

Facilities Transferring Oil or Hazardous Materials in Bulk -- Letter of Intent and Operations Manual <http://law.justia.com/us/cfr/title33/33-2.0.1.5.22.2.161.1.html>

33 C.F.R. § 154.110 Letter of intent.

Title 33 - Navigation and Navigable Waters

Title 33: Navigation and Navigable Waters

[PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK](#)

[Subpart A—General](#)

§ 154.110 Letter of intent.

(a) The facility operator of any facility to which this part applies must submit a letter of intent to operate a facility or to conduct mobile facility operations to the COTP not less than 60 days before the intended operations unless a shorter period is allowed by the COTP. Previously submitted letters of intent need not be resubmitted.

(b) The letter of intent required by paragraph (a) of this section may be in any form but must contain:

- (1) The names, addresses, and telephone numbers of the facility operator and the facility owner;
- (2) The name, address, and telephone number of the facility or, in the case of a mobile facility, the dispatching office; and
- (3) Except for a mobile facility, the geographical location of the facility in relation to the associated body of navigable waters.

(c) The facility operator of any facility for which a letter of intent has been submitted, shall within five (5) days advise the COTP in writing of any changes of information and shall cancel, in writing, the letter for any facility at which transfer operations are no longer conducted.

[CGD 75–124, 45 FR 7169, Jan. 31, 1980, as amended by CGD 86–034, 55 FR 36252, Sept. 4, 1990; CGD 93–056, 61 FR 41458, Aug. 8, 1996]

33 C.F.R. § 154.300 Operations manual: General.

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[PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK](#)

[Subpart B—Operations Manual](#)

§ 154.300 Operations manual: General.

(a) The facility operator of each facility to which this part applies shall submit, with the letter of intent, two copies of an Operations Manual that:

(1) Describes how the applicant meets the operating rules and equipment requirements prescribed by this part and Part 156 of this chapter;

(2) Describes the responsibilities of personnel under this part and Part 156 of this chapter in conducting transfer operations; and

(3) Includes translations into a language or languages understood by all designated persons in charge of transfer operations employed by the facility.

(b) The facility operator shall maintain the operations manual so that it is:

(1) Current; and

(2) Readily available for examination by the COTP.

(c) The COTP shall examine the Operations Manual when submitted, after any substantial amendment, and as otherwise required by the COTP.

(d) In determining whether the manual meets the requirements of this part and Part 156 of this chapter the COTP shall consider the size, complexity, and capability of the facility.

(e) If the manual meets the requirements of this part and part 156 of this chapter, the COTP will return one copy of the manual marked "Examined by the Coast Guard" as described in §154.325.

(f) The facility operator shall ensure that a sufficient number of copies of the examined Operations Manual, including a sufficient number of the translations required by paragraph (a)(3) of this section, are readily available for each facility person in charge while conducting a transfer operation.

Note: The facility operator may request that the contents of the operations manual or portions thereof be considered commercial or financial information that is privileged or confidential. Under the Freedom of Information Act, the Coast Guard would withhold any part of the contents of the operations manual from public disclosure upon determining that it is commercial or financial information that is privileged or confidential.

[CGD 75–124, 45 FR 7169, Jan. 31, 1980, as amended by CGD 86–034, 55 FR 36253, Sept. 4, 1990; CGD 93–056, 61 FR 41458, Aug. 8, 1996]

33 C.F.R. § 154.310 Operations manual: Contents.

Title 33 - Navigation and Navigable Waters

Title 33: Navigation and Navigable Waters

PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK

Subpart B—Operations Manual

§ 154.310 Operations manual: Contents.

(a) Each operations manual required by §154.300 must contain:

(1) The geographic location of the facility;

(2) A physical description of the facility including a plan and/or plans, maps, drawings, aerial photographs or diagrams, showing the boundaries of the facility subject to Coast Guard jurisdiction, mooring areas, transfer locations, control stations, wharfs, the extent and scope of the piping subject to the tests required by §156.170(c)(4) of this chapter, and the locations of safety equipment. For mobile facilities, a physical description of the facility;

(3) The hours of operation of the facility;

(4) The sizes, types, and number of vessels that the facility can transfer oil or hazardous material to or from simultaneously;

(5) For each product transferred at the facility:

(i) Generic or chemical name; and

(ii) The following cargo information:

(a) The name of the cargo as listed under appendix II of annex II of MARPOL 73/78, Table 30.25–1 of 46 CFR 30.25–1, Table 151.05 of 46 CFR 151.05–1, or Table 1 of 46 CFR part 153.

