

U.S. Department of  
Homeland Security

United States  
Coast Guard



# *Regulated Mobile Facilities*



**COMDTINST M16600.9**  
**January 2020**

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COMMANDANT INSTRUCTION M16600.9

Subj: REGULATED MOBILE FACILITIES

- Ref: (a) Title 33, Code of Federal Regulations, Part 154  
 (b) Regulated Bulk Liquid Transfer Monitors, COMDTINST M16455.11 (series)  
 (c) CG-FAC Policy Letter 19-02, MISLE Casework Completion, Review, and Closure for Facility and Container Related Activities  
 (d) U.S. Coast Guard Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14 (series)  
 (e) Safety and Environmental Health Manual, COMDTINST M5100.47 (series)  
 (f) Risk Management (RM), COMDTINST 3500.3 (series)

- PURPOSE. This Manual provides policy and doctrine used by Coast Guard personnel to implement regulatory oversight and inspection of mobile facilities capable of transferring oil or liquid hazardous material, in bulk, to or from a vessel with a capacity of 250 barrels or more on the navigable waters of the United States. For the purpose of this Manual, hazardous material is defined as in Reference (a).
- ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements must comply with the provisions of this Manual. Internet release is authorized.
- DIRECTIVE(S) AFFECTED. None.
- DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to, nor does it, impose legally-binding requirements on any party outside of the Coast Guard.

DISTRIBUTION – SDL No. 170

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NON-STANDARD DISTRIBUTION:

5. IMPACT ASSESSMENT. This Manual codifies pre-existing and ongoing waterfront facility inspection and pollution prevention activities and procedures for mobile facilities; no new resources will be provided for this task. There are no new activities that are assessed to significantly impact the workload for Coast Guard facility inspections, pollution response, domestic vessel inspectors, or Port State Control personnel or operational commands.
6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
  - a. The development of this Manual and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, Commandant (CG-47). This Manual is categorically excluded (CE) under current Department of Homeland Security (DHS) categorical exclusion (CATEX) A3 from further environmental analysis in accordance with “Implementation of the National Environmental Policy Act (NEPA), DHS Instruction Manual 023-01-001-01 (series).
  - b. This Manual will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to environment. All future specific actions resulting from the general policy in this Manual must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Department of Homeland Security (DHS) and Coast Guard NEPA policy, and compliance with all other applicable environmental mandates.
7. DISTRIBUTION. No paper distribution will be made of this Manual. An electronic version will be located on the following Commandant (CG-612) web sites. The Internet site is <http://www.dcms.uscg.mil/directives>, and it is also available on CGPortal at <https://cg.portal.uscg.mil/library/SitePages/Home.aspx>.
8. RECORDS MANAGEMENT CONSIDERATIONS. This Manual has been evaluated for potential records management impacts. The development of this Manual has been thoroughly reviewed during the Directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. §§ 3101 et seq., National Archive and Records Administration (NARA) requirements and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
9. FORMS/REPORTS.
  - a. The Facility Inspection Requirements, (Form CG-835F) must be issued to document all mobile facility inspections. Per the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series) (Chapter II-16-16, Item No. 6), units must retain copies of the Facility Inspection Requirements, (Form CG-835F) for three years after completion of the inspection, after which they may be destroyed (NC-76-80-4, Item 219)

unless they are related to a case under litigation or are part of an incomplete investigation. Documents entered into MISLE meet these retention requirements. Copies of the forms are available through the CG Forms website at <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/Forms-Management/CG-Forms/>, or via MILSTRIP from the Surface Forces Logistics Center.

- b. Units will document mobile facility inspection activities in MISLE per Reference (c).
  - c. All forms referenced in the Manual can be found on the Internet:  
<https://dcms.uscg.afpims.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/Forms-Management/>, and,  
CG Portal: <https://cgportal2.uscg.mil/library/forms/SitePages/Home.aspx>.
10. REQUEST FOR CHANGES. Units and individuals may recommend changes by writing via the chain of command to: Commandant (CG-FAC); U S Coast Guard Stop 7501; 2703 Martin Luther King Jr Ave; Washington, DC 20593-7501.

R. V. TIMME /s/  
Rear Admiral, U.S. Coast Guard  
Assistant Commandant for Prevention Policy



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## CHAPTER 1. GENERAL

### A. Background.

1. Facility Regulation. Facilities capable of transferring oil or liquid hazardous materials, in bulk, to or from a vessel, where the vessel has a total capacity, from a combination of all bulk liquid products carried, of 250 barrels or more are regulated under Reference (a). Applicability of the regulations for mobile facilities in Reference (a) is outlined in 33 C.F.R. § 154. 100(d). This Manual is intended to provide guidance for the regulation of mobile facilities that are regulated under Reference (a).
2. Authority. A series of tank vessels groundings, including the TORREY CANYON, ARGO MERCHANT, and EXXON VALDEZ, led to the passage of several substantial pollution prevention laws by Congress and an Executive Order (E.O.). The Coast Guard pollution prevention mission and associated activities are primarily derived from these authorities as outlined below:
  - a. Ports and Waterways Safety (PWS), 46 U.S.C. §§ 70001-50054, gives the Coast Guard broad authority to, among other things, establish safety requirements for waterfront facilities, regulate the storage and handling of dangerous cargoes, set standards for design, and mandate operating standards for tank vessels.
  - b. The Federal Water Pollution Control Act (FWPCA) of 1972 as amended, 33 U.S.C. §§ 1251 et seq. (also known as the Clean Water Act), set a “no-discharge” standard for pollutants in U.S. navigable waters and established the basic structure for regulating pollutant discharges into the waters of the United States.
  - c. The Port and Tanker Safety Act (PTSA) of 1978 established laws for vessels carrying certain cargoes in bulk, now codified at 46 U.S.C. Chapter 37. The PTSA provided the Coast Guard with more extensive authority in the supervision of and control of all types of vessels operating in U.S. navigable waters and, particularly, in the safety of all tank vessels that transport and transfer oil and hazardous cargoes in U.S. ports.
  - d. The Oil Pollution Act of 1990 (OPA 90), among other things, imposed new requirements on the construction and operation of vessels carrying oil in bulk in U.S. waters, required facility and vessels owners/operators to prepare response plans and strengthened federal authority to respond to oil or hazardous substance spills.
  - e. E.O. 12777 further defined implementation of Section 311 of the FWPCA and delegated the responsibility of inspecting vessels carrying oil and hazardous material to the Coast Guard in order to reduce the likelihood of discharges of these commodities on navigable waterways of the United States.
3. Pollution Prevention Regulations. The intent of Coast Guard regulations, consistent with the legal authorities in Paragraph 1.A, is to prevent pollution through good marine practice as well as compliance with the law.

