SPILL PREVENTION, CONTROL, AND COUNTERMEASURES PLAN

Prepared For:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Central Administrative Support Center
Kansas City, Missouri 64106

NATIONAL WEATHER SERVICE
New Orleans Weather Forecast Office
62300 Airport Road
Slidell, Louisiana

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Contract Number: 50WCNA906018

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SPILL PREVENTION, CONTROL, AND COUNTERMEASURES PLAN

NATIONAL WEATHER SERVICE
New Orleans Weather Forecast Office and River Forecast Center
62300 Airport Road
Slidell, St. Tammany Parish, Louisiana 70460-5243

Original Date of Plan	:	February 12, 2002
Date of Last Plan Review	:	February 12, 2002
Date of Last Amendment and P.E. Certification	:	February 12, 2002

Designated Person Responsible for Spill Prevention:
Leonard Bucklin, Environmental Focal Point
Telephone: (504) 645-0565

CERTIFICATION

I hereby certify that I have examined the facility, and being familiar with the provisions of Title 40 of the Code of Federal Regulations Part 112, I attest that this Spill Prevention, Control, and Countermeasures (SPCC) Plan has been prepared in accordance with good engineering practices.

John McCall
Printed Name of Registered Engineer

J. McCall 2/12/02
Signature of Registered Engineer and Date

Registration No. **PE-050653-E** State **PA**

REVIEW DOCUMENTATION AND MANAGEMENT APPROVAL PAGE

REVIEW DOCUMENTATION

In accordance with Title 40 of the Code of Federal Regulations (CFR) Part 112.5(b), a review and evaluation of this Spill Prevention, Control, and Countermeasures (SPCC) Plan is conducted at least once every 3 years. As a result of this review and evaluation, the National Weather Service will amend the SPCC Plan within 6 months of the review to include more effective prevention and control technology if:

- Such technology will significantly reduce the likelihood of a spill event from the facility, and
- If such technology has been field-proven at the time of review.

Any amendment to the SPCC Plan shall be certified by a Professional Engineer within 6 months after a change in the facility design, construction, operation, or maintenance occurs which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines.

Review Date	Signature of Responsible Manager	Amended (Yes or No)? [1]

1 Amendment necessary and certified by a Registered Professional Engineer per Title 40 CFR Part 112.3(d)

MANAGEMENT APPROVAL

The National Weather Service is committed to the prevention of discharges of oil to navigable waters and the environment. We maintain the highest standards for spill prevention, control, and countermeasures through regular review, updating, and implementation of this SPCC Plan for the Weather Forecast Office.

Paul S. Trotter, Environmental Focal Point

Printed Name and Title of Responsible Manager

Signature and Date

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PART I - GENERAL INFORMATION

A. GENERAL

This section provides general information about the facility.

1. Name

National Weather Service (NWS)
New Orleans Weather Forecast Office and River Forecast Center

2. Type

This facility is an onshore facility (non-production) that operates as a river and weather forecast center and is staffed 24 hours per day, 7 days per week, and 365 days per year.

3. Date of Initial Operation

January 1994

4. Location

62300 Airport Road
Slidell, St. Tammany Parish, Louisiana 70460-5243

5. Name and Address of Operator

National Weather Service
62300 Airport Road
Slidell, Louisiana 70460-5243

6. Facility Contacts:

Name	Title	Telephone Number
Keith DeArmas	Environmental Focal Point	(504) 645-0565
Paul S. Trotter	Meteorologist-In-Charge	(504) 645-0441

B. SITE DESCRIPTION AND OPERATIONS

This section describes the site location, its operations that store diesel fuel, site drainage patterns, spill history, and spill potential.

1. Facility Location, Layout, and Operations

The facility is located in Slidell, St. Tammany Parish, Louisiana, adjacent to the Slidell, Louisiana Airport, and approximately 30 miles northeast of New Orleans (Figure 1). Figure 2

shows the layout of the facility, including the location of the 2,000-gallon aboveground storage tank (AST), 25-gallon day tank, and two 250-gallon Radar Data Acquisition (RDA) tanks.

The 2,000-gallon AST and 25-gallon day tank store fuel that is used to power a 300-kilowatt (kW) emergency generator. The day tank and generator are located in the WFO generator building north of the WFO building and are not exposed to precipitation. The 2,000-gallon AST is located immediately outside the WFO generator building to the east. The generator is used to supply a backup source of electricity for WFO operations.

The two 250-gallon RDA tanks are used to store fuel that is used to power an 80-kW emergency generator. This generator is used as backup power for the RDA tower. The two 250-gallon ASTs and related generator are located in an enclosed RDA generator building, southwest of the WFO building, and are not exposed to precipitation.

The estimated fuel usage is approximately 100 gallons per month. This estimate is based on an automatic test of the generators once per week for about 45 minutes. Fuel consumption would increase based on the frequency and duration of any power outages.

2. Facility Storage

The 2,000-gallon AST is a welded steel plate tank enclosed in a concrete outer shell that provides sufficiently impervious containment and protects the containment from exposure to precipitation. The primary tank has a 2-inch- and two 6-inch-diameter vents. The tank is built to Underwriter Laboratories specification 142 (UL 142).

The 2,000-gallon AST is connected to a pump on top of the day tank via a double-walled line that travels through the wall of the WFO generator building. This pump moves fuel from the 2,000-gallon AST into the day tank. The 25-gallon day tank is a single-walled rectangular steel tank that is set in an open top spill pan (rupture basin). The day tank is connected to the generator by flexible rubber supply and return lines.

The two 250-gallon ASTs inside the RDA generator building are single-walled steel tanks. Fuel for the 80-kW generator is fed directly from the two 250-gallon RDA tanks via rubber supply lines.

Table 1 summarizes the pertinent information on the tanks at the facility.

3. Drainage Pathway and Distance to Navigable Waters

Any fuel oil spilled from secondary containment systems of the 2,000-gallon tank or the 25-gallon day tank would travel east to a grassy slope approximately 45 feet east of the 2,000-gallon AST (Figure 2). This grassy slope leads to an undeveloped lowland area. This undeveloped lowland area drains southward to an unnamed drainage channel that defines the southern NWS property boundary. Any fuel oil spilled from the secondary containment system (RDA generator building) of the 250-gallon RDA tanks would release onto a gravel surface that slopes west and south to a grassy area. Flow would then be to the south towards the unnamed drainage channel that defines the southern NWS property boundary. The unnamed drainage channel is about 50 feet south of the Tower Generator shed. The unnamed drainage channel directs flow west towards Liberty Bayou, which is approximately 600 feet west of the facility.

New Orleans NWS personnel indicated that the Tower Generator shed has flooded once since its construction in 1996. This flooding occurred when the unnamed drainage ditch flooded during a

storm event. The RDA generator building had to be sandbagged during the flood period to prevent waters from entering the shed. The New Orleans NWS personnel indicated that one flood event has occured since 1996. The RDA generator building is about 10 to 15 feet below the grade of the NWS office building, and is threatened by future flood events.

4. Spill History

Reportable Spill events from start of operations (January 1994) to present (date on cover of this plan): None.

5. Spill Potential, Volumes, and Rates

The most probable causes of spills from the 2,000-gallon AST and two 250-gallon RDA tanks are from overfilling, a ruptured hose during fuel unloading, or from failure of fuel supply lines. For the day tank, the probable causes of spills are from a failure of the pump to shut down or failure of the line from the pump to the day tank. Low probability events for any of the tanks include loss of structural integrity, vehicle collisions, or natural disasters.

Table 2 summarizes the potential type of failure, potential spill volume, estimated rate, and direction of spill flow from the tanks.

PART II - DESIGN COMPONENTS AND OPERATIONAL PROCEDURES FOR SPILL PREVENTION AND CONTROL

This section discusses spill prevention and control measures that shall be implemented at the facility.

A. SPILL PREVENTION

This section describes design components and operating procedures that shall be implemented at the facility to prevent oil spills.

1. Bulk Storage Tanks and Facility Transfer Operations

2,000-gallon AST: The tank construction is compatible with the diesel fuel stored in the tank. Secondary containment is provided for the entire capacity of the AST. A float-type level gauge indicates the fuel level (from empty to full).

An automatic shut-off valve on the cam-lock fitting fill spout is set to close at 90 percent of the tanks capacity (1,800 gallons). The tank also is equipped with a visible high-level alarm that currently is set at 50 percent of capacity (1,000 gallons). A round spill container surrounds the fill spout to capture overflow during tank truck transfer operations.

Day Tank: The day tank is enclosed in a weatherproof building that provides sufficient containment for the contents of the tank and has an open-top spill pan (rupture basin) designed to hold at least 110 percent of the tank volume. It has a liquid level gauge to indicate the amount of fuel in the tank (empty to full) and a high-level float switch connected to the audible alarm to warn of overfilling. The rupture basin has a float switch that is designed to detect fuel that has spilled or leaked. The float switch is connected to the audible alarm system.

RDA Tanks: These two 250-gallon tanks are enclosed in a weatherproof building that provides sufficient containment for the contents of the tanks. The tanks are constructed of steel and are compatible with the diesel fuel stored within the tanks. The tanks are equipped with fuel sensors and a high level audible alarm. The RDA generator building is designed with a "tub flooring" that is approximately 6 to 8 inches deep, with a raised door frame to keep fuel from spilling out of the doorway.

Piping: An antisiphoning valve is located between the 2,000-gallon AST and the pump to prevent unwanted fuel from being siphoned from the storage tank. The aboveground piping from the storage tank to the day tank pump is in a flexible, stainless steel sleeve to protect it from corrosion.

2. Tank Truck Unloading Operations

All delivery drivers shall have U.S. Department of Transportation hazardous material transportation training as required by Federal law.

The remainder of this section discusses the procedures that shall be used during unloading of fuel from the tank truck into the storage tank to prevent spills. This procedure shall be documented every time refueling occurs on the form found in Appendix A. Copies of this form shall be kept for 3 years.

The following procedure shall be used prior to fuel unloading:

- Move spill containment equipment, such as booms or spill barriers, into the unloading area.
- Ensure that the audible high-level alarm system and the automatic shutoff valve are functioning properly.
- Determine the available capacity (ullage) of the tank by converting the reading on the fuel gauge to gallons (See Appendix A). This ullage is communicated to the fuel supply contractor and marked in the fueling log.
- Block the tank truck wheels.
- Place drip pans under all pump hose fittings (if applicable) prior to unloading.
- Ensure the fill nozzle is placed in the appropriate tank appurtenance.

Both the NWS representative and the delivery driver shall remain with the vehicle at all times during unloading. Gauges on the tank and the truck shall be continuously monitored to ensure the ullage is not exceeded. If the audible high-level alarm sounds, the unloading of fuel shall be stopped as soon as possible.

