(c) The owner or operator of a vessel carrying animal fats or vegetable oils 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 animal fats or vegetable oils carried; and

(3) Other appropriate equipment necessary to respond to a discharge involv-

ing the type of animal fats or vegetable oils 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:

| | Tier 1 | Tier 2 | Tier 3 |
|---|--------------|-----------|--------|
| Higher volume port area. | 12 hrs | N/A | N/A |
| Great Lakes | 18 hrs | N/A | N/A |
| All other rivers and canals, inland, nearshore, and offshore areas. | 24 hrs | N/A | N/A |
| Open ocean (plus travel time from shore). | 24 hrs + ... | N/A | N/A |

(e) The owner or operator of a vessel carrying animal fats or vegetable oils 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 fire-fighting 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 re-approval 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 animal fats or vegetable oils

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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, § 155.1035(c)(5)(ii) and § 155.1040(c)(5)(i), 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 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

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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.

Subpart G—Response Plan Requirements for Vessels Carrying Other Non-Petroleum Oils as a Primary Cargo

SOURCE: CGD 91-034, 61 FR 1099, Jan. 12, 1996, unless otherwise noted.

§ 155.2210 Purpose and applicability.

This subpart establishes oil spill response planning requirements for an owner or operator of a vessel carrying other non-petroleum oils as a primary cargo. 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.

§ 155.2225 Response plan submission requirements.

An owner or operator of a vessel carrying other non-petroleum oils as a primary cargo shall submit a response plan in accordance with the requirements of this subpart, and with all sections of subpart D of this part, except §§ 155.1050 and 155.1052.

§ 155.2230 Response plan development and evaluation criteria.

(a) Owners and operators of vessels that carry other non-petroleum oil as a primary cargo must provide information in their 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 contain, recover, and mitigate such a discharge.

(b) An owner or operator of a vessel carrying other non-petroleum oil as a primary cargo 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 vessel operates using the criteria in Table 1 of Appendix B of this part. When evaluating the operability of equipment, the vessel owner or operator must consider limitations that are identified in the Area Contingency Plans for the COTP zones in which the vessel operates, including—

- (1) Ice conditions;
- (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 follow:

| | Tier 1 | Tier 2 | Tier 3 |
|---|--------------|-----------|--------|
| Higher volume port area. | 12 hrs | N/A | N/A |
| Great Lakes | 18 hrs | N/A | N/A |
| All other rivers and canals, inland, nearshore, and offshore areas. | 24 hrs | N/A | N/A |
| Open ocean (plus travel time from shore). | 24 hrs + ... | N/A | N/A |

(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 fire-fighting 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 re-approval 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.

Subpart H [Reserved]

Subpart I—Salvage and Marine Firefighting

SOURCE: USCG–1998–3417, 73 FR 80649, Dec. 31, 2008, unless otherwise noted.

§ 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 and 155.5015 to have a vessel response plan.

(b) *Salvage* and *marine firefighting* actions can save lives and property, and prevent the escalation of potential oil spills to worst case discharge scenarios.

(c) 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.

[USCG–1998–3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG–2008–1070, 78 FR 60123, Sept. 30, 2013]

§ 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 or § 155.5015 to have a vessel response plan.

[USCG–1998–3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG–2008–1070, 78 FR 60123, Sept. 30, 2013]

§ 155.4020 Complying with this subpart.

(a)(1) If you have an existing approved vessel response plan required by § 155.1015, you must have your vessel response plan updated and submitted to the Coast Guard by February 22, 2011.

(2) 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.

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

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

(ii) The Coast Guard determines that the response resources referenced in

your plan do not meet the requirements of this subpart;

(iii) The contracts or agreements cited in your plan have lapsed or are otherwise no longer valid;

(iv) You are not operating in accordance with your plan; or

(v) The plan's approval has expired.

(b) If § 155.5015 requires that you have a vessel response plan, you must have your vessel response plan submitted to the Coast Guard by January 30, 2014.

[USCG-1998-3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG-2001-8661, 74 FR 45029, Aug. 31, 2009; USCG-2008-1070, 78 FR 60123, Sept. 30, 2013]

§ 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 calculations would include information collected by the on-scene salvage professional. The assessment is intended to allow sound decisions to be made for subsequent salvage efforts. In addition, the assessment must be consistent with the conditions set forth in 33 CFR 155.240 and 155.245, as applicable.

Boundary lines are lines drawn following the general trend of the seaward, highwater shorelines and lines continuing the general trend of the seaward, highwater shorelines across entrances to small bays, inlets and rivers as defined in 46 CFR 7.5(c).

Captain of the Port (COTP) city means the city which is the geographical location of the COTP office. COTP city locations are listed in 33 CFR part 3.

Continental United States (CONUS) means the contiguous 48 States and the District of Columbia.

Contract or other approved means is any one of the following:

(1)(i) A written contractual agreement between a vessel owner or operator and resource provider. This agreement must expressly provide that the resource provider is capable of, and intends to commit to, meeting the plan requirements.

(ii) A written certification that the personnel, equipment, and capabilities required by this subpart are available

and under the vessel owner or operator's direct control. If the planholder has personnel, equipment and capabilities under their direct control, they need not contract those items with a resource provider.

(iii) An alternative approved by the Coast Guard (Assistant Commandant for Response Policy (CG-5R)) and submitted in accordance with 33 CFR 155.1065(f) and 155.5067(a).

(2) As part of the contract or other approved means you must develop and sign, with your resource provider, a written funding agreement. This funding agreement is to ensure that salvage and marine firefighting responses are not delayed due to funding negotiations. The funding agreement must include a statement of how long the agreement remains in effect, and must be provided to the Coast Guard for VRP approval. In addition any written agreement with a public resource provider must be included in the planholder's Vessel Response Plan (VRP).

Diving services support means divers and their equipment to support salvage operations. This support may include, but not be limited to, underwater repairs, welding, placing lifting slings, or performing damage assessments.

Emergency lightering is the process of transferring oil between two ships or other floating or land-based receptacles in an emergency situation and may require pumping equipment, transfer hoses, fenders, portable barges, shore based portable tanks, or other equipment that circumstances may dictate.

Emergency towing, also referred to as rescue towing, means the use of towing vessels that can pull, push or make-up alongside a vessel. This is to ensure that a vessel can be stabilized, controlled or removed from a grounded position. Towing vessels must have the proper horsepower or bollard pull compatible with the size and tonnage of the vessel to be assisted.

External emergency transfer operations means the use of external pumping equipment placed on board a vessel to move oil from one tank to another, when the vessel's own transfer equipment is not working.

External firefighting teams means trained firefighting personnel, aside from the crew, with the capability of boarding and combating a fire on a vessel.

External vessel firefighting systems mean firefighting resources (personnel and equipment) that are capable of combating a fire from other than on board the vessel. These resources include, but are not limited to, fire tugs, portable fire pumps, airplanes, helicopters, or shore side fire trucks.

Funding agreement is a written agreement between a resource provider and a planholder that identifies agreed upon rates for specific equipment and services to be made available by the resource provider under the agreement. The funding agreement is to ensure that salvage and marine firefighting responses are not delayed due to funding negotiations. This agreement must be part of the contract or other approved means and must be submitted for review along with the VRP.

Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

Heavy lift means the use of a salvage crane, A-frames, hydraulic jacks, winches, or other equipment for lifting, righting, or stabilizing a vessel.

Inland area means the area shoreward of the boundary lines defined in 46 CFR part 7, except that in the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines) as defined in §§80.740 through 80.850 of this chapter. The inland area does not include the Great Lakes.

Making temporary repairs means action to temporarily repair a vessel to enable it to safely move to a shipyard or other location for permanent repairs. These services include, but are not limited to, shoring, patching, drill stopping, or structural reinforcement.

Marine firefighting means any firefighting related act undertaken to assist a vessel with a potential or actual fire, to prevent loss of life, damage or destruction of the vessel, or damage to the marine environment.

Marine firefighting pre-fire plan means a plan that outlines the responsibilities and actions during a marine fire inci-

dent. The principle purpose is to explain the resource provider's role, and the support which can be provided, during marine firefighting incidents. Policies, responsibilities and procedures for coordination of on-scene forces are provided in the plan. It should be designed for use in conjunction with other state, regional and local contingency and resource mobilization plans.

Nearshore area means the area extending seaward 12 miles from the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, a nearshore area is one extending seaward 12 miles from the line of demarcation (COLREG lines) as defined in §§80.740 through 80.850 of this chapter.

Offshore area means the area up to 38 nautical miles seaward of the outer boundary of the nearshore area.

On-site fire assessment means that a marine firefighting professional is on scene, at a safe distance from the vessel or on the vessel, who can determine the steps needed to control and extinguish a marine fire in accordance with a vessel's stability and structural integrity assessment if necessary.

On-site salvage assessment means that a salvage professional is on scene, at a safe distance from the vessel or on the vessel, who has the ability to assess the vessel's stability and structural integrity. The data collected during this assessment will be used in the salvage software calculations and to determine necessary steps to save the vessel.

Other refloating methods means those techniques for refloating a vessel aside from using pumps. These services include, but are not limited to, the use of pontoons, air bags or compressed air.

Outside continental United States (OCONUS) means Alaska, Hawaii, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession of the United States.

Primary resource provider means a resource provider listed in the vessel response plan as the principal entity contracted for providing specific salvage and/or marine firefighting services and resources, when multiple resource providers are listed for that service, for

each of the COTP zones in which a vessel operates. The primary resource provider will be the point of contact for the planholder, the Federal On Scene Coordinator (FOSC) and the Unified Command, in matters related to specific resources and services, as required in §155.4030(a).

Remote assessment and consultation means contacting the salvage and/or marine firefighting resource providers, by phone or other means of communications to discuss and assess the situation. The person contacted must be competent to consult on a determination of the appropriate course of action and initiation of a response plan.

Resource provider means an entity that provides personnel, equipment, supplies, and other capabilities necessary to perform salvage and/or marine firefighting services identified in the response plan, and has been arranged by contract or other approved means. The resource provider must be selected in accordance with §155.4050. For marine firefighting services, resource providers can include public firefighting resources as long as they are able, in accordance with the requirements of §155.4045(d), and willing to provide the services needed.

Salvage means any act undertaken to assist a vessel in potential or actual danger, to prevent loss of life, damage or destruction of the vessel and release of its contents into the marine environment.

Salvage plan means a plan developed to guide salvage operations except those identified as specialized salvage operations.

Special salvage operations plan means a salvage plan developed to carry out a specialized salvage operation, including heavy lift and/or subsurface product removal.

Subsurface product removal means the safe removal of oil from a vessel that has sunk or is partially submerged un-

derwater. These actions can include pumping or other means to transfer the oil to a storage device.

Underwater vessel and bottom survey means having salvage resources on scene that can perform examination and analysis of the vessel's hull and equipment below the water surface. These resources also include the ability to determine the bottom configuration and type for the body of water. This service can be accomplished through the use of equipment such as sonar, magnetometers, remotely operated vehicles or divers. When divers are used to perform these services, the time requirements for this service apply and not those of diving services support.

[USCG-1998-3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG-2008-1070, 78 FR 60124, Sept. 30, 2013; USCG-2016-0498, 82 FR 35082, July 28, 2017]

§ 155.4030 Required salvage and marine firefighting services to list in response plans.

(a) You must identify, in the geographical-specific appendices of your VRP, the *salvage and marine firefighting* services listed in Table 155.4030(b)—Salvage and Marine Firefighting Services and Response Timeframes. Additionally, you must list those *resource providers* that you have contracted to provide these services. You may list multiple *resource providers* for each service, but you must identify which one is your primary *resource provider* for each Captain of the Port (COTP) zone in which you operate. A method of contact, consistent with the requirements in §§155.1035(e)(6)(ii), 155.1040(e)(5)(ii), and 155.5035(e)(6)(ii) must also be listed, in the geographical-specific appendices of your VRP, adjacent to the name of the *resource provider*.

(b) Table 155.4030(b) lists the required *salvage and marine firefighting* services and response timeframes.

TABLE 155.4030(b)—SALVAGE AND MARINE FIREFIGHTING SERVICES AND RESPONSE TIMEFRAMES

| Service | Location of incident response activity timeframe | |
|-------------------|--|---|
| (1) Salvage | CONUS: nearshore area; inland waters; Great Lakes; and OCONUS: <or = 12 miles from COTP city (hours) | CONUS: offshore area; and OCONUS: <or = 50 miles from COTP city (hours) |

TABLE 155.4030(b)—SALVAGE AND MARINE FIREFIGHTING SERVICES AND RESPONSE TIMEFRAMES—Continued

| | | | |
|--|-----------------|--|---|
| (i) <i>Assessment & Survey:</i> | | | |
| (A) Remote assessment and consultation | | 1 | 1 |
| (B) Begin assessment of structural stability | | 3 | 3 |
| (C) On-site salvage assessment | | 6 | 12 |
| (D) Assessment of structural stability | | 12 | 18 |
| (E) Hull and bottom survey | | 12 | 18 |
| (ii) <i>Stabilization:</i> | | | |
| (A) Emergency towing | | 12 | 18 |
| (B) Salvage plan | | 16 | 22 |
| (C) External emergency transfer operations | | 18 | 24 |
| (D) Emergency lightering | | 18 | 24 |
| (E) Other refloating methods | | 18 | 24 |
| (F) Making temporary repairs | | 18 | 24 |
| (G) Diving services support | | 18 | 24 |
| (iii) <i>Specialized Salvage Operations:</i> | | | |
| (A) Special salvage operations plan | | 18 | 24 |
| (B) Subsurface product removal | | 72 | 84 |
| (C) Heavy lift ¹ | | Estimated | Estimated |
| (2) Marine firefighting | At pier (hours) | CONUS: Nearshore area; inland waters; Great Lakes; and OCONUS: <or = 12 miles from COTP city (hours) | CONUS: Offshore area; and OCONUS: <or = 50 miles from COTP city (hours) |
| (i) <i>Assessment & Planning:</i> | | | |
| (A) Remote assessment and consultation | 1 | 1 | 1 |
| (B) On-site fire assessment | 2 | 6 | 12 |
| (ii) <i>Fire Suppression:</i> | | | |
| (A) External firefighting teams | 4 | 8 | 12 |
| (B) External vessel firefighting systems | 4 | 12 | 18 |

¹ Heavy lift services are not required to have definite hours for a response time. The planholder must still contract for heavy lift services, provide a description of the heavy lift response and an estimated response time when these services are required, however, none of the timeframes listed in the table in § 155.4030(b) will apply to these services.

(c) *Integration into the response organization.* You must ensure that all *salvage and marine firefighting resource providers* are integrated into the response organizations listed in your plans. The response organization must be consistent with the requirements set forth in §§ 155.1035(d), 155.1040(d), 155.1045(d), and 155.5035(d).

(d) *Coordination with other response resource providers, response organizations and OSROs.* Your plan must include provisions on how the salvage and marine firefighting resource providers will coordinate with other response resources, response organizations, and OSROs. For example, you will need to identify how salvage and marine firefighting assessment personnel will coordinate response activity with oil spill removal organizations. For services that, by law, require public assistance, there must be clear guidelines on how service providers will interact with those organizations. The information contained in the response plan must be consistent with applicable Area Contingency Plans (ACPs) and the Na-

tional Oil and Hazardous Substances Pollution Contingency Plan as found in §§ 155.1030(h) and 155.5030(f).

(e) *Ensuring the proper emergency towing vessels are listed in your VRP.* Your VRP must identify towing vessels with the proper characteristics, horsepower, and bollard pull to tow your vessel(s). These towing vessels must be capable of operating in environments where the winds are up to 40 knots.

(f) *Ensuring the proper type and amount of transfer equipment is listed in your VRP.* Your salvage resource provider must be able to bring on scene a pumping capability that can offload the vessel's largest cargo or fuel tank, whichever is greater, in 24 hours of continuous operation. This is required for both emergency transfer and lightering operations.

