

§ 130.33

(2) Takes into account the maximum potential discharge of the contents from the packaging;

(3) Identifies private personnel and equipment available to respond to a discharge;

(4) Identifies the appropriate persons and agencies (including their telephone numbers) to be contacted in regard to such a discharge and its handling, including the National Response Center; and

(5) For each motor carrier, is retained on file at that person's principal place of business and at each location where dispatching of motor vehicles occurs; and for each railroad, is retained on file at that person's principal place of business and at the dispatcher's office.

(b) A railroad with a comprehensive plan in conformance with the requirements of subpart C of this part is not required to have a basic spill response plan for routes covered by the comprehensive plan.

(Approved by the Office of Management and Budget under control number 2137-0591)

[Amdt. 130-2, 61 FR 30541, June 17, 1996, as amended at 72 FR 55683, Oct. 1, 2007; 76 FR 56311, Sept. 13, 2011; 84 FR 6948, Feb. 28, 2019]

§ 130.33 Basic response plan implementation.

If, during transportation of oil subject to this part, a discharge occurs—into or on the navigable waters of the United States; on the adjoining shorelines to the navigable waters; or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of, the United States—the person transporting the oil shall implement the plan required by §130.31, in a manner consistent with the National Contingency Plan, 40 CFR part 300, or as otherwise directed by the Federal on-scene coordinator.

§§ 130.34—130.99 [Reserved]

Subpart C—Comprehensive Oil Spill Response Plans

SOURCE: 84 FR 6948, Feb. 28, 2019, unless otherwise noted.

49 CFR Ch. I (10–1–23 Edition)

§ 130.100 Applicability of comprehensive oil spill response plans.

(a) Railroads must have current, written comprehensive oil spill response plans (COSRPs) meeting the requirements of this subpart for any route or route segments used to transport either of the following:

(1) Any liquid petroleum oil or other non-petroleum oil subject to this part in a quantity greater than 42,000 gallons (1,000 barrels) per packaging; or

(2) A single train carrying 20 or more loaded tank cars of liquid petroleum oil in a continuous block or a single train carrying 35 or more loaded tank cars of liquid petroleum oil throughout the train consist.

(i) Tank cars carrying liquid petroleum oil products not meeting the criteria for Class 3 flammable or combustible material in §173.120 of this chapter, or containing residue as defined in §171.8 of this chapter, are not required to be included when determining the number of tank cars transporting liquid petroleum oil in paragraph (a)(2) of this section.

(ii) [Reserved]

(b) The requirements of this subpart do not apply if the oil being transported is otherwise excepted per §130.2(c).

(c) A railroad required to develop a response plan in accordance with this section may not transport applicable quantities of oil (including handling and storage incidental to transport) unless—

(1) The response plan is submitted, reviewed, and approved as required by §130.150 except as described in paragraph (d) of this section; and

(2) The railroad is operating in compliance with the response plan.

(d) A railroad required to develop a response plan in accordance with this section may continue to transport oil without an approval from PHMSA provided that all of the following criteria are met:

(1) The railroad submitted a plan in accordance with the requirements of §130.150(a) within the previous two years;

(2) The submitted plan includes the certification in §130.130;

(3) The railroad is operating in compliance with the submitted plan; and