After fuel unloading is completed:

- Record the amount of fuel transferred to the tank in the log (Appendix A).
- Drain the fill hose and then ensure that all drain valves are closed (if applicable) prior to removal of the hose from the tank.
- Pour any fuel in the drip pans, tank truck containment pool, or spill container on the fill pipe into the tank (if it has the capacity) or disposed of appropriately.
- Inspect the tank truck prior to removing the blocks to ensure the lines have been disconnected from the tank.
- Remove the blocks from the truck wheels.
- Place a copy of the fuel unloading checklist in the SPCC plan.

3. Inspections and Records

Inspection and Maintenance of Tanks: The 2,000-gallon AST, day tank, and two 250-gallon RDA tanks shall be inspected weekly for any oil outside the tank, especially at seams (including the underside). The outside of exposed piping shall be inspected weekly, especially at the joints such as gasket fittings. Monthly and annual inspections shall follow the checklists shown in Appendix B.

Record Keeping: The Environmental Focal Point is responsible for completing the ullage logs and documentation of fuel unloading procedures. These records, as well as records of all inspections, shall be maintained for at least 3 years from the time of inspection.

4. Site Security

The facility is attended and operational 24 hours a day. Adequate lighting is provided for the 2,000-gallon AST in order to detect spills that may occur at night and to deter vandalism. A security fence with a locked gate is provided for the RDA area. The 300-kW generator, day tank, two RDA tanks, and 80-kW generator are located in generator building that are locked to restrict access. The RDA tanks are located within the RDA generator building that is located within a fenced area. Therefore, the RDA tanks are secure from potential damage from vehicle collisions. The 2,000-gallon AST is located in the direct line of traffic and could be subject to damage from a vehicle collision.

5. Training

The Environmental Focal Point (person responsible for spill prevention at the facility) and an alternate shall be trained in the intent of applicable oil spill regulations and how to implement the inspection and maintenance procedures outlined in paragraph 3, above. Spill control and countermeasures shall also be included in the training.

Training shall be repeated once per year. All new personnel responsible for implementing this SPCC plan shall be properly trained before beginning the new position. A record of who was trained, when, and by whom, shall be filed with this SPCC plan and kept for a period of 3 years.

B. SPILL CONTROL

This section describes control measures that shall be implemented to prevent any spilled oil from entering navigable waters or adjoining shorelines.

1. Secondary Containment Designs, Construction Material, and Volume

The concrete outer shell of the 2,000-gallon AST completely encloses the primary tank and does not allow precipitation into the containment. The secondary containment structure has been constructed to contain the entire volume of the tank. A round spill container surrounds the fill spout. The AST is equipped with an audible high-level alarm set at 85 percent of the AST capacity (1,700 gallons) and an automatic shut-off valve on the cam-lock fitting fill spout set to close at 90 percent of the AST capacity (1,800 gallons). An interstitial monitoring device between the primary tank and concrete outer shell (secondary containment) is connected to an audible alarm system. A float-type level gauge visually indicates the fuel level in the tank. The tank is bolted to its concrete foundation.

The day tank is contained within the WFO generator building that provides containment and protects the area from exposure to precipitation. The day tank also has a rupture basin designed to hold 110 percent of the day tank volume. The rupture basin is equipped with a float switch designed to detect fuel within the basin and a high-level float switch; both switches will shut off the fuel pump if engaged.

Secondary containment for the two RDA tanks is provided for in the RDA generator building design. Adequate containment volume is provide in the building in the case of an instantaneous release. The RDA generator building is designed with a "tub flooring" that is approximately 6- to 8-inches deep, with a raised door frame to keep fuel from spilling out of the doorway.

2. Spill Kits Type and Location

. The facility shall maintain sufficient spill kit materials such as absorbent pads and mats sufficient to prevent a spill from reaching a nearby water body. The facility has two spill kits designed to absorb diesel fuel and to divert a spill. One spill kit is located inside each of the WFO and RDA generator buildings. The kits include soil absorbent socks and mats in 95-gallon polyethylene containers that can also be used as a disposal container.

PART III - SPILL COUNTERMEASURES AND REPORTING

The primary emphasis of this SPCC plan is on prevention. The spill countermeasures presented do not constitute a contingency plan detailed in Title 40 CFR Part 109, nor is one required. Such a plan is only required under Title 40 CFR 112.7(d) if it is impracticable to provide containment, diversionary structures, or equipment to prevent the discharge of oil to navigable waters. In addition, this facility is not required to have a facility response plan under Title 40 CFR Part 112.20 since it does not:

- Transfer oil over water from vessels and have a total oil storage capacity of greater than or equal to 42,000 gallons, or
- Have a total storage capacity over 1 million gallons.

A. SPILL COUNTERMEASURES

This section presents countermeasures to contain, clean up, and mitigate the effects of an oil spill that impacts navigable waters or adjacent shorelines.

A spill containment and cleanup activity will never take precedence over the safety of personnel. No countermeasure activities will be undertaken until conditions are safe for workers. The SWIMS procedure should be implemented as countermeasures:

S - Stop the leak and eliminate ignition sources.

a. Attempt to seal or some how stop leak if it can be done safely.

b. Attempt to divert flow away from catch basins with a spill barrier or the contents of the spill kit.

c. Eliminate all ignition sources in the immediate area.

W - Warn others.

a. Yell out "SPILL." Inform the person in-charge at your facility.

b. Account for all personnel and ensure their safety.

c. Notify contacts and emergency response contractor as described in the following section for assistance in control and cleanup.

I - Isolate the area.

a. Rope off the area.

M - Minimize your exposure. Stay upwind.

S - Stand by to assist the emergency response contractor, if necessary.

B. SPILL REPORTING

This section discusses the reporting procedures for spills of diesel fuel at the facility. The individuals and organizations that are notified vary based on the quantity of the spill, whether it reaches navigable waters or adjoining shorelines, and the frequency of spills.

A spill report form that requests the information to be reported to all agencies in written form (to the extent known) is included in Appendix D. Copies of the completed form should be sent to the NWS Environmental Compliance Officer and the NOAA Regional Compliance Officer.

1. General Notification Procedures for All Spills

The responsible person or designee is directly charged with reporting all oil spills that result from facility operations as follows:

- **First, call 9-1-1 (or the local emergency agency) if there is an immediate emergency**
- Next, notify the appropriate individuals within the NWS:
  - **Mike Jacob, (301) 713-1838 Ext. 165**, NWS Environmental Compliance Officer
  - **Olga Kebis, (301) 713-1838 Ext. 173,** NWS Safety Officer
  - **Terry Brisbin**, **(817) 978-2367, Ext. 139**, NWS Southern Regional Environmental/Safety Coordinator
  - **Mark George**, **(303) 497-3064**, NOAA Mountain Regional Compliance Officer

2. Federal Notifications

The Federal Clean Water Act as described in Title 40 CFR Part 110.6, requires notifying the U.S. Environmental Protection Agency's (EPA) National Response Center (or the U.S. Coast Guard [USCG]) as soon as anyone has knowledge of any discharges of oil in quantities that "may be harmful." Title 40 CFR Part 110.3 defines "may be harmful" as a discharge that:

- Violates applicable water quality standards, or
- Causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

If either of these criteria are met contact:

- The National Response Center (EPA and USCG): **(800) 424-8802**

Under the SPCC regulations, spill information listed in Title 40 CFR Part 112.4(a) must be reported to the regional EPA office within 60 days if either of the following occurs:

- A discharge of more than 1,000 gallons of oil into or upon navigable waters or adjoining shorelines in a single event, or

- Two spill events that cause visible sheens upon navigable waters or adjoining shorelines within any 12-month period.

Diesel fuel is not listed as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); therefore, no other notification to the EPA is required for discharges of diesel fuel other than those listed above.

3. State Notification

To satisfy the state reporting requirements, the location and quantity of the spill must be determined. Notification is required under the Louisiana Department of Public Safety and Corrections, Hazardous Materials Part V, Hazardous Waste and Hazardous Materials, Subpart 2, Chapter 101, Hazardous Material Information Development, Preparedness and Response Act, if:

- The spill is into the waters of the State, causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines, or

- More than 1,000 gallons of oil into or upon the navigable waters of the United States or adjoining shorelines is discharged in a single spill event.

If one or both of the above criteria are met, the Louisiana State Police Hazardous Materials Hotline shall be notified at either of the following telephone numbers:

- **(888) 925-6595**
- **(225) 925-6595**

Also, the St. Tammany Parish Office of Emergency Preparedness shall be notified at:

- **(504) 898-2323**

The Louisiana Department of Environmental Quality (LDEQ), Southeast Regional Office should be contacted at one of the following numbers, although the Louisiana State Police Hazardous Materials Hotline personnel will also be contacting the same hotline:

- **(504) 736-7701**
- **(225) 342-1234**

4. Cleanup Contractor Notification

An emergency response contractor also should be notified to assist with the clean up, if necessary. Contact information for at least 3 emergency response contractors shall be maintained in this plan. NWS has identified the following contractors that are available for emergency response:

- Riparian, Inc.: **(985) 649-3633**
- Safety Kleen: **(504) 466-5718**
- Philips Environmental Services: **(800) 567-7455**

PART IV - RECOMMENDED IMPROVEMENTS

In accordance with Title 40 CFR Section 112.7, this section presents physical upgrades or procedural changes that are not yet fully operational but are called for in the plan.

A. PHYSICAL UPGRADES

1. Tanks

Lighting upgrades in the area of the RDA generator should be installed in order to detect spills that may occur at night and to deter vandalism. This upgrade should be implemented within one year of the date of this plan.

Signage should be installed around the AST and RDA tanks to warn of the presence of a combustible liquid, that the combustible liquid is No. 2 diesel fuel, and that smoking is not permitted near the tank. A fire extinguisher shall be located in each of the adjacent generator buildings.

2. Security

Fencing should be installed around the 2,000-gallon AST to protect against accidental damage and vandalism. This upgrade should be implemented within 1 year of the date of this plan.

Guard posts should be installed in front of the 2,000-gallon AST to protect against accidental damage from potential vehicle collisions. This upgrade should be implemented within 1 year of the date of this plan.

Adequate lighting should be installed at the RDA generator building to detect spills that may occur at night and to deter vandalism. This upgrade should be completed within 1 year of the date of this plan.

