

(b) Each response plan must be written in English and also, if applicable, in a language that is understood by the personnel responsible for carrying out the plan.

(c) Each response plan must be consistent with the National Contingency Plan (NCP) (40 CFR part 300) and each applicable Area Contingency Plan (ACP). An operator must certify that it has reviewed the NCP and each applicable ACP and that its response plan is consistent with the existing NCP and each existing applicable ACP.

(d) Each response plan must include:

(1) A core plan consisting of—

(i) An information summary as required in § 194.113,

(ii) Immediate notification procedures,

(iii) Spill detection and mitigation procedures,

(iv) The name, address, and telephone number of the oil spill response organization, if appropriate,

(v) Response activities and response resources,

(vi) Names and telephone numbers of Federal, state and local agencies which the operator expects to have pollution control responsibilities or support,

(vii) Training procedures,

(viii) Equipment testing,

(ix) Drill types, schedules, and procedures, and

(x) Plan review and update procedures; and

(2) An appendix for each response zone. Each response zone appendix must include the information required in paragraph (d)(1) (i)–(ix) of this section that is specific to the response zone and the worst case discharge calculations.

**§ 194.109 Submission of state response plans.**

(a) In lieu of submitting a response plan required by § 194.103, an operator may submit a response plan that complies with a state law or regulation, if the state law or regulation requires a plan that provides equivalent or greater spill protection than a plan required under this part.

(b) A plan submitted under this section must

(1) Have an information summary required by § 194.113;

(2) Name the qualified individual; and

(3) Ensure through contract or other approved means the necessary private personnel and equipment to respond to a worst case discharge or a substantial threat of such a discharge.

**§ 194.111 Response plan retention.**

(a) Each operator shall maintain relevant portions of its response plan at the following locations:

(1) The response plan at the operator's headquarters;

(2) The core plan and relevant response zone appendices for each line section whose pressure may be affected by the operation of a particular pump station, at that pump station; and

(3) The core plan and relevant response zone appendices at any other locations where response activities may be conducted.

(b) Each operator shall provide a copy of its response plan to each qualified individual.

**§ 194.113 Information summary.**

(a) The information summary for the core plan, required by § 194.107, must include:

(1) The name and address of the operator; and

(2) For each response zone which contains one or more line sections that meet the criteria for determining significant and substantial harm as described in § 194.103, a listing and description of the response zones, including county(s) and state(s).

(b) The information summary for the response zone appendix, required in § 194.107, must include:

(1) The information summary for the core plan;

(2) The name and telephone number of the qualified individual available on a 24-hour basis;

(3) The description of the response zone, including county(s) and state(s), for those zones in which a worst case discharge could cause substantial harm to the environment;

(4) A list of line sections for each pipeline contained in the response zone, identified by milepost or survey station number, or other operator designation;

**§ 194.115**

(5) The basis for the operator’s determination of significant and substantial harm; and

(6) The type of oil and volume of the worst case discharge.

**§ 194.115 Response resources.**

(a) Each operator shall identify and ensure, by contract or other approved means, the resources necessary to remove, to the maximum extent practicable, a worst case discharge and to mitigate or prevent a substantial threat of a worst case discharge.

(b) An operator shall identify in the response plan the response resources which are available to respond within the time specified, after discovery of a worst case discharge, or to mitigate the substantial threat of such a discharge, as follows:

	Tier 1	Tier 2	Tier 3
High volume area .....	6 hrs .....	30 hrs .....	54 hrs.
All other areas .....	12 hrs .....	36 hrs .....	60 hrs.

**§ 194.117 Training.**

(a) Each operator shall conduct training to ensure that:

(1) All personnel know—

(i) Their responsibilities under the response plan,

(ii) The name and address of, and the procedure for contacting, the operator on a 24-hour basis, and

(iii) The name of, and procedures for contacting, the qualified individual on a 24-hour basis;

(2) Reporting personnel know—

(i) The content of the information summary of the response plan,

(ii) The toll-free telephone number of the National Response Center, and

(iii) The notification process; and

(3) Personnel engaged in response activities know—

(i) The characteristics and hazards of the oil discharged,

(ii) The conditions that are likely to worsen emergencies, including the consequences of facility malfunctions or failures, and the appropriate corrective actions,

(iii) The steps necessary to control any accidental discharge of oil and to minimize the potential for fire, explosion, toxicity, or environmental damage, and

(iv) The proper firefighting procedures and use of equipment, fire suits, and breathing apparatus.

(b) Each operator shall maintain a training record for each individual that has been trained as required by this section. These records must be maintained in the following manner as long as the individual is assigned duties under the response plan:

(1) Records for operator personnel must be maintained at the operator’s headquarters; and

(2) Records for personnel engaged in response, other than operator personnel, shall be maintained as determined by the operator.

(c) Nothing in this section relieves an operator from the responsibility to ensure that all response personnel are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120, including volunteers or casual laborers employed during a response who are subject to those standards pursuant to 40 CFR part 311.

**§ 194.119 Submission and approval procedures.**

(a) Each operator shall submit two copies of the response plan required by this part. Copies of the response plan shall be submitted to: Pipeline Response Plans Officer, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

(b) If RSPA determines that a response plan requiring approval does not meet all the requirements of this part, RSPA will notify the operator of any alleged deficiencies, and to provide the operator an opportunity to respond, including the opportunity for an informal conference, on any proposed plan revisions and an opportunity to correct any deficiencies.

(c) An operator who disagrees with the RSPA determination that a plan contains alleged deficiencies may petition RSPA for reconsideration within 30 days from the date of receipt of RSPA’s notice. After considering all relevant material presented in writing or at an informal conference, RSPA will notify the operator of its final decision. The operator must comply with