B. Discussion. Mobile facility infrastructure is simpler than a fixed facility; therefore the inspection regime does not have to be as complex. Prior to this Manual, the only guidance for mobile facilities was found in Reference (a). This Manual aims to eliminate inconsistencies and duplication of efforts by Coast Guard personnel in the regulatory oversight program while reducing burden for mobile facility operators. The focus of this Manual is to provide guidance to the Captain of the Port (COTP) on developing oversight programs for mobile facilities and managing the inspection and record keeping for these facilities.

C. Responsibilities.

1. Headquarters.

- a. Provide policy guidance and regulatory interpretation on matters pertaining to the regulation and inspection of mobile facilities under Reference (a).
- b. Periodically review and update this Manual.

2. Areas and Districts.

- a. Provide procedural oversight and support to the COTP conducting regulated mobile facility inspections.
- b. Provide recommendations to improve policy as it relates to the Transfer Monitor Program, including for mobile facilities, as outlined in Reference (b).
- c. Serve as the liaison between the COTP and Headquarters to address operational questions and provide guidance on conducting mobile facility inspections and regulated bulk liquid transfer monitors.

3. COTP.

- a. Train and qualify personnel to conduct mobile facility inspections.
- b. Properly equip personnel with appropriate personal protective equipment for conducting inspections on mobile facilities regulated under Reference (a).
- c. Conduct mobile facility inspections in accordance with established policy and a risk based targeting methodology.
- d. Conduct transfer monitors on mobile facilities in accordance with Reference (b).
- e. Ensure MISLE casework is completed timely, thoroughly, and correctly in accordance with Reference (c).
- f. Use appropriate enforcement actions to compel compliance.

## CHAPTER 2. COTP JURISDICTION FOR MOBILE FACILITIES

- A. Defining Mobile Facilities. In accordance with Reference (a), a mobile facility means any facility that can readily change location, such as a tank truck or tank car, other than a vessel or public vessel. The Coast Guard interprets this to mean a tank truck or tank car that is designed and intended for the transportation of oil or regulated hazardous materials and can readily change location, with the capability to move whether it is loaded or empty. A temporary storage facility that is not designed to be moved while loaded with regulated materials is not considered able to readily change location. Temporary storage containers such as “frac” tanks, are not considered mobile facilities and are subject to all regulations pertaining to fixed waterfront facilities. A tank or container that is not authorized by the Department of Transportation to be moved while loaded is not considered to be able to readily change location. COTPs should seek guidance from their servicing District legal office through the District Prevention (dpi) office if there is a specific question as to the applicability of mobile and fixed waterfront facility regulations contained within Reference (a).
- B. COTP Jurisdiction. Regulating mobile facilities presents a unique challenge in identifying COTP jurisdictional authority in that they may operate across multiple COTP zones, which gives multiple COTPs jurisdictional authority. Under Reference (a), mobile facilities are subject to the authority of each COTP zone within which they conduct regulated transfers. Because there is no prescribed inspection schedule for mobile facilities in regulation, the Coast Guard determines the appropriate inspection schedule. This has led to situations where mobile facility operators are subject to compliance inspections by multiple COTPs each year which may be redundant for both mobile facility operators and Coast Guard resources. To address this redundancy, Coast Guard units must designate a primary COTP and subsidiary COTP(s) for each mobile facility that conducts transfers regulated under Reference (a) in their Area of Responsibility (AOR). Routine regulatory inspections should be conducted only by the primary COTP in order to minimize duplicate inspection activities for Coast Guard inspectors. This will also assist the Coast Guard with maintaining a consistent and accurate inspection history for each mobile facility operator. This inspection regime does not impact the ability for any COTP to conduct transfer monitors when the mobile facility is operating in their zone.
1. Primary COTP. The primary COTP for each mobile facility that operates in multiple COTP zones must be agreed upon by all COTP zones in which the mobile facility operates. This discussion will normally occur among facility inspection personnel and concurrence will be obtained within each command as necessary. The primary COTP should be based on the location of the primary office or staging area of the mobile facility operator, and the primary COTP should be the only entity conducting or coordinating routine pollution prevention inspections on mobile facilities (for example: anything other than transfer monitors or incident response).
  2. Subsidiary COTP. Any COTP zone where a mobile facility conducts operations regulated under Reference (a) and not designated as the primary COTP is considered a subsidiary COTP. A subsidiary COTP must receive notification (letter of intent), as

required by 33 C.F.R. § 154.110, from a mobile facility operator of the company's intention to operate within that COTP zone. The subsidiary COTP should not conduct any pollution prevention compliance exams unless coordination has occurred with the primary COTP. Transfer monitors shall be conducted in accordance with Reference (b), taking activity, deficiency and spill history into account.