(g) *Ensuring firefighting equipment is compatible with your vessel.* Your plan must list the proper type and amount of extinguishing agent needed to combat an oil fire involving your vessel's

cargo fuel, other contents, and superstructure. If your primary extinguishing agent is foam or water, you must identify resources in your plan that are able to pump, for a minimum of 20 minutes, at least 0.016 gallons per minute per square foot of the deck area of your vessel, or an appropriate rate for spaces that this rate is not suitable for and if needed, an adequate source of foam. These resources described are to be supplied by the resource provider, external to the vessel's own firefighting system.

(h) *Ensuring the proper subsurface product removal.* You must have subsurface product removal capability if your vessel(s) operates in waters of 40 feet or more. Your resource provider must have the capability of removing bulk liquid cargo and fuel from your sunken vessel to a depth equal to the maximum your vessel operates in up to 150 feet.

[USCG-1998-3417, 73 FR 80649, Dec. 31, 2008; 74 FR 7648, Feb. 19, 2009; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2008-1070, 78 FR 60124, Sept. 30, 2013]

§ 155.4032 Other resource provider considerations.

(a) *Use of resource providers not listed in the VRP.* If another resource provider, not listed in the approved plan for the specific service required, is to be contracted for a specific response, justification for the selection of that resource provider needs to be provided to, and approved by, the FOSC. Only under exceptional circumstances will the FOSC authorize deviation from the resource provider listed in the approved vessel response plan in instances where that would best affect a more successful response.

(b) *Worker health and safety.* Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q).

§ 155.4035 Required pre-incident information and arrangements for the salvage and marine firefighting resource providers listed in response plans.

(a) You must provide the information listed in §§155.1035(c), 155.1040(c), and 155.5035(c) to your salvage and marine firefighting resource providers.

(b) *Marine firefighting pre-fire plan.* (1) You must prepare a vessel pre-fire plan in accordance with NFPA 1405, Guide for Land-Based Firefighters Who Respond to Marine Vessel Fires, Chapter 9 (Incorporation by reference, see §155.140). If the planholder's vessel pre-fire plan is one that meets another regulation, such as SOLAS Chapter II-2, Regulation 15, or international standard, a copy of that specific fire plan must also be given to the resource provider(s) instead of the NFPA 1405 pre-fire plan, and be attached to the VRP.

(2) The marine firefighting resource provider(s) you are required to identify in your plan must be given a copy of the plan. Additionally, they must certify in writing to you that they find the plan acceptable and agree to implement it to mitigate a potential or actual fire.

(3) If a marine firefighting resource provider subcontracts to other organizations, each subcontracted organization must also receive a copy of the vessel pre-fire plan.

[USCG-1998-3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2008-1070, 78 FR 60124, Sept. 30, 2013]

§ 155.4040 Response times for each salvage and marine firefighting service.

(a) You must ensure, by contract or other approved means, that your resource provider(s) is capable of providing the services within the required timeframes.

(1) If your vessel is at the pier or transiting a COTP zone within the continental United States (CONUS), the timeframes in Table 155.4030(b) apply as listed.

(2) If your vessel is at the pier or transiting a COTP zone outside the continental United States (OCONUS), the timeframes in Table 155.4030(b) apply as follows:

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(i) Inland waters and nearshore area timeframes apply from the COTP city out to and including the 12 mile point.

(ii) Offshore area timeframes apply from 12 to 50 miles outside the COTP city.

(3) If your vessel transits within an OCONUS COTP zone that is outside the areas described in paragraph (a)(2) of this section, but within the inland waters or the nearshore or offshore area, you must submit in writing, in your plan, the steps you will take to address salvage and marine firefighting needs in the event these services are required.

(b) The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. It ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 or 50-mile point from the COTP city, or a point identified in your response plan for areas OCONUS.

(c) Table 155.4040(c) provides additional amplifying information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city.

TABLE 155.4040(c)—RESPONSE TIMEFRAME END POINTS

| Service | Response timeframe ends when |
|--|--|
| (1) Salvage: | |
| (i) Remote assessment and consultation. | Salvor is in voice contact with Qualified Individual (QI)/Master/Operator. |
| (ii) Begin assessment of structural stability. | A structural assessment of the vessel has been initiated. |
| (iii) On-site salvage assessment .. | Salvor on board vessel. |
| (iv) Assessment of structural stability. | Initial analysis is completed. This is a continual process, but at the time specified an analysis needs to be completed. |
| (v) Hull and bottom survey | Survey completed. |
| (vi) Emergency towing | Towing vessel on scene. |
| (vii) Salvage plan | Plan completed and submitted to Incident Commander/Unified Command. |
| (viii) External emergency transfer operations. | External pumps on board vessel. |
| (ix) Emergency lightering | Lightering equipment on scene and alongside. |
| (x) Other refloating methods | Salvage plan approved & resources on vessel. |
| (xi) Making temporary repairs | Repair equipment on board vessel. |
| (xii) Diving services support | Required support equipment & personnel on scene. |
| (xiii) Special salvage operations plan. | Plan completed and submitted to Incident Commander/Unified Command. |
| (xiv) Subsurface product removal | Resources on scene. |
| (xv) Heavy lift ¹ | Estimated. |
| (2) Marine firefighting: | |
| (i) Remote assessment and consultation. | Firefighter in voice contact with QI/Master/Operator. |
| (ii) On-site fire assessment | Firefighter representative on site. |
| (iii) External firefighting teams | Team and equipment on scene. |
| (iv) External vessel firefighting systems. | Personnel and equipment on scene. |

¹ Heavy lift services are not required to have definite hours for a response time. The planholder must still contract for heavy lift services, provide a description of the heavy lift response and an estimated response time when these services are required, however, none of the timeframes listed in the table in § 155.4030(b) will apply to these services.

(d) *How to apply the timeframes to your particular situation.* To apply the timeframes to your vessel's situation, follow these procedures:

(1) Identify if your vessel operates CONUS or OCONUS.

(2) If your vessel is calling at any CONUS pier or an OCONUS pier within 50 miles of a COTP city, you must list the pier location by facility name or city and ensure that the marine firefighting resource provider can reach

the locations within the specified response times in Table 155.4030(b).

(3) If your vessel is transiting within CONUS inland waters, nearshore or offshore areas or the Great Lakes, you must ensure the listed salvage and marine firefighting services are capable of reaching your vessel within the appropriate response times listed in Table 155.4030(b).

(4) If your vessel is transiting within 12 miles or less from an OCONUS COTP

city, you must ensure the listed salvage and marine firefighting services are capable of reaching a point 12 miles from the harbor of the COTP city within the nearshore area response times listed in Table 155.4030(b).

(5) If your vessel is transiting between 12 and 50 miles from an OCONUS COTP city, you must ensure the listed salvage and marine firefighting services are capable of reaching a point 50 miles from the harbor of the COTP city within the offshore area response times listed in Table 155.4030(b).

(6) If your vessel transits inland waters or the nearshore or offshore areas OCONUS, but is more than 50 miles from a COTP city, you must still contract for salvage and marine firefighting services and provide a description of how you intend to respond and an estimated response time when these services are required, however, none of the time limits listed in Table 155.4030(b) will apply to these services.

§ 155.4045 Required agreements or contracts with the salvage and marine firefighting resource providers.

(a) You may only list resource providers in your plan that have been arranged by contract or other approved means.

(b) You must obtain written consent from the resource provider stating that they agree to be listed in your plan. This consent must state that the resource provider agrees to provide the services that are listed in §§ 155.4030(a) through 155.4030(h), and that these services are capable of arriving within the response times listed in Table 155.4030(b). This consent may be included in the contract with the resource provider or in a separate document.

(c) This written consent must be available to the Coast Guard for inspection. The response plan must identify the location of this written consent, which must be:

(1) On board the vessel; or

(2) With a qualified individual located in the United States.

(d) Public marine firefighters may only be listed out to the maximum extent of the public resource's jurisdiction, unless other agreements are in place. A public marine firefighting re-

source may agree to respond beyond their jurisdictional limits, but the Coast Guard considers it unreasonable to expect public marine firefighting resources to do this.

§ 155.4050 Ensuring that the salvors and marine firefighters are adequate.

(a) You are responsible for determining the adequacy of the resource providers you intend to include in your plan.

(b) When determining adequacy of the resource provider, you must select a resource provider that meets the following selection criteria to the maximum extent possible:

(1) *Resource provider* is currently working in response service needed.

(2) *Resource provider* has documented history of participation in successful salvage and/or marine firefighting operations, including equipment deployment.

(3) *Resource provider* owns or has contracts for equipment needed to perform response services.

(4) *Resource provider* has personnel with documented training certification and degree experience (Naval Architecture, Fire Science, etc.).

(5) *Resource provider* has 24-hour availability of personnel and equipment, and history of response times compatible with the time requirements in the regulation.

(6) *Resource provider* has on-going continuous training program. For marine firefighting providers, they meet the training guidelines in NFPA 1001, 1005, 1021, 1405, and 1561 (Incorporation by reference, see § 155.140), show equivalent training, or demonstrate qualification through experience.

(7) *Resource provider* has successful record of participation in drills and exercises.

(8) *Resource provider* has salvage or marine firefighting plans used and approved during real incidents.

(9) *Resource provider* has membership in relevant national and/or international organizations.

(10) *Resource provider* has insurance that covers the salvage and/or marine firefighting services which they intend to provide.

(11) *Resource provider* has sufficient up front capital to support an operation.

(12) *Resource provider* has equipment and experience to work in the specific regional geographic environment(s) that the vessel operates in (e.g., bottom type, water turbidity, water depth, sea state and temperature extremes).

(13) *Resource provider* has the logistical and transportation support capability required to sustain operations for extended periods of time in arduous sea states and conditions.

(14) *Resource provider* has the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard the health and safety of their workers when providing salvage and marine firefighting services.

(15) *Resource provider* has familiarity with the salvage and marine firefighting protocol contained in the local ACPs for each COTP area for which they are contracted.

(c) A *resource provider* need not meet all of the selection criteria in order for you to choose them as a provider. They must, however, be selected on the basis of meeting the criteria to the maximum extent possible.

(d) You must certify in your plan that these factors were considered when you chose your resource provider.

§ 155.4052 Drills and exercises.

(a) A vessel owner or operator required by §§ 155.1035, 155.1040, 155.5035 to have a response plan shall conduct exercises as necessary to ensure that the plan will function in an emergency. Both announced and unannounced exercises must be included.

(b) The following are the minimum exercise requirements for vessels covered by this subpart:

(1) Remote assessment and consultation exercises, which must be conducted quarterly;

(2) Emergency procedures exercises, which must be conducted quarterly;

(3) Shore-based salvage and shore-based marine firefighting management team tabletop exercises, which must be conducted annually;

(4) Response provider equipment deployment exercises, which must be conducted annually;

(5) An exercise of the entire response plan, which must be conducted every three years. The vessel owner or operator shall design the exercise program so that all components of the response plan are exercised at least once every three years. All of the components do not have to be exercised at one time; they may be exercised over the 3-year period through the required exercises or through an area exercise; and

(6) Annually, at least one of the exercises listed in § 155.4052(b)(2) and (4) must be unannounced. An unannounced exercise is one in which the personnel participating in the exercise have not been advised in advance of the exact date, time, or scenario of the exercise.

(7) Compliance with the National Preparedness for Response Exercise Program (PREP) Guidelines will satisfy the vessel response plan exercise requirements. These guidelines are available on the Internet at <https://Homeport.uscg.mil/exercises>. Once on that Web site, select the link for “Preparedness for Response Exercise Program (PREP)” and then select “Preparedness for Response Exercise Program (PREP) Guidelines”. Compliance with an alternate program that meets the requirements of 33 CFR 155.1060(a) and 155.5061, and has been approved under 33 CFR 155.1065 and 155.5065 will also satisfy the vessel response plan exercise requirements.

[USCG-1998-3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG-2008-1070, 78 FR 60124, Sept. 30, 2013]

§ 155.4055 Temporary waivers from meeting one or more of the specified response times.

(a) You may submit a request for a temporary waiver of a specific response time requirement, if you are unable to identify a resource provider who can meet the response time.

(b) Your request must be specific as to the COTP zone, operating environment, salvage or marine firefighting service, and response time.

(c) Emergency lightering requirements set forth in § 155.4030(b) will not be subject to the waiver provisions of this subpart.

(d) You must submit your request to the Assistant Commandant for Response Policy (CG-5R), via the local

COTP for final approval. The local COTP will evaluate and comment on the waiver before forwarding the waiver request, via the District, to the Assistant Commandant (CG-5R) for final approval.

(e) Your request must include the reason why you are unable to meet the time requirements. It must also include how you intend to correct the shortfall, the time it will take to do so, and what arrangements have been made to provide the required response resources and their estimated response times.

(f) Assistant Commandant for Response Policy (CG-5R), will only approve waiver requests up to a specified time period, depending on the service addressed in the waiver request, the operating environment, and other relevant factors. These time periods are listed in Table 155.4055(g).

(g) Table 155.4055(g) lists the service waiver time periods.

TABLE 155.4055(g)—SERVICE WAIVER TIME PERIODS

| Service | Maximum waiver time period (years) |
|---|------------------------------------|
| (1) Remote salvage assessment & consultation ... | 0 |
| (2) Remote firefighting assessment & consultation | 0 |
| (3) On-site salvage & firefighting assessment | 1 |
| (4) Hull and bottom survey | 2 |
| (5) Salvage stabilization services | 3 |
| (6) Fire suppression services | 4 |
| (7) Specialized salvage operations | 5 |

(h) You must submit your waiver request 30 days prior to any plan submission deadlines identified in this or any other subpart of part 155 in order for your vessel to continue oil transport or transfer operations.

[USCG-1998-3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG-2014-0410, 79 FR 38437, July 7, 2014; USCG-2016-0498, 82 FR 35082, July 28, 2017]

Subpart J—Nontank Vessel Response Plans

SOURCE: USCG-2009-1070, 78 FR 60124, Sept. 30, 2013, unless otherwise noted.

§ 155.5010 Purpose.

The purpose of this subpart is to establish requirements for oil spill response plans for nontank vessels. The planning criteria in this subpart are intended for use in nontank vessel oil spill response plan development and the identification of resources necessary to respond to a nontank vessel's worst case discharge or substantial threat of such a discharge. The development of a nontank vessel response plan prepares the vessel's crew and ship management to respond to an oil spill. The specific criteria for response resources and their arrival times are not performance standards. They are planning criteria based upon a set of assumptions that may not exist during an actual oil spill incident. Note to §155.5010: For nontank vessels that are mobile offshore drilling units (MODUs), additional oil spill planning standards are found in 30 CFR part 254.

§ 155.5012 Deviation from response plan.

The owner or operator of a nontank vessel required to have a vessel response plan (VRP) under this subpart may not deviate from the approved VRP unless the President or Federal On-Scene Coordinator determines that the deviation from the VRP would provide for a more expeditious or effective response to the spill or mitigation of its environmental effects.

§ 155.5015 Applicability.

(a) Except as provided in paragraph (d) of this section, this subpart applies to each self-propelled vessel that—

- (1) Carries oil of any kind as fuel for main propulsion;
- (2) Is not a tank vessel or is not certificated as a tank vessel;
- (3) Operates upon the navigable waters of the United States, as defined in 46 U.S.C. 2101(17a); and
- (4) Is 400 gross tons or more as measured under the convention measurement system in 46 U.S.C. 14302 or the regulatory measurement system of 46 U.S.C. 14502 for vessels not measured under 46 U.S.C. 14302.

(b) This subpart also applies to vessels carrying oil as secondary cargo and that meet the requirements of paragraph (a) of this section.