B. PROCEDURAL CHANGES

1. Inspections and Preventative Maintenance

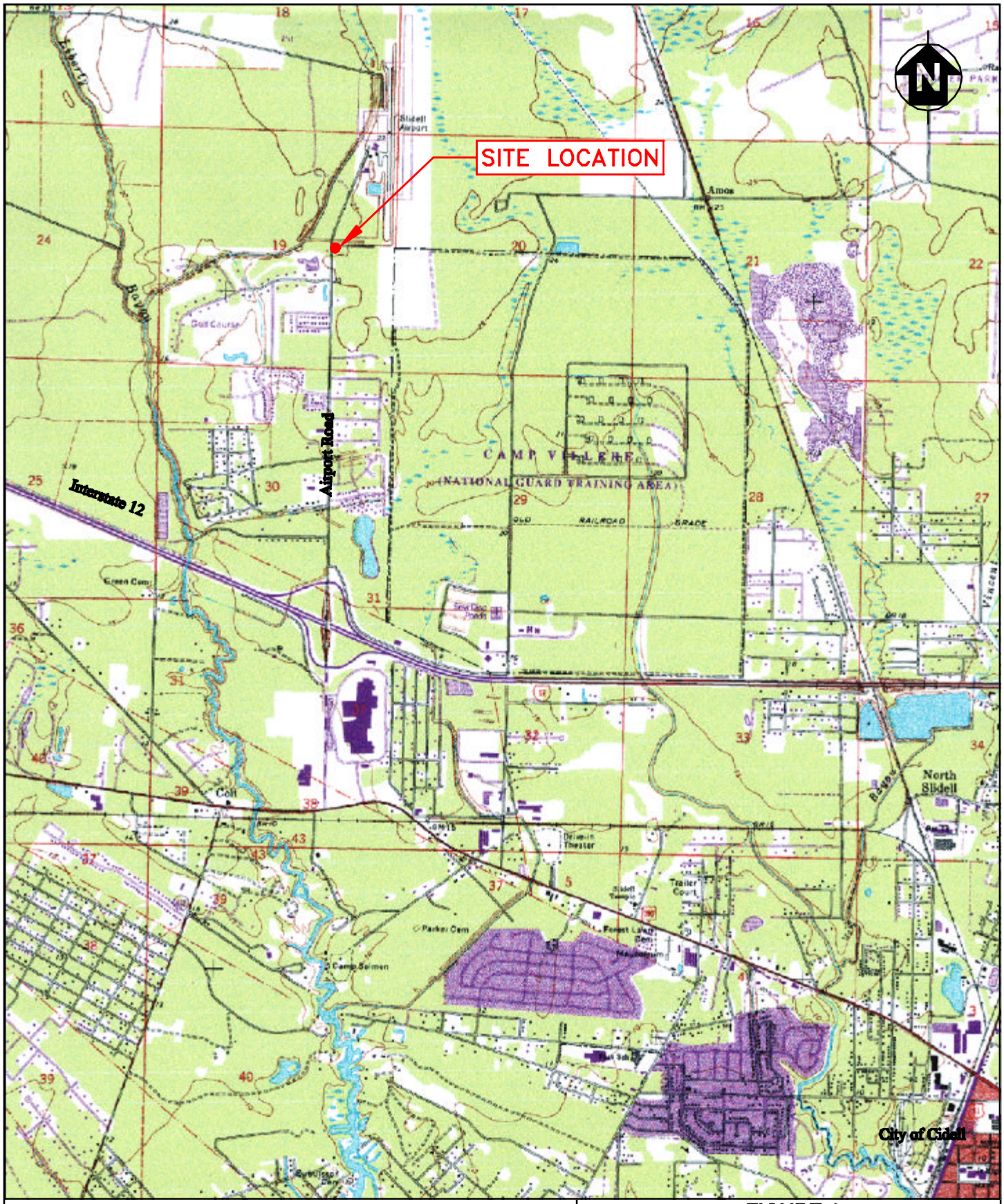
The inspection checklists found in Appendix B should be followed. This requirement is found in Title 40 CFR Part 112.7(e)(8). Visual inspections of the outside of the storage tanks and the wall of the day tank should serve to signal a potential problem with their integrity. However, if a problem is suspected with any tank, tightness testing should be initiated soon after discovery.

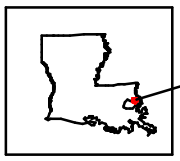
2. Training

The Environmental Focal Point (person responsible for spill prevention at the facility) and an alternate should be trained in the intent of the applicable oil spill regulations and how to implement the inspection and maintenance procedures outlined in the previous section. Spill control and countermeasures should also be included in the training. The alternate should be designated in case the primary person is off the site at the time of a spill. A recommended outline for the training is found in Appendix C.

Training should be repeated once per year. All new personnel responsible for implementing the SPCC plan should be properly trained before beginning the new position. A record of who was trained, when, and by whom, should be filed with this SPCC plan and kept for a period of 3 years. This requirement is found in Title 40 CFR 112.7(e)(10).

Spill prevention briefings for operating personnel should be conducted at frequent intervals to ensure adequate understanding of the SPCC plan and to describe spill events or failures, malfunctioning components, and recently developed precautionary measures.





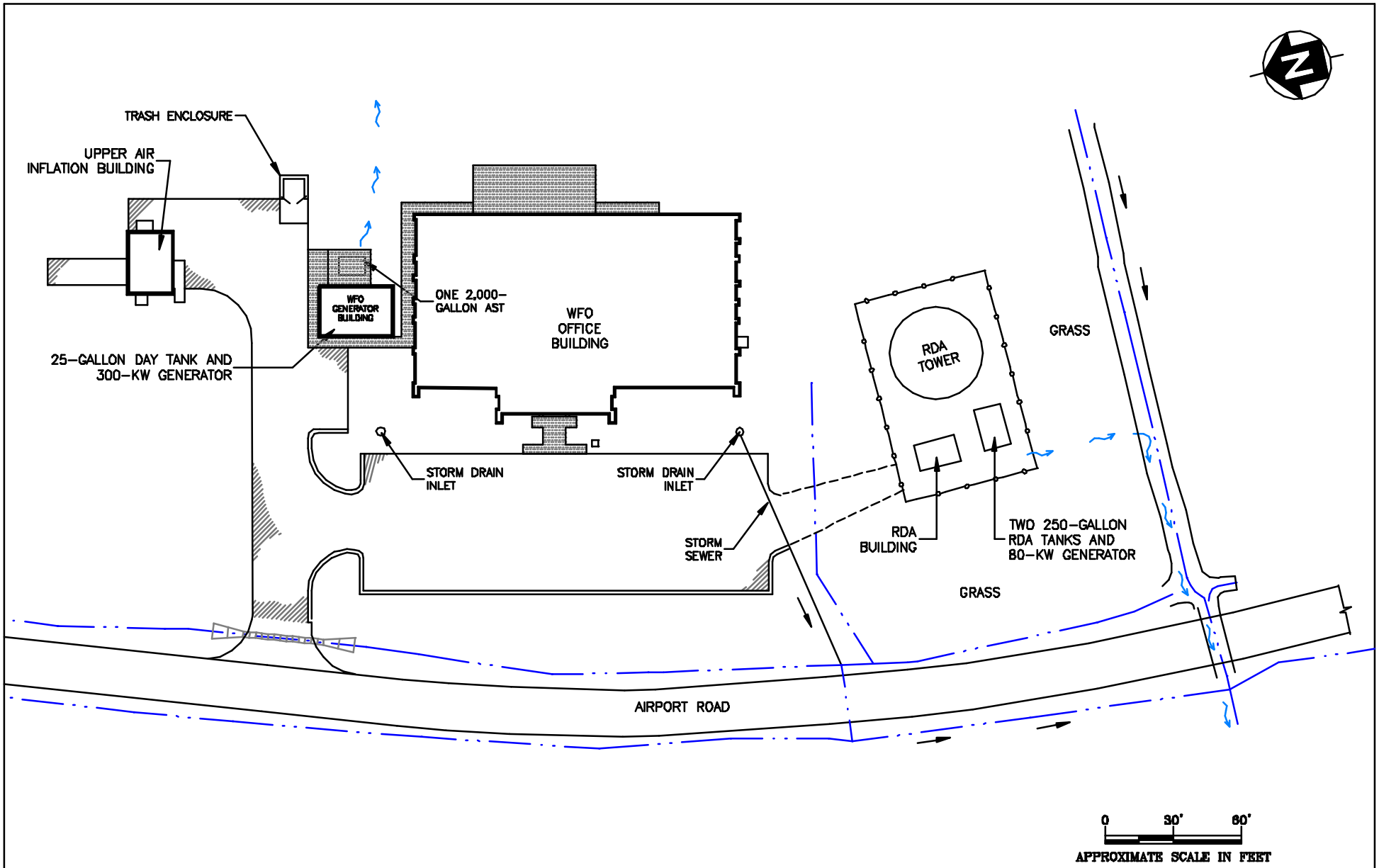
0 1500' 3000'
SCALE IN FEET

Source: Modified from USGS 7.5 Quadrangle, Slidell, LA, 1989

FIGURE 1

SITE LOCATION
NATIONAL WEATHER SERVICE
NEW ORLEANS WEATHER FORECAST OFFICE
SLIDELL, LOUISIANA

TETRA TECH EM INC.



LEGEND

- Drainage Ditch
- Chain-linked Fence
- Spillpath
- Flow Direction
- Asphalt Areas
- Sidewalk Area

Notes:
RDA Radar Data Acquisition
AST Aboveground Storage Tank
WFO Weather Forecast Office
KW Kilowatt

FIGURE 2

SITE LAYOUT
NATIONAL WEATHER SERVICE
NEW ORLEANS WEATHER FORECAST OFFICE
SLIDELL, LOUISIANA

TETRA TECH EM INC.

TABLE 1

DESCRIPTIVE INVENTORY OF FACILITY STORAGE

Tank	Nominal Capacity (Gallons)	Product Stored	Type	Double Walled?
2,000-gallon AST	2,000	No. 2 diesel fuel	AST	Yes
Day Tank	25	No. 2 diesel fuel	AST	No[1]
RDA Tank	250	No. 2 diesel fuel	AST	No[2]
RDA Tank	250	No. 2 diesel fuel	AST	No[2]
Total Capacity	**2,525**			

Notes: AST Aboveground storage tank
1 Tank is situated over a rupture basin that contains 110 percent of its volume.
2 Tanks are in a generator building designed to contain 110 percent of its volume.