3. MISLE. Mobile facilities should be entered into MISLE under the mobile facility operator, not as individual trucks. See Chapter 4 of this Manual for details on how to enter mobile facilities in MISLE. The primary COTP will create a mobile facility in MISLE and be responsible for maintaining the facility file, inspection history, and amendments or renewal of the Facility Response Plan (FRP) and Operations Manual. Subsidiary COTPs should not create a mobile facility in MISLE. Additionally, MISLE history should be verified prior to conducting any regulatory activity (inspection, transfer monitor, etc.), or in the event of a non-routine incident involving Coast Guard inspection, investigation or response such as an oil spill or hazardous material release.
4. Plan Review.
  - a. Operations Manual. Mobile facility operators must submit two copies of the Operations Manual to each COTP where they will operate as required by 33 C.F.R. § 154.300. The Operations Manual will be reviewed by the primary COTP and marked "examined by the Coast Guard." Subsidiary COTPs will review the Operations Manual for AOR specific contents. Policy and procedures for examination and correspondence in regard to Operations Manuals can be found in Chapter 3 of this Manual.
  - b. Facility Response Plan (FRP). In accordance with 33 C.F.R. § 154.1017, mobile facilities must submit a facility response plan that complies with that section to all COTPs where they will operate. The primary COTP must complete a full review of the FRP in accordance with 33 C.F.R. § 154.1065. Subsidiary COTPs must conduct a review of the COTP zone geographically applicable sections of the FRP. Policy and procedures for the review of FRPs can be found in Chapter 3 of this Manual.
5. Government Initiated Unannounced Exercises (GIUE). In accordance with 33 C.F.R. § 154.1055, facilities required to have a FRP must participate in GIUEs when directed by the COTP. If a facility refuses to participate in a GIUE, the COTP should take appropriate enforcement action as outlined in Reference (d). The GIUE program is designed to evaluate a plan holder's emergency response procedures in response to a simulated average most probable discharge (AMPD). As defined in Reference (a), AMPD means a discharge of the lesser of 50 barrels or 1 percent of the volume of the worst case discharge (WCD) during cargo transfer operations from a Marine Transportation Related (MTR) facility. More specifically, GIUEs are intended to test FRP procedures for notifications, response time, and deployment of MTR facility-owned or oil spill removal organization (OSRO) equipment. Furthermore, a GIUE also serves as an opportunity for the Coast Guard to ensure industry compliance with the required response plans and to evaluate the readiness of OSROs to deploy in fulfillment of

contractual obligations. For Coast Guard policy guidance on GIUEs see Reference (d). Requirements for GIUEs must be satisfied per individual COTP zone and are not altered by Primary or Subsidiary designation.

6. Jurisdictional COTP Example: A mobile facility operator has an office and stages their trucks in a town in New York under Sector New York's jurisdiction. The primary COTP for this mobile facility is COTP New York. Sector New York facility inspectors will create a mobile facility in MISLE, conduct pollution prevention compliance exams, and review and approve the FRP and Operations Manual. The company also does work in Connecticut in areas under Sector Long Island Sound COTP zone, however the company office and truck storage location is in New York. The subsidiary COTP zone is Long Island Sound. Sector Long Island Sound facility inspectors will review geographically applicable sections of the FRP, maintain updated copies of the FRP and Operations Manual, and record mobile facility inspection related activities in MISLE under the mobile facility created by Sector New York. Any discrepancies that are identified in the FRP or Operations Manual by the subsidiary COTP should be brought to the attention of the primary COTP for corrective action. Operational incidents that occur in either the primary or subsidiary COTP zone should be addressed as appropriate by the COTP at the time of the incident. Investigations and enforcement activities should be processed by the COTP with jurisdiction over the incident.

- C. Personnel Requirements. Mobile facility inspections should be conducted by a qualified Facility Inspector (FI) who has completed the requirements for the Facility Inspector competency (EU). Facility inspection teams should consist of a minimum of two personnel, with at least one qualified facility inspector.

D. Alternatives and Exemptions.

1. Alternatives. As provided in 33 C.F.R. § 154.107, the COTP may consider both economic and physical conditions when reviewing a proposed alternative to the regulations. However, the intent of the regulations should not be circumvented without valid and documented reason, even when alternative protection is afforded. Alternative requests must document the equivalency of protection to the satisfaction of the COTP. Requests for alternatives should be submitted by the facility operator to all COTPs in which the facility operates and the alternative is requested or applicable. In scenarios where an alternative is requested in multiple COTP zones, the primary COTP should work with subsidiary COTPs to ensure a unified decision or application of an alternative as appropriate for the request. The Coast Guard should implement and enforce mobile facility regulations in a consistent manner across COTP zones with exception for situations where there is a unique variable, such as a unique geographic feature or operating environment that may cause a COTP to permit an alternative in one zone that is not permitted in an adjacent zone because that specific operating environment does not exist. Inconsistent determinations for alternative requests between COTPs should be discussed with the applicable District and Area staff, and, if necessary, directed to Commandant (CG-FAC) to ensure nationwide consistency in the application of Reference (a).

2. Exemptions. Exemption requests must be forwarded via the chain of command to the Assistant Commandant for Prevention Policy (CG-5P), acting for the Commandant, when all means of alternative compliance have been exhausted. For the relevant regulations, see 33 C.F.R. § 154.108. Exemption requests must include a comprehensive assessment and recommendation from the COTP, review and comments by District and Area staff, and appropriate supporting documentation. Exemptions will be documented by the COTP in MISLE and reflect consistent application across multiple COTP zones (as applicable).