(c) For Integrated Tug Barge (ITB) units that are not certificated as tank vessels, the tonnage used to determine applicability of these regulations is the aggregate tonnage of the ITB combination, and the oil capacity used to determine the worst case discharge volume is the aggregate oil capacity of the ITB combination.

(d) This subpart does not apply to the following types of vessels—

- (1) Public vessels;
- (2) Foreign-flag vessels engaged in innocent passage through the territorial sea or transit passage through a strait used for international navigation, unless bound for or departing from a port or place of the United States;
- (3) Vessels that carry oil as a primary cargo and are required to submit a vessel response plan (VRP) in accordance with 33 CFR part 155, subpart D;
- (4) Vessels constructed or operated in such a manner that no oil in any form can be carried onboard as fuel for propulsion or cargo;
- (5) Permanently moored craft; and
- (6) Inactive vessels.

Note to §155.5015: VRP requirements for tank vessels are found in subpart D of this part.

§ 155.5020 Definitions.

Except as otherwise defined in this section, the definitions in §§155.110 and 155.1020 apply to this subpart. For the purposes of this subpart only, the term—

Cargo means oil, not carried as fuel, which is carried in bulk, and that is transported to and off-loaded at a port or place by a vessel. It does not include—

- (1) Oil carried in integral tanks, marine portable tanks, or independent tanks for use by machinery, helicopters, and boats carried onboard the vessel, or for use by helicopters that are directly supporting the vessel's primary operations;
- (2) Oil transferred from a towing vessel to a vessel in its tow to operate installed machinery other than the propulsion plant; or
- (3) Oil recovered during oil spill response operations.

Contract or other approved means includes—

(1) A written contractual agreement between a vessel owner or operator and a required response resource provider. The agreement must identify and ensure the availability of specified personnel and equipment required under this subpart within stipulated response times in the applicable Captain of the Port (COTP) zone or specified geographic areas;

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

(3) Active membership with a local or regional required response resource provider that has identified specific personnel and equipment required under this subpart that are available to respond to a discharge within stipulated response times in the COTP zone or specified geographic areas;

(4) A document that—

(i) Identifies the personnel, equipment, and services capable of being provided by the required response resource provider within stipulated response times in the COTP zone or specified geographic areas;

(ii) Sets out the parties' acknowledgment that the required response resource provider 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 exercises; and

(iv) Is referenced in the vessel response plan; or

(5) With the written consent of the required response resource provider, the identification of a required response resource provider with specified equipment and personnel that are available within stipulated response times in the COTP zone, port area, or specified geographic area. This paragraph is "other approved means" for only—

(i) Nontank vessels with a fuel or cargo oil capacity of less than 250 barrels for maximum most probable discharge oil spill removal response resource requirements per 33 CFR 155.5050(e);

(ii) Nontank vessels that carry group I through group IV petroleum oils as fuel or cargo with a capacity of 250 barrels or greater, but less than 2,500 barrels, for salvage, emergency lightering, and marine firefighting response resources per 33 CFR 155.5050(i)(2);

(iii) Nontank vessels that carry group I through group IV petroleum oils as fuel or cargo with a capacity less than 250 barrels for salvage response resources in 33 CFR 155.5050(i)(3);

(iv) Nontank vessels that carry group II through group IV petroleum oils as fuel or cargo with a capacity of 250 barrels or greater, but less than 2,500 barrels, for dispersant response resources per 33 CFR 155.5035(i)(7) and 33 CFR 155.5050(j); and

(v) Nontank vessels that carry groups I through IV petroleum oils as fuel or cargo with a capacity of 250 barrels or greater, but less than 2,500 barrels, for aerial oil spill tracking to support oil spill assessment and cleanup activities per 33 CFR 155.5050(k).

Fuel means all oils of any kind, which may be used to supply power or lubrication for primary or auxiliary purposes onboard the vessel in which it is carried.

Inactive vessel means a vessel that is out of service or laid up and has emptied its tanks of fuel except for the minimum amount of fuel necessary for the maintenance of the vessel's material condition. Such a vessel is considered not to be operating on the navigable waters of the United States for the purposes of 33 U.S.C. 1321(j)(5), unless the cognizant COTP determines that it poses an unacceptable risk to the marine environment due to the amount of oil carried for maintenance. A vessel would not be considered inactive if it carried oil as a cargo or cargo residue.

Integrated Tug Barge or *ITB* means any tug barge combination in which a specially designed propulsion unit (tug) is mated to a cargo unit (barge) of a compatible special design or where a

propulsion unit (tug) is mated to a cargo unit (barge) with a specially designed connection system such that the combined unit has operating characteristics and seakeeping capabilities that exceed, under all anticipated weather conditions, those of a tug and barge, where the tug is secured in the barge notch or on fenders by means such as wire rope, chains, lines, or other tackle now commonly used in offshore towing.

Maximum most probable discharge or *MMPD* means a discharge of—

(1) Two thousand five hundred (2,500) barrels of oil, for vessels with a fuel and cargo capacity equal to or greater than 25,000 barrels; or

(2) Ten percent of the vessel's fuel and cargo capacity, for vessels with a fuel and cargo capacity of less than 25,000 barrels.

Navigable waters of the United States means navigable waters of the United States as defined in 33 CFR 2.36(b)(1), including the waters in 46 U.S.C. 2101(17a).

Nontank vessel means a vessel meeting the description provided in 33 CFR 155.5015(a).

Oil spill removal organization or *OSRO* means any person or persons who own(s) or otherwise control(s) oil spill removal resources that are designed for, or are capable of, removing oil from the water or shoreline. Control of such resources through means other than ownership includes leasing or subcontracting of equipment or, in the case of trained personnel, by having contracts, evidence of employment, or consulting agreements. OSROs provide response equipment and services, individually or in combination with subcontractors or associated contractors, under contract or other approved means, directly to a vessel owner or operator of a vessel or a facility required to have a response plan under 33 U.S.C. 1321(j)(5). OSROs are able to mobilize and deploy equipment or trained personnel and remove, store, and transfer recovered oil. Persons such as sales and marketing organizations (e.g., distributorships and manufacturer's representatives) that warehouse or store equipment for sale are not OSROs.

P&I Club means a protection and indemnity insurance group that provides liability insurance cover for the vessel

owner or operator that would respond to an oil discharge or substantial threat of such a discharge by the vessel.

Permanently moored craft means a watercraft that is not considered to be a vessel under the rule of construction in 1 U.S.C. 3, because it is not practically (as opposed to theoretically) used or capable of being used as a means of transportation on the water.

Public vessel means a vessel owned or bareboat-chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

Qualified individual or *QI* and *alternate qualified individual* means a shore-based representative of a vessel owner or operator who meets the requirements of 33 CFR 155.5026.

Substantial threat of such a discharge means any incident involving a vessel that may create a significant risk of discharge of fuel or cargo oil. Such incidents include, but are not limited to, groundings, allisions, strandings, collisions, hull damage, fires, explosions, loss of propulsion, floodings, on-deck spills, or other similar occurrences.

Tier means the combination of required response resources and the times within which the resources must arrive on scene. Appendix B of this part, especially Tables 5 and 6, provide specific guidance on calculating the response resources required by a respective tier. Section 155.5050(g) sets forth the required times within which the response resources must arrive on scene. Tiers are applied to three categories of areas—

- (1) Higher volume port areas;
- (2) The Great Lakes; and
- (3) All other operating environments, including rivers and canals, inland, nearshore, offshore, and open ocean areas.

Transfer means any movement of oil to or from a vessel by means of pumping, gravitation, or displacement. A transfer is considered to begin when the person in charge of the transferring vessel or facility and the person in charge of the receiving facility or vessel first meet to begin completing the declaration of inspection required by 33 CFR 156.150. A transfer is considered to

be complete when all the connections for the transfer have been uncoupled and secured with blanks or other closure devices and both of the persons in charge have completed the declaration of inspection to include the date and time they complete the transfer.

Worst case discharge or *WCD* means a discharge in adverse weather conditions of a vessel's entire fuel or cargo oil, whichever is greater.

[USCG-2008-1070, 78 FR 60124, Sept. 30, 2013, as amended by USCG-2014-0410, 79 FR 38437, July 7, 2014]

§ 155.5021 Operating restrictions.

Nontank vessels subject to this subpart may not—

(a) Operate upon the navigable waters of the United States unless in compliance with a vessel response plan (VRP) approved under § 155.5065.

(b) Continue to operate on the navigable waters of the United States if—

(1) The Coast Guard determines that the response resources identified in the vessel's certification statement do not meet the requirements of this subpart;

(2) The contracts or agreements required in §§ 155.5050 and 155.5052 and the vessel's certification statement are no longer valid;

(3) The vessel is not operating in compliance with the submitted VRP; or

(4) The period of the VRP authorization has expired.

§ 155.5023 Interim operating authorization.

(a) Notwithstanding the requirements of § 155.5021 of this subpart, a vessel may continue to operate for up to 2 years after the date of submission of a vessel response plan (VRP) pending approval of that VRP, if the vessel has received written authorization for continued operations from the Coast Guard.

(b) To receive this authorization, the vessel owner or operator must certify in writing with an original or electronic signature to the Coast Guard that the vessel owner or operator has identified and has ensured, by contract or other approved means, the availability of the necessary private response resources to respond, to the maximum extent practicable, to a

worst case discharge or substantial threat of such a discharge from their vessel.

(c) Those nontank vessels temporarily authorized to operate under the provisions provided in this section must comply with 33 CFR 155.1070(c), (d), and (e).

§ 155.5025 One-time port waiver.

(a) If the vessel owner or operator seeks a one-time port waiver, they must certify in writing or using electronic signatures acceptable to the Coast Guard, prior to the vessel's entry into the Captain of the Port (COTP) zone, that they have met the requirements of—

(1) 33 CFR 155.1025(e)(1) through (3); and

(2) The vessel owner or operator has identified and ensured the availability of, through contract or other approved means, the private response resources necessary to respond, to the maximum extent practicable under the criteria in § 155.5050 to a worst case discharge or substantial threat of discharge from the vessel in the applicable COTP zone.

(b) Once the vessel owner or operator satisfies the requirements of paragraph (a) of this section, the cognizant U.S. Coast Guard COTP may grant written authorization for that nontank vessel to make one voyage in the respective geographic-specific area not covered by the vessel response plan.

(c) All requirements of this subpart must be met by a nontank vessel that received a one-time port waiver, for any subsequent voyage to the same geographic-specific area.

§ 155.5026 Qualified individual and alternate qualified individual.

The vessel response plan must identify a qualified individual and at least one alternate who meet the requirements of 33 CFR 155.1026. The qualified individual or alternate qualified individual must be available on a 24-hour basis.

§ 155.5030 Nontank vessel response plan requirements: General content.

(a) The entire vessel response plan (VRP) must be written in English and, if applicable, in a language that is un-

derstood by the crew members with responsibilities under the VRP.

(b) The VRP must cover all geographic areas of the United States in which the vessel intends to handle, store, or transport oil, including port areas and offshore transit areas.

(c) The VRP must be divided into the following sections—

(1) General information and introduction;

(2) Notification procedures;

(3) Shipboard spill mitigation procedures;

(4) Shore-based response activities;

(5) List of contacts;

(6) Training procedures;

(7) Exercise procedures;

(8) Plan review and update procedures;

(9) Geographic-specific appendix (GSA) for each Captain of the Port (COTP) zone in which the vessel or vessels operate; and

(10) An appendix for vessel-specific information for the vessel or vessels covered by the VRP.

(d) A vessel owner or operator with multiple vessels may submit one plan for all classes of vessels (*i.e.*, subpart D—Manned vessels carrying oil as primary cargo and unmanned vessels carrying oil as primary cargo; subpart E—Tankers loading cargo at a facility permitted under the Trans-Alaska Pipeline Authorization Act; subpart F—Vessels carrying animal fats and vegetable oils as primary cargo; and subpart G—Vessels carrying other non-petroleum oils as a primary cargo) with a separate vessel-specific appendix for each vessel covered by the plan and a separate GSA for each COTP zone in which the vessel(s) will operate.

(e) A VRP must be divided into the sections described in paragraph (c) of this section unless the VRP is supplemented with a cross-reference table to identify the location of the information required by this subpart.

(f) The information contained in a VRP must be consistent with—

(1) The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR part 300) and the Area Contingency Plan(s) (ACP) in effect on the date 6 months prior to the submission date of the VRP; or

(2) Most recent NCP and ACP(s).

Note to §155.5030(f)(1): See diagram of “Relationship of Plans” at 40 CFR 300.210.

(g) Copies of the submitted and approved VRP must be available as follows—

(1) The vessel owner or operator must ensure that they maintain one English language copy of the VRP, at a minimum the contents listed in paragraph (c)(1), (2), (3), (5), (6), (7), (9) and (10) of this section and a copy of the Coast Guard approval letter, onboard the vessel. In lieu of paper format, the vessel owner or operator may keep an electronic copy of the VRP and approval letter onboard the vessel. If applicable, additional copies of the required VRP sections must be in the language understood by crew members with responsibilities under the VRP and maintained onboard the vessel; and

(2) The vessel owner or operator must also maintain a current copy of the entire VRP and ensure that each person identified as a qualified individual and alternate qualified individual in the VRP has a current copy of the entire VRP. An electronic copy of the VRP is authorized.

(h) Compliance with this subpart will also constitute compliance for a U.S.-flag nontank vessel required to submit a Shipboard Oil Pollution Emergency Plan (SOPEP) pursuant to 33 CFR 151.09(c) and Regulation 37 of MARPOL 73/78 Annex I as long as the additional requirements listed in §155.5035(k) are met. A U.S.-flag nontank vessel holding a valid Certificate of Inspection endorsed for Coastwise or Oceans operating routes with authorization to engage on an international voyage must maintain a U.S. Coast Guard SOPEP approval letter per 33 CFR 151.27(e). A separate SOPEP is not required.

§155.5035 Nontank vessel response plan requirements: Specific content.

(a) *General information and introduction section.* This section of the vessel response plan (VRP) must include—

(1) The vessel’s name, country of registry, call sign, official number, and International Maritime Organization (IMO) international number (if applicable). If the VRP covers multiple ves-

sels, this information should be provided for each vessel;

(2) The name, mailing address, email address, telephone number, and facsimile number, and procedures for contacting the vessel’s owner or operator on a 24-hour basis;

(3) A list of the Captain of the Port (COTP) zones, ports, and offshore transit areas in which the vessel intends to operate;

(4) A table of contents or index of sufficient detail to permit personnel with responsibilities under the VRP to locate the specific sections of the VRP; and

(5) A record of change(s) page to record information on VRP reviews, updates, or revisions.

(b) *Notification procedures section.* This section of the VRP must include the following information—

(1) A checklist with all notifications, including telephone or other contact numbers, in order of priority to be made by shipboard or shore-based personnel and the information needed for those notifications. Notifications should include those required by—

(i) International Convention for the Prevention of Pollution from Ships (MARPOL) 73/78 (as set forth in 33 CFR 151.26 and 33 CFR part 153); and

(ii) Any applicable State;

(2) Identification of the person(s) to be notified of a discharge or substantial threat of a discharge of oil. If the notifications vary due to vessel location, the persons to be notified also should be identified in a geographic-specific appendix (GSA). This section should separately identify—

(i) The individual(s) or organization(s) to be notified by shipboard personnel; and

(ii) The individual(s) or organization(s) to be notified by shore-based personnel;

(3) The procedures for notifying the qualified individual(s) designated by the vessel’s owner or operator;

(4) Descriptions of the primary and, if available, secondary communications methods by which the notifications would be made. These should be consistent with those in paragraph (b)(1) of this section;

(5) The information that is to be provided in the initial and any follow-up

notifications under paragraph (b)(1) of this section;

(i) The initial notification may be submitted in accordance with IMO Resolution A.851(20), "General Principles for Ship Reporting Systems and Ship Reporting Requirements, Including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants" (incorporated by reference, see §155.140). However, the VRP must specify that the notification includes at least the following information—

(A) Vessel name, country of registry, call sign, and official number (if any);

(B) Date and time of the incident;

(C) Location of the incident;

(D) Course, speed, and intended track of vessel;

(E) Radio station(s) and frequencies guarded;

(F) Date and time of next report;

(G) Type and quantity of oil onboard;

(H) Nature and detail of defects, deficiencies, and damage (e.g., overfill of tanks, grounding, collision, hull failure, etc.);

(I) Details of pollution, including estimate of amount of oil discharged or threat of discharge;

(J) Weather and sea conditions on scene;

(K) Ship size and type;

(L) Actions taken or planned by persons on scene;

(M) Current conditions of the vessel;

(N) Number of crew and details of injuries, if any; and

(O) Details of Protection and Indemnity (P&I) Club and Local Correspondent, as applicable.

