§ 154.1035 Specific requirements for facilities that could reasonably be expected to cause significant and substantial harm to the environment.

(a) Introduction and plan content. This section of the plan must include facility and plan information as follows:

(1) The facility’s name, street address, city, county, state, ZIP code, facility telephone number, and telefacsimile number, if so equipped. Include mailing address if different from street address.

(2) The facility’s location described in a manner that could aid both a reviewer and a responder in locating the specific facility covered by the plan, such as, river mile or location from a known landmark that would appear on a map or chart.

(3) The name, address, and procedures for contacting the facility’s owner or operator on a 24-hour basis.

(4) A table of contents.

(5) During the period that the submitted plan does not have to conform to the format contained in this subpart, a cross index, if appropriate.

(6) A record of change(s) to record information on plan updates.

(b) Emergency Response Action Plan. This section of the plan must be organized in the subsections described in this paragraph:

(1) Notification procedures. (i) This subsection must contain a prioritized list identifying the person(s), including name, telephone number, and their role in the plan, to be notified of a discharge or substantial threat of a discharge of oil. The telephone number need not be provided if it is listed separately in the list of contacts required in the plan. This Notification Procedures listing must include—

(A) Facility response personnel, the spill management team, oil spill removal organizations, and the qualified individual(s) and the designated alternate(s); and

(B) Federal, State, or local agencies, as required.

(ii) This subsection must include a form, such as that depicted in Figure 1, which contains information to be provided in the initial and follow-up notifications to Federal, State, and local agencies. The form shall include notification of the National Response Center as required in part 153 of this chapter. Copies of the form also must be placed at the location(s) from which notification may be made. The initial notification form must include space for the information contained in Figure 1. The form must contain a prominent statement that initial notification must not be delayed pending collection of all information.

---

**FIGURE 1—INFORMATION ON DISCHARGE**

<table>
<thead>
<tr>
<th>(A) Reporting party</th>
<th>(B) Suspected responsible party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Name</td>
</tr>
<tr>
<td>Phones () –</td>
<td>Phones () –</td>
</tr>
<tr>
<td>Company</td>
<td>Company</td>
</tr>
</tbody>
</table>
Coast Guard, DHS § 154.1035

FIGURE 1—INFORMATION ON DISCHARGE *—Continued

<table>
<thead>
<tr>
<th>Involved Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Reporting party</td>
</tr>
<tr>
<td>Position</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Public utility</td>
</tr>
<tr>
<td>State government</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Zip</td>
</tr>
</tbody>
</table>

*It is not necessary to wait for all information before calling NRC. National Response Center—1–800–424–8802 or direct telephone: 202–267–2675.

Were materials Discharged (Y/N)?
Calling for Responsible Party (Y/N)

Incident Description

Source and/or Cause of Incident

Date - - Time:
Cause

Incident Address/Location Nearest City
Distance from City
Storage Tank Container Type—Above ground (Y/N) Below ground (Y/N) Unknown

Facility Capacity

Tank Capacity
Latitude Degrees
Longitude Degrees
Mile Post or River Mile

Materials

Discharge Unit of Quantity Measure Discharged Material Quantity in Water

Response Action

Actions Taken to Correct or Mitigate Incident

Impact

Number of Injuries Number of Fatalities
Were there Evacuations (Y/N/U)? Number Evacuated
Was there any Damage (Y/N/U)? Damage in Dollars

Additional Information

Any information about the Incident not recorded elsewhere in the report

Caller Notifications

USCG EPA State Other

(2) Facility’s spill mitigation procedures.
(i) This subsection must describe the volume(s) and oil groups that would be involved in the—
(A) Average most probable discharge from the MTR facility;
(B) Maximum most probable discharge from the MTR facility;
(C) Worst case discharge from the MTR facility; and
(D) Where applicable, the worst case discharge from the non-transportation-
related facility. This must be the same volume provided in the response plan for the non-transportation-related facility.

(ii) This subsection must contain prioritized procedures for facility personnel to mitigate or prevent any discharge or substantial threat of a discharge of oil resulting from operational activities associated with internal or external facility transfers including specific procedures to shut down affected operations. Facility personnel responsible for performing specified procedures to mitigate or prevent any discharge or potential discharge shall be identified by job title. A copy of these procedures shall be maintained at the facility operations center. These procedures must address actions to be taken by facility personnel in the event of a discharge, potential discharge, or emergency involving the following equipment and scenarios:

(A) Failure of manifold, mechanical loading arm, other transfer equipment, or hoses, as appropriate;
(B) Tank overfill;
(C) Tank failure;
(D) Piping rupture;
(E) Piping leak, both under pressure and not under pressure, if applicable;
(F) Explosion or fire; and
(G) Equipment failure (e.g. pumping system failure, relief valve failure, or other general equipment relevant to operational activities associated with internal or external facility transfers.)