## CHAPTER 3. MOBILE FACILITY INSPECTIONS

### A. Safety Hazards.

1. Safety Overview. There are potentially numerous hazards associated with the location of the inspection of mobile facilities. FIs should communicate with the facility operator to identify a safe location to conduct mobile facility inspections. This may include the home office or staging location for tank trucks or another designated location where the mobile facility is not actively conducting an oil or hazardous material transfer. The selected location should be in an area where it is safe for a FI to move freely around the mobile facility to conduct the inspection. FIs should use caution when conducting mobile facility inspections, be aware of slips, trips, and fall hazards, comply with facility and Coast Guard requirements for the use of PPE, and conduct a pre-inspection risk assessment in accordance with Reference (f). As discussed in Chapter 2, only the primary COTP should conduct routine pollution prevention inspections.
2. Presence of Explosive Vapors/Benzene. Benzene is a highly volatile, colorless, flammable liquid with a sweet odor. Exposure can occur occupationally and domestically as a result of the ubiquitous use of benzene-containing petroleum products, including motor fuels and solvents. The most common form of exposure is through inhalation. The Coast Guard medical surveillance criteria are the levels of worker exposure to specific chemicals, particulates or physical agents at or above which occupational medical surveillance examinations need to be performed. In the case of asbestos, benzene, cadmium, chromium, lead and noise the Coast Guard medical surveillance criteria reflect exposure levels at which OSHA mandates medical surveillance. The Coast Guard establishes standards for the exposure and medical monitoring of personnel in the Coast Guard Occupational Medicine Manual, COMDTINST M6260.32 (series).
3. Smoking Prohibitions. Coast Guard and facility personnel are prohibited from smoking while conducting mobile facility inspections.

### B. Recommended Equipment and Risk Assessment.

1. Personal Protective Equipment (PPE). The Coast Guard requires the use of personal protective clothing and equipment at field units. It is the unit Commanding Officer's responsibility to determine what PPE should be worn for various missions and to ensure their personnel have appropriate PPE for the hazards present.
  - a. For conducting a mobile facility inspection, basic PPE will include: a hard hat, safety glasses, hearing protection, safety shoes, and leather gloves. When practical, long sleeve work attire or coveralls should also be worn to help provide protection from sun exposure, abrasion, cold temperatures and contact with chemical hazards. Hearing protection should be worn in accordance with Reference (e). Generally, noise that exceeds 85 (dB) or has a peak of 140 dB or greater will require hearing protection.

- b. A Coast Guard issued, properly calibrated multi-gas meter must be worn by all members of the team. The multi-gas meter must be tested prior to use each day and calibrated according to manufacturer requirements. Bump testing is recommended upon return to the unit after inspection to verify the meter performed properly during the visit.
  - c. Portable communication devices should be used when necessary to ensure reliable access to emergency care during mobile facility inspections. Any portable communication device or other electronic equipment used in potentially explosive atmospheres must be intrinsically safe.
  - d. FIs must abide by the policy found in the USCG Countering WMD Capabilities Manual, COMDTINST M3400.51 (series), which requires that “radiation detection capabilities (i.e., as a minimum, Personal Radiation Detectors) must be deployed with, and used by, all Coast Guard boarding and inspection teams. This includes teams visiting facilities, conducting pier-side boardings, and during vessel exams to include Port State Control exams. Wearing detectors serves the dual purpose of protecting both Coast Guard and any participating Law Enforcement personnel from exposure and increasing the ability to intercept illicit radioactive or nuclear material.
  - e. More detailed guidance on PPE can be found in Reference (e). Units should contact their cognizant Safety and Environmental Health Officer (SEHO) for assistance in determining appropriate PPE or to assess hazards. A current list of SEHOs is available for Coast Guard personnel on the Health, Safety, And Work-Life Service Center (HSWLSC) workspace on the Coast Guard Portal.
2. Risk Assessment. An onsite risk assessment should be done prior to any mobile facility inspection and all inspection activities must be conducted with caution given the safety and health risks these activities present. All team members must employ the concepts of Reference (f).
- C. Operations Manual. In accordance with 33 C.F.R. Part 154, Subpart B, each mobile facility must have an Operations Manual sufficient to guide a person qualified in oil or hazardous material transfer operations in performing their duties in a safe and environmentally sound manner. These manuals are working documents for the benefit of personnel involved in oil or hazardous material transfer operations. At a minimum, the Operations Manual must be understood by all who are designated as a Person in Charge (PIC). The Operations Manual should be the single source for learning standard operations as well as emergency procedures at a facility. Mobile facilities will likely have a simple manual because of the nature of the operation and limited transfer equipment associated with a tank truck or tank car. The requirement to send two copies of the Operations Manual with the letter of intent enables the COTP to verify that the owner or operator has established procedures for the facility to operate in a safe and environmentally sound manner. The contents of the Operations Manual must not be released to others unless authorized in writing by the facility owner or operator.



COTPs should have their District Legal office review any requests for access to an Operations Manual.