TABLE 2

POTENTIAL SPILL SOURCES AND VOLUMES

Source	Event	Potential Spill Volume (gallons)	Estimated Rate (gallons per minute)	Direction of Spill Flow	Remarks
2,000-gallon AST	Overfilling or a ruptured hose during fueling	>0 to 40[a]	80[b]	East then south	None.
	Failure of fuel supply line to pump	>0 to 2,000	Variable	East then south	Can be minimized through routine inspections.
	Structural failure or vandalism	>0 to 2,000	Variable	East then south	Low probability event that both primary and secondary tank shells would fail.
	Vehicle collision	>0 to 2,000	Variable	East then south	Vehicle traffic is limited. This plan recommends installation of protective guard posts.
	Overturn or puncture during natural disaster	>0 to 2,000	Variable	East then south	Low probability event. Double-walled tank gives extra protection from rupture, but a natural disaster could cause a spill.
Generator Day Tank	Failure of the pump to shut down after filling day tank or failure of the line from pump to day tank.	>0 to 2,000	Variable	East then south	Can be minimized through routine inspections.
	Failure of fuel return line	>0	10[c]	East then south	Can be minimized through routine inspections.
	Structural failure or vandalism	>0 to 25	Variable	East then south	Low probability event can be minimized through regular inspections and maintenance.
	Vehicle collision	>0 to 25	Variable	East then south	Low probability event. Vehicle traffic is limited and traffic flow is not directly towards tanks.
	Overturn or puncture during natural disaster	>0 to 25	Variable	East then south	Low probability event.

Notes:

a Based on a maximum pumping rate of 80 gallons per minute from the fill truck and a maximum of 30 seconds to turn off the pump.

b Approximate maximum pumping rate of fill truck.

c Estimated return line flow rate.

TABLE 2

POTENTIAL SPILL SOURCES AND VOLUMES
(continued)

Source	Event	Potential Spill Volume (gallons)	Estimated Rate (gallons per minute)	Direction of Spill Flow	Remarks
250-Gallon RDA ASTs (2 each)	Overfilling or a ruptured hose during fueling	>0 to 40[a]	80[b]	West then south	None.
	Failure of fuel supply line to pump	>0 to 500	Variable depending on size of hole	West then south	Can be minimized through routine inspections.
	Structural failure or vandalism	>0 to 500	Variable depending on size of hole	West then south	Low probability event that storage shed would fail.
	Overturn or puncture during natural disaster	>0 to 500	Variable depending on size of hole	West then south	Low probability event.

Notes:

a Based on a maximum pumping rate of 80 gallons per minute from the fill truck and a maximum of 30 seconds to turn off the pump.

b Approximate maximum pumping rate of fill truck.

APPENDIX A

TANK ULLAGE/FUELING LOG AND FUEL UNLOADING PROCEDURE CHECKLIST (2 Pages)

APPENDIX A-1

TANK ULLAGE AND FUELING LOG

Tank Capacity _____ gallons

Date	Initials	Gauge Reading	Initial Volume of Fuel in Tank[a] (Gallons)	Available Capacity or Ullage[b] (Gallons)	Quantity Added (Gallons)	Comments

Notes:

a From gauge reading

b Available capacity = tank capacity - initial volume of fuel in tank

APPENDIX A-2

FUEL UNLOADING PROCEDURE CHECKLIST

Date:_____ **Tank:**_____

NWS Representative:_____ **Supplier:**_____

√	ITEM	DESCRIPTION	COMMENT
The following six items must be completed prior to fuel unloading:			
	1	Move spill containment equipment, such as booms or spill barriers, into the unloading area.	
	2	Ensure the audible high-level alarm system and automatic shutoff valve are functioning properly.	
	3	Determine the available capacity (ullage) of the tank by converting the reading on the fuel gauge to gallons (see Appendix A, Page A-1 in SPCC plan). This ullage should then be marked in the fueling log communicated to the tank truck-unloading contractor.	
	4	Block the wheels of the tank truck.	
	5	Place drip pans under all pump hose fittings (if applicable) after the hose is hooked up to the tank and prior to unloading.	
	6	Ensure the fill nozzle is placed in th appropriate tank appurtenance. In this case, the fill nozzle is placed in the fill pipe connected to the spill container.	
During unloading			
	7	Ensure that the NWS representative and the tank truck operator remain with the vehicle at all times during unloading.	
	8	Monitor the gauges on the tank and the truck continuously to ensure the ullage is not exceeded. If the audible high-level alarm sounds, the unloading of fuel is stopped as soon as possible.	
After fuel unloading is completed			
	9	Record the amount of fuel unloaded in the log (Appendix A, Page A-1).	
	10	Prior to removing the fill hose from the tank, ensure that it is drained and that all drain valves are closed (if applicable).	
	11	Any fuel in the drip pans or spill container on the fill pipe should be poured into the tank (if it has the capacity) or disposed of appropriately (describe how it was disposed of, if applicable).	
	12	Inspect the tank truck prior to removing the blocks to ensure the lines have been disconnected from the tank.	
	13	Remove the blocks from the tank truck wheels.	
	14	Return the catch basin outlet valve in the adjacent parking lot to the "open" position.	
	15	Place a copy of this fuel-unloading checklist in the SPCC plan.	

APPENDIX B

INSPECTION CHECKLISTS
(3 Pages)

APPENDIX B

INSPECTION FORMS

MONTHLY INSPECTION CHECKLIST (Page 1 of 2)				
Date of Inspection:	Tank Name or No.:			
Date of Last Inspection:	Inspected by:			
	Signature:			
A.	**TANKS**	**YES**	**NO**	**NOTES**
1.	Are there any oil stains on the outside of the tank, including the underside?			
2.	Is there any oil on the ground, concrete, or asphalt around the tank?			
3.	Are there any visible cracks or indications of corrosion on the tank, at fittings, joints, or seals (such as paint peeling or rust spots)?			
4.	Are there any raised spots, dents, or cracks on the tank?			
5.	Does it appear that the foundation has shifted or settled?			
6.	Is the fuel gauge working properly?			
7.	Are all vents clear so they may properly operate?			
8.	If rainwater is present in secondary containment area, does sufficient volume remain for spill control (if applicable)?			

MONTHLY INSPECTION CHECKLIST (Page 2 of 2)				
Date of Inspection:	Tank Name or No.:			
Date of Last Inspection:	Inspected by:			
	Signature:			
B.	**PIPING**	**YES**	**NO**	**NOTES**
1.	Is there any oil on the outside of or under any aboveground piping, hoses, fittings, or valves?			
2.	Are aboveground piping, hoses, fittings, or valves in good working condition?			
C.	**SECURITY/SAFETY/SPILL COUNTERMEASURES**			
1.	Are lights working properly to detect a spill at night?			
2.	Are all locks in the "lock" position?			
3.	Are all warning signs properly posted and readable?			
4.	Are vehicle guard posts in place and properly secured (if applicable)?			
5.	Are spill kits easily accessible, protected from the weather, and complete?			
Corrective Actions Required:				

ANNUAL INSPECTION CHECKLIST (Page 1 of 1)				
Date of Inspection:	**Tank Name or No.:**			
Date of Last Inspection:	**Inspected by:**			
	Signature:			
A.	**MONTHLY CHECKLIST**	**YES**	**NO**	**NOTES**
1.	Have monthly inspection checklists been completed?			
B.	**TANKS**			
1.	Are all alarms and automatic shutoff devices working properly?			
2.	Is interstitial monitor functioning properly (if applicable)?			
C.	**OTHER**			
1.				
Corrective Actions Required:				

APPENDIX C

TRAINING OUTLINE AND COPY OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS PART 112.1-112.20-OIL POLLUTION PREVENTION
(29 Pages)

APPENDIX C

OUTLINE FOR SPILL PREVENTION, CONTROL, AND COUNTERMEASURES TRAINING

Training will be provided for facility personnel at the following times:

- System startup or whenever new equipment is installed
- Within the first week of employment for new personnel
- Annually

The training will include complete instruction in the elements of the facility's Spill Prevention, Control, and Countermeasures plan and will include the following:

A. Pollution Control Laws, Rules, and Regulations Including a Summary of Title 40 of the Code of Federal Regulations Part 112, "Oil Pollution Prevention" (see Attachment)

B. Fuel Storage

1. Purpose and application of the following system elements:

   a. Tanks
   b. Piping
   c. Pumps
   d. Accessory equipment
   e. Electronic monitors

2. Operation, maintenance, and inspection of system elements

C. Spill Prevention

1. Potential spill sources
2. Spill flow direction and impact on navigable waters
3. Procedures to prevent spills, especially during fuel unloading

D. Spill Control

1. Secondary containment
2. Safety valves
3. Pump and equipment shutoff switches
4. Use of catch basin inlet covers or other diversionary devices

E. Spill Countermeasures

1. Location and use of emergency phone numbers
2. Location and use of fire extinguishers
3. Location and use of spill cleanup kit
4. Stopping the leak

ATTACHMENT

TITLE 40 OF THE CODE OF FEDERAL REGULATIONS PARTS 112.1 THROUGH 112.20 - OIL POLLUTION PREVENTION

THIS DATA CURRENT AS OF THE FEDERAL REGISTER DATED DECEMBER 5, 2001

40 CFR
Protection of Environment
CHAPTER I
ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

Subchapter D -- Water Programs

PART 112 -- OIL POLLUTION PREVENTION

Sec.

112.1 General applicability.
112.2 Definitions.
112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.
112.4 Amendment of SPCC Plans by Regional Administrator.
112.5 Amendment of Spill Prevention Control and Countermeasure Plans by owners or operators.
112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.
112.20 Facility response plans.
112.21 Facility response training and drills/exercises.

Appendix A to Part 112 -- Memorandum of Understanding Between the Secretary of Transportation and the Administrator of the Environmental Protection Agency
Appendix B to Part 112 -- Memorandum of Understanding Among the Secretary of the Interior, Secretary of Transportation, and Administrator of the Environmental Protection Agency
Appendix C to Part 112 -- Substantial Harm Criteria
Appendix D to Part 112 -- Determination of a Worst Case Discharge Planning Volume
Appendix E to Part 112 -- Determination and Evaluation of Required Response Resources for Facility Response Plans
Appendix F to Part 112 -- Facility-Specific Response Plan

Authority: 33 U.S.C. 1251 *et seq.*; 33 U.S.C. 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351.

Source: 38 FR 34165, Dec. 11, 1973, unless otherwise noted.

Editorial Note: Nomenclature changes to part 112 appear at 65 FR 40798, June 30, 2000.

§112.1 General applicability.

(a) This part establishes procedures, methods and equipment and other requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines.