(ii) The VRP must state that after transmission of the initial notification, as much information as possible that is essential for the protection of the marine environment will be reported to the appropriate on-scene coordinator in follow-up reports. This information must include—

(A) Additional details on the type of oil onboard;

(B) Additional details on the condition of the vessel and the ability to off-load cargo and transfer ballast and fuel;

(C) Additional details on the quantity, extent, and movement of the pol-

lution and whether the discharge is continuing;

(D) Any changes in the on-scene weather or sea conditions; and

(E) Actions being taken with regard to the discharge and the movement of the ship; and

(6) Identification of the person(s) to be notified of a vessel casualty potentially affecting the seaworthiness of a vessel and the information to be provided by the vessel's crew to shore-based personnel to facilitate the assessment of damage stability and stress.

(c) *Shipboard spill mitigation procedures section.* This section of the VRP must include—

(1) Procedures for the crew to mitigate or prevent any discharge or a substantial threat of a discharge of oil resulting from shipboard operational activities associated with internal or external oil transfers. Responsibilities of vessel personnel should be identified by job title and licensed/unlicensed position, if applicable. These procedures should address personnel actions in reference to—

(i) Internal transfer system leaks;

(ii) Fuel tank overflows;

(iii) Suspected tank or hull leaks;

(iv) Assessment and monitoring activities;

(v) Personnel protection issues;

(vi) Protective equipment;

(vii) Threats to health and safety;

(viii) Containment and other response techniques;

(ix) Isolation procedures;

(x) Decontamination of personnel; and

(xi) Disposal of removed oil and clean-up materials;

(2) Procedures in the order of priority for the crew to mitigate or prevent any discharge or a substantial threat of a discharge in the event of a casualty or emergency as listed in paragraphs (c)(2)(i) through (x) of this section. These procedures should be listed separately and reference specific vessel checklists required by the International Ship Management (ISM) Code, Section 8 (Resolution A.741(18), as amended by Resolution MSC.104(73)) (incorporated by reference, see §155.140), or other means that will ensure consideration of all appropriate

factors when addressing a specific casualty. In addition to the checklists, specific personnel assignments for anticipated tasks must be identified. Reference to existing fire control plans and muster lists is sufficient to identify personnel responsibilities in the following scenarios—

- (i) Grounding or stranding;
- (ii) Explosion or fire, or both;
- (iii) Collision or allision;
- (iv) Hull failure;
- (v) Excessive list;
- (vi) Containment system failure;
- (vii) Submerged and foundered;
- (viii) Wrecked and stranded;
- (ix) Hazardous vapor release; and
- (x) Equipment failure (e.g., main propulsion, steering gear, etc.);

(3) Procedures for the crew to deploy discharge removal equipment if the vessel is equipped with such equipment;

(4) The procedures for internal transfers of fuel in an emergency;

(5) The procedures for ship-to-ship transfers of fuel in an emergency—

(i) The format and content of the ship-to-ship transfer procedures should be consistent with the “Ship to Ship Transfer Guide (Petroleum),” published jointly by the International Chamber of Shipping and the Oil Companies International Marine Forum (OCIMF) (incorporated by reference, see §155.140);

(ii) The procedures should identify the specific response resources necessary to carry out the internal or external transfers, including—

(A) Fendering equipment (ship-to-ship only);

(B) Transfer hoses and connection equipment;

(C) Portable pumps and ancillary equipment;

(D) Lightering or fuel removal and mooring masters (ship-to-ship only); and

(E) Vessel and barge brokers (ship-to-ship only);

(iii) Reference may be made to a separate fuel oil transfer procedure and lightering plan carried onboard the vessel, if safety considerations are summarized in the plan; and

(iv) The location of all equipment and fittings, if any, carried onboard the

vessel to perform the transfers should be identified;

(6) The procedures and arrangements for emergency towing, including the rigging and operation of any emergency towing equipment, if any, carried onboard the vessel;

(7) The location, crew responsibilities, and procedures for use of shipboard equipment that might be carried to mitigate an oil discharge;

(8) The crew’s responsibility, if any, for recordkeeping and sampling of spilled oil. Any requirements for sampling must address safety procedures to be followed by the crew;

(9) The crew’s responsibilities, if any, to initiate a response and supervise shore-based response resources;

(10) Damage stability and hull stress considerations when performing shipboard mitigation measures. This section of the VRP should identify and describe—

(i) Activities in which the crew is trained and qualified to execute absent shore-based support or advice; and

(ii) The information to be collected by the vessel’s crew to facilitate shore-based assistance;

(11) Location of vessel plans necessary to perform salvage, stability, and hull stress assessments—

(i) The vessel owner or operator should ensure that a copy of these plans is maintained ashore by either the vessel owner or operator or the vessel’s recognized classification society, unless the vessel has prearranged for a shore-based damage stability and residual strength calculation program with the vessel’s baseline strength and stability characteristics pre-entered. The VRP should indicate the shore location and 24-hour access procedures of the calculation program for the following plans, where available—

(A) General arrangement plan;

(B) Midship section plan;

(C) Lines plan or table of offsets;

(D) Tank tables;

(E) Load line assignment; and

(F) Light ship characteristics; and

(ii) The VRP should identify the shore location and 24-hour access procedures for the computerized, shore-based damage stability and residual structural strength calculation programs, if available; and

(12) Procedures for implementing personnel safety mitigation strategies for all personnel involved. These procedures may contain more, but must address the following—

- (i) Assessment and monitoring activities;
- (ii) Personnel protection issues;
- (iii) Protective equipment;
- (iv) Threats to health and safety;
- (v) Containment and other response techniques;
- (vi) Isolation procedures;
- (vii) Decontamination of personnel; and
- (viii) Disposal of removed oil and clean-up materials.

(d) *Shore-based response activities section.* This section of the VRP should include the following information—

(1) The qualified individual's (QI) responsibilities and authority, including immediate communication with the Federal On-Scene Coordinator (FOSC) and notification of the oil spill removal organization(s) identified in the VRP;

(2) If applicable, procedures for transferring responsibility for direction of response activities from vessel personnel to the shore-based spill management team;

(3) The procedures for coordinating the actions of the vessel owner or operator or qualified individual with the predesignated FOSC responsible for overseeing or directing those actions;

(4) The organizational structure that would be used to manage the response actions. This structure should include the following functional areas and information for key components within each functional area—

- (i) Command and control;
- (ii) Public information;
- (iii) Safety;
- (iv) Liaison with government agencies;
- (v) Spill response operations;
- (vi) Planning;
- (vii) Logistics support; and
- (viii) Finance; and

(5) The responsibilities and duties of, and functional job descriptions for each oil spill management team position within the organizational structure identified in paragraph (d)(4) of this section.

(e) *List of contacts section.* The name, location, and 24-hour contact informa-

tion for the following key individuals and organizations must be included in this section of the VRP or, if more appropriate, in a GSA, and referenced in this section of the VRP—

(1) Vessel owner or operator;

(2) Qualified individual and alternate qualified individual for the vessel's area of operation;

(3) Applicable insurance provider, representative, or surveyor for the vessel's area of operation;

(4) The vessel's local agent(s) for the vessel's area of operation, or a reference to the 24-hour point of contact as listed on the vessel's notice of arrival;

(5) Person(s) within the oil spill removal organization to notify for activation of that oil spill removal organization for the three spill scenarios identified in paragraph (i)(1)(v) of this section for the vessel's area of operation;

(6) Person(s) within the identified response organization to notify for activating the organizations to provide—

(i) The required emergency lightering and fuel offloading required by §§ 155.5050(i) and 155.5052 as applicable;

(ii) The required salvage and marine firefighting required by §§ 155.5050(i) and 155.5052 as applicable;

(iii) The required dispersant response equipment required by § 155.5050(j), as applicable; and

(iv) The required aerial oil spill tracking and observation resources required by § 155.5050(k), as applicable; and

(7) Person(s) to notify for activation of the spill management team for the spill response scenarios identified in paragraph (i)(5) of this section for the vessel's area of operation.

(f) *Training procedures section.* This section of the VRP must address the training procedures and programs of the vessel owner or operator to meet the requirements in § 155.5055.

(g) *Exercise procedures section.* This section of the VRP must address the exercise program to be carried out by the vessel owner or operator to meet the requirements in § 155.5060.

(h) *Plan review, update, revision, amendment, and appeal procedure section.* This section of the VRP must address the procedures the vessel owner or operator must follow—

(1) To meet the requirements of §§ 155.5070 and 155.5075; and

(2) For any post-discharge review of the VRP to evaluate and validate its effectiveness.

(i) *GSA for each COTP zone in which a vessel operates section.* A GSA must be included for each COTP zone identified.

(1) The appendices must include the following information or identify the location of such information within the VRP—

(i) A list of the geographic areas (port areas, rivers and canals, Great Lakes, inland, nearshore, offshore, and open ocean areas) in which the vessel intends to handle, store, or transport oil as fuel or cargo within the applicable COTP zone;

(ii) The volume and group of oil on which the required level of response resources are calculated;

(iii) Required Federal or State notifications applicable to the geographic areas in which a vessel operates;

(iv) Identification of the QI; and

(v) Identification of the oil spill removal organization(s) (OSRO) that are identified and ensured available, through contract or other approved means, and the spill management team to respond to the following spill scenarios, as applicable—

(A) Average most probable discharge;

(B) Maximum most probable discharge; and

(C) Worst case discharge.

(2) Nontank vessels with a capacity less than 250 barrels must plan for and identify maximum most probable discharge response resources in the VRP but do not have to ensure these resources are available by contract. Submission of a written consent for plan listing from the recognized response resource provider must accompany the VRP for approval or revision. This is considered an acceptable “other approved means.” See 33 CFR 155.5020, paragraph (5) of the definition of “Contract or other approved means.”

(3) The organization(s) identified to meet the requirements of paragraph (i)(1)(v) of this section must be capable

of providing the equipment and supplies necessary to meet the requirements of §§ 155.5050 and 155.5052, as appropriate, and sources of trained personnel to continue operation of the equipment and staff the OSRO(s) and spill management team identified for the first 7 days of the response.

(4) The GSA must list the response resources and related information required under §§ 155.5050, 155.5052, and appendix B of this part, as appropriate.

(5) If the Coast Guard has evaluated an OSRO and has determined the OSROs capability is equal to or exceeds the response capability needed by the vessel, the GSA may identify only the OSRO and their applicable classification and not the information required in paragraph (i)(4) of this section. This information is subject to Coast Guard verification at any time during the validity of the VRP.

(6) The GSA must also separately list the companies identified to provide the salvage, emergency lightering, and marine firefighting resources required in this subpart. The GSA must list the response resources and related information required in paragraph (i)(4) of this section. This information is subject to Coast Guard verification at any time during the validity of the VRP.

(i) Nontank vessels with a capacity less than 2,500 barrels, but greater than or equal to 250 barrels, need only plan for and identify salvage, emergency lightering, and marine firefighting response resources, as required by subpart I, in the VRP but do not have to ensure these resources are available by contract. Submission of a written consent for plan listing from the recognized response resource provider must accompany the VRP for approval or revision. This is considered an acceptable “other approved means.” See 33 CFR 155.5020, paragraph (5) of the definition of “Contract or other approved means.”

(ii) Nontank vessels with a capacity less than 250 barrels need only plan for and identify salvage response resources in the VRP but do not have to ensure these resources are available by contract. Submission of a written consent for plan listing from the recognized response resource provider must accompany the VRP for approval or revision.

This is considered an acceptable “other approved means.” See 33 CFR 155.5020, paragraph (5) of the definition of “Contract or other approved means.”

(7) For nontank vessels with a capacity of 2,500 barrels or greater that carry group II through group IV petroleum oils as fuel or cargo and that operate in waters where dispersant use pre-authorization agreements exist, the GSA must also separately list the resource providers and specific resources, including appropriately trained dispersant-application personnel, necessary to provide, if appropriate, the dispersant capabilities required in this subpart. All resource providers and resources must be available by contract or other approved means. The dispersant resources to be listed within this section must include the following—

(i) Identification of each primary dispersant staging site to be used by each dispersant-application platform to meet the requirements of §155.5050(j) of this chapter; and

(ii) Identification of the platform type, resource provider, location, and dispersant payload for each dispersant-application platform identified. Location data must identify the distance between the platform’s home base and the identified primary dispersant-staging site(s) for this section.

(8) For each unit of dispersant stockpile required to support the effective daily application capacity of each dispersant-application platform necessary to sustain each intended response tier of operation, identify the dispersant product resource provider, location, and volume. Location data must include the distance from the stockpile to the primary staging sites where the stockpile would be loaded on to the corresponding platforms. If the Coast Guard has evaluated an OSRO and has determined its capability meets the response capability needed by the vessel owner or operator, the section may identify the OSRO only, and not the information required in paragraphs (i)(7)(i), (i)(7)(ii), and (i)(8) of this section.

(9) Nontank vessels with an oil capacity of 250 barrels or greater, but less than 2,500 barrels, that carry group II through group IV petroleum oils as fuel or cargo and that operate in waters

where dispersant use pre-authorization agreements exist, need only plan for and identify dispersant response resources but not ensure their availability by contract. Submission of a written consent from the dispersant response resource provider must accompany the VRP for approval or revision. This is considered an acceptable “other approved means.” See 33 CFR 155.5020, paragraph (5) of the definition of “Contract or other approved means.”

(10) For nontank vessels with a fuel and cargo capacity of 2,500 barrels or greater not operating exclusively on the inland areas of the United States, the GSA must also separately list the resource providers and specific resources necessary to provide oil spill tracking capabilities required in this subpart. The oil spill tracking resources to be listed within this section must include the following—

(i) The identification of a resource provider; and

(ii) The type and location of aerial surveillance aircraft that have been ensured available, through contract or other approved means, to meet the oil spill tracking requirements of §155.1050(k) of this part.

(11) Nontank vessels with a capacity of 250 barrels or greater, but less than 2,500 barrels, need only plan for and identify aerial oil spill tracking response resources in the VRP, but do not have to ensure these resources are available by contract. Submission of a written consent for plan listing from the recognized response resource provider must accompany the VRP for approval or revision. This is considered an acceptable “other approved means.” See 33 CFR 155.5020, “Contract or other approved means”, paragraph (5).