1. Contents. Mobile facility personnel should know the locations of all required safety equipment and cargo information. Information for cargo originating on a vessel is the responsibility of the vessel operator. This data must be readily available to facility personnel for safety and environmental reasons. The Operations Manual must also contain the name and telephone number of the qualified individual, contact information for the Coast Guard, State, local, and other personnel who may be called by the employees of the facility in an emergency. For a complete lists of required contents for the Operations Manual see 33 C.F.R. § 154.310.
  - a. Examination. In accordance with 33 C.F.R. § 154.325, mobile facility operators must submit two copies of the Operations Manual to the COTP for the area(s) in which they will operate. The primary COTP must complete a full review of the Operations Manual as required in 33 C.F.R. § 154.300 (c)-(e) and return one copy to the mobile facility operator marked “Examined by the Coast Guard.” The subsidiary COTP may conduct a review of the Operations Manual to the extent necessary to address issues particular to their COTP zone (notification numbers, etc.) Any questions or comments identified during review by the subsidiary COTP must be communicated to the primary COTP to address with the mobile facility operator. When all concerns are addressed to the satisfaction of the subsidiary COTPs, they must provide documentation to the primary COTP indicating the same. (In the form of a memo from the subsidiary COTP or designated representative to the primary COTP.) The primary COTP is responsible for stamping the Operations Manual to indicate the review is complete. The primary COTP should also complete the Operations Manual review activity in MISLE, and include the documentation from subsidiary COTPs indicating their concurrence in review of the manual. Best practices or disputes among units on acceptable or required content of Operations Manuals should be directed, via the chain of command, to Commandant (CG-FAC-2) to ensure nationwide consistency in the application of Reference (a). When mobile facilities desire to use different Operations Manuals in different COTP zones, each zone must conduct a review of the submitted manual, address questions or concerns with the mobile facility, stamp the manual as reviewed, and complete the Operations Manual Review activity in MISLE under the mobile facility established by the primary COTP in MISLE. Review and approval of amendments to Operations Manuals should follow similar procedures as those outlined in this Paragraph.
2. Amendments. Amendments to Operations Manuals will be examined by the primary COTP. A copy of any amendment should be provided by the mobile facility operator to all COTP zones where the facility operates. The primary COTP will properly document all amendments to the Operations Manual in MISLE in accordance with Reference (c) and notify any subsidiary COTP that an amendment was received and examined. Mobile facilities making substantial changes to their existing manuals must follow the procedure set forth in 33 C.F.R. § 154.320(b).

D. Facility Response Plan. As required by 33 C.F.R. § 154.1017, marine transportation related (MTR) mobile facilities used or intended to be used to transfer oil to or from a vessel with a capacity of 250 barrels or more must prepare and submit a FRP to the cognizant COTP for the area in which the facility will operate.

1. Review and Approval. FRPs must be reviewed and approved by the primary COTP in accordance with Reference (d). Geographically specific sections applicable to the subsidiary COTP zone must be reviewed by the applicable COTP. Any comments or questions identified during the review must be communicated to the primary COTP to address with the mobile facility operator. When all concerns have been addressed to the satisfaction of the primary and subsidiary COTPs, each must provide a FRP approval letter to the mobile facility operator. Note this is different from the Operations Manual which only requires communication of acceptance by the primary COTP. Each COTP must also complete a FRP review activity in MISLE under the mobile facility established by the primary COTP in MISLE. Best practices or disputes among units on acceptable or required content of FRPs should be directed via the chain of command, to Commandant (CG-MER) to ensure nationwide consistency in the application of Reference (a). When mobile facility operators desire to use different FRPs in different COTP zones, each COTP zone must conduct a complete and full review of the submitted plan, address questions or concerns with the mobile facility operator, issue FRP approval letters, and complete a FRP review activity in MISLE under the mobile facility established by the primary COTP in MISLE. Review and approval of amendments to FRPs should follow similar procedures as those outlined in this Paragraph.
2. Documentation. The primary COTP is responsible for conducting the FRP review in accordance with Reference (d) and documenting it in MISLE in accordance with Reference (c). Subsidiary COTPs must review, approve and document, geographically specific portions of the FRP in MISLE in accordance with References (c) and (d).

E. Scheduling Mobile Facility Inspections. Mobile facilities should be placed on an annual inspection schedule by the primary COTP who is designated to conduct routine activities for that particular mobile facility. COTPs may choose to impose an adjusted inspection schedule through risk-based analysis of the mobile facility. Mobile facilities that have not been issued a deficiency during any operational evolution (annual inspection, transfer monitor, investigation, etc.) in the previous three years, have not been found to be the responsible party or source of pollution in an investigation in the previous three years, and have demonstrated to the satisfaction of the COTP to operate safely in compliance with pollution prevention regulations, may be inspected at intervals not to exceed 24 months (biennial). The COTP should consider a mobile facility's inspection history in MISLE, records of any transfer monitors conducted, area of operation and cargo transferred when determining to shift to a biennial inspection schedule. (Note: A "mobile facility" for the purposes of entering data in MISLE is entered as the facility operator with a fleet of trucks or rail cars associated with that operator entered as one "mobile facility" in MISLE. Any incident resulting in a deficiency or civil penalty issued against that operator regardless of which truck the incident occurred on, is to be considered as the "mobile facility" history. See Chapter 4 of this Manual for more information on entering mobile facilities in MISLE). The primary COTP must conduct at least one transfer monitor annually on any mobile facility that is on a

biennial inspection schedule. See Reference (b) for guidance on conducting transfer monitors.

1. Tank truck and rail car inspection numbers.

- a. A “mobile facility” as entered into MISLE consists of a mobile facility company or geographic branch of a mobile facility company that operates at least one tank truck or rail car transferring oil or hazardous materials to or from a vessel with a capacity of 250 barrels or more. Some mobile facility operators may operate five tank trucks while others operate 50 tank trucks. Due to the number of tank trucks or rail cars associated with a mobile facility operator, it may be impractical for the COTP to inspect all of the tank trucks or rail cars operated by that facility annually. Using the risk based analysis parameters described in this Paragraph, the primary COTP should set a percentage of a mobile facility operator’s fleet of tank trucks or rail cars to inspect annually or biennially.
- b. For example: A mobile facility operator has 50 tank trucks that fuel vessels within a particular COTP zone. The mobile facility operator has not had a deficiency issued on any of the tank trucks they operate in the last three years, has had multiple transfer monitors conducted without deficiencies in the last three years, and is known to the COTP to be a safe operator. The COTP has made the determination that the mobile facility will be inspected on a biennial schedule. FIs will physically inspect 25% of the mobile facility’s fleet of tank trucks and rail cars as representative of the condition of the whole fleet. No deficiencies were issued and the mobile facility operator continued to have an excellent safety record. On the next biennial inspection, the COTP requested to inspect 25% of the total fleet of trucks, noting that the trucks presented for inspection should not be the same inspected two years before.

