

SUBCHAPTER B—OIL TRANSPORTATION

PART 130—OIL SPILL PREVENTION AND RESPONSE PLANS

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Subpart A—Applicability and General Requirements

§ 130.1 Purpose.

This part prescribes prevention, containment and response planning requirements of the Department of Transportation applicable to transportation of oil by motor vehicles and rolling stock.

§ 130.2 Scope.

(a) The requirements of this part apply to oil that is subject to a basic or comprehensive oil spill response plan in accordance with subparts B and C of this part.

(b) The requirements of this part have no effect on—

(1) The applicability of the Hazardous Materials Regulations set forth in subchapter C of this chapter; and

(2) The discharge notification requirements of the United States Coast Guard (33 CFR part 153) and EPA (40 CFR part 110).

(c) The requirements of this part do not apply to—

(1) Any mixture or solution in which oil is in a concentration by weight of less than 10 percent.

(2) Transportation of oil by aircraft or vessel.

(3) Any petroleum oil carried in a fuel tank for the purpose of supplying fuel for propulsion of the transport vehicle to which it is attached.

(4) Oil transport exclusively within the confines of a non-transportation-related or terminal facility in a vehicle not intended for use in interstate or intrastate commerce (see 40 CFR part 112, appendix A).

(d) The requirements in subpart C of this part do not apply to mobile marine transportation-related facilities (see 33 CFR part 154).

[Amdt. 130-2, 61 FR 30541, June 17, 1996, as amended at 84 FR 6947, Feb. 28, 2019]

§ 130.3 General requirements.

No person may offer or accept for transportation or transport oil subject to this part unless that person—

(a) Complies with this part; and

(b) Has been instructed on the applicable requirements of this part.

§ 130.5 Definitions.

In this subchapter:

Adverse weather means the weather conditions (e.g., ice conditions, temperature ranges, flooding, strong winds) that will be considered when identifying response systems and

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equipment to be deployed in accordance with a response plan.

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

Contract or other means is:

(1) A written contract with a response contractor identifying and ensuring the availability of the necessary personnel or equipment within the shortest practicable time;

(2) A written certification by the owner or operator that the necessary personnel or equipment can and will be made available by the owner or operator within the shortest practicable time; or

(3) Documentation of membership in an oil spill response organization that ensures the owner's or operator's access to the necessary personnel or equipment within the shortest practicable time.

Environmentally sensitive or significant areas (ESA) means a "sensitive area" identified in the applicable Area Contingency Plan (ACP), or if no applicable, complete ACP exists, an area of environmental importance which is in or adjacent to navigable waters.

EPA means the U.S. Environmental Protection Agency.

Liquid means a material, with a melting point or initial melting point of 20 °C (68 °F) or lower at a standard pressure of 101.3 kPa (14.7 psia). A viscous material for which a specific melting point cannot be determined must be subjected to the procedures specified in ASTM D4359-90 "Standard Test Method for Determining Whether a Material is Liquid or Solid" (IBR, see §171.7 of this chapter).

Maximum extent practicable means the limits of available technology and the practical and technical limits on an owner or operator of an onshore facility in planning the response resources required to provide the on-water recovery capability and the shoreline protection and cleanup capability to conduct response activities for a worst-case discharge of oil in adverse weather.

Maximum potential discharge means a planning volume for a discharge from a motor vehicle or rail car equal to the capacity of the cargo container.

Non-petroleum oil means any animal fat, vegetable oil or other non-petroleum oil.

Oil means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

NOTE: This definition does not include hazardous substances (see 40 CFR part 116).

Oil Spill Removal Organization (OSRO) means an entity that provides response resources.

On-Scene Coordinator (OSC) means the Federal official pre-designated by the Administrator of the United States Environmental Protection Agency (EPA) or by the Commandant of the United States Coast Guard (USCG) to coordinate and direct Federal response under the National Contingency Plan (NCP) (40 CFR part 300, subpart D).

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

Packaging means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the packaging requirements of this part. A compartmented tank is a single packaging.

Person means an individual, firm, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body, as well as a department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government. This definition includes railroads.

Petroleum oil means any oil extracted or derived from geological hydrocarbon deposits, including oils produced by distillation or their refined products.

Qualified individual means an individual familiar with the response plan, trained in his or her responsibilities in implementing the plan, and authorized, on behalf of the owner or operator, to initiate all response activities identified in the plan, to enter into response-related contracts and obligate funds for such contracts, and to act as a liaison with the on-scene coordinator and other responsible officials. The qualified individual must be available at all times the owner or operator is engaged

in transportation subject to part 130 (alone or in conjunction with an equally qualified alternate), must be fluent in English, and must have in his or her possession documentation of the required authority.

Response activities means the containment and removal of oil from navigable waters and adjoining shorelines, the temporary storage and disposal of recovered oil, or the taking of other actions as necessary to minimize or mitigate damage to the environment.

Response plan means a basic oil spill response plan meeting requirements of subpart B of this part or a comprehensive oil spill response plan meeting requirements of subpart C of this part. For comprehensive plans in subpart C, this definition includes both the railroad's core plan and the response zone appendices, for responding, to the maximum extent practicable, to a worst-case discharge of oil or the substantial threat of such a discharge.

Response zone means a geographic area along applicable rail route(s), containing one or more adjacent route segments for which the railroad is required to plan for the deployment of, and provide, spill response capabilities meeting the planning requirements of § 130.130. The size, locations, and boundaries of the zone are determined and identified by the railroad after considering the existing location and organizational structure of each railroad's incident management team (IMT), including the availability and capability of response resources.

Transports or Transportation means any movement of oil by highway or rail, and any loading, unloading, or storage incidental thereto.

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

Worst-case discharge means "the largest foreseeable discharge in adverse weather conditions," as defined at 33 U.S.C. 1321(a)(24). The largest foreseeable discharge includes discharges resulting from fire or explosion. The worst-case discharge from a unit train consist is the greater of:

(1) 300,000 gallons of liquid petroleum oil; or

(2) 15 percent of the total lading of liquid petroleum oil transported within the largest unit train consist reasonably expected to transport liquid petroleum oil in a given response zone. The worst-case discharge calculated from tank cars exceeding 42,000 gallons is equal to the capacity of the cargo container.

[Amdt. 130-2, 61 FR 30541, June 17, 1996, as amended by 66 FR 45378, Aug. 28, 2001; 67 FR 61011, Sept. 27, 2002; 69 FR 18803, Apr. 9, 2004; 84 FR 6947, Feb. 28, 2019]

§ 130.11 Communication requirements.

(a) No person may offer oil subject to this part for transportation unless that person provides the person accepting the oil for transportation a document indicating the shipment contains oil.

(b) No person may transport oil subject to this part unless a readily available document indicating that the shipment contains oil is in the possession of the transport vehicle operator during transportation.

(c) A material subject to the requirements of this part need not be specifically identified as oil when the shipment document accurately describes the material as: aviation fuel, diesel fuel, fuel oil, gasoline, jet fuel, kerosene, motor fuel, or petroleum.

§ 130.21 Packaging requirements.

Each packaging used for the transportation of oil subject to this part must be designed, constructed, maintained, closed, and loaded so that, under conditions normally incident to transportation, there will be no release of oil to the environment.

§§ 130.22—130.29 [Reserved]

Subpart B—Basic Spill Response Plans

§ 130.31 Basic spill response plans.

(a) No person may transport liquid petroleum oil in a packaging having a capacity of 3,500 gallons or more unless that person has a current basic written plan that:

(1) Sets forth the manner of response to discharges that may occur during transportation;