(j) *Appendices for vessel-specific information section.* This section of the VRP must include for each vessel covered by the VRP the following information, as applicable—

(1) List of the vessel’s principal characteristics;

(2) Capacities of all cargo, fuel, lube oil, ballast, and fresh water tanks;

(3) The total volume and groups of oil that would be involved in a—

(i) Maximum most probable discharge; and

(ii) Worst case discharge;

(4) Diagrams showing location of all cargo, fuel, lube oil, and slop tanks, as applicable;

(5) General arrangement plan (can be maintained separately onboard the vessel providing the VRP identifies the specific location);

(6) Midships section plan (can be maintained separately onboard the vessel providing the VRP identifies the specific location);

(7) Cargo and fuel piping diagrams and pumping plan, as applicable (can be maintained separately onboard the vessel providing the VRP identifies the specific location);

(8) Damage stability data (can be maintained separately, providing the VRP identifies the specific location);

(9) Location of cargo and fuel stowage plan for vessel; and

(10) Location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the fuel and cargo oil onboard the vessel. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, SOLAS 74 regulation VI/5-1, cargo information required by 33 CFR 154.310, or equivalent, will meet this requirement. This information can be maintained separately.

(k) *Required appendices for MARPOL 73/78 Annex I, Regulation 37, Shipboard Oil Pollution Emergency Plan (SOPEP) information.* U.S.-flag vessels not certificated for coastwise or oceans operating routes and foreign-flag vessels that are in compliance with Regulation 37 of MARPOL 73/78 Annex I are not required to comply with this paragraph. A vessel owner or operator of a U.S.-flag vessel constructed or certificated for coastwise or oceans operating routes, but that does not engage in international voyages, may request to be exempted from compliance with this paragraph through submission of a certified statement, attesting same, to Commandant (CG-MER), Office of Marine Environmental Response Policy, which must accompany the new nontank vessel response submission or resubmission. U.S.-flag vessels that must comply with this paragraph must label the cover of their VRP as a MARPOL 73/78 Annex I, Regulation 37 Shipboard Oil Pollution Emergency

Plan (SOPEP) and Coast Guard Nontank Vessel Response Plan. The following information must be submitted consistent with Regulation 37 of MARPOL 73/78 Annex I as set forth in 33 CFR 151.26—

(1) The introductory text required by 33 CFR 151.26(b)(1);

(2) The preamble statement regarding the purpose of the plans and how the plan relates to other shore-related plans as required by 33 CFR 151.26(b)(2);

(3) The information on authorities or persons to be contacted in the event of an oil pollution incident as required 33 CFR 151.26(b)(3)(iii). This information must also clearly specify who will be responsible for informing the necessary parties from the coastal State contacts, the port contacts, and the ship interest contacts. This information must include—

(i) An appendix containing coastal State contacts for those coastal States in which the vessel regularly transits the exclusive economic zone. The appendix should list those agencies or officials of administrations responsible for receiving and processing pollution incident reports;

(ii) An appendix of port contacts for those ports at which the vessel regularly calls; and

(iii) For Antarctica, reports must also be directed to any Antarctic station that may be affected in accordance with 33 CFR 151.26(b)(3)(iii)(C);

(4) Include the procedures and point of contact on the ship for coordinating shipboard activities with national and local authorities in combating an oil spill incident in accordance with 33 CFR 151.26(b)(5). The plan should address the need to contact the coastal State to advise them of action(s) being implemented and determine what authorization(s), if any, are needed; and

(5) Required information lists in separate appendices per 33 CFR 151.26(b)(6)(ii).

[USCG-2009-1070, 78 FR 60124, Sept. 30, 2013, as amended by USCG-2010-0194, 80 FR 5933, Feb. 4, 2015; USCG-2016-0498, 82 FR 35082, July 28, 2017]

§ 155.5050 Response plan development and evaluation criteria for nontank vessels carrying groups I through IV petroleum oil.

(a) *Criteria for evaluating operability of response resources.* The criteria used to evaluate the operability of response resources identified in a vessel response plan (VRP) for specified operating environments must be in accordance with 33 CFR 155.1050(a).

(b) *Operating environment reclassification of specific bodies of water.* Captain of the Port (COTP) reclassification of a specific body of water or location within the COTP zone must be in accordance with 33 CFR 155.1050(b).

(c) *Criteria for response equipment.* Response equipment must—

(1) Meet or exceed the criteria listed in Table 1 of appendix B of this part;

(2) Be capable of functioning in the applicable operating environment; and

(3) Be appropriate for the amount of oil capable of being carried.

(d) *Average most probable discharge.* (1) The owner or operator of a nontank vessel that carries groups I through IV petroleum oil as cargo must identify in the VRP and ensure the availability of, through contract or other approved means, the response resources that will respond to a discharge up to the vessel's average most probable discharge (AMPD). Nontank vessels that carry oil as cargo must meet the requirements for AMPD coverage, as applicable, per 33 CFR 155.1050(d).

(2) Nontank vessels that only carry groups I through IV petroleum oil as fuel do not have to ensure the availability of AMPD resources by contract or other approved means, but must plan for and identify response resources required in §155.1050(d)(1) and list this information in the applicable geographic-specific appendix for bunkering or fueling operations. Permission or acknowledgement from the listed resource providers is not required.

(e) *Maximum most probable discharge.*

(1) The owner or operator of a nontank vessel with a capacity of 250 barrels or greater carrying groups I through IV petroleum oil as fuel or cargo must identify in the VRP and ensure the availability of, through contract or other approved means, the response resources necessary to respond to a dis-

charge up to the vessel's maximum most probable discharge (MMPD) volume. For the purposes of meeting the requirements of this paragraph, vessel owners or operators must meet 33 CFR 155.1050(e).

(2) The owner or operator of a nontank vessel with a capacity less than 250 barrels must plan for and identify MMPD response resources in the VRP but do not have to ensure these resources are available by contract. Submission of a written consent for plan listing from the recognized response resource provider must accompany the VRP for approval or revision. This is considered an acceptable "other approved means." See 33 CFR 155.5020, paragraph (5) of the definition of "Contract or other approved means."

(f) *Worst case discharge.* The owner or operator of a nontank vessel with a capacity of 2,500 barrels or greater carrying groups I through IV petroleum oil as fuel or cargo must identify in the VRP and ensure the availability of, through contract or other approved means, the response resources necessary to respond to discharges up to the worst case discharge (WCD) volume of the oil to the maximum extent practicable. For the purposes of meeting the requirements of this paragraph, vessel owners or operators must meet 33 CFR 155.1050(f). Nontank vessels need only plan for Tier 1 response resources.

(g) *Tier 1 response times.* Response equipment identified to respond to a WCD should be capable of arriving on scene within the times specified in this paragraph for the applicable response in a higher volume port area, Great Lakes, or in other areas. Table 155.5050(g) details response times for this tier, from the time of discovery of a discharge.

TABLE 155.5050(g)—RESPONSE TIMES FOR TIER 1

| Tier 1 | |
|--|---------|
| Higher volume port area | 12 hrs. |
| Great Lakes | 18 hrs. |
| All other operating environments, including rivers and canals, inland, near-shore, offshore, and open ocean areas. | 24 hrs. |

(h) *Planning standards for the mobilization and response times for required MMPD and WCD response resources.* For the purposes of arranging for MMPD or WCD response resources through contract or other approved means, response equipment identified for plan credit should be capable of being mobilized and en route to the scene of a discharge within 2 hours of notification. The notification procedures identified in the VRP should provide for notification and authorization for mobilization of response resources—

(1) Either directly or through the qualified individual; and

(2) Within 30 minutes of a discovery of a discharge or substantial threat of discharge.

(i) *Salvage, emergency lightering, and marine firefighting requirements.* The owner or operator of a nontank vessel carrying groups I through IV petroleum oil as fuel or cargo must plan for salvage, emergency lightering, and marine firefighting response resources, as applicable.

(1) Nontank vessels with a capacity of 2,500 barrels or greater must meet the salvage, emergency lightering, and marine firefighting requirements found in subpart I of this part.

(2) Nontank vessels with a capacity less than 2,500 barrels, but greater than or equal to 250 barrels, need to plan for and identify salvage, emergency lightering, and marine firefighting response resources found in subpart I in the VRP but do not have to ensure these resources are available by contract. Submission of a written consent for plan listing from the recognized response resource provider must accompany the VRP for approval or revision. This is considered an acceptable “other approved means.” See 33 CFR 155.5020, paragraph (5) of the definition of “Contract or other approved means.”

(3) Nontank vessels with a capacity less than 250 barrels need to plan for and identify salvage response resources found in subpart I in the VRP but do not have to ensure these resources are available by contract. Submission of a written consent for plan listing from the recognized response resource provider must accompany the VRP for approval or revision. This is considered an acceptable “other approved means.”

See 33 CFR 155.5020, paragraph (5) of the definition of “Contract or other approved means.”

(j) *Dispersants.* (1) The owner or operator of a nontank vessel carrying groups II through IV petroleum oil as fuel or cargo with a capacity of 2,500 barrels or greater that operates in any area pre-authorized for dispersant use must identify in their VRP, and ensure the availability of, through contract or other approved means, response resources capable of conducting dispersant operations within those areas. Vessel owners or operators must meet 33 CFR 155.1050(k). These nontank vessels must meet Tier 1 for dispersant effective daily application capability.

(2) The owner or operator of a nontank vessel with a capacity less than 2,500 barrels, but greater than or equal to 250 barrels, needs to plan for and identify dispersant response resources in the VRP but do not have to ensure these resources are available by contract. Submission of a written consent for plan listing from the recognized response resource provider must accompany the VRP for approval or revision. This is considered an acceptable “other approved means.” See 33 CFR 155.5020, paragraph (5) of the definition of “Contract or other approved means.”

(k) *Aerial oil spill tracking and observation response resources.* (1) The owner or operator of a nontank vessel carrying groups I through IV petroleum oil as fuel or cargo with a capacity of—

(i) 2,500 barrels or greater must identify in the VRP, and ensure availability of, through contract or other approved means, the response resources necessary to provide aerial oil spill tracking to support oil spill assessment and cleanup activities. Vessel owners or operators of these vessels must meet 33 CFR 155.1050(l).

(ii) Less than 2,500 barrels, but greater than 250 barrels, need to plan for and identify aerial oil tracking response resources in the VRP but do not have to ensure these resources are available by contract. Submission of a written consent for plan listing from the recognized response resource provider must accompany the VRP for approval or revision. This is considered an acceptable “other approved means.” See 33 CFR

155.5020, “Contract or other approved means”, paragraph (5).

(2) Nontank vessels operating exclusively on the inland areas of the United States are not required to comply with paragraph (k) of this section.

(1) *Response resources necessary to perform shoreline protection operations.* The owner or operator of a nontank vessel carrying groups I through IV petroleum oil as fuel or cargo with a capacity of 250 barrels or greater must identify in the VRP, and ensure the availability of, through contract or other approved means, the response resources necessary to perform shoreline protection operations. The response resources must include the quantities of boom listed in Table 2 of appendix B of this part, based upon the specific COTP zones in which the vessel operates.

(m) *Shoreline cleanup operations.* The owner or operator of a nontank vessel carrying groups I through IV petroleum oil as fuel or cargo with a capacity of 250 barrels or greater must identify in the VRP, and ensure the availability of, through contract or other approved means, an oil spill removal organization capable of effecting a shoreline cleanup operation commensurate with the quantity of emulsified petroleum oil to be planned for in shoreline cleanup operations. The shoreline cleanup resources required must be determined as described in appendix B of this part.

(n) *Practical and technical limits of response capabilities.* Appendix B of this part sets out response capability capacities (caps) that recognize the practical and technical limits of response capabilities for which an individual vessel owner or operator can contract in advance. Table 6 in appendix B lists the contracting caps that are applicable. The owner or operator of a nontank vessel carrying groups I through IV petroleum oil as fuel or cargo, with a capacity of 2,500 barrels or greater, whose required daily recovery capacity exceeds the applicable contracting caps in Table 6, must identify commercial

sources of additional equipment equal to twice the cap listed for each tier or the amount necessary to reach the calculated planning volume, whichever is lower, to the extent that this equipment is available. The equipment so identified must be capable of arriving on scene no later than the applicable tier response times contained in §155.5050(g) or as quickly as the nearest available resource permits. A VRP must identify the specific sources, locations, and quantities of this additional equipment. No contract is required.

(o) *Review of response capability limits.* 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 rulemaking 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.

(p) *Nontank vessel response plan required response resources matrix.* Table 155.5050(p) summarizes the VRP required response resources.

TABLE 155.5050(P)—NONTANK VESSEL RESPONSE PLAN REQUIRED RESPONSE RESOURCES MATRIX

| Nontank vessel's fuel or cargo oil capacity | AMPD | MMPD | WCD | Salvage | Emergency lightering | Fire fighting | Dispersant ³ | Aerial tracking ⁴ | Shoreline protection | Shoreline cleanup |
|--|----------------------|---------------------|----------|---------------------|------------------------|---------------------|-------------------------|------------------------------|----------------------|-------------------|
| 2,500 barrels or greater. | NO ¹ | YES | YES | YES | YES | YES | YES | YES | YES | YES. |
| Less than 2,500 barrels, but greater than or equal to 250 barrels. | NO ¹ | YES | NO | YES ² .. | YES ² | YES ² .. | YES ² .. | YES ² .. | YES | YES. |
| Less than 250 barrels | NO ¹ | YES ² .. | NO | YES ² .. | NO | NO | NO | NO | NO | NO. |

¹ For nontank vessels carrying oil as fuel only. Nontank vessels carrying oil as cargo must meet AMPD response resources in 33 CFR 155.5050(d)(1) as applicable.

² The indicated response resources that must be located within the stipulated response times in the specified geographic areas need only be identified and planned for in the VRP, but not ensured available by contract. Submission of a written consent from the response resource provider must accompany the VRP for approval. This is considered an acceptable "other approved means." See 33 CFR 155.5020, "Contract or other approved means", paragraph (5).

[USCG–2008–1070, 78 FR 60124, Sept. 30, 2013, as amended by USCG–2014–0410, 79 FR 38437, July 7, 2014]

§ 155.5052 Response plan development and evaluation criteria for nontank vessels carrying group V petroleum oil.

Owners or operators of nontank vessels that carry group V petroleum oil as fuel or cargo must meet the requirements of 33 CFR 155.1052.

§ 155.5055 Training.

(a) For nontank vessels with an oil capacity of 250 barrels or greater—

(1) A vessel response plan (VRP) submitted to meet the requirements of §155.5035 must identify the training to be provided to persons having responsibilities under the VRP, including members of the vessel crew, the qualified individual, and the spill management team. The training program must differentiate between that training provided to vessel personnel and that training provided to shore-based personnel. Appendix C of this part provides additional guidance regarding training; and

(2) A vessel owner or operator must comply with the vessel response plan training requirements of 33 CFR 155.1055.

(b) For nontank vessels with an oil capacity of less than 250 barrels, a vessel owner or operator must comply with the VRP training requirements of paragraph (a) of this section or the Alternative Training and Exercise Program requirements of § 155.5061.

§ 155.5060 Exercises.

(a) For nontank vessels with an oil capacity of 250 barrels or greater—

(1) A vessel owner or operator required by §155.5035 to have a vessel response plan (VRP) must conduct exercises as necessary to ensure that the VRP will function in an emergency. Vessel owners or operators must include both announced and unannounced exercises; and

(2) A vessel owner or operator must comply with the VRP exercise requirements of 33 CFR 155.1060.

(b) For nontank vessels with an oil capacity of less than 250 barrels, a vessel owner or operator must comply with the VRP exercise requirements of paragraph (a) of this section or the Alternative Training and Exercise Program requirements of § 155.5061.

§ 155.5061 Alternative Training and Exercise Program.

(a) Owners or operators of nontank vessels with an oil capacity of less than 250 barrels, in lieu of the training and exercise requirements of §§ 155.5055 and 155.5060, may meet an Alternative Training and Exercise Program that has been approved by the (CG–MER), Office of Marine Environmental Response Policy for meeting the requirements of this section.

(b) Vessel owners or operators must make available to the Coast Guard, upon request, any information related to implementation of an approved Alternative Training and Exercise Program.