2. Recommended minimum inspection %:      Example:

- a. 10 trucks\* or less: no less than 3      Fleet of 7 = 3 trucks inspected
- b. More than 10 trucks\* 25%      Fleet of 18 = 5\*\* trucks inspected

\*Trucks, rail cars or other types of mobile facilities.

\*\*Round up to the next higher whole number.

- 3. The recommended minimum inspection numbers are based on mobile facility operators that equip individual assets (tank trucks, rail cars, etc.) with the required pollution prevention equipment to conducted regulated marine transfers. When inspecting an individual asset, the FI must verify the applicable equipment carried is in compliance with the pollution prevention regulations contained in 33 C.F.R. Part 154. The DOT inspected tank truck, rail car, etc. itself is not subject to Coast Guard inspection under 33 C.F.R. Part 154, but may be issued a COTP Order, Administrative Order, or other control actions if it poses a hazard to the port or environment. If a facility provides the required pollution prevention equipment separately from the trucks, rail cars, etc., the COTP may complete a compliance inspection for the requirements of 33 C.F.R. Part 154 (transfer hoses, discharge containment, hose testing records, etc.) without a tank truck, rail car, etc.

present. In such instances, the inspection percentages outlined in Paragraph 3.E.2 should be based on the total number of sets of transfer and pollution prevention equipment the mobile facility operator maintains and not on the total number of trucks, rail cars, etc. they use in the course of mobile facility transfers.

F. Spot Checks and Transfer Monitors. Due to the transient nature of mobile facilities, conducting an unannounced safety spot check on the mobile facility tank truck or rail car could be logistically challenging. COTPs may use discretion when determining if a safety spot check on a mobile facility is a useful compliance tool. COTPs should consider a transfer monitor a more useful mechanism for verifying compliance with pollution prevention regulations. See Reference (b) for guidance on how to conduct transfer monitors.

G. Response to Releases, Discharges, Exposures, or MISHAPs.

1. Emergency Egress. All personnel must immediately evacuate the exposure area and muster in a safe location upwind. The following factors are indications of possible exposure and require an immediate emergency egress. Indications of exposure are not limited to the factors on this list:
  - a. Leaks, odors, or sounds (such as when compressed gas is released);
  - b. Personal monitor or meter alarms;
  - c. Feeling dizzy or light-headed; or,
  - d. If the inspectors sense any unexpected chemical through smell or dermal sensation. This is a judgment call; however, inspectors must emergency egress any time there is a burning sensation in their lungs or experience a shortness of breath. Any of these sensations may indicate a life-threatening situation and inspectors must react promptly to avoid injury.
2. Communications. In accordance with 33 C.F.R. § 154.560, each facility must have a means that enables continuous two-way voice communication between the person in charge of the vessel transfer operation and the person in charge of the facility transfer operations. Any portable communication device used in potentially explosive atmospheres must be intrinsically safe. These required devices can be vital in the event of a release, discharge, exposure, or other situation.
3. MISHAPS. All Coast Guard mishaps must be investigated and reported in accordance with Reference (e). All mishaps are an opportunity to review procedures and policies to identify potential areas for improvements and to create greater hazard awareness. Units should share mishap reports with the SEHO and consider benefits of sharing with Commandant (CG-FAC) and other units as appropriate. Also, notify Commandant (CG-FAC-2) at [FAC-2-SAFETY@uscg.mil](mailto:FAC-2-SAFETY@uscg.mil) for each instance where a high potential for a MISHAP or “near miss” has occurred on mobile facility inspections or transfer monitors. High potential and near miss events must also be reported in the Mishap Reporting

System (eMISREP). As appropriate, this information will be used to evaluate this Manual and associated policies, and in the creation of safety alerts.

#### H. Emergency Medical Treatment.

1. Use of Guides. Consult chemical specific emergency response information such as that found in the Department of Transportation Emergency Response Guide Book, the National Institute for Occupational Safety and Health (NIOSH) Pocket Guide, or Safety Data Sheets for appropriate initial decontamination. There are also applications available for cell phones or tablets that provide updated and easy to access emergency response information such as the National Institute of Health's WISER (Wireless Information System for Emergency Responders) application. Coast Guard personnel should be aware of the location and contact information of facility-operated and local fire departments, first aid stations, and oil and chemical decontamination stations.
2. Medical Facilities. Exposure to hazardous materials requires specialized medical facilities. COTPs must maintain current listings and locations of medical facilities capable of isolating, if necessary, and treating hazardous material exposure victims. If such facilities do not exist, every effort must be taken to bring personnel to other appropriate pre-identified medical facilities.
3. Medical Care. The Coast Guard Medical Manual, COMDTINST M6000.1 (series) provides policy for emergency medical care and acute exposure protocols. Medical personnel should be provided with all known information including the name and concentration of the hazardous materials, duration of exposure, and most probable route of exposure; e.g., inhalation, absorption, injection or ingestion. Medical personnel should also be given the 24-hour telephone number to the Agency for Toxic Substances and Disease Registry, which is (770) 488-7100.
4. Health Related Recordkeeping. The Coast Guard Occupational Medicine Manual, COMDTINST M6260.32 (series) sets the policy for enrollment in the Occupational Medical Surveillance and Evaluation Program (OMSEP). Generally, all marine safety personnel meet the criteria for enrollment in OMSEP's Hazardous Waste Operations and Emergency Response medical surveillance program. While there are numerous requirements for this program, there are specific requirements to follow when Coast Guard personnel are acutely exposed or potentially exposed to hazardous material. In such instances, Coast Guard personnel must immediately cease working, undergo a medical examination, and complete the Acute Exposure Information, Form CG-6000-1 in accordance with the Coast Guard Occupational Medicine Manual, COMDTINST M6260.32 (series).