(iii) This subsection must contain a listing of equipment and the responsibilities of facility personnel to mitigate an average most probable discharge.

(3) Facility’s response activities. (i) This subsection must contain a description of the facility personnel’s responsibilities to initiate a response and supervise response resources pending the arrival of the qualified individual.

(ii) This subsection must contain a description of the responsibilities and authority of the qualified individual and alternate as required in §154.1026.

(iii) This subsection must describe the organizational structure that will be used to manage the response actions. This structure must include the following functional areas.

(A) Command and control;
(B) Public information;
(C) Safety;
(D) Liaison with government agencies;
(E) Spill Operations;
(F) Planning;
(G) Logistics support; and
(H) Finance.

(iv) This subsection of the plan must identify the oil spill removal organizations and the spill management team that will be capable of providing the following resources:

(A) Equipment and supplies to meet the requirements of §§154.1045, 154.1047, or subparts H or I of this part, as appropriate.
(B) Trained personnel necessary to continue operation of the equipment and staff the oil spill removal organization and spill management team for the first 7 days of the response.

(v) This section must include job descriptions for each spill management team member within the organizational structure described in paragraph (b)(3)(iii) of this section. These job descriptions must include the responsibilities and duties of each spill management team member in a response action.

(vi) For facilities that handle, store, or transport group II through group IV petroleum oils, and that operate in waters where dispersant use is pre-authorized, this subsection of the plan must also separately list the resource providers and specific resources, including appropriately trained dispersant-application personnel, necessary to provide the dispersant capabilities required in this subpart. All resource providers and resources must be available by contract or other approved means as described in §154.1028(a). The dispersant resources to be listed within this section must include the following:

(A) Identification of each primary dispersant staging site to be used by each dispersant-application platform to meet the requirements of this subpart.
(B) Identification of the platform type, resource-providing organization, 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 for this section.
(C) 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 stockpile’s distance to the primary staging sites where the
stockpile would be loaded onto the corresponding platforms.
(D) If an oil spill removal organization has been evaluated by the Coast
Guard, and its capability is equal to or exceeds the response capability needed
by the owner or operator, the section may identify only the oil spill removal
organization, and not the information required in paragraphs (b)(3)(vi)(A)
through (b)(3)(vi)(C) of this section.
(vii) This subsection of the plan must also separately list the resource pro-
viders and specific resources necessary to provide aerial oil tracking capabil-
ties required in this subpart. The oil tracking resources to be listed within
this section must include the following:
(A) The identification of a resource provider; and
(B) Type and location of aerial surve-
illiance aircraft that are ensured available, through contract or other approved means, to meet the oil track-
ing requirements of §154.1015(j).
(viii) For mobile facilities that operate in more than one COTP zone, the
plan must identify the oil spill removal organization and the spill management
team in the applicable geographic-specific appendix. The oil spill removal or-
ganization(s) and the spill management team discussed in paragraph (b)(3)(iv)
of this section must be included for each COTP zone in which the facility
will handle, store, or transport oil in bulk.
(ix) For mobile facilities that operate in more than one COTP zone, the plan
must identify the oil spill removal organization and the spill management
team in the applicable geographic-specific appendix. The oil spill removal orga-
nization(s) and the spill management team discussed in paragraph (b)(3)(iv)(A) of this section must be in-
cluded for each COTP zone in which the facility will handle, store, or transport
oil in bulk.
(4) Fish and wildlife and sensitive envi-
ronments. (i) This section of the plan
must identify areas of economic impor-
tance and environmental sensitivity, as identified in the ACP, which are po-
tentially impacted by a worst case dis-
charge. ACPs are required under sec-
tion 311(j)(4) of the FWPCA to identify
fish and wildlife and sensitive environ-
ments. The applicable ACP shall be
used to designate fish and wildlife and
sensitive environments in the plan. Changes to the ACP regarding fish and
wildlife and sensitive environments
shall be included in the annual update
of the response plan, when available.
(ii) For a worst case discharge from
the facility, this section of the plan
must—
(A) List all fish and wildlife and sen-
sitive environments identified in the
ACP which are potentially impacted by
a discharge of persistent oils, non-per-
sistent oils, or non-petroleum oils.
(B) Describe all the response actions
that the facility anticipates taking to
protect these fish and wildlife and sen-
sitive environments.
(C) Contain a map or chart showing
the location of those fish and wildlife and sensitive environments which are
potentially impacted. The map or chart
shall also depict each response action
that the facility anticipates taking to
protect these areas. A legend of activi-
ties must be included on the map page.
(iii) For a worst case discharge, this
section must identify appropriate
equipment and required personnel,
available by contract or other approved
means as described in §154.1028, to pro-
tect fish and wildlife and sensitive en-
vironments which fall within the dis-
tances calculated using the methods
outlined in this paragraph as follows:
(A) Identify the appropriate equip-
ment and required personnel to protect
all fish and wildlife and sensitive envi-
ronments in the ACP for the distances,
as calculated in paragraph (b)(4)(iii)(B)
of this section, that the persistent oils,
non-persistent oils, or non-petroleum oils are likely to travel in the noted geo-
graphic area(s) and number of days
listed in table 2 of appendix C of this
part;
(B) Calculate the distances required by paragraph (b)(4)(iii)(A) of this section by selecting one of the methods described in this paragraph;

