

SUBCHAPTER B—OIL TRANSPORTATION

PART 130—OIL SPILL PREVENTION AND RESPONSE PLANS

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§ 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—

(1) Any liquid petroleum oil in a packaging having a capacity of 3,500 gallons or more; and

(2) Any liquid petroleum or non-petroleum oil in a quantity greater than 42,000 gallons per packaging.

(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 § 130.31(b) of this part do not apply to mobile marine transportation-related facilities (see 33 CFR part 154).

§ 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: *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.

EPA means the U.S. Environmental Protection Agency.

Liquid means a material that has a vertical flow of over two inches (50 mm) within a three-minute period, or a material having one gram or more liquid separation, when determined in accordance with the procedures specified in ASTM D 4359-84, "Standard Test Method for Determining Whether a Material is a Liquid or a Solid," 1990 edition, which is incorporated by reference.

NOTE: This incorporation by reference has been approved by the Director of the Federal

Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. Copies may be inspected at the Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, Room 8422, DOT headquarters building, 400 7th St., SW, Washington, DC 20590, or 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.

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.

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).

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.

Petroleum oil means any oil extracted or derived from geological hydrocarbon deposits, including fractions thereof.

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.

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 from a motor vehicle or rail car is the capacity of the cargo container. The term "maximum potential discharge," used in § 130.31(a), is synonymous with "worst-case discharge."

[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]

§ 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.