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## CHAPTER 4. MOBILE FACILITY REPORTING

- A. MISLE. Accurate, timely data entry in MISLE is critical to the success of Coast Guard Prevention activities. MISLE includes a series of procedures or guides for each activity, including mobile facility inspections and transfer monitors. Inconsistencies in MISLE data make it difficult to assess the effectiveness of our prevention programs. All inspectors must follow applicable MISLE User Guides when entering mobile facility inspection data. Instructions for mobile facility inspection data entry in MISLE can be found in Reference (c). Questions or recommendations regarding the MISLE user guides should be directed to Commandant (CG-FAC-2).
- B. Forms.
1. Facility Inspection Requirements, (Form CG-835F). Facility inspections and deficiencies must be documented in writing utilizing the Facility Inspection Requirements (Form CG-835F.) This form can be located on Commandant (CG-612) forms library website: [https://cg.portal.uscg.mil/sites/externaldata/Forms/CG\\_835F.pdf](https://cg.portal.uscg.mil/sites/externaldata/Forms/CG_835F.pdf), or by submitting a MILSTRIP requirement to the Surface Forces Logistics Command (SFLC) stock number (SN): 7530-01-GF9-0020.
  2. Pollution Prevention Compliance Report, (Form CG-5562B). Inspectors must use the Pollution Prevention Compliance Report (Form CG-5562B) to document transfer monitor activities. This form can be obtained by submitting a MILSTRIP requirement to the Surface Forces Logistics Command (SFLC) stock number (SN): 7530-01-GF3-2720. Reference (b) should be reviewed for additional information on this form.
- C. Inspection Results and Orders.
1. No Deficiencies Noted. If no deficiencies are identified, the inspector should fill out applicable information, draw a diagonal line across the Facility Inspection Requirements (Form CG-835F), write “no deficiencies found” on that line, and sign the form. A copy should be given to the facility representative and a copy kept for record keeping. Follow-on MISLE casework must also indicate that no deficiencies were found in the narrative block.
  2. Deficiencies Noted. Facility Inspection Requirements (Form CG-835F) must be used by inspectors to document deficiencies identified during routine inspections, transfer monitors and spot checks on mobile facilities. A description of the deficiency, the appropriate regulatory citation, corrective action if required, and a due date for that corrective action must be written out. A copy of the Form CG-835F should be given to the facility representative, as appropriate, and a copy kept for record keeping. MISLE casework must document the deficiencies in accordance with Reference (c).

3. COTP Orders, Suspension Orders and Administrative Orders.
  - a. A COTP Order is one of several tools available to the Coast Guard to impose operational controls over a vessel, facility, or person, when an emergent situation develops. During routine events such as a facility inspection, FIs use appropriate statutes and regulations to note deficiencies and set compliance time frames. Per 33 C.F.R. Part 160, Subpart B, COTP Orders may be used when faced with an emergent concern for safety, security, or environmental protection of a COTP's AOR.
  - b. The COTP or Officer in Charge, Marine Inspection (OCMI) may issue a suspension order to suspend transfer operations to a vessel or facility operator when the COTP or OCMI finds there is a condition requiring action to prevent the discharge or threat of discharge of oil or hazardous materials, or when the COTP or OCMI is unable to verify compliance with the regulations through an inspection. See 33 C.F.R. § 156.112 for more information on issuing suspension orders.
  - c. Administrative Orders, unlike COTP Orders, issued under 40 C.F.R. Part 300 may likewise be used to suspend a transfer operation; however, its use is limited to directing oil or hazardous material response actions to the responsible party during a release or threat of a release.
  - d. For more information regarding authority, jurisdiction, and procedures for issuing COTP Orders see the Marine Safety Manual, Volume I, Administration and Management, COMDTINST M16000.6 (series), and the Captain of the Port Orders, Tactics, Techniques, and Procedures (CGTTP), 3-71.3.
5. Unit Procedures. Inspectors must review and be familiar with current unit procedures for terminating mobile facility operations should a safety concern warrant it. Local unit procedures should be followed as directed by the command.
6. Scope of Operational Control. The COTP must evaluate if an issue with a mobile facility warrants suspension of operations for an individual tank truck or rail car or for the mobile facility operators entire fleet as regulated by the COTP. Additionally, the COTP must determine if the suspension of operations is warranted for just regulated transfer operations, or for all over the water transfers.
7. Notification of other COTPs. For mobile facility operators and tank trucks or rail cars that operate across multiple COTP zones, when a COTP determines it is necessary to suspend operations, the COTP must notify all other COTPs where the mobile facility is authorized to operate. However, if those other COTPs desire to suspend operations of the same individual tank truck, rail car, or mobile facility operator, they must issue a COTP order for their COTP zone.

Example One: During a routine transfer monitor, FIs discover a tank truck company conducting transfers of oil to vessels without complying with any of the mobile facility regulations (letter of intent, FRP, Operations Manual, inspections, etc.) The



COTP issues a COTP Order to the operator of those tank trucks to suspend and prohibit all mobile facility operations (transferring to vessels) until they are in compliance with the pollution prevention regulations and authorized to operate by the COTP. In this instance the operational control is issued to all the trucks in the fleet.

Example Two: A Coast Guard FI identifies a deficiency during a transfer monitor on a tank truck where the hose connection on the tank truck is leaking. The COTP suspends the transfer and issues a Facility Inspection Requirements (Form CG-835F) to the operator of the tank truck to repair the leaking connection prior to conducting a transfer. In this instance the operational control is issued for a single tank truck and not the entire fleet.