(c) For approval of an Alternative Training and Exercise Program the

vessel owners or operators must submit to the Commandant (CG-MER) for review and approval: The Alternative Training and Exercise Program and the following information to assess the adequacy of the proposed Alternative Training and Exercise Program—

(1) A list of the vessels to which the Alternative Training and Exercise Program is intended to apply;

(2) An explanation of how the Alternative Training and Exercise Program addresses the requirements of 33 CFR 155.1055(b) through (f) and 33 CFR 155.1060; and

(3) An explanation of how vessel owners or operators must implement the Alternative Training and Exercise Program in its entirety, including performing verification of implementation.

(d) Amendments to the Alternative Training and Exercise Program approved under this section may be initiated by the submitter of an Alternative Training and Exercise Program.

(e) Approval of the Alternative Training and Exercise Program is required before a vessel may receive a nontank vessel response plan approval letter.

(f) The Commandant (CG-MER) will examine each submission for compliance with this section and—

(1) If the submission meets all the requirements, the Coast Guard will consider the training and exercise program requirements under this section to be satisfactory; or

(2) If the Coast Guard determines that the submission does not meet all of the requirements, the submitter will be notified of the deficiencies. The submitter may then resubmit a revised request within the time period specified.

[USCG-1998-3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG-2016-0498, 82 FR 35082, July 28, 2017]

§ 155.5062 Inspection and maintenance of response resources.

The owner or operator of a nontank vessel required to submit a vessel response plan under this part must comply with the response resource inspection and maintenance requirements of 33 CFR 155.1062.

§ 155.5065 Procedures for plan submission and approval.

(a) An owner or operator of a nontank vessel, to which this subpart applies, must submit one complete English language copy of a vessel response plan (VRP) to Commandant (CG-MER), Attn: Vessel Response Plans, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7516. The VRP must be submitted at least 60 days before the vessel intends to operate upon the navigable waters of the United States.

(b) The owner or operator of a nontank vessel must include a statement certifying that the VRP meets the applicable requirements of this subpart and the requirements of subparts D, E, F, and G, if applicable. The vessel owner or operator must also include a statement certifying that the vessel owner or operator has ensured the availability of, through contract or other approved means, the necessary private response resources to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of such a discharge from their vessel as required under this subpart. VRPs should be submitted electronically by using the Vessel Response Plan Electronic Submission Tool available at <https://homeport.uscg.mil/vrpxpress>. If vessel owners or operators submit VRPs in paper format, CG Form “Application for Approval/Revision of Vessel Pollution Response Plans” (CG-6083) located at: http://www.uscg.mil/forms/CG/CG_6083.pdf meets the requirement for a VRP certification statement as required by this paragraph.

(c) If the Coast Guard determines that the VRP meets all requirements of this subpart, the Coast Guard will notify the vessel owner or operator with an approval letter. The VRP will be valid for a period of 5 years from the date of approval, conditional upon satisfactory annual updates.

(d) If the Coast Guard reviews the VRP and determines that it does not meet all of the requirements of this subpart, the Coast Guard will notify the vessel owner or operator of the VRP deficiencies. The vessel owner or operator must then resubmit a copy of

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the revised VRP or corrected portions of the VRP, within the time period specified in the written notice provided by the Coast Guard.

[USCG–2008–1070, 78 FR 60124, Sept. 30, 2013, as amended by USCG–2014–0410, 79 FR 38437, July 7, 2014; USCG–2016–0498, 82 FR 35083, July 28, 2017]

§ 155.5067 Alternative planning criteria.

(a) When the owner or operator of a nontank vessel believes that national planning criteria contained elsewhere in this part are inappropriate for the areas in which the vessel intends to operate, the vessel owner or operator may submit an alternative planning criteria request to the Coast Guard. Alternative planning criteria requests must be submitted 90 days before the vessel intends to operate under the proposed alternative, or as soon as is practicable. The alternative planning criteria request must be endorsed by the Captain of the Port (COTP) with jurisdiction over the geographic area(s) affected before being considered by Commandant (CG–MER), Office of Marine Environmental Response Policy, for the review and approval of the respective vessel response plan (VRP). In any case, the request must be received by Commandant (CG–MER) with an endorsement by the respective COTP no later than 21 days before the vessel intends to operate under the alternative planning criteria.

(b) The alternative planning criteria request should detail all elements of the VRP where deviations from the requirements in this subpart are being proposed or have not been met. Response equipment, techniques, or procedures identified in the alternative planning criteria request should be submitted in accordance with the evaluation criteria of appendix B of this part. The request should contain at a minimum—

(1) Reason(s) and supporting information for the alternative planning criteria request;

(2) Identification of regulations necessitating the alternative planning criteria request;

(3) Proposals for alternative procedures, methods, or equipment standards, where applicable, to provide for

an equivalent level of planning, response, or pollution mitigation strategies;

(4) Prevention and mitigation strategies that ensure low risk of spills and adequate response measures as a result of the alternative planning criteria; and

(5) Environmental and economic impact assessments of the effects.

(c) The determination of an alternative planning criteria request will be conducted by Commandant (CG–CVC), Office of Commercial Vessel Compliance.

[USCG–2009–1070, 78 FR 60124, Sept. 30, 2013, as amended at USCG–2016–0498, 82 FR 35083, July 28, 2017]

§ 155.5070 Procedures for plan review, revision, and amendment.

(a) The owner or operator of a nontank vessel must review the vessel response plan (VRP) annually. This review must occur within 1 month of the anniversary date of Coast Guard approval of the VRP.

(b) A VRP prepared and submitted under this subpart must be revised and amended, as necessary, in accordance with § 155.1070.

§ 155.5075 Appeal procedures.

(a) A vessel owner or operator who disagrees with a deficiency determination may submit a petition for reconsideration to the Commandant (CG–5RI), Attn: Director of Incident Management and Preparedness Policy, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7516 or *vrp@uscg.mil* within the time period required for compliance or within 7 days from the date of receipt of the Coast Guard notice of a deficiency determination, whichever is less. After considering all relevant material presented, the Coast Guard will notify the vessel owner or operator of the final decision.

(1) Unless the vessel owner or operator petitions for reconsideration of the Coast Guard's decision, the vessel's owner or operator must correct the vessel response plan (VRP) deficiencies within the period specified in the Coast Guard's initial determination.

(2) If the vessel owner or operator petitions the Coast Guard for reconsideration, the effective date of the Coast Guard notice of deficiency determination may be delayed pending a decision by the Coast Guard. Petitions to the Coast Guard must be submitted in writing, via the Coast Guard official who issued the requirement to amend the VRP, within 5 days of receipt of the notice.

(b) Within 21 days of notification that a VRP is not approved, the vessel owner or operator may appeal that determination to the Director of Incident Management and Preparedness Policy (CG-5RI). This appeal must be submitted in writing to Commandant (CG-5RI), Attn: Director of Incident Management and Preparedness Policy, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7516.

[USCG-2008-1070, 78 FR 60124, Sept. 30, 2013, as amended by USCG-2014-0410, 79 FR 38437, July 7, 2014; USCG-2016-0498, 82 FR 35083, July 28, 2017]

APPENDIX A TO PART 155—
SPECIFICATIONS FOR SHORE CONNECTION
[See §§ 340, 350, 370 and 380 of this part]

| Item | Description | Dimension |
|---------|-----------------------|---|
| 1 | Outside diameter. | 215 mm. (8 in.). |
| 2 | Inside diameter | According to pipe outside diameter. |
| 3 | Bolt circle diameter. | 183 mm. (7 3/16 in.). |
| 4 | Slots in flange | 6 holes 22 mm. (7/8 in.) in diameter shall be equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width is to be 22 mm. (7/8 in.). |
| 5 | Flange thickness. | 20 mm. (3/4 in.). |
| 6 | Bolts and nuts | 6, each of 20 mm. (3/4 in.) in diameter and of suitable length. |

The flange must be of steel having a flat face, with a gasket of oilproof material, and must be suitable for a service pressure of 6 kg./cm.2 (85 p.s.i.).

The steel materials used must meet the material specifications of standard B16.5, Steel Pipe Flanges and Flanged Fittings of the American National Standards Institute. (See § 154.106 of this chapter.)

[CGD 75-124, 45 FR 7176, Jan. 31, 1980]

APPENDIX B TO PART 155—DETERMINING
AND EVALUATING REQUIRED RE-
SPONSE RESOURCES FOR VESSEL RE-
SPONSE PLANS

1. Purpose

1.1 The purpose of this appendix is to describe the procedures for identifying response resources to meet the requirements of subparts D, E, F, G, and J of this part. These guidelines will be used by the vessel owner or operator in preparing the response plan and by the Coast Guard to review vessel response plans. Response plans submitted under subparts F and G of this part will be evaluated under the guidelines in section 2 and Table 1 of this appendix.

2. Equipment Operability and Readiness

2.1 All equipment identified in a response plan must be capable of operating in the conditions expected in the geographic area in which a vessel operates. These conditions vary widely based on the location and season. Therefore, it is difficult to identify a single stockpile of response equipment that will function effectively in every geographic location.

2.2 Vessels storing, handling, or transporting oil in more than one operating environment as indicated in Table 1 must identify equipment capable of successfully functioning in each operating environment. For example, vessels moving from the ocean to a river port must identify appropriate equipment designed to meet the criteria for transiting oceans, inland waterways, rivers, and canals. This equipment may be designed to operate in all of these environments or, more likely, different equipment may be designed for use in each area.

2.3 When identifying equipment for response plan credit, a vessel owner or operator must consider the inherent limitations in the operability of equipment components and response systems. The criteria in Table 1 of this appendix must be used for evaluating the operability in a given environment. These criteria reflect the general conditions in certain operating areas.

2.4 Table 1 of this appendix lists criteria for oil recovery devices and boom. All other equipment necessary to sustain or support response operations in a geographic area must be designed to function in the same conditions. For example, boats which deploy or support skimmers or boom must be capable of being safely operated in the significant wave heights listed for the applicable operating environment. The Coast Guard may require documentation that the boom identified in a response plan meets the criteria in Table 1 of this appendix. Absent acceptable documentation, the Coast Guard may require that the boom be tested to demonstrate that

it meets the criteria in Table 1 of this appendix. Testing must be in accordance with certain American Society for Testing Materials (ASTM) standards [ASTM F 715 (incorporated by reference, see §155.140) Standard Methods of Testing Spill Control Barrier Membrane Materials], or other tests approved by the Coast Guard.

2.5 A vessel owner or operator must refer to the applicable Area Contingency Plan to determine if ice, debris, and weather-related visibility are significant factors in evaluating the operability of equipment. The Area Contingency Plan will also identify the average temperature ranges expected in a geographic area in which a vessel operates. All equipment identified in a response plan must be designed to operate within those conditions or ranges.

2.6 The requirements of subparts D, E, F, G, and J of this part establish response resource mobilization and response times. The location where the vessel operates farthest from the storage location of the response resources must be used to determine whether the resources are capable of arriving on scene within the time required. A vessel owner or operator must include the time for notification, mobilization, and travel time of resources identified to meet the maximum most probable discharge and Tier 1 worst case discharge requirements. For subparts D and E of this part, Tier 2 and 3 resources must be notified and mobilized as necessary to meet the requirements for arrival on scene. An on-water speed of 5 knots and a land speed of 35 miles per hour is assumed, unless the vessel owner or operator can demonstrate otherwise.

2.7 For subparts D, E, and J of this part, in identifying equipment, the vessel owner or operator must list the storage location, quantity, and manufacturer's make and model, unless the oil spill removal organization(s) providing the necessary response resources have been evaluated by the Coast Guard, and their capability has been determined to equal or exceed the response capability needed by the vessel. For oil recovery devices, the effective daily recovery capacity, as determined using section 6 of this appendix, must be included. For boom, the overall boom height (draft plus freeboard) must be included. A vessel owner or operator must ensure that identified boom has compatible connectors.

2.8 For subparts F and G of this part, in identifying equipment, the vessel owner or operator shall list the storage location, quantity, and manufacturer's make and model, unless the oil spill removal organization(s) providing the necessary response resources have been evaluated by the Coast Guard, and their capability has been determined to equal or exceed the response capability needed by the vessel. For boom, the overall boom height (draft plus freeboard)

must be included. A vessel owner or operator is responsible for ensuring that identified boom has compatible connectors.

3. *Determining Response Resources Required for the Average Most Probable Discharge*

3.1 A vessel owner or operator must identify and ensure, by contract or other approved means, that sufficient response resources are available to respond to the 50-barrel average most probable discharge at the point of an oil transfer involving a vessel that carries oil as a primary cargo or a nontank vessel carrying oil as cargo. The equipment must be designed to function in the operating environment at the point of oil transfer. These resources must include—

3.1.1 Containment boom in a quantity equal to twice the length of the largest vessel involved in the transfer capable of being deployed within 1 hour of the detection of a spill at the site of oil transfer operations. If the transfer operation is more than 12 miles from shore, the containment boom must be deployed within 1 hour plus the travel time from the nearest shoreline at a speed of 5 knots.

3.1.2 Oil recovery devices with an effective daily recovery capacity of 50 barrels or greater available at the transfer site within 2 hours of the detection of an oil discharge.

3.1.3 Oil storage capacity for recovered oily material indicated in section 9.2 of this appendix.

4. *Determining Response Resources Required for the Maximum Most Probable Discharge*

4.1 A vessel owner or operator shall identify and ensure, by contract or other approved means, that sufficient response resources are available to respond to discharges up to the maximum most probable discharge volume for that vessel. The resources should be capable of containing and collecting up to 2,500 barrels of oil. All equipment identified must be designed to operate in the applicable operating environment specified in table 1 of this appendix.

4.2 To determine the maximum most probable discharge volume to be used for planning, use the lesser of—

4.2.1 2500 barrels; or

4.2.2 Ten percent of the total oil capacity.

4.3 Oil recovery devices necessary to meet the applicable maximum most probable discharge volume planning criteria must be located such that they arrive on scene within 12 hours of the discovery of a discharge in higher volume port areas and the Great Lakes, 24 hours in all other rivers and canals, inland, nearshore, and offshore areas, and 24 hours plus travel time from shore in all open ocean areas.

4.3.1 Because rapid control, containment, and removal of oil is critical to reduce spill impact, the effective daily recovery capacity

for oil recovery devices must equal 50% of the planning volume applicable for the vessel as determined in section 4.2 of this appendix. The effective daily recovery capacity for oil recovery devices identified in the plan must be determined using the criteria in section 6 of this appendix.

4.4 In addition to oil recovery capacity, the vessel owner or operator must identify in the response plan and ensure the availability of, through contract or other approved means, sufficient boom available within the required response times for oil connection and containment, and for protection of shoreline areas. While the regulation does not set required quantities of boom for oil collection and containment, the owner or operator of a vessel must still identify in a response plan and ensure, through contract or other approved means, the availability of the boom identified in the plan for this purpose.

4.5 The plan must indicate the availability of temporary storage capacity to meet the requirements of section 9.2 of this appendix. If available storage capacity is insufficient to meet this requirement, the effective daily recovery capacity must be downgraded to the limits of the available storage capacity.

4.6 The following is an example of a maximum most probable discharge volume planning calculation for equipment identification in a higher volume port area:

The vessel's cargo capacity is 10,000 barrels, thus the planning volume is 10 percent or 1,000 barrels. The effective daily recovery capacity must be 50 percent of the planning volume, for 500 barrels per day. The ability of oil recovery devices to meet this capacity will be calculated using the procedures in section 6 of this appendix. Temporary storage capacity available on scene must equal twice the daily recovery capacity as indicated in section 9 of this appendix, or 1000 barrels per day. This figure would represent the information the vessel owner or operator would use to identify and ensure the availability of, through contract or other approved means, the required response resources. The vessel owner would also need to identify how much boom was available for use.