(b) Except as provided in paragraph (d) of this section, this part applies to owners or operators of non-transportation-related onshore and offshore facilities engaged in drilling,

producing, gathering, storing, processing, refining, transferring, distributing or consuming oil and oil products, and which, due to their location, could reasonably be expected to discharge oil in harmful quantities, as defined in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines.
(c) As provided in section 313 (86 Stat. 875) departments, agencies, and instrumentalities of the Federal government are subject to these regulations to the same extent as any person, except for the provisions of §112.6.
(d) This part does not apply to:
(1) Facilities, equipment or operations which are not subject to the jurisdiction of the Environmental Protection Agency, as follows:
(i) Onshore and offshore facilities, which, due to their location, could not reasonably be expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines. This determination shall be based solely upon a consideration of the geographical, locational aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, drainage, etc.) and shall exclude consideration of manmade features such as dikes, equipment or other structures which may serve to restrain, hinder, contain, or otherwise prevent a discharge of oil from reaching navigable waters of the United States or adjoining shorelines; and
(ii) Equipment or operations of vessels or transportation-related onshore and offshore facilities which are subject to authority and control of the Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 36 FR 24000.
(2) Those facilities which, although otherwise subject to the jurisdiction of the Environmental Protection Agency, meet both of the following requirements:
(i) The underground buried storage capacity of the facility is 42,000 gallons or less of oil, and
(ii) The storage capacity, which is not buried, of the facility is 1,320 gallons or less of oil, provided no single container has a capacity in excess of 660 gallons.
(e) This part provides for the preparation and implementation of Spill Prevention Control and Countermeasure Plans prepared in accordance with §112.7, designed to complement existing laws, regulations, rules, standards, policies and procedures pertaining to safety standards, fire prevention and pollution prevention rules, so as to form a comprehensive balanced Federal/State spill prevention program to minimize the potential for oil discharges. Compliance with this part does not in any way relieve the owner or operator of an onshore or an offshore facility from compliance with other Federal, State or local laws.
[38 FR 34165, Dec. 11, 1973, as amended at 41 FR 12657, Mar. 26, 1976]

§112.2 Definitions.
For the purposes of this part:
Adverse weather means the weather conditions that make it difficult for response equipment and personnel to cleanup or remove spilled oil, and that will be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in

Appendix E to this part, as appropriate, ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment are intended to function.

Animal fat means a non-petroleum oil, fat, or grease of animal, fish, or marine mammal origin.

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the Clean Water Act.

Contract or other approved means: (1) A written contractual agreement with an oil spill removal organization(s) that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or

(3) Active membership in a local or regional oil spill removal organization(s) that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times in the specified geographic areas; and/or

(4) Other specific arrangements approved by the Regional Administrator upon request of the owner or operator.

Discharge includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping. For purposes of this part, the term *discharge* shall not include any discharge of oil which is authorized by a permit issued pursuant to section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or sections 402 or 405 of the FWPCA Amendments of 1972 (86 Stat. 816 *et seq.*, 33 U.S.C. 1251 *et seq.*).

Fish and wildlife and sensitive environments means areas that may be identified by either their legal designation or by evaluations of Area Committees (for planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered/threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archeological sites and parks. These areas may also include unique habitats such as: aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Injury means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil, or exposure to a product of reactions resulting from a discharge of oil.

Maximum extent practicable means the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non- transportation-related facilities in adverse weather. It considers the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in §112.20 or in a specific plan approved by the Regional Administrator.

The term *navigable waters* of the United States means *navigable waters* as defined in section 502(7) of the FWPCA, and includes:
(1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters;
(2) Interstate waters;
(3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and
(4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.
Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.
Non-petroleum oil means oil of any kind that is not petroleum-based, including but not limited to: Fats, oils, and greases of animal, fish, or marine mammal origin; and vegetable oils, including oils from seeds, nuts, fruits, and kernels.
Offshore facility means any facility of any kind located in, on, or under any of the navigable waters of the United States, which is not a transportation-related facility.
Oil means oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.
Oil Spill Removal Organization means an entity that provides oil spill response resources, and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.
Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands, which is not a transportation-related facility.
Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment.
Person includes an individual, firm, corporation, association, and a partnership.
Petroleum oil means petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.
Regional Administrator, means the Regional Administrator of the Environmental Protection Agency, or his designee, in and for the Region in which the facility is located.
Spill event means a discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities, as defined at 40 CFR part 110.
Transportation-related and *non-transportation-related* as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 36 FR 24080.
United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Vegetable oil means a non-petroleum oil or fat of vegetable origin, including but not limited to oils and fats derived from plant seeds, nuts, fruits, and kernels.
Vessel means every description of watercraft or other artificial contrivance used, or capable of being used as a means of transportation on water, other than a public vessel.
Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in Appendix D to this part.
[38 FR 34165, Dec. 11, 1973, as amended at 58 FR 45039, Aug. 25, 1993; 59 FR 34097, July 1, 1994; 65 FR 40798, June 30, 2000]

§112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.

(a) Owners or operators of onshore and offshore facilities in operation on or before the effective date of this part that have discharged or, due to their location, could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare a Spill Prevention Control and Countermeasure Plan (hereinafter "SPCC Plan"), in writing and in accordance with §112.7. Except as provided for in paragraph (f) of this section, such SPCC Plan shall be prepared within six months after the effective date of this part and shall be fully implemented as soon as possible, but not later than one year after the effective date of this part.
(b) Owners or operators of onshore and offshore facilities that become operational after the effective date of this part, and that have discharged or could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare an SPCC Plan in accordance with §112.7. Except as provided for in paragraph (f) of this section, such SPCC Plan shall be prepared within six months after the date such facility begins operations and shall be fully implemented as soon as possible, but not later than one year after such facility begins operations.
(c) Owners or operators of onshore and offshore mobile or portable facilities, such as onshore drilling or workover rigs, barge mounted offshore drilling or workover rigs, and portable fueling facilities shall prepare and implement an SPCC Plan as required by paragraphs (a), (b) and (d) of this section. The owners or operators of such facility need not prepare a new SPCC Plan each time the facility is moved to a new site. The SPCC Plan may be a general plan, prepared in accordance with §112.7, using good engineering practice. When the mobile or portable facility is moved, it must be located and installed using the spill prevention practices outlined in the SPCC Plan for the facility. No mobile or portable facility subject to this regulation shall operate unless the SPCC Plan has been implemented. The SPCC Plan shall only apply while the facility is in a fixed (non-transportation) operating mode.
(d) No SPCC Plan shall be effective to satisfy the requirements of this part unless it has been reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. By means of this certification the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the SPCC Plan has been prepared in accordance with good engineering practices. Such certification shall

in no way relieve the owner or operator of an onshore or offshore facility of his duty to prepare and fully implement such Plan in accordance with §112.7, as required by paragraphs (a), (b) and (c) of this section.
(e) Owners or operators of a facility for which an SPCC Plan is required pursuant to paragraph (a), (b) or (c) of this section shall maintain a complete copy of the Plan at such facility if the facility is normally attended at least 8 hours per day, or at the nearest field office if the facility is not so attended, and shall make such Plan available to the Regional Administrator for on-site review during normal working hours.
(f) *Extensions of time.* (1) The Regional Administrator may authorize an extension of time for the preparation and full implementation of an SPCC Plan beyond the time permitted for the preparation and implementation of an SPCC Plan pursuant to paragraph (a), (b) or (c) of this section where he finds that the owner or operator of a facility subject to paragraphs (a), (b) or (c) of this section cannot fully comply with the requirements of this part as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or their respective agents or employees.
(2) Any owner or operator seeking an extension of time pursuant to paragraph (f)(1) of this section may submit a letter of request to the Regional Administrator. Such letter shall include:
(i) A complete copy of the SPCC Plan, if completed;
(ii) A full explanation of the cause for any such delay and the specific aspects of the SPCC Plan affected by the delay;
(iii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay;
(iv) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment or other preventive measures.
In addition, such owner or operator may present additional oral or written statements in support of his letter of request.
(3) The submission of a letter of request for extension of time pursuant to paragraph (f)(2) of this section shall in no way relieve the owner or operator from his obligation to comply with the requirements of §112.3 (a), (b) or (c). Where an extension of time is authorized by the Regional Administrator for particular equipment or other specific aspects of the SPCC Plan, such extension shall in no way affect the owner's or operator's obligation to comply with the requirements of §112.3 (a), (b) or (c) with respect to other equipment or other specific aspects of the SPCC Plan for which an extension of time has not been expressly authorized.
[38 FR 34165, Dec. 11, 1973, as amended at 41 FR 12657, Mar. 26, 1976]

§112.4 Amendment of SPCC Plans by Regional Administrator.
(a) Notwithstanding compliance with §112.3, whenever a facility subject to §112.3 (a), (b) or (c) has: Discharged more than 1,000 U.S. gallons of oil into or upon the navigable waters of the United States or adjoining shorelines in a single spill event, or discharged oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines in two spill events, reportable under

section 311(b)(5) of the FWPCA, occurring within any twelve month period, the owner or operator of such facility shall submit to the Regional Administrator, within 60 days from the time such facility becomes subject to this section, the following:
(1) Name of the facility;
(2) Name(s) of the owner or operator of the facility;
(3) Location of the facility;
(4) Date and year of initial facility operation;
(5) Maximum storage or handling capacity of the facility and normal daily throughput;
(6) Description of the facility, including maps, flow diagrams, and topographical maps;
(7) A complete copy of the SPCC Plan with any amendments;
(8) The cause(s) of such spill, including a failure analysis of system or subsystem in which the failure occurred;
(9) The corrective actions and/or countermeasures taken, including an adequate description of equipment repairs and/or replacements;
(10) Additional preventive measures taken or contemplated to minimize the possibility of recurrence;
(11) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or spill event.
(b) Section 112.4 shall not apply until the expiration of the time permitted for the preparation and implementation of an SPCC Plan pursuant to §112.3 (a), (b), (c) and (f).
(c) A complete copy of all information provided to the Regional Administrator pursuant to paragraph (a) of this section shall be sent at the same time to the State agency in charge of water pollution control activities in and for the State in which the facility is located. Upon receipt of such information such State agency may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment and other requirements for equipment necessary to prevent and to contain discharges of oil from such facility.
(d) After review of the SPCC Plan for a facility subject to paragraph (a) of this section, together with all other information submitted by the owner or operator of such facility, and by the State agency under paragraph (c) of this section, the Regional Administrator may require the owner or operator of such facility to amend the SPCC Plan if he finds that the Plan does not meet the requirements of this part or that the amendment of the Plan is necessary to prevent and to contain discharges of oil from such facility.
(e) When the Regional Administrator proposes to require an amendment to the SPCC Plan, he shall notify the facility operator by certified mail addressed to, or by personal delivery to, the facility owner or operator, that he proposes to require an amendment to the Plan, and shall specify the terms of such amendment. If the facility owner or operator is a corporation, a copy of such notice shall also be mailed to the registered agent, if any, of such corporation in the State where such facility is located. Within 30 days from receipt of such notice, the facility owner or operator may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Regional Administrator shall notify the facility owner or operator of any amendment required or shall rescind the notice. The amendment required by the Regional Administrator shall become part of the Plan 30 days after such notice, unless the Regional Administrator, for good cause, shall specify another effective date. The owner or operator of the facility shall implement the amendment of the Plan as soon as possible,

but not later than six months after the amendment becomes part of the Plan, unless the Regional Administrator specifies another date.
(f) An owner or operator may appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan. The appeal shall be made to the Administrator of the United States Environmental Protection Agency and must be made in writing within 30 days of receipt of the notice from the Regional Administrator requiring the amendment. A complete copy of the appeal must be sent to the Regional Administrator at the time the appeal is made. The appeal shall contain a clear and concise statement of the issues and points of fact in the case. It may also contain additional information from the owner or operator, or from any other person. The Administrator or his designee may request additional information from the owner or operator, or from any other person. The Administrator or his designee shall render a decision within 60 days of receiving the appeal and shall notify the owner or operator of his decision.
[38 FR 34165, Dec. 11, 1973, as amended at 41 FR 12658, Mar. 26, 1976]