(1) Distances may be calculated as follows:

(i) For persistent oils and non-petroleum oils discharged into non-tidal waters, the distance from the facility reached in 48 hours at maximum current.

(ii) For persistent and non-petroleum oils discharged into tidal waters, 15 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 15 miles, whichever is less, during flood tide.

(iii) For non-persistent oils discharged into non-tidal waters, the distance from the facility reached in 24 hours at maximum current.

(iv) For non-persistent oils discharged into tidal waters, 5 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 5 miles, whichever is less, during flood tide.

(2) A spill trajectory or model may be substituted for the distances calculated under paragraph (b)(4)(iii)(B)(1) of this section. The spill trajectory or model must be acceptable to the COTP.

(3) The procedures contained in the Environmental Protection's Agency's regulations on oil pollution prevention for non-transportation-related onshore facilities at 40 CFR part 112, appendix C. Attachment C-III may be substituted for the distances listed in non-tidal and tidal waters; and

(C) Based on historical information or a spill trajectory or model, the COTP may require the additional fish and wildlife and sensitive environments also be protected.

(5) Disposal Plan. This subsection must describe any actions to be taken or procedures to be used to ensure that all recovered oil and oil contaminated debris produced as a result of any discharge are disposed according to Federal, state, or local requirements.

(c) Training and exercises. This section must be divided into the following two subsections:

(1) Training procedures. This subsection must describe the training procedures and programs of the facility owner or operator to meet the requirements in §154.1050.

(2) Exercise procedures. This subsection must describe the exercise program to be carried out by the facility owner or operator to meet the requirements in §154.1055.

(d) Plan review and update procedures. This section must address the procedures to be followed by the facility owner or operator to meet the requirements of §154.1065 and the procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness.

(e) Appendices. This section of the response plan must include the appendices described in this paragraph.

(1) Facility-specific information. This appendix must contain a description of the facility's principal characteristics.

(i) There must be a physical description of the facility including a plan of the facility showing the mooring areas, transfer locations, control stations, locations of safety equipment, and the location and capacities of all piping and storage tanks.

(ii) The appendix must identify the sizes, types, and number of vessels that the facility can transfer oil to or from simultaneously.

(iii) The appendix must identify the first valve(s) on facility piping separating the transportation-related portion of the facility from the non-transportation-related portion of the facility, if any. For piping leading to a manifold located on a dock serving tank vessels, this valve is the first valve inside the secondary containment required by 40 CFR part 112.

(iv) The appendix must contain information on the oil(s) and hazardous material handled, stored, or transported at the facility in bulk. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, 33 CFR 154.310(a)(5) or an equivalent will meet this requirement. This information can be maintained separately providing it is readily available and the appendix identifies its location. This information must include—

(A) The generic or chemical name;

(B) A description of the appearance and odor;

(C) The physical and chemical characteristics;
(D) The hazards involved in handling the oil(s) and hazardous materials. This shall include hazards likely to be encountered if the oil(s) and hazardous materials come in contact as a result of a discharge; and

(E) A list of firefighting procedures and extinguishing agents effective with fires involving the oil(s) and hazardous materials.

(v) The appendix may contain any other information which the facility owner or operator determines to be pertinent to an oil spill response.

(2) List of contacts. This appendix must include information on 24-hour contact of key individuals and organizations. If more appropriate, this information may be specified in a geographic-specific appendix. The list must include—

(i) The primary and alternate qualified individual(s) for the facility;

(ii) The contact(s) identified under paragraph (b)(3)(iv) of this section for activation of the response resources; and

(iii) Appropriate Federal, State, and local officials.

(3) Equipment list and records. This appendix must include the information specified in this paragraph.