5. Determining Response Resources Required for the Worst Case Discharge to the Maximum Extent Practicable

5.1 A vessel owner or operator, as applicable under the regulations prescribed in this part, must identify and ensure, by contract or other approved means, that sufficient response resources are available to respond to the worst case discharge of oil to the maximum extent practicable. Section 7 of this appendix describes the method to determine the required response resources.

5.2 Oil spill recovery devices identified to meet the applicable worst case discharge

planning volume must be located such that they can arrive at the scene of a discharge within the time specified for the applicable response tier listed in §§155.1050(g) and 155.5050(g).

5.3 The effective daily recovery capacity for oil recovery devices identified in a response plan must be determined using the criteria in section 6 of this appendix. A vessel owner or operator, as applicable under the regulations prescribed in this part, must identify the storage locations of all equipment that must be used to fulfill the requirements for each tier.

5.4 A vessel owner or operator, as applicable under the regulations prescribed in this part, must identify the availability of temporary storage capacity to meet the requirements of section 9.2 of this appendix. If available storage capacity is insufficient to meet this requirement, then the effective daily recovery capacity must be downgraded to the limits of the available storage capacity.

5.5 When selecting response resources necessary to meet the response plan requirements, the vessel owner or operator, as applicable under the regulations prescribed in this part, must ensure that a portion of those resources are capable of being used in close-to-shore response activities in shallow water. The following percentages of the on-water response equipment identified for the applicable geographic area must be capable of operating in waters of 6 feet or less depth:

(i) Open ocean—none.

(ii) Offshore—10 percent.

(iii) Nearshore, inland, Great Lakes, and rivers and canals—20 percent.

5.6 In addition to oil spill recovery devices and temporary storage capacity, a vessel owner or operator, as applicable under the regulations prescribed in this part, must identify in the response plan and ensure the availability of, through contract or other approved means, sufficient boom that can arrive on scene within the required response times for oil containment and collection. The specific quantity of boom required for collection and containment will depend on the specific recovery equipment and strategies employed. Table 2 of this appendix lists the minimum quantities of additional boom required for shoreline protection that a vessel owner or operator must identify in the response plan and ensure the availability of, through contract or other approved means.

5.7 A vessel owner or operator, as applicable under the regulations prescribed in this part, must also identify in the response plan and ensure, by contract or other approved means, the availability of an oil spill removal organization capable of responding to a shoreline cleanup operation involving the calculated volume of emulsified oil that might impact the affected shoreline. The volume of oil for which a vessel owner or operator should plan for should be calculated

through the application of factors contained in Tables 3 and 4 of this appendix. The volume calculated from these tables is intended to assist the vessel owner or operator in identifying a contractor with sufficient resources. This planning volume is not used explicitly to determine a required amount of equipment and personnel.

6. Determining Effective Daily Recovery Capacity for Oil Recovery Devices

6.1 Oil recovery devices identified by a vessel owner or operator must be identified by manufacturer, model, and effective daily recovery capacity. These capacities must be to meet the applicable planning criteria for the average most probable discharge; maximum most probable discharge; and worst case discharge to the maximum extent practicable.

6.2 For the purposes of determining the effective daily recovery capacity of oil recovery devices, the following method will be used. This method considers potential limitations due to available daylight, weather, sea state, and percentage of emulsified oil in the recovered material. The Coast Guard may assign a lower efficiency factor to equipment listed in a response plan if it determines that such a reduction is warranted.

6.2.1 The following formula must be used to calculate the effective daily recovery capacity:

$$R = T \times 24 \times E$$

R—Effective daily recovery capacity

T—Throughput rate in barrels per hour (nameplate capacity)

E—20% efficiency factor (or lower factor as determined by the Coast Guard)

6.2.2 For those devices in which the pump limits the throughput of liquid, throughput rate will be calculated using the pump capacity.

6.2.3 For belt or mop type devices, the throughput rate will be calculated using data provided by the manufacturer on the nameplate rated capacity for the device.

6.2.4 Vessel owners or operators including in the response plan oil recovery devices whose throughput is not measurable using a pump capacity or belt or mop capacity may provide information to support an alternative method of calculation. This information must be submitted following the procedures in section 6.5 of this appendix.

6.3 As an alternative to section 6.2 of this appendix, a vessel owner or operator may submit adequate evidence that a different effective daily recovery capacity should be applied for a specific oil recovery device. Adequate evidence is actual verified performance data in spill conditions or test using certain ASTM standards [ASTM F 631 (incorporated by reference, see §155.140) Standard Method for Testing Full Scale Advancing

Spill Removal Devices], or an equivalent test approved by the Coast Guard.

6.3.1 The following formula must be used to calculate the effective daily recovery capacity under this alternative:

$$R = D \times U$$

R—Effective daily recovery capacity

D—Average Oil Recovery Rate in barrels per hour (Item 13.2.16 in ASTM F 631; or actual performance data)

U—Hours per day that a vessel owner or operator can document capability to operate equipment under spill conditions. Ten hours per day must be used unless a vessel owner or operator can demonstrate that the recovery operation can be sustained for longer periods.

6.4 A vessel owner or operator submitting a response plan shall provide data that supports the effective daily recovery capacities for the oil recovery devices listed. The following is an example of these calculations:

A weir skimmer identified in a response plan has a manufacturer's rated throughput at the pump of 267 gallons per minute (gpm).

$$267 \text{ gpm} = 381 \text{ barrels per hour}$$

$$R = 381 \times 24 \times .2 = 1,829 \text{ barrels per day}$$

After testing using ASTM procedures, the skimmer's oil recovery rate is determined to be 220 gpm. The vessel owner or operator identifies sufficient resources available to support operations 12 hours per day.

$$220 \text{ gpm} = 314 \text{ barrels per hour}$$

$$R = 314 \times 12 = 3,768 \text{ barrels per day}$$

A vessel owner or operator will be able to use the higher capacity if sufficient temporary oil storage capacity is available.

6.5 Determinations of alternative efficiency factors under section 6.2 or alternative effective daily recovery capacities under section 6.3 of this appendix will be made by Commandant (CG-MER), Attn: Vessel Response Plans, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7516 or vrp@uscg.mil. Oil spill removal organizations or equipment manufacturers may submit required information on behalf of multiple vessel owners or operators.

7. Calculating the Worst Case Discharge Planning Volumes

7.1 A vessel owner or operator, as applicable under the regulations prescribed in this part, must plan for a response to a vessel's worst case discharge oil planning volume. The planning for on-water recovery must take into account a loss of some oil to the environment due to evaporation and natural dissipation, potential increases in volume due to emulsification, and the potential for deposit of some oil on the shoreline.

7.2 The following procedures must be used to calculate the planning volume used by a vessel owner or operator, as applicable under

the regulations prescribed in this part, for determining required on-water recovery capacity:

7.2.1 The following must be determined: the total volume of oil cargo carried; the appropriate cargo group for the type of petroleum oil carried [persistent (groups II, III, and IV) or non-persistent (group I)]; and the geographic area(s) in which the vessel operates. For vessels carrying mixed cargoes from different petroleum oil groups, each group must be calculated separately. This information is to be used with Table 3 of this appendix to determine the percentages of the total cargo volume to be used for removal capacity planning. This table divides the cargo volume into three categories: oil lost to the environment; oil deposited on the shoreline; and oil available for on-water recovery.

7.2.2 The on-water oil recovery volume must be adjusted using the appropriate emulsification factor found in Table 4 of this appendix.

7.2.3 The adjusted volume is multiplied by the on-water oil recovery resource mobilization factor found in Table 5 of this appendix from the appropriate operating area and response tier to determine the total on-water oil recovery capacity in barrels per day that must be identified or contracted for to arrive on scene within the applicable time for each response tier. Table 5 specifies three tiers. For higher volume port areas, the contracted tiers of resources must be located such that they can arrive on scene within 12, 36, and 60 hours of the discovery of an oil discharge. For the Great Lakes, these tiers are 18, 42, and 66 hours. For rivers and canals, inland, nearshore, and offshore, these tiers are 24, 48, and 72 hours. For the open ocean area, these tiers are 24, 48, and 72 hours with an additional travel time allowance of 1 hour for every additional 5 nautical miles from shore. For nontank vessels, only Tier 1 is specified.

7.2.4 The resulting on-water recovery capacity in barrels per day for each tier is used to identify response resources necessary to sustain operations in the applicable geographic area. The equipment must be capable of sustaining operations for the time period specified in Table 3 of this appendix. A vessel owner or operator, as applicable under the regulations prescribed in this part, must identify and ensure the availability of, through contract or other approved means, sufficient oil spill recovery devices to provide the effective daily oil recovery capacity required. If the required capacity exceeds the applicable cap described in Table 6 of this appendix, then a vessel owner or operator must contract only for the quantity of resources required to meet the cap, but must identify sources of additional resources as indicated in §155.1050(p). For a vessel that carries multiple groups of oil, the required effective

daily recovery capacity for each group is calculated and summed before applying the cap.

7.3 The following procedures must be used to calculate the planning volume for identifying shoreline cleanup capacity:

7.3.1 The following must be determined: The total volume of oil carried; the appropriate group for the type of petroleum oil carried [persistent (groups II, III, and IV) or non-persistent (group I)]; and the geographic area(s) in which the vessel operates. For a vessel carrying different oil groups, each group must be calculated separately. Using this information, Table 3 of this appendix must be used to determine the percentages of the total oil volume to be used for shoreline cleanup resource planning.

7.3.2 The shoreline cleanup planning volume must be adjusted to reflect an emulsification factor using the same procedure as described in section 7.2.2 of this appendix.

7.3.3 The resulting volume will be used to identify an oil spill removal organization with the appropriate shoreline cleanup capability.

7.4 The following is an example of the procedure described above:

A vessel with a 100,000 barrel capacity for #6 oil (specific gravity .96) will move from a higher volume port area to another area. The vessel's route will be 70 miles from shore.

Cargo carried: 100,000 bbls. Group IV oil
Emulsification factor (from Table 4 of this appendix): 1.4 Areas transited: Inland, Nearshore, Offshore, Open ocean

Planned % on-water recovery (from Table 3 of this appendix):

Inland 50%
Nearshore 50%
Offshore 40%
Open ocean 20%

Planned % oil onshore recovery (from Table 3 of this appendix):

Inland 70%
Nearshore 70%
Offshore 30%
Open ocean 30%

General formula to determine planning volume:

(planning volume) = (capacity) × (% from Table 3 of this appendix) × (emulsification factor from Table 4 of this appendix)

Planning volumes for on-water recovery:

Inland $100,000 \times .5 \times 1.4 = 70,000$ bbls
Nearshore $100,000 \times .5 \times 1.4 = 70,000$ bbls
Offshore $100,000 \times .4 \times 1.4 = 56,000$ bbls
Open ocean $100,000 \times .2 \times 1.4 = 28,000$ bbls

Planning volumes for on shore recovery:

Inland $100,000 \times .7 \times 1.4 = 98,000$ bbls
Nearshore $100,000 \times .7 \times 1.4 = 98,000$ bbls
Offshore $100,000 \times .3 \times 1.4 = 42,000$ bbls

The vessel owner or operator must contract with a response resource capable of managing a 98,000-barrel shoreline cleanup in those areas where the vessel comes closer than 50 miles to shore.

Determining required resources for on-water recovery for each tier using mobilization factors: (barrel per day on-water recov-

ery requirements) = (on-water planning volume as calculated above) × (mobilization factor from Table 5 of this appendix).

| | Tier 1 | Tier 2 | Tier 3 |
|-------------------------------|--------|--------|--------|
| Inland/Nearshore 70,000 | × .15 | .25 | .40 |
| Offshore 56,000 | × .10 | .165 | .21 |
| Open ocean 28,000 | × .06 | .10 | .12 |
| equals (barrels per day) | | | |
| Inland/Nearshore | 10,500 | 17,500 | 28,000 |
| Offshore | 5,600 | 9,240 | 11,760 |
| Open ocean | 1,680 | 2,800 | 3,360 |

Since the requirements for Tier 1 for inland and nearshore exceed the caps, the vessel owner would only need to contract for 10,000 barrels per day for Tier 1. No additional equipment would be required to be identified because the required Tier 3 resources are below the Tier 3 caps.

10% of the on-water recovery capability for offshore, and 20% of the capability for inland/nearshore, for all tiers, must be capable of operating in water with a depth of 6 feet or less.

The vessel owner or operator would also be required to identify or contract for quantities of boom identified in Table 2 of this appendix for the areas in which the vessel operates.

8. Determining the Capability of High-Rate Response Methods

8.1 Calculate cumulative dispersant application capacity requirements as follows:

8.1.1 A vessel owner or operator, as applicable under the regulations prescribed in this part, must plan either for a dispersant capacity to respond to a vessel's worst case discharge of oil, or for the amount of the dispersant resource capability as required by §155.1050(k)(3) of this subchapter, whichever is the lesser amount. When planning for the cumulative application capacity that is required, the calculations should account for the loss of some oil to the environment due to natural dissipation causes (primarily evaporation). The following procedure should be used to determine the cumulative application requirements:

8.1.2 Determine the WCD volume of oil carried in gallons, and the appropriate oil group for the type of petroleum oil carried (Groups II, III, IV). For vessels carrying different oil groups, assume a WCD using the oil group that constitutes the largest portion of the oil being carried, or the oil group with the smallest natural dissipation factor;

8.1.3 Multiply the WCD in gallons by the natural dissipation factor for the appropriate oil group as follows: Group II factor is 0.50; Group III factor is 0.30; and Group IV factor is 0.10. This represents the amount of oil that can be expected to be lost to natural dissipa-

tion. Subtract the WCD lost to natural dissipation from the total oil amount carried to determine the remaining oil available for treatment by dispersant-application; and

8.1.4 Multiply the oil available for dispersant treatment by the dispersant to oil planning application ratio of 1 part dispersant to 20 parts oil (0.05). The resulting number represents the cumulative total dispersant-application capability that must be ensured available within the first 60 hours.

8.1.5(i) The following is an example of the procedure described in paragraphs 8.1.1 through 8.1.4 above: A vessel with a 1,000,000 gallons capacity of crude oil (specific gravity 0.87) will transit through an area with pre-authorization for dispersant use in the near-shore environment on the U.S. East Coast.

WCD: 1,000,000 gallons, Group III oil.

Natural Dissipation Factor for Group III: 30 percent.

General formula to determine oil available for dispersant treatment: ((WCD)–[(WCD) × (natural dissipation factor)]) = available oil.

E.g., 1,000,000 gal–(1,000,000 gal × 0.30) = 700,000 gallons of available oil.

Cumulative application capacity = Available oil × planning application ratio (1 gal dispersant/20 gals oil = 0.05).

E.g., 700,000 gal oil × (0.05) = 35,000 gallons cumulative dispersant-application capacity.

(i) The requirements for cumulative dispersant-application capacity (35,000) for this vessel's WCD is less than the overall dispersant capability cap for non-Gulf Coast waters required by §155.1050(k) of this chapter. Because paragraph 8.1.1 of this appendix requires owners and operators to ensure the availability of the lesser of a vessel's dispersant requirements for WCD or the amount of the dispersant cap provided for in §155.1050(k)(3), the vessel in this example would be required to ensure the availability of 35,000 gallons of dispersant. More specifically, this vessel would be required to meet the following tier requirements in §155.1050(k), which total 35,000 gallons application:

Tier—1 4,125 gallons—Completed in 12 hours.

Tier—2 23,375 gallons—Completed in 36 hours.

Tier—3 7,500 gallons—Completed in 60 hours.