§112.5 Amendment of Spill Prevention Control and Countermeasure Plans by owners or operators.
(a) Owners or operators of facilities subject to §112.3 (a), (b) or (c) shall amend the SPCC Plan for such facility in accordance with §112.7 whenever there is a change in facility design, construction, operation or maintenance which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shore lines. Such amendments shall be fully implemented as soon as possible, but not later than six months after such change occurs.
(b) Notwithstanding compliance with paragraph (a) of this section, owners and operators of facilities subject to §112.3 (a), (b) or (c) shall complete a review and evaluation of the SPCC Plan at least once every three years from the date such facility becomes subject to this part. As a result of this review and evaluation, the owner or operator shall amend the SPCC Plan within six months of the review to include more effective prevention and control technology if: (1) Such technology will significantly reduce the likelihood of a spill event from the facility, and (2) if such technology has been field-proven at the time of the review.
(c) No amendment to an SPCC Plan shall be effective to satisfy the requirements of this section unless it has been certified by a Professional Engineer in accordance with §112.3(d).

§112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.
The SPCC Plan shall be a carefully thought-out plan, prepared in accordance with good engineering practices, and which has the full approval of management at a level with authority to commit the necessary resources. If the plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, these items should be discussed in separate paragraphs, and the details of installation and operational start-up should be explained separately. The complete SPCC Plan shall follow the sequence

outlined below, and include a discussion of the facility's conformance with the appropriate guidelines listed:
(a) A facility which has experienced one or more spill events within twelve months prior to the effective date of this part should include a written description of each such spill, corrective action taken and plans for preventing recurrence.
(b) Where experience indicates a reasonable potential for equipment failure (such as tank overflow, rupture, or leakage), the plan should include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each major type of failure.
(c) Appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water course should be provided. One of the following preventive systems or its equivalent should be used as a minimum:
(1) Onshore facilities:
(i) Dikes, berms or retaining walls sufficiently impervious to contain spilled oil;
(ii) Curbing;
(iii) Culverting, gutters or other drainage systems;
(iv) Weirs, booms or other barriers;
(v) Spill diversion ponds;
(vi) Retention ponds;
(vii) Sorbent materials.
(2) Offshore facilities:
(i) Curbing, drip pans;
(ii) Sumps and collection systems.
(d) When it is determined that the installation of structures or equipment listed in §112.7(c) to prevent discharged oil from reaching the navigable waters is not practicable from any onshore or offshore facility, the owner or operator should clearly demonstrate such impracticability and provide the following:
(1) A strong oil spill contingency plan following the provision of 40 CFR part 109.
(2) A written commitment of manpower, equipment and materials required to expeditiously control and remove any harmful quantity of oil discharged.
(e) In addition to the minimal prevention standards listed under §112.7(c), sections of the Plan should include a complete discussion of conformance with the following applicable guidelines, other effective spill prevention and containment procedures (or, if more stringent, with State rules, regulations and guidelines):
(1) *Facility drainage* (*onshore*)*;* (*excluding production facilities*). (i) Drainage from diked storage areas should be restrained by valves or other positive means to prevent a spill or other excessive leakage of oil into the drainage system or inplant effluent treatment system, except where plan systems are designed to handle such leakage. Diked areas may be emptied by pumps or ejectors; however, these should be manually activated and the condition of the accumulation should be examined before starting to be sure no oil will be discharged into the water.
(ii) Flapper-type drain valves should not be used to drain diked areas. Valves used for the drainage of diked areas should, as far as practical, be of manual, open-and-closed design. When plant drainage drains directly into water courses and not into wastewater treatment plants, retained storm water should be inspected as provided in paragraphs (e)(2)(iii) (B), (C) and (D) of this section before drainage.

(iii) Plant drainage systems from undiked areas should, if possible, flow into ponds, lagoons or catchment basins, designed to retain oil or return it to the facility. Catchment basins should not be located in areas subject to periodic flooding.
(iv) If plant drainage is not engineered as above, the final discharge of all in-plant ditches should be equipped with a diversion system that could, in the event of an uncontrolled spill, return the oil to the plant.
(v) Where drainage waters are treated in more than one treatment unit, natural hydraulic flow should be used. If pump transfer is needed, two "lift" pumps should be provided, and at least one of the pumps should be permanently installed when such treatment is continuous. In any event, whatever techniques are used facility drainage systems should be adequately engineered to prevent oil from reaching navigable waters in the event of equipment failure or human error at the facility.
(2) *Bulk storage tanks* (*onshore*)*;* (*excluding production facilities*). (i) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.
(ii) All bulk storage tank installations should be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spilled oil. Dikes, containment curbs, and pits are commonly employed for this purpose, but they may not always be appropriate. An alternative system could consist of a complete drainage trench enclosure arranged so that a spill could terminate and be safely confined in an in-plant catchment basin or holding pond.
(iii) Drainage of rainwater from the diked area into a storm drain or an effluent discharge that empties into an open water course, lake, or pond, and bypassing the in-plant treatment system may be acceptable if:
(A) The bypass valve is normally sealed closed.
(B) Inspection of the run-off rain water ensures compliance with applicable water quality standards and will not cause a harmful discharge as defined in 40 CFR part 110.
(C) The bypass valve is opened, and resealed following drainage under responsible supervision.
(D) Adequate records are kept of such events.
(iv) Buried metallic storage tanks represent a potential for undetected spills. A new buried installation should be protected from corrosion by coatings, cathodic protection or other effective methods compatible with local soil conditions. Such buried tanks should at least be subjected to regular pressure testing.
(v) Partially buried metallic tanks for the storage of oil should be avoided, unless the buried section of the shell is adequately coated, since partial burial in damp earth can cause rapid corrosion of metallic surfaces, especially at the earth/air interface.
(vi) Aboveground tanks should be subject to periodic integrity testing, taking into account tank design (floating roof, etc.) and using such techniques as hydrostatic testing, visual inspection or a system of non-destructive shell thickness testing. Comparison records should be kept where appropriate, and tank supports and foundations should be included in these inspections. In addition, the outside of the tank should frequently be observed by operating personnel for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked areas.

(vii) To control leakage through defective internal heating coils, the following factors should be considered and applied, as appropriate.
(A) The steam return or exhaust lines from internal heating coils which discharge into an open water course should be monitored for contamination, or passed through a settling tank, skimmer, or other separation or retention system.
(B) The feasibility of installing an external heating system should also be considered.
(viii) New and old tank installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to avoid spills. Consideration should be given to providing one or more of the following devices:
(A) High liquid level alarms with an audible or visual signal at a constantly manned operation or surveillance station; in smaller plants an audible air vent may suffice.
(B) Considering size and complexity of the facility, high liquid level pump cutoff devices set to stop flow at a predetermined tank content level.
(C) Direct audible or code signal communication between the tank gauger and the pumping station.
(D) A fast response system for determining the liquid level of each bulk storage tank such as digital computers, telepulse, or direct vision gauges or their equivalent.
(E) Liquid level sensing devices should be regularly tested to insure proper operation.
(ix) Plant effluents which are discharged into navigable waters should have disposal facilities observed frequently enough to detect possible system upsets that could cause an oil spill event.
(x) Visible oil leaks which result in a loss of oil from tank seams, gaskets, rivets and bolts sufficiently large to cause the accumulation of oil in diked areas should be promptly corrected.
(xi) Mobile or portable oil storage tanks (onshore) should be positioned or located so as to prevent spilled oil from reaching navigable waters. A secondary means of containment, such as dikes or catchment basins, should be furnished for the largest single compartment or tank. These facilities should be located where they will not be subject to periodic flooding or washout.
(3) *Facility transfer operations, pumping, and in-plant process* (*onshore*)*;* (*excluding production facilities*). (i) Buried piping installations should have a protective wrapping and coating and should be cathodically protected if soil conditions warrant. If a section of buried line is exposed for any reason, it should be carefully examined for deterioration. If corrosion damage is found, additional examination and corrective action should be taken as indicated by the magnitude of the damage. An alternative would be the more frequent use of exposed pipe corridors or galleries.
(ii) When a pipeline is not in service, or in standby service for an extended time the terminal connection at the transfer point should be capped or blank-flanged, and marked as to origin.
(iii) Pipe supports should be properly designed to minimize abrasion and corrosion and allow for expansion and contraction.
(iv) All aboveground valves and pipelines should be subjected to regular examinations by operating personnel at which time the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces should be assessed. In addition, periodic pressure testing may

be warranted for piping in areas where facility drainage is such that a failure might lead to a spill event.
(v) Vehicular traffic granted entry into the facility should be warned verbally or by appropriate signs to be sure that the vehicle, because of its size, will not endanger above ground piping.
(4) *Facility tank car and tank truck loading/unloading rack* (*onshore*). (i) Tank car and tank truck loading/unloading procedures should meet the minimum requirements and regulation established by the Department of Transportation.
(ii) Where rack area drainage does not flow into a catchment basin or treatment facility designed to handle spills, a quick drainage system should be used for tank truck loading and unloading areas. The containment system should be designed to hold at least maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded in the plant.
(iii) An interlocked warning light or physical barrier system, or warning signs, should be provided in loading/unloading areas to prevent vehicular departure before complete disconnect of flexible or fixed transfer lines.
(iv) Prior to filling and departure of any tank car or tank truck, the lowermost drain and all outlets of such vehicles should be closely examined for leakage, and if necessary, tightened, adjusted, or replaced to prevent liquid leakage while in transit.
(5) *Oil production facilities* (*onshore*) -- (i) *Definition.* An onshore production facility may include all wells, flowlines, separation equipment, storage facilities, gathering lines, and auxiliary non-transportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.
(ii) *Oil production facility* (*onshore*) *drainage.* (A) At tank batteries and central treating stations where an accidental discharge of oil would have a reasonable possibility of reaching navigable waters, the dikes or equivalent required under §112.7(c)(1) should have drains closed and sealed at all times except when rainwater is being drained. Prior to drainage, the diked area should be inspected as provided in paragraphs (e)(2)(iii) (B), (C), and (D) of this section. Accumulated oil on the rainwater should be picked up and returned to storage or disposed of in accordance with approved methods.
(B) Field drainage ditches, road ditches, and oil traps, sumps or skimmers, if such exist, should be inspected at regularly scheduled intervals for accumulation of oil that may have escaped from small leaks. Any such accumulations should be removed.
(iii) *Oil production facility* (*onshore*) *bulk storage tanks.* (A) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.
(B) All tank battery and central treating plant installations should be provided with a secondary means of containment for the entire contents of the largest single tank if feasible, or alternate systems such as those outlined in §112.7(c)(1). Drainage from undiked areas should be safely confined in a catchment basin or holding pond.
(C) All tanks containing oil should be visually examined by a competent person for condition and need for maintenance on a scheduled periodic basis. Such examination should include the foundation and supports of tanks that are above the surface of the ground.