- D. Establishing Mobile Facilities in MISLE. The primary COTP must identify all of the “mobile facilities” in their AOR and verify and update or create an entry in MISLE for the facility. A “mobile facility” for the purposes of MISLE entry consists of one facility within MISLE that captures all of the tank trucks or rail cars that are operated by a single operator based primarily out of one location within the COTP zone. When conducting a mobile facility inspection, Coast Guard personnel may refer to a mobile facility as the actual tank truck or rail car. When entering the activity data into MISLE, the “mobile facility” refers to one operator and location under which multiple tank trucks or rail cars may be captured. Individual tank trucks or rail cars with the same operator and located at one location must NOT be entered into MISLE individually as mobile facilities. Note: A large mobile facility company may have multiple staging areas within one COTP zone. The COTP may choose to enter these staging areas as one MISLE facility capturing all staging areas and associated tank trucks, or break them into separate facilities. COTPs can make a determination on how best to manage large mobile facility operators with multiple staging or “home base” locations within one AOR while staying in alignment with the intent of this Manual.
1. All activities conducted by Coast Guard personnel that involve a mobile facility (tank truck or rail car that is operated by one identified operator in MISLE) must be entered in MISLE under that mobile facility regardless of the COTP zone where the activity took place. Subsidiary COTPs that conduct transfer monitors or other activities must enter the corresponding activities into MISLE under the mobile facility listed in MISLE under the primary COTP. This will ensure a clear compliance history within MISLE for the mobile facility operator.
  2. The primary COTP is responsible for conducting the annual or biennial inspection of the mobile facility and entering the inspection results in MISLE. (See Chapter 3, Paragraph E of this Manual for guidance on how to schedule and select tank trucks or rail cars for inspection during a mobile facility inspection.)
  3. The primary COTP is responsible for reviewing and approving FRPs and examining the Operations Manual and entering a record of these activities into MISLE.
  4. The subsidiary COTP is responsible for entering, reviewing and closing activities conducted within their AOR under the mobile facility in MISLE that is owned by the

primary COTP. The originating unit and controlling unit in MISLE will remain the subsidiary COTP, so they will continue to receive credit for activities they conduct despite the MISLE facility being owned by the primary COTP.

Example: A mobile facility operator owns 10 tank trucks that operate out of a single location within the Sector New York AOR. The trucks also sometimes cross the state border and conduct operations in Connecticut under Sector Long Island Sound's COTP zone. Sector New York created one facility entry in MISLE for the mobile facility operator, which captures all activities for the 10 tank trucks. The facility operator provided the COTP, Sector New York with a list of tank trucks that company uses for mobile facility transfers and a record of those trucks has been scanned into the facility entry in MISLE. The FRP and Operations Manual were reviewed and approved by Sector New York COTP. Sector Long Island Sound was provided with a copy of the FRP and Operations Manual and the FRP for Long Island Sound was updated with geographically specific information which the COTP, Sector Long Island Sound reviewed and approved. When conducting this review, Sector Long Island Sound opened a FRP review activity in MISLE under the mobile facility that is owned by Sector New York. Any activities that are conducted on a tank truck associated with this mobile facility will be entered under the facility owned by Sector New York. Sector Long Island Sound will continue to receive credit for activities that are conducted in their AOR (a transfer monitor conducted by Sector Long Island Sound will still count towards the total conducted by Sector Long Island Sound despite selecting a facility in MISLE that is owned by Sector New York).

- E. Data Review. To ensure data quality and consistency, complete and review MISLE activities in accordance with Reference (c). Commandant (CG-FAC-2) will conduct periodic reviews of MISLE activities.

**APPENDIX A****ACRONYMS**

<b>AOR</b>	<b>Area of Responsibility</b>
<b>AMPD</b>	<b>Average Most Probably Discharge</b>
<b>CATEX</b>	<b>Categorical Exclusion</b>
<b>CE</b>	<b>Categorically Excluded</b>
<b>CFR</b>	<b>Code of Federal Regulation</b>
<b>COTP</b>	<b>Captain of the Port</b>
<b>CG</b>	<b>Coast Guard</b>
<b>DHS</b>	<b>Department of Homeland Security</b>
<b>DOT</b>	<b>Department of Transportation</b>
<b>E.O.</b>	<b>Executive Order</b>
<b>ERG</b>	<b>Emergency Response Guide</b>
<b>FI</b>	<b>Facility Inspector</b>
<b>FRAC</b>	<b>Fracking Tank</b>
<b>FRP</b>	<b>Facility Response Plan</b>
<b>FWPCA</b>	<b>Federal Water Pollution Control Act</b>
<b>GIUE</b>	<b>Government Initiated Unannounced Exercise</b>
<b>MISLE</b>	<b>Marine Information for Safety and Law Enforcement</b>
<b>MTR</b>	<b>Marine Transportation Related</b>
<b>NARA</b>	<b>National Archive and Records Administration</b>
<b>NEPA</b>	<b>National Environmental Policy Act</b>
<b>NIOSH</b>	<b>National Institute for Occupational Safety and Health</b>
<b>OCMI</b>	<b>Officer in Charge, Marine Inspection</b>
<b>OPA 90</b>	<b>Oil Pollution Act of 1990</b>
<b>OMSEP</b>	<b>Occupational Medical Surveillance and Evaluation Program</b>
<b>OSRO</b>	<b>Oil Spill Removal Organization</b>
<b>PIC</b>	<b>Person In Charge</b>
<b>PPE</b>	<b>Personal Protective Equipment</b>
<b>PWS</b>	<b>46 U.S.C. Chapter 700 – Ports and Waterways Safety</b>
<b>SEHO</b>	<b>Safety and Environmental Health Officer</b>
<b>SFLC</b>	<b>Surface Forces Logistics Command</b>
<b>SN</b>	<b>Stock Number</b>
<b>TTP</b>	<b>Tactics, Techniques, and Procedures</b>
<b>U.S.C.</b>	<b>United States Code</b>
<b>USCG</b>	<b>United States Coast Guard</b>
<b>WCD</b>	<b>Worst Case Discharge</b>
<b>WMD</b>	<b>Weapons of Mass Destruction</b>