

the following factors, and any other relevant factors, before changing the classification of a facility:

- (1) The type and quantity of oils handled.
- (2) The spill history of the facility.
- (3) The age of the facility.
- (4) The public and commercial water supply intakes near the facility.
- (5) The navigable waters near the facility. *Navigable waters* is defined in 33 CFR part 2.36.
- (6) The fish, wildlife, and sensitive environments near the facility.

[USCG-1999-5149, 65 FR 40825, June 30, 2000, as amended by USCG-2008-0179, 73 FR 35014, June 19, 2008]

§ 154.1220 Response plan submission requirements.

(a) The owner or operator of an MTR facility identified in §154.1216 as a substantial harm facility, shall prepare and submit to the cognizant COTP a response plan that complies with this subpart and all sections of subpart F of this part, as appropriate, except §§ 154.1015, 154.1016, 154.1017, 154.1028, 154.1045 and 154.1047.

(b) The owner or operator of an MTR facility classified by the COTP under §154.1216(b) as a significant and substantial harm facility, shall prepare and submit for review and approval of the cognizant COTP a response plan that complies with this subpart and all sections of subpart F of this part, as appropriate, except §§ 154.1015, 154.1016, 154.1017, 154.1028, 154.1045 and 154.1047.

(c) In addition to the requirements in paragraph (a) of this section, the response plan for a mobile MTR facility must meet the requirements of §154.1041 subpart F.

[USCG-1999-5149, 65 FR 40825, June 30, 2000]

§ 154.1225 Specific response plan development and evaluation criteria and other requirements for fixed facilities that handle, store, or transport animal fats or vegetable oils.

(a) The owner or operator of a fixed facility that handles, stores, or transports animal fats or vegetable oils must include information in the response plan that identifies—

- (1) The procedures and strategies for responding to a worst case discharge and to an average most probable dis-

charge of an animal fat or vegetable oil to the maximum extent practicable; and

- (2) Sources of the equipment and supplies necessary to locate, recover, and mitigate such a discharge.

(b) The owner or operator of a fixed facility must ensure the equipment listed in the response plan will operate in the geographic area(s) where the facility operates. To determine if the equipment will operate, the owner or operator must—

- (1) Use the criteria in Table 1 and Section 2 of appendix C of this part; and

(2) Consider the limitations in the area contingency plan for the COTP zone where the facility is located, including

- (i) Ice conditions;
- (ii) Debris;
- (iii) Temperature ranges; and
- (iv) Weather-related visibility.

(c) The owner or operator of a facility that handles, stores, or transports animal fats or vegetable oils must name the personnel and list the equipment, including those that are specified in §154.1240, that are available by contract or by a method described in §154.1228(a). The owner or operator is not required, but may at their option, refer to the tables in Environmental Protection Agency regulations, 40 CFR 112, Appendix E, Section 10.0, Tables 6 and 7, to determine necessary response resources.

(d) The owner or operator of a facility that handles, stores, or transports animal fats or vegetable oils must ensure that the response resources in paragraph (c) of this section are able to effectively respond to an incident within the amount of time indicated in the following table, unless otherwise specified in § 154.1240:

	Tier 1 (hrs.)	Tier 2	Tier 3
Higher volume port area.	6	N/A	N/A.
Great Lakes	12	N/A	N/A.
All other river and canal, inland, near-shore, and offshore areas.	12	N/A	N/A.

- (e) The owner or operator of a facility that handles, stores, or transports animal fats or vegetable oils must—

§ 154.1225

33 CFR Ch. I (7-1-11 Edition)

(1) List in the plan the personnel and equipment that the owner or operator will use to fight fires.

(2) If there is not enough equipment or personnel located at the facility, arrange by contract or a method described in §154.1228(a), or through a cooperative agreement with public fire-fighting resources, to have the necessary personnel and equipment available to fight fires.

(3) Identify an individual located at the facility who will work with the fire department on fires, involving an animal fat or vegetable oil. The individual—

(i) Verifies that there are enough trained personnel and operating equipment within a reasonable distance to the incident to fight fires.

(ii) Can be the qualified individual defined in §154.1020 or an appropriate individual located at the facility.