(D) New and old tank battery installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to prevent spills. Consideration should be given to one or more of the following:
(*1*) Adequate tank capacity to assure that a tank will not overfill should a pumper/gauger be delayed in making his regular rounds.
(*2*) Overflow equalizing lines between tanks so that a full tank can overflow to an adjacent tank.
(*3*) Adequate vacuum protection to prevent tank collapse during a pipeline run.
(*4*) High level sensors to generate and transmit an alarm signal to the computer where facilities are a part of a computer production control system.
(iv) *Facility transfer operations, oil production facility* (*onshore*). (A) All above ground valves and pipelines should be examined periodically on a scheduled basis for general condition of items such as flange joints, valve glands and bodies, drip pans, pipeline supports, pumping well polish rod stuffing boxes, bleeder and gauge valves.
(B) Salt water (oil field brine) disposal facilities should be examined often, particularly following a sudden change in atmospheric temperature to detect possible system upsets that could cause an oil discharge.
(C) Production facilities should have a program of flowline maintenance to prevent spills from this source. The program should include periodic examinations, corrosion protection, flowline replacement, and adequate records, as appropriate, for the individual facility.
(6) *Oil drilling and workover facilities* (*onshore*). (i) Mobile drilling or workover equipment should be positioned or located so as to prevent spilled oil from reaching navigable waters.
(ii) Depending on the location, catchment basins or diversion structures may be necessary to intercept and contain spills of fuel, crude oil, or oily drilling fluids.
(iii) Before drilling below any casing string or during workover operations, a blowout prevention (BOP) assembly and well control system should be installed that is capable of controlling any well head pressure that is expected to be encountered while that BOP assembly is on the well. Casing and BOP installations should be in accordance with State regulatory agency requirements.
(7) *Oil drilling, production, or workover facilities* (*offshore*). (i) Definition: "An oil drilling, production or workover facility (offshore)" may include all drilling or workover equipment, wells, flowlines, gathering lines, platforms, and auxiliary nontransportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.
(ii) Oil drainage collection equipment should be used to prevent and control small oil spillage around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and allied equipment. Drains on the facility should be controlled and directed toward a central collection sump or equivalent collection system sufficient to prevent discharges of oil into the navigable waters of the United States. Where drains and sumps are not practicable oil contained in collection equipment should be removed as often as necessary to prevent overflow.
(iii) For facilities employing a sump system, sump and drains should be adequately sized and a spare pump or equivalent method should be available to remove liquid from the sump and assure that oil does not escape. A regular scheduled preventive maintenance

inspection and testing program should be employed to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.
(iv) In areas where separators and treaters are equipped with dump valves whose predominant mode of failure is in the closed position and pollution risk is high, the facility should be specially equipped to prevent the escape of oil. This could be accomplished by extending the flare line to a diked area if the separator is near shore, equipping it with a high liquid level sensor that will automatically shut-in wells producing to the separator, parallel redundant dump valves, or other feasible alternatives to prevent oil discharges.
(v) Atmospheric storage or surge tanks should be equipped with high liquid level sensing devices or other acceptable alternatives to prevent oil discharges.
(vi) Pressure tanks should be equipped with high and low pressure sensing devices to activate an alarm and/or control the flow or other acceptable alternatives to prevent oil discharges.
(vii) Tanks should be equipped with suitable corrosion protection.
(viii) A written procedure for inspecting and testing pollution prevention equipment and systems should be prepared and maintained at the facility. Such procedures should be included as part of the SPCC Plan.
(ix) Testing and inspection of the pollution prevention equipment and systems at the facility should be conducted by the owner or operator on a scheduled periodic basis commensurate with the complexity, conditions and circumstances of the facility or other appropriate regulations.
(x) Surface and subsurface well shut-in valves and devices in use at the facility should be sufficiently described to determine method of activation or control, e.g., pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms. Detailed records for each well, while not necessarily part of the plan should be kept by the owner or operator.
(xi) Before drilling below any casing string, and during workover operations a blowout preventer (BOP) assembly and well control system should be installed that is capable of controlling any well-head pressure that is expected to be encountered while that BOP assembly is on the well. Casing and BOP installations should be in accordance with State regulatory agency requirements.
(xii) Extraordinary well control measures should be provided should emergency conditions, including fire, loss of control and other abnormal conditions, occur. The degree of control system redundancy should vary with hazard exposure and probable consequences of failure. It is recommended that surface shut-in systems have redundant or "fail close" valving. Subsurface safety valves may not be needed in producing wells that will not flow but should be installed as required by applicable State regulations.
(xiii) In order that there will be no misunderstanding of joint and separate duties and obligations to perform work in a safe and pollution free manner, written instructions should be prepared by the owner or operator for contractors and subcontractors to follow whenever contract activities include servicing a well or systems appurtenant to a well or pressure vessel. Such instructions and procedures should be maintained at the offshore production facility. Under certain circumstances and conditions such contractor activities

may require the presence at the facility of an authorized representative of the owner or operator who would intervene when necessary to prevent a spill event.
(xiv) All manifolds (headers) should be equipped with check valves on individual flowlines.
(xv) If the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves associated with that individual flowline, the flowline should be equipped with a high pressure sensing device and shut-in valve at the wellhead unless provided with a pressure relief system to prevent over pressuring.
(xvi) All pipelines appurtenant to the facility should be protected from corrosion. Methods used, such as protective coatings or cathodic protection, should be discussed.
(xvii) Sub-marine pipelines appurtenant to the facility should be adequately protected against environmental stresses and other activities such as fishing operations.
(xviii) Sub-marine pipelines appurtenant to the facility should be in good operating condition at all times and inspected on a scheduled periodic basis for failures. Such inspections should be documented and maintained at the facility.
(8) *Inspections and records.* Inspections required by this part should be in accordance with written procedures developed for the facility by the owner or operator. These written procedures and a record of the inspections, signed by the appropriate supervisor or inspector, should be made part of the SPCC Plan and maintained for a period of three years.
(9) *Security* (*excluding oil production facilities*). (i) All plants handling, processing, and storing oil should be fully fenced, and entrance gates should be locked and/or guarded when the plant is not in production or is unattended.
(ii) The master flow and drain valves and any other valves that will permit direct outward flow of the tank's content to the surface should be securely locked in the closed position when in non-operating or non-standby status.
(iii) The starter control on all oil pumps should be locked in the "off" position or located at a site accessible only to authorized personnel when the pumps are in a non-operating or non-standby status.
(iv) The loading/unloading connections of oil pipelines should be securely capped or blank-flanged when not in service or standby service for an extended time. This security practice should also apply to pipelines that are emptied of liquid content either by draining or by inert gas pressure.
(v) Facility lighting should be commensurate with the type and location of the facility. Consideration should be given to: (A) Discovery of spills occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.) and (B) prevention of spills occurring through acts of vandalism.
(10) *Personnel, training and spill prevention procedures.* (i) Owners or operators are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution control laws, rules and regulations.
(ii) Each applicable facility should have a designated person who is accountable for oil spill prevention and who reports to line management.

(iii) Owners or operators should schedule and conduct spill prevention briefings for their operating personnel at intervals frequent enough to assure adequate understanding of the SPCC Plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures.

§112.20 Facility response plans.

(a) The owner or operator of any non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines shall prepare and submit a facility response plan to the Regional Administrator, according to the following provisions:

(1) For the owner or operator of a facility in operation on or before February 18, 1993 who is required to prepare and submit a response plan under 33 U.S.C. 1321(j)(5), the Oil Pollution Act of 1990 (Pub. L. 101-380, 33 U.S.C. 2701 *et seq.*) requires the submission of a response plan that satisfies the requirements of 33 U.S.C. 1321(j)(5) no later than February 18, 1993.

(i) The owner or operator of an existing facility that was in operation on or before February 18, 1993 who submitted a response plan by February 18, 1993 shall revise the response plan to satisfy the requirements of this section and resubmit the response plan or updated portions of the response plan to the Regional Administrator by February 18, 1995.

(ii) The owner or operator of an existing facility in operation on or before February 18, 1993 who failed to submit a response plan by February 18, 1993 shall prepare and submit a response plan that satisfies the requirements of this section to the Regional Administrator before August 30, 1994.

(2) The owner or operator of a facility in operation on or after August 30, 1994 that satisfies the criteria in paragraph (f)(1) of this section or that is notified by the Regional Administrator pursuant to paragraph (b) of this section shall prepare and submit a facility response plan that satisfies the requirements of this section to the Regional Administrator.

(i) For a facility that commenced operations after February 18, 1993 but prior to August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan or updated portions of the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to August 30, 1994.

(ii) For a newly constructed facility that commences operation after August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to the start of operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iii) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of a planned change in design, construction, operation, or maintenance that

renders the facility subject to the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator before the portion of the facility undergoing change commences operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iv) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of an unplanned event or change in facility characteristics that renders the facility subject to the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator within six months of the unplanned event or change.

(3) In the event the owner or operator of a facility that is required to prepare and submit a response plan uses an alternative formula that is comparable to one contained in Appendix C to this part to evaluate the criterion in paragraph (f)(1)(ii)(B) or (f)(1)(ii)(C) of this section, the owner or operator shall attach documentation to the response plan cover sheet contained in Appendix F to this part that demonstrates the reliability and analytical soundness of the alternative formula.