(i) The appendix must contain a list of equipment and facility personnel required to respond to an average most probable discharge, as defined in §154.1020. The appendix must also list the location of the equipment.

(ii) The appendix must contain a detailed listing of all the major equipment identified in the plan as belonging to an oil spill removal organization(s) that is available, by contract or other approved means as described in §154.1028(a), to respond to a maximum most probable or worst case discharge, as defined in §154.1020. The detailed listing of all major equipment may be located in a separate document referenced by the plan. Either the appendix or the separate document referenced in the plan must provide the location of the major response equipment.

(iii) It is not necessary to list response equipment from oil spill removal organization(s) when the organization has been classified by the Coast Guard and their capacity has been determined to equal or exceed the response capability needed by the facility. For oil spill removal organization(s) classified by the Coast Guard, the classification must be noted in this section of the plan. When it is necessary for the appendix to contain a listing of response equipment, it shall include all of the following items that are identified in the response plan: Skimmers; booms; dispersant application, in-situ burning, bioremediation equipment and supplies, and other equipment used to apply other chemical agents on the NCP Product Schedule (if applicable); communications, firefighting, and beach cleaning equipment; boats and motors; disposal and storage equipment; and heavy equipment. The list must include for each piece of equipment—

(A) The type, make, model, and year of manufacture listed on the nameplate of the equipment;

(B) For oil recovery devices, the effective daily recovery rate, as determined using section 6 of appendix C of this part;

(C) For containment boom, the overall boom height (draft and freeboard) and type of end connectors;

(D) The spill scenario in which the equipment will be used for or which it is contracted;

(E) The total daily capacity for storage and disposal of recovered oil;

(F) For communication equipment, the type and amount of equipment intended for use during response activities. Where applicable, the primary and secondary radio frequencies must be specified.

(G) Location of the equipment; and

(H) The date of the last inspection by the oil spill removal organization(s).

(4) Communications plan. This appendix must describe the primary and alternate method of communication during discharges, including communications at the facility and at remote locations within the areas covered by the response plan. The appendix may refer to additional communications packages provided by the oil spill removal organization. This may reference another existing plan or document.

(5) Site-specific safety and health plan. This appendix must describe the safety and health plan to be implemented for
§ 154.1040 Specific requirements for facilities that could reasonably be expected to cause substantial harm to the environment.

(a) The owner or operator of a facility that, under §154.1015, could reasonably be expected to cause substantial harm to the environment, shall submit a response plan that meets the requirements of §154.1035, except as modified by this section.

(b) The facility’s response activities section of the response plan need not list the facility or corporate organizational structure that will be used to manage the response, as required by §154.1035(b)(3)(iii).

(c) The owner or operator of a facility must ensure the availability of response resources required to be identified in §154.1035(b)(3)(iv) by contract or other approved means described in §154.1028.

(d) A facility owner or operator must have at least 200 feet of containment boom and the means of deploying and anchoring the boom available at the spill site within 1 hour of the detection of a spill to respond to the average most probable discharge in lieu of the quantity of containment boom specified in §154.1045(c)(1). Based on site-specific or facility-specific information, the COTP may specify that additional quantities of containment boom are available within one hour. In addition, there must be adequate sorbent material for initial response to an average most probable discharge. If the facility is a fixed facility, the containment boom and sorbent material must be located at the facility. If the facility is a mobile facility, the containment boom and sorbent must be available locally and be at the site of the discharge within 1 hour of its discovery.

§ 154.1041 Specific response information to be maintained on mobile MTR facilities.

(a) Each mobile MTR facility must carry the following information as contained in the response plan when performing transfer operations:

(1) A description of response activities for a discharge which may occur during transfer operations. This may be a narrative description or a list of procedures to be followed in the event of a discharge.

(2) Identity of response resources to respond to a discharge from the mobile MTR facility.

(3) List of the appropriate persons and agencies (including the telephone numbers) to be contacted in regard to a discharge and its handling, including the National Response Center.

(b) The owner or operator of the mobile facility must also retain the information in this paragraph at the principal place of business.

§ 154.1045 Response plan development and evaluation criteria for facilities that handle, store, or transport Group I through Group IV petroleum oils.

(a) The owner or operator of a facility that handles, stores, or transports Group I through Group IV petroleum oils shall use the criteria in this section to evaluate response resources identified in the response plan for the specified operating environment.

(1) The criteria in Table 1 of appendix C of this part are to be used solely for identification of appropriate equipment in a response plan. 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 facility operations.

(2) The response resources must be evaluated considering limitations for the COTP zones in which the facility operates, including but not limited to—