(b) A description of the appearance of the cargo;

(c) A description of the odor of the cargo;

(d) The hazards involved in handling the cargo;

(e) Instructions for safe handling of the cargo;

(f) The procedures to be followed if the cargo spills or leaks, or if a person is exposed to the cargo; and

(g) A list of fire fighting procedures and extinguishing agents effective with fires involving the cargo.

(6) The minimum number of persons on duty during transfer operations and their duties;

(7) The name and telephone number of the qualified individual identified under §154.1026 of this part and the title and/or position and telephone number of the Coast Guard, State, local, and other personnel who may be called by the employees of the facility in an emergency;

- (8) The duties of watchmen, required by §155.810 of this chapter and 46 CFR 35.05–15, for unmanned vessels moored at the facility;
- (9) A description of each communication system required by this part;
- (10) The location and facilities of each personnel shelter, if any;
- (11) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;
- (12) A description and the location of each emergency shutdown system;
- (13) Quantity, types, locations, and instructions for use of monitoring devices if required by §154.525;
- (14) Quantity, type, location, instructions for use, and time limits for gaining access to the containment equipment required by §154.545;
- (15) Quantity, type, location, and instructions for use of fire extinguishing equipment required by §154.735(d) of this part;
- (16) The maximum allowable working pressure (MAWP) of each loading arm, transfer pipe system, and hose assembly required to be tested by §156.170 of this chapter, including the maximum relief valve setting (or maximum system pressure when relief valves are not provided) for each transfer system;
- (17) Procedures for:
- (i) Operating each loading arm including the limitations of each loading arm;
 - (ii) Transferring oil or hazardous material;
 - (iii) Completion of pumping; and
 - (iv) Emergencies;
- (18) Procedures for reporting and initial containment of oil or hazardous material discharges;
- (19) A brief summary of applicable Federal, state, and local oil or hazardous material pollution laws and regulations;
- (20) Procedures for shielding portable lighting authorized by the COTP under §154.570(c); and
- (21) A description of the training and qualification program for persons in charge.
- (22) Statements explaining that each hazardous materials transfer hose is marked with either the name of each product which may be transferred through the hose or with letters, numbers, symbols, color codes or other system acceptable to the COTP representing all such products and the location in the Operations Manual where a chart or list of symbols utilized is located and a list of the compatible products which may be transferred through the hose can be found for consultation before each transfer; and

(23) For facilities that conduct tank cleaning or stripping operations, a description of their procedures.

(b) If a facility collects vapors emitted from vessel cargo tanks for recovery, destruction, or dispersion, the operations manual must contain a description of the vapor collection system at the facility which includes:

(1) A line diagram or simplified piping and instrumentation diagram (P&ID) of the facility's vapor control system piping, including the location of each valve, control device, pressure-vacuum relief valve, pressure indicator, flame arrester, and detonation arrester; and

(2) A description of the vapor control system's design and operation including the:

(i) Vapor line connection;

(ii) Startup and shutdown procedures;

(iii) Steady state operating procedures;

(iv) Provisions for dealing with pyrophoric sulfide (for facilities which handle inerted vapors of cargoes containing sulfur);

(v) Alarms and shutdown devices; and

(vi) Pre-transfer equipment inspection requirements.

(c) The facility operator shall incorporate a copy of each amendment to the operations manual under §154.320 in each copy of the manual with the related existing requirement, or add the amendment at the end of each manual if not related to an existing requirement.

(d) The operations manual must be written in the order specified in paragraph (a) of this section, or contain a cross-referenced index page in that order.