(4) *Preparation and submission of response plans -- Animal fat and vegetable oil facilities.* The owner or operator of any non-transportation-related facility that handles, stores, or transports animal fats and vegetable oils must prepare and submit a facility response plan as follows:

(i) *Facilities with approved plans.* The owner or operator of a facility with a facility response plan that has been approved under paragraph (c) of this section by July 31, 2000 need not prepare or submit a revised plan except as otherwise required by paragraphs (b), (c), or (d) of this section.

(ii) *Facilities with plans that have been submitted to the Regional Administrator.* Except for facilities with approved plans as provided in paragraph (a)(4)(i) of this section, the owner or operator of a facility that has submitted a response plan to the Regional Administrator prior to July 31, 2000 must review the plan to determine if it meets or exceeds the applicable provisions of this part. An owner or operator need not prepare or submit a new plan if the existing plan meets or exceeds the applicable provisions of this part. If the plan does not meet or exceed the applicable provisions of this part, the owner or operator must prepare and submit a new plan by September 28, 2000.

(iii) *Newly regulated facilities.* The owner or operator of a newly constructed facility that commences operation after July 31, 2000 must prepare and submit a plan to the Regional Administrator in accordance with paragraph (a)(2)(ii) of this section. The plan must meet or exceed the applicable provisions of this part. The owner or operator of an existing facility that must prepare and submit a plan after July 31, 2000 as a result of a planned or unplanned change in facility characteristics that causes the facility to become regulated under paragraph (f)(1) of this section, must prepare and submit a plan to the Regional Administrator in accordance with paragraph (a)(2)(iii) or (iv) of this section, as appropriate. The plan must meet or exceed the applicable provisions of this part.

(iv) *Facilities amending existing plans.* The owner or operator of a facility submitting an amended plan in accordance with paragraph (d) of this section after July 31, 2000,

including plans that had been previously approved, must also review the plan to determine if it meets or exceeds the applicable provisions of this part. If the plan does not meet or exceed the applicable provisions of this part, the owner or operator must revise and resubmit revised portions of an amended plan to the Regional Administrator in accordance with paragraph (d) of this section, as appropriate. The plan must meet or exceed the applicable provisions of this part.

(b)(1) The Regional Administrator may at any time require the owner or operator of any non-transportation-related onshore facility to prepare and submit a facility response plan under this section after considering the factors in paragraph (f)(2) of this section. If such a determination is made, the Regional Administrator shall notify the facility owner or operator in writing and shall provide a basis for the determination. If the Regional Administrator notifies the owner or operator in writing of the requirement to prepare and submit a response plan under this section, the owner or operator of the facility shall submit the response plan to the Regional Administrator within six months of receipt of such written notification.

(2) The Regional Administrator shall review plans submitted by such facilities to determine whether the facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines.

(c) The Regional Administrator shall determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, based on the factors in paragraph (f)(3) of this section. If such a determination is made, the Regional Administrator shall notify the owner or operator of the facility in writing and:

(1) Promptly review the facility response plan;

(2) Require amendments to any response plan that does not meet the requirements of this section;

(3) Approve any response plan that meets the requirements of this section; and

(4) Review each response plan periodically thereafter on a schedule established by the Regional Administrator provided that the period between plan reviews does not exceed five years.

(d)(1) The owner or operator of a facility for which a response plan is required under this part shall revise and resubmit revised portions of the response plan within 60 days of each facility change that materially may affect the response to a worst case discharge, including:

(i) A change in the facility's configuration that materially alters the information included in the response plan;

(ii) A change in the type of oil handled, stored, or transferred that materially alters the required response resources;

(iii) A material change in capabilities of the oil spill removal organization(s) that provide equipment and personnel to respond to discharges of oil described in paragraph (h)(5) of this section;

(iv) A material change in the facility's spill prevention and response equipment or emergency response procedures; and

(v) Any other changes that materially affect the implementation of the response plan.

(2) Except as provided in paragraph (d)(1) of this section, amendments to personnel and telephone number lists included in the response plan and a change in the oil spill removal organization(s) that does not result in a material change in support capabilities do not require approval by the Regional Administrator. Facility owners or operators shall provide a copy of such changes to the Regional Administrator as the revisions occur.
(3) The owner or operator of a facility that submits changes to a response plan as provided in paragraph (d)(1) or (d)(2) of this section shall provide the EPA-issued facility identification number (where one has been assigned) with the changes.
(4) The Regional Administrator shall review for approval changes to a response plan submitted pursuant to paragraph (d)(1) of this section for a facility determined pursuant to paragraph (f)(3) of this section to have the potential to cause significant and substantial harm to the environment.
(e) If the owner or operator of a facility determines pursuant to paragraph (a)(2) of this section that the facility could not, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the owner or operator shall complete and maintain at the facility the certification form contained in Appendix C to this part and, in the event an alternative formula that is comparable to one contained in Appendix C to this part is used to evaluate the criterion in paragraph (f)(1)(ii)(B) or (f)(1)(ii)(C) of this section, the owner or operator shall attach documentation to the certification form that demonstrates the reliability and analytical soundness of the comparable formula and shall notify the Regional Administrator in writing that an alternative formula was used.
(f)(1) A facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (a)(2) of this section, if it meets any of the following criteria applied in accordance with the flowchart contained in Attachment C-I to Appendix C to this part:
(i) The facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 gallons; or
(ii) The facility's total oil storage capacity is greater than or equal to 1 million gallons, and one of the following is true:
(A) The facility does not have secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground oil storage tank within each storage area plus sufficient freeboard to allow for precipitation;
(B) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments. For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III of the "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan prepared pursuant to section 311(j)(4) of the Clean Water Act;
(C) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake; or

(D) The facility has had a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years.
(2)(i) To determine whether a facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (b) of this section, the Regional Administrator shall consider the following:
(A) Type of transfer operation;
(B) Oil storage capacity;
(C) Lack of secondary containment;
(D) Proximity to fish and wildlife and sensitive environments and other areas determined by the Regional Administrator to possess ecological value;
(E) Proximity to drinking water intakes;
(F) Spill history; and
(G) Other site-specific characteristics and environmental factors that the Regional Administrator determines to be relevant to protecting the environment from harm by discharges of oil into or on navigable waters or adjoining shorelines.
(ii) Any person, including a member of the public or any representative from a Federal, State, or local agency who believes that a facility subject to this section could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines may petition the Regional Administrator to determine whether the facility meets the criteria in paragraph (f)(2)(i) of this section. Such petition shall include a discussion of how the factors in paragraph (f)(2)(i) of this section apply to the facility in question. The RA shall consider such petitions and respond in an appropriate amount of time.
(3) To determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the Regional Administrator may consider the factors in paragraph (f)(2) of this section as well as the following:
(i) Frequency of past discharges;
(ii) Proximity to navigable waters;
(iii) Age of oil storage tanks; and
(iv) Other facility-specific and Region-specific information, including local impacts on public health.
(g)(1) All facility response plans shall be consistent with the requirements of the National Oil and Hazardous Substance Pollution Contingency Plan (40 CFR part 300) and applicable Area Contingency Plans prepared pursuant to section 311(j)(4) of the Clean Water Act. The facility response plan should be coordinated with the local emergency response plan developed by the local emergency planning committee under section 303 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.). Upon request, the owner or operator should provide a copy of the facility response plan to the local emergency planning committee or State emergency response commission.
(2) The owner or operator shall review relevant portions of the National Oil and Hazardous Substances Pollution Contingency Plan and applicable Area Contingency Plan annually and, if necessary, revise the facility response plan to ensure consistency with these plans.

(3) The owner or operator shall review and update the facility response plan periodically to reflect changes at the facility.
(h) A response plan shall follow the format of the model facility-specific response plan included in Appendix F to this part, unless an equivalent response plan has been prepared to meet State or other Federal requirements. A response plan that does not follow the specified format in Appendix F to this part shall have an emergency response action plan as specified in paragraphs (h)(1) of this section and be supplemented with a cross-reference section to identify the location of the elements listed in paragraphs (h)(2) through (h)(10) of this section. To meet the requirements of this part, a response plan shall address the following elements, as further described in Appendix F to this part:
(1) *Emergency response action plan.* The response plan shall include an emergency response action plan in the format specified in paragraphs (h)(1)(i) through (viii) of this section that is maintained in the front of the response plan, or as a separate document accompanying the response plan, and that includes the following information:
(i) The identity and telephone number of a qualified individual having full authority, including contracting authority, to implement removal actions;
(ii) The identity of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal officials and the persons providing response personnel and equipment can be ensured;
(iii) A description of information to pass to response personnel in the event of a reportable discharge;
(iv) A description of the facility's response equipment and its location;
(v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;
(vi) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;
(vii) A description of immediate measures to secure the source of the discharge, and to provide adequate containment and drainage of discharged oil; and
(viii) A diagram of the facility.
(2) *Facility information.* The response plan shall identify and discuss the location and type of the facility, the identity and tenure of the present owner and operator, and the identity of the qualified individual identified in paragraph (h)(1) of this section.
(3) *Information about emergency response.* The response plan shall include:
(i) The identity of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge and other discharges of oil described in paragraph (h)(5) of this section, and to mitigate or prevent a substantial threat of a worst case discharge (To identify response resources to meet the facility response plan requirements of this section, owners or operators shall follow Appendix E to this part or, where not appropriate, shall clearly demonstrate in the response plan why use of Appendix E of this part is not appropriate at the facility and make comparable arrangements for response resources);
(ii) Evidence of contracts or other approved means for ensuring the availability of such personnel and equipment;
(iii) The identity and the telephone number of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the

qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal official and the persons providing response personnel and equipment can be ensured;
(iv) A description of information to pass to response personnel in the event of a reportable discharge;
(v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;
(vi) A description of the facility's response equipment, the location of the equipment, and equipment testing;
(vii) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;
(viii) A diagram of evacuation routes; and
(ix) A description of the duties of the qualified individual identified in paragraph (h)(1) of this section, that include:
(A) Activate internal alarms and hazard communication systems to notify all facility personnel;
(B) Notify all response personnel, as needed;
(C) Identify the character, exact source, amount, and extent of the release, as well as the other items needed for notification;
(D) Notify and provide necessary information to the appropriate Federal, State, and local authorities with designated response roles, including the National Response Center, State Emergency Response Commission, and Local Emergency Planning Committee;
(E) Assess the interaction of the discharged substance with water and/or other substances stored at the facility and notify response personnel at the scene of that assessment;
(F) Assess the possible hazards to human health and the environment due to the release. This assessment must consider both the direct and indirect effects of