(f) For a fixed facility, except for facilities that are part of a non-transportation-related fixed onshore facility with a storage capacity of less than 42,000 gallons, the owner or operator must also ensure and identify, through contract or a method described in §154.1228, response resources for an average most probable discharge, including—

(1) At least 1,000 feet of containment boom or two times the length of the longest vessel that regularly conducts operations at the facility, whichever is greater, and the means of deploying and anchoring the boom within 1 hour of the discovery of an incident. Based on site-specific or facility-specific information, the COTP may require the facility owner or operator to make available additional quantities of containment boom within 1 hour of an incident;

(2) Adequate sorbent material located at the facility;

(3) Oil recovery devices and recovered oil storage capacity capable of being at the incident's site within 2 hours of the discovery of an incident; and

(4) Other appropriate equipment necessary to respond to an incident involving the type of oil handled.

(g) For a mobile facility or a fixed facility that is part of a non-transportation-related onshore facility with a storage capacity of less than 42,000 gal-

lons, the owner or operator must meet the requirements of §154.1041, and ensure and identify, through contract or a method described in §154.1228, response resources for an average most probable discharge, including—

(1) At least 200 feet of containment boom and the means of deploying and anchoring the boom within 1 hour of the discovery of an incident. Based on site-specific or facility-specific information, the COTP may require the facility owner or operator to make available additional quantities of containment boom within 1 hour of the discovery of an incident;

(2) Adequate sorbent material capable of being at the site of an incident within 1 hour of its discovery;

(3) Oil recovery devices and recovered oil storage capacity capable of being at incident's site within 2 hours of the discovery of an incident; and

(4) Other equipment necessary to respond to an incident involving the type of oil handled.

(h) The response plan for a facility that is located in any environment with year-round preapproval for use of dispersants and that handles, stores, or transports animal fats and vegetables oils may request a credit for up to 25 percent of the worst case planning volume set forth by subpart F of this part. To receive this credit, the facility owner or operator must identify in the plan and ensure, by contract or other approved means as described in §154.1228(a), the availability of specified resources to apply the dispersants and to monitor their effectiveness. The extent of the credit for dispersants will be based on the volumes of the dispersants 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 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 a spill response

Coast Guard, DHS

§ 154.1320

will be governed by the provisions of the NCP and the applicable ACP.

[CGD 91-036, 61 FR 7931, Feb. 29, 1996, as amended by USCG-1999-5149, 65 FR 40826, June 30, 2000]

§ 154.1228 Methods of ensuring the availability of response resources by contract or other approved means.

(a) When required in this subpart, the availability of response resources must be ensured by the following methods:

(1) The identification of an oil spill removal organization with specified equipment and personnel available within stipulated response times in specified geographic areas. The organization must provide written consent to being identified in the plan;

(2) 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 drills;

(iv) Is referenced in the response plan;

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

(5) A written contractual agreement with 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.

(b) The contracts and documents required in paragraph (a) of this section must be retained at the facility and must be produced for review upon request by the COTP.

§ 154.1240 Specific requirements for animal fats and vegetable oils facilities that could reasonably be expected to cause substantial harm to the environment.

(a) The owner or operator of a facility, classified under § 154.1216 as a facility that could reasonably be expected to cause substantial harm to the environment, must submit a response plan that meets the requirements of § 154.1035, except as modified by this section.

(b) The plan does not need to list the facility or corporate organizational structure that the owner or operator will use to manage the response, as required by § 154.1035(b)(3)(iii).

(c) The owner or operator must ensure and identify, by contract or a method described in § 154.1228, that the response resources required under § 154.1035(b)(3)(iv) are available for a worst case discharge.

[USCG-1999-5149, 65 FR 40827, June 30, 2000]

Subpart I—Response Plans for Other Non-Petroleum Oil Facilities

SOURCE: CGD 91-036, 61 FR 7932, Feb. 29, 1996, unless otherwise noted.

§ 154.1310 Purpose and applicability.

This subpart establishes oil spill response planning requirements for an owner or operator of a facility that handles, stores, or transports other non-petroleum oils. 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.

§ 154.1320 Response plan submission requirements.

An owner or operator of a facility that handles, stores, or transports other non-petroleum oils shall submit a response plan in accordance with the requirements of this subpart, and with all sections of subpart F of this part,