Section 154.540 Discharge Removal

The current regulations require that facilities have a means to safely and quickly remove oil and hazardous material from the containment required by § 154.530. To provide greater specificity, this NPRM proposes that facilities must have a means to remove discharged oil or hazardous material from the containment within one hour.

Section 154.545 Discharge Containment Equipment

This NPRM proposes to add a paragraph to § 154.545 that would specify that equipment required to be retained under this section may be used in the planning requirements of the facility response plan required by subpart F.

Section 154.560 Communications

This NPRM proposes to revise § 154.560 to require that only intrinsically safe radios that have been marked accordingly by the manufacturer of the radio may be used to meet the requirements of § 154.560(a). This requirement would help to ensure that appropriate communications equipment is used. Also, the references included in § 154.560(e) regarding the definition of 'intrinsically safe" are incorrect. Instead of the current references, the NPRM requires that a qualified testing laboratory, such as Underwriters Laboratories, certify that a radio is intrinsically safe and is marked accordingly. In most cases, radios used by facilities already meet the requirements of this proposed regulation.

Section 154.710 Persons in Charge: Designation and Qualification

Numerous spills have been caused by the inattention or poor training of the person in charge at some facilities. Therefore, it is proposed that the facility operator must certify that the person in charge has completed a training program that has been approved by the Captain of the Port, in accordance with revised § 154.710(c) and (d). This revision is intended to ensure that the person in charge has received the basic training necessary to properly operate transfer equipment and has a thorough understanding of the hazards involved in a transfer of oil or hazardous materials, and what his duties are relative to that operation in the event of emergency. The proposed requirement would, however, allow facility operators the flexibility to develop their own training program, appropriate to the needs and operation of their facility. The list of those persons certified would be kept with the operations manual.

Comments are solicited from industry on what specific basic training requirements should be required for the person in charge, what established industry training already exists to ensure their competence, and the cost of such training.

Additionally, there has been confusion as to where the person in charge is to be during the transfer, as required by 33 CFR 156.120(t)(1). This NPRM adds the requirement that the person in charge is to be in visual sight of the transfer system from the time a hose connection is completed, until the time when the connection is broken.

Given the importance of the person in charge, it is also proposed that this section apply to mobile transfer facilities.

Section 154.735 Safety Requirements

This NPRM proposes that § 154.735 be revised to abolish the current "hot work permit" program which is cumbersome and obsolete. Under the current program a permit must be obtained from the Captain of the Port, prior to conducting welding or hot work at a facility. A new provision is proposed to be added which would place responsibility for the safety of all hot work at the facility, and the vessels moored to it, on the facility's owner and operator.

Currently, § 154.735(s) provides that tank cleaning or gas freeing operations conducted by the facility on vessels carrying oil residues or mixtures must be conducted in accordance with specified sections of the International Safety Guide for Oil Tankers and Terminal(s) (ISGOTT). Experience with use of the ISGOTT standards has revealed that, particularly in reference to barges, some of the ISGOTT provisions are problematic. A provision would be added to allow facility owners or operators to request authorization from the COTP, in accordance with § 154.107, to follow an alternative method of compliance based on sound industry practices. An example of guidelines that could be approved for use by the COTP are the "Safety Guidelines for Tank Vessel Cleaning Facilities", First Ed., 1992, developed by the American Waterways Shipyard Conference. Copies of these guidelines may be obtained from American Waterways Shipyard Conference, 1600 Wilson Blvd., Suite 1000, Arlington, VA 22209.

The current regulations are vague regarding security at a facility. The proposed rule would require that access to the marine transfer area from the shoreside or waterside is limited to facility personnel, delivery and service

personnel, Coast Guard personnel, and other authorized persons. It further proposes that these personnel have identification. These parameters are similar to those found in 33 CFR 127.703 and therefore should be better understood by both industry and inspection personnel.

Currently part 154 does not prohibit smoking. This NPRM would propose to limit smoking in the same manner as the provisions of 33 CFR 126.15(b). Most facilities already follow this standard.

This NPRM proposes to require that three way warning signs, similar to those required under 33 CFR 126.15(o)(2)(i), be displayed on the facility at the point of transfer, without obstruction, at all times on a fixed facility and during coupling, transfer operation, and uncoupling on a mobile facility. Many of the facilities previously covered by part 126 still have these warning signs. Both industry and Coast Guard personnel have suggested that these signs would be valuable for all facilities covered by 33 CFR part 154.

Section 154.740 Records

One of the primary goals of this rulemaking is to consolidate documents and descriptions of procedures and tests required by part 154 into one centralized location that would greatly facilitate inspections and ensure that this information is immediately available in the event of a spill or other emergency. Therefore, this NPRM proposes that the records required by this section, such as the Letter of Intent, Letter of Adequacy, person-in-charge qualifications, and the piping and hose tests be maintained in the same location as the operations manual but not as a part of the operations manual.

33 CFR Part 156

Conforming changes to certain sections of 33 CFR part 156 have been proposed as discussed below to ensure consistency with the changes proposed for part 154.

Section 156.120 Requirements for Transfer

This section is proposed to be revised to explicitly state that a transfer begins when a connection of any transfer hose or loading arm is made. At that point, all elements required to conduct a transfer must be in place. This revision is consistent with the proposed definition of "transfer" in § 154.105 and is intended to prevent an accidental spill from the transfer of oil or hazardous material before all protections required during a transfer are in place.