

Prevention measure	Standard	Credit (percent)
Built/repaired to API standards .....	API STD 620/650/653.	10
Overfill protection standards .....	API RP 2350 .....	5
Testing/cathodic protection .....	API STD 650/651/653.	5
Tertiary containment/drainage/treatment .....	NFPA 30 .....	5
Maximum allowable credit .....	.....	75

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-3, 63 FR 37505, July 13, 1998; Amdt. 194-4, 70 FR 8747, Feb. 23, 2005; Amdt. 194-5, 70 FR 35042, June 16, 2005]

**§ 194.107 General response plan requirements.**

(a) Each response plan must include procedures and a list of resources for responding, to the maximum extent practicable, to a worst case discharge and to a substantial threat of such a discharge. The “substantial threat” term is equivalent to abnormal operations outlined in 49 CFR 195.402(d). To comply with this requirement, an operator can incorporate by reference into the response plan the appropriate procedures from its manual for operations, maintenance, and emergencies, which is prepared in compliance with 49 CFR 195.402.

(b) An operator must certify in the response plan that it reviewed the NCP and each applicable ACP and that its response plan is consistent with the NCP and each applicable ACP as follows:

- (1) As a minimum to be consistent with the NCP a facility response plan must:
  - (i) Demonstrate an operator’s clear understanding of the function of the Federal response structure, including procedures to notify the National Response Center reflecting the relationship between the operator’s response organization’s role and the Federal On Scene Coordinator’s role in pollution response;
  - (ii) Establish provisions to ensure the protection of safety at the response site; and
  - (iii) Identify the procedures to obtain any required Federal and State permissions for using alternative response strategies such as in-situ burning and dispersants as provided for in the applicable ACPs; and

(2) As a minimum, to be consistent with the applicable ACP the plan must:

- (i) Address the removal of a worst case discharge and the mitigation or prevention of a substantial threat of a worst case discharge;
  - (ii) Identify environmentally and economically sensitive areas;
  - (iii) Describe the responsibilities of the operator and of Federal, State and local agencies in removing a discharge and in mitigating or preventing a substantial threat of a discharge; and
  - (iv) Establish the procedures for obtaining an expedited decision on use of dispersants or other chemicals.
- (c) 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 program—an operator will satisfy the requirement for a drill program by following the National Preparedness for Response Exercise Program (PREP) guidelines. An operator choosing not to follow PREP guidelines must have a drill program that is equivalent to PREP. The operator must describe the drill program in the response plan and OPS will determine if the program is equivalent to PREP.
    - (x) Plan review and update procedures;

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(2) An appendix for each response zone that includes the information required in paragraph (c)(1)(i)–(ix) of this section and the worst case discharge calculations that are specific to that response zone. An operator submitting a response plan for a single response zone does not need to have a core plan and a response zone appendix. The operator of a single response zone onshore pipeline shall have a single summary in the plan that contains the required information in §194.113.7; and

(3) A description of the operator's response management system including the functional areas of finance, logistics, operations, planning, and command. The plan must demonstrate that the operator's response management system uses common terminology and has a manageable span of control, a clearly defined chain of command, and sufficient trained personnel to fill each position.

[Amdt. 194-4, 70 FR 8747, Feb. 23, 2005]

### § 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) List the names or titles and 24-hour telephone numbers of the qualified individual(s) and at least one alternate qualified individual(s); 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.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-4, 70 FR 8748, Feb. 23, 2005]

### § 194.111 Response plan retention.

(a) Each operator shall maintain relevant portions of its response plan at the operator's headquarters and at other locations from which response activities may be conducted, for exam-

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ple, in field offices, supervisors' vehicles, or spill response trailers.

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

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-4, 70 FR 8748, Feb. 23, 2005]

### § 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 names or titles and 24-hour telephone numbers of the qualified individual(s) and at least one alternate qualified individual(s);

(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;

(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.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-4, 70 FR 8748, Feb. 23, 2005]

### § 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