(Approved by the Office of Management and Budget under control number 1625-0093)

[CGD 75-124, 45 FR 7171, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25428, June 21, 1990; CGD 86-034, 55 FR 36253, Sept. 4, 1990; CGD 92-027, 58 FR 39662, July 26, 1993; CGD 93-056, 61 FR 41459, Aug. 8, 1996; USCG-2006-25150, 71 FR 39209, July 12, 2006]

33 C.F.R. § 154.320 Operations manual: Amendment.

Title 33 - Navigation and Navigable Waters

Title 33: Navigation and Navigable Waters

[PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK](#)

[Subpart B—Operations Manual](#)

§ 154.320 Operations manual: Amendment.

(a) Using the following procedures, the COTP may require the facility operator to amend the operations manual if the COTP

finds that the operations manual does not meet the requirements in this part:

(1) The COTP will notify the facility operator in writing of any inadequacies in the Operations Manual. The facility operator may submit written information, views, and arguments regarding the inadequacies identified, and proposals for amending the Manual, within 45 days from the date of the COTP notice. After considering all relevant material presented, the COTP shall notify the facility operator of any amendment required or adopted, or the COTP shall rescind the notice. The amendment becomes effective 60 days after the facility operator receives the notice, unless the facility operator petitions the Commandant to review the COTP's notice, in which case its effective date is delayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing via the COTP who issued the requirement to amend the Operations Manual.

(2) If the COTP finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil or hazardous material that makes the procedure in paragraph (a)(1) of this section impractical or contrary to the public interest, the COTP may issue an amendment effective on the date the facility operator receives notice of it. In such a case, the COTP shall include a brief statement of the reasons for the findings in the notice. The owner or operator may petition the Commandant to review the amendment, but the petition does not delay the amendment.

(b) The facility operator may propose amendments to the operations manual by:

(1) Submitting any proposed amendment and reasons for the amendment to the COTP not less than 30 days before the requested effective date of the proposed amendment; or

(2) If an immediate amendment is needed, requesting the COTP to approve the amendment immediately.

(c) The COTP shall respond to proposed amendments submitted under paragraph (b) of this section by:

(1) Approving or disapproving the proposed amendments;

(2) Advising the facility operator whether the request is approved, in writing, before the requested date of the amendments;

(3) Including any reasons in the written response if the request is disapproved; and

(4) If the request is made under paragraph (b)(2) of this section immediately approving or rejecting the request.

(d) Amendments to personnel and telephone number lists required by §154.310(a)(7) of this part do not require examination by the COTP, but the COTP must be advised of such amendments as they occur.

[CGD 75–124, 45 FR 7171, Jan. 31, 1980, as amended by CGD 86–034, 55 FR 36253, Sept. 4, 1990; CGD 93–056, 61 FR 41459, Aug. 8, 1996]

33 C.F.R. § 154.325 Operations manual: Procedures for examination.

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PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK

Subpart B—Operations Manual

§ 154.325 Operations manual: Procedures for examination.

- (a) The operator of a facility shall submit two copies of the Operations Manual to the Captain of the Port of the zone in which the facility is located.
- (b) Not less than 60 days prior to any transfer operation, the operator of a new facility shall submit, with the letter of intent, two copies of the Operations Manual to the Captain of the Port of the zone in which the facility is located.
- (c) After a facility is removed from caretaker status, not less than 30 days prior to any transfer operation the operator of that facility shall submit two copies of the Operations Manual to the COTP of the zone in which the facility is located unless the manual has been previously examined and no changes have been made since the examination.
- (d) If the COTP finds that the Operations Manual meets the requirements of this part and part 156 of this chapter, the COTP will return one copy of the manual to the operator marked "Examined by the Coast Guard".
- (e) If the COTP finds that the Operations Manual does not meet the requirements of this part and/or part 156 of this chapter, the COTP will return the manuals with an explanation of why it does not meet the requirements of this chapter.
- (f) No person may use any Operations Manual for transfer operations as required by this chapter unless the Operations Manual has been examined by the COTP.
- (g) The Operations Manual is voided if the facility operator—
 - (1) Amends the Operations Manual without following the procedures in §154.320 of this part;
 - (2) Fails to amend the Operations Manual when required by the COTP; or
 - (3) Notifies the COTP in writing that the facility will be placed in caretaker status.

[CGD 93-056, 61 FR 41459, Aug. 8, 1996]