8.2 Determining Effective Daily Application Capacities “EDACs” for dispersant response systems as follows:

8.2.1 EDAC planning estimates for compliance with the dispersant application requirements in §155.1050(k)(3) are to be based on:

8.2.1.1 The spill occurring at sites 50 nautical miles off shore furthest from the primary dispersant staging site(s);

8.2.1.2 Specific dispersant application platform operational characteristics identified in the EDSP or as demonstrated by operational tests;

8.2.1.3 Locations of primary dispersant staging sites; and

8.2.1.4 Locations and quantities of dispersant stockpiles.

8.2.2 EDAC calculations with supporting documentation must be submitted to the NSFCC for classification as a Dispersant Oil Spill Removal Organization.

8.2.3(i) EDAC can also be calculated using the EDSP (EDSP). The EDSP is a downloadable application that calculates EDAC for different dispersant response systems. It is located on the Internet at: <http://www.response.restoration.noaa.gov/spilltools>

(ii) The DMP2 contains operating information for the vast majority of dispersant application platforms, to include aircraft, both rotary and fixed wing, and vessels. The DMP2 produces EDAC estimates by performing calculations that are based on performance parameters of dispersant application platforms, locations of primary dispersant staging sites, home based airport or port locations, and for planning purposes, a 50 mile from shore dispersant application site. The 50 mile offshore site used in the DMP2 would be the location furthest from the primary dispersant staging site identified in the vessel response plan.

8.2.4 For each Captain of the Port Zone where a dispersant response capability is required, the response plan must identify the following:

8.2.4.1 The type, number, and location of each dispersant application platform intended for use in meeting dispersant delivery requirements specified in §155.1050(k)(3) of this chapter;

8.2.4.2 The amount and location of available dispersant stockpiles to support each platform; and

8.2.4.3 A primary staging site for each platform that will serve as its base of operations for the duration of the response.

8.3 In addition to the equipment and supplies required, a vessel owner or operator must identify a source of support to conduct the monitoring and post-use effectiveness evaluation required by applicable Local and Area Contingency Plans.

8.4 Identification of the resources for dispersant application does not imply that the use of this technique will be authorized. Actual authorization for use during a spill response will be governed by the provisions of the National Oil and Hazardous Substances Contingency Plan (40 CFR part 300) and the applicable Local or Area Contingency Plan.

9. Additional Equipment Necessary To Sustain Response Operations

9.1 A vessel owner or operator is responsible for ensuring that sufficient numbers of trained personnel, boats, aerial spotting aircraft, sorbent materials, boom anchoring materials, and other resources are available to sustain response operations to completion. All such equipment must be suitable for use with the primary equipment identified in the response plan. A vessel owner or operator is not required to list these resources in the response plan, but shall certify their availability.

9.2 A vessel owner or operator shall evaluate the availability of adequate temporary storage capacity to sustain the effective daily recovery capacities from equipment identified in the plan. Because of the inefficiencies of oil spill recovery devices, response plans must identify daily storage capacity equivalent to twice the effective daily recovery capacity required on scene. This temporary storage capacity may be reduced if a vessel owner or operator can demonstrate by waste stream analysis that the efficiencies of the oil recovery devices, ability to decant water, or the availability of alternative temporary storage or disposal locations in the area(s) the vessel will operate will reduce the overall volume of oily material storage requirements.

9.3 A vessel owner or operator shall ensure that their planning includes the capability to arrange for disposal of recovered oil products. Specific disposal procedures will be addressed in the applicable Area Contingency Plan.

TABLE 1—RESPONSE RESOURCE OPERATING CRITERIA
[Oil Recovery Devices]

| Operating Environment | Significant Wave Height ¹ | Sea State |
|-----------------------|--------------------------------------|-----------|
| | (feet) | |
| Rivers & Canals | ≤1 | 1 |
| Inland | ≤3 | 2 |

TABLE 1—RESPONSE RESOURCE OPERATING CRITERIA—Continued
[Oil Recovery Devices]

| Operating Environment | Significant Wave Height ¹ | Sea State |
|-----------------------|--------------------------------------|-----------|
| | (feet) | |
| Great Lakes | ≤4 | 2-3 |
| Ocean | ≤6 | 3-4 |

[Boom]

| Boom Property | Use | | | |
|---|-----------------|-----------|-------------|------------|
| | Rivers & Canals | Inland | Great Lakes | Ocean |
| Significant Wave ^{1 2} Height (feet) | ≤1 | ≤3 | ≤4 | ≤6 |
| Sea State | 1 | 2 | 2-3 | 3-4 |
| Boom height—in. (draft plus freeboard) | 6-18 | 18-42 | 18-42 | ≥42 |
| Reserve Buoyancy to Weight Ratio | 2:1 | 2:1 | 2:1 | 3:1 to 4:1 |
| Total Tensile Strength—lbs. | 4,500 | 15-20,000 | 15-20,000 | >20,000 |
| Skirt Fabric Tensile Strength—lbs. | 200 | 300 | 300 | 500 |
| Skirt Fabric Tear Strength—lbs. | 100 | 100 | 100 | 125 |

¹ Oil recovery devices and boom must be at least capable of operating in wave heights up to and including the values listed in Table 1 for each operating environment.

² Equipment identified as capable of operating in waters of 6 feet or less depth are exempt from the significant wave height planning requirement.

TABLE 2—SHORELINE PROTECTION REQUIREMENTS

| Location | Boom | Availability hours | |
|------------------------------------|---|-------------------------|-------------|
| | Ensured by contract or other approved means (ft.) | Higher volume port area | Other areas |
| Persistent Oils | | | |
| Open Ocean | | | |
| Offshore | 15,000 | 24 | 48 |
| Nearshore/Inland/Great Lakes | 30,000 | 12 | 24 |
| Rivers & Canals | 25,000 | 12 | 24 |
| Non-Persistent Oils | | | |
| Open Ocean | | | |
| Offshore | | | |
| Nearshore/Inland/Great Lakes | 10,000 | 12 | 24 |
| Rivers & Canals | 15,000 | 12 | 24 |

| Spill Location | Nearshore/Inland/ Great Lakes | | | | River | | | | |
|--|----------------------------------|--------------------------|----------------|-----------------------|--------------------------|----------------|-----------------------|--------------------------|----------------|
| | 4 days | | | | 3 days | | | | |
| Sustainability of on-water oil recovery | % Natural Dissipation | % Recovered Floating oil | % Oil on shore | % Natural Dissipation | % Recovered Floating oil | % Oil on shore | % Natural Dissipation | % Recovered Floating oil | % Oil on shore |
| I Non-persistent oils | 80 | 20 | 10 | 80 | 10 | 10 | 80 | 10 | 10 |
| II Light crudes and fuels | 50 | 50 | 30 | 40 | 50 | 15 | 40 | 15 | 45 |
| III Medium crudes and fuels | 30 | 50 | 50 | 20 | 50 | 15 | 20 | 15 | 65 |
| IV Heavy crudes/residual fuels | 10 | 50 | 70 | 5 | 50 | 20 | 5 | 20 | 75 |

Note: Percentage may not sum to 100; reflects enhanced on-water recovery capacity

Table 3 Removal Capacity Planning Table

| Spill Location | Open ocean | | | Offshore | | |
|---|-----------------------|--------------------------|----------------|-----------------------|--------------------------|----------------|
| | 10 days | | | 6 days | | |
| Sustainability of on-water oil recovery | % Natural Dissipation | % Recovered Floating oil | % Oil on shore | % Natural Dissipation | % Recovered Floating oil | % Oil on shore |
| Oil Group | | | | | | |
| I Non-persistent oils | 100 | / | / | 95 | [5]* | / |
| II Light crudes | 90 | 10 | / | 75 | 25 | 5 |
| III Medium crudes and fuels | 75 | 20 | [5]* | 60 | 40 | 20 |
| IV Heavy crudes/residual fuels | 50 | 20 | [30]* | 50 | 40 | 30 |

* Included in table for continuity; no planning required.

Table 3 Removal Capacity Planning Table

TABLE 4—EMULSIFICATION FACTORS FOR PETROLEUM OIL CARGO GROUPS

| | |
|--------------------------|-----|
| Non-persistent oil 72 G: | |
| Group I | 1.0 |
| Persistent oil: | |
| Group II | 1.8 |
| Group III | 2.0 |
| Group IV | 1.4 |

TABLE 5—ON-WATER OIL RECOVERY RESOURCE MOBILIZATION FACTORS

| Area | Tier 1 | Tier 2 | Tier 3 |
|------------------------------------|--------|--------|--------|
| Rivers and Canals | .30 | .40 | .60 |
| Inland/Nearshore/Great Lakes | .15 | .25 | .40 |
| Offshore | .10 | .165 | .21 |
| Ocean | .06 | .10 | .12 |

Note: These mobilization factors are for total resources mobilized, not incremental resources.

TABLE 6—RESPONSE CAPABILITY CAPS BY GEOGRAPHIC AREA

| | Tier 1 | Tier 2 | Tier 3 |
|--|-----------------------|-----------------------|------------------|
| <i>As of February 18, 1993:</i> | | | |
| All except rivers & canals & Great Lakes | 10K bbbls/day | 20K bbbls/day | 40K bbbls/day. |
| Great Lakes | 5K bbbls/day | 10K bbbls/day | 20K bbbls/day. |
| Rivers & canals | 1,500 bbbls/day | 3,000 bbbls/day | 6,000 bbbls/day. |
| <i>February 18, 1998:</i> | | | |
| All except rivers & canals & Great Lakes | 12.5K bbbls/day | 25K bbbls/day | 50K bbbls/day. |
| Great Lakes | 6.35K bbbls/day | 12.5K bbbls/day | 25K bbbls/day. |
| Rivers & canals | 1,875 bbbls/day | 3,750 bbbls/day | 7,500 bbbls/day. |
| <i>February 18, 2003</i> | | | |
| All except rivers & canals & Great Lakes | 12.5K bbbls/day | 25K bbbls/day | 50K bbbls/day. |
| Great Lakes | 6.25K bbbls/day | 12.3K bbbls/day | 25K bbbls/day. |
| Rivers & canals | 1,875 bbbls/day | 3,750 bbbls/day | 7,500 bbbls/day. |

Note: The caps show cumulative overall effective daily recovery capacity, not incremental increases.
 K = Thousand
 bbbls = Barrels
 TBD = To be determined

[CGD 91-034, 61 FR 1100, Jan. 12, 1996, as amended by CGD 96-026, 61 FR 33666, June 28, 1996; USCG-1999-5151, 64 FR 67176, Dec. 1, 1999; USCG-2005-21531, 70 FR 36349, June 23, 2005; USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-2001-8661, 74 FR 45029, Aug. 31, 2009; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2008-1070, 78 FR 60134, Sept. 30, 2013; USCG-2014-0410, 79 FR 38437, July 7, 2014; USCG-2016-0498, 82 FR 35083, July 28, 2017; USCG-2018-0874, 84 FR 30880, June 28, 2019]

APPENDIX C TO PART 155—TRAINING ELEMENTS FOR OIL SPILL RESPONSE PLANS

1. General

1.1 The portion of the plan dealing with training is one of the key elements of a response plan. This concept is clearly expressed by the fact that Congress, in writing the Oil Pollution Act of 1990, specifically included training as one of the sections required in a vessel or facility response plan. In reviewing submitted response plans, it has been noted that the plans often do not provide sufficient information in the training section of the plan for either the user or the reviewer of the plan. In some cases, plans simply state that the crew and others will be training in their duties and responsibilities, with no other information being provided. In other plans, information is simply given that required parties will receive the necessary worker safety training (HAZWOPER).

1.2 The training section of the plan need not be a detailed course syllabus, but it must contain sufficient information to allow the user and reviewer (or evaluator) to have an understanding of those areas that are believed to be critical. Plans should identify

key skill areas and the training that is required to ensure that the individual identified will be capable of performing the duties prescribed to them. It should also describe how the training will be delivered to the various personnel. Further, this section of the plan must work in harmony with those sections of the plan dealing with exercises, the spill management team, and the qualified individual.

1.3 The material in this appendix C is not all-inclusive and is provided for guidance only.

2. Elements To Be Addressed

2.1 To assist in the preparation of the training section of a vessel response plan, some of the key elements that should be addressed are indicated in the following sections. Again, while it is not necessary that the comprehensive training program for the company be included in the response plan, it is necessary for the plan to convey the elements that define the program as appropriate.

2.2 An effective spill response training program should consider and address the following:

2.2.1 Notification requirements and procedures.

2.2.2 Communication system(s) used for the notifications.

2.2.3 Procedures to mitigate or prevent any discharge or a substantial threat of a discharge of oil resulting from—

2.2.3.1 Operational activities associated with internal or external fuel and cargo transfers;

2.2.3.2 Grounding or stranding;

2.2.3.3 Collision;

2.2.3.4 Explosion or fire;

2.2.3.5 Hull failure;

2.2.3.6 Excessive list; or

2.2.3.7 Equipment failure.

2.2.4 Procedures and arrangements for emergency towing.

2.2.5 When performing shipboard mitigation measures—

2.2.5.1 Ship salvage procedures;

2.2.5.2 Damage stability; and

2.2.5.3 Hull stress considerations.

2.2.6 Procedures for transferring responsibility for direction of response activities from vessel and facility personnel to the spill management team.

2.2.7 Familiarity with the operational capabilities of the contracted oil spill removal organizations and the procedures to notify and activate such organizations.

2.2.8 Familiarity with the contracting and ordering procedures to acquire oil spill removal organization resources.

2.2.9 Familiarity with the Area Contingency Plans.

2.2.10 Familiarity with the organizational structures that will be used to manage the response actions.

2.2.11 Responsibilities and duties of the spill management team members in accordance with designated job responsibilities.

2.2.12 Responsibilities and authority of the qualified individual as described in the vessel response plan and company response organization.

2.2.13 Responsibilities of designated individuals to initiate a response and supervise shore-based response resources.

2.2.14 Actions to take, in accordance with designated job responsibilities, in the event of a transfer system leak, tank overflow, or suspected fuel or cargo tank or hull leak.

2.2.15 Information on the oil handled by the vessel or facility, including familiarity with—

2.2.15.1 Cargo material safety data sheets (including oil carried as fuel);

2.2.15.2 Chemical characteristics of all oils carried as fuel or cargo;

2.2.15.3 Special handling procedures for all oils carried as fuel or cargo;

2.2.15.4 Health and safety hazards associated with all oils carried as fuel or cargo; and

2.2.15.5 Spill and firefighting procedures for all oils carried as fuel or cargo.

2.2.16 Occupational Safety and Health Administration requirements for worker health and safety (29 CFR 1910.120).

3. Further Considerations

In drafting the training section of the response plan, some further considerations are noted below (these points are raised simply as a reminder):

3.1 The training program should focus on training provided to vessel personnel.

3.2 An organization is comprised of individuals, and a training program should be structured to recognize this fact by ensuring that training is tailored to the needs of the individuals involved in the program.

3.3 An owner or operator may identify equivalent work experience which fulfills specific training requirements.

3.4 The training program should include participation in periodic announced and unannounced exercises. This participation should approximate the actual roles and responsibilities of individuals as specified in the response plan.

3.5 Training should be conducted periodically to reinforce the required knowledge and to ensure an adequate degree of preparedness by individuals with responsibilities under the vessel response plan.

3.6 Training may be delivered via a number of different means; including classroom sessions, group discussions, video tapes, self study workbooks, resident training courses, on-the-job training, or other means as deemed appropriate to ensure proper instruction.

3.7 New employees should complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

4. Conclusion

The information in this appendix is only intended to assist response plan preparers in reviewing the content of and in modifying the training section of their response plans. It may be more comprehensive than is needed for some vessels and not comprehensive enough for others. The Coast Guard expects that plan preparers have determined the training needs of their organizations created by the development of the response plans and the actions identified as necessary to increase the preparedness of the company and its personnel to respond to actual or threatened discharges of oil from their vessels.

[CGD 91–034, 61 FR 1107, Jan. 12, 1996, as amended by USCG–2008–1070, 78 FR 60135, Sept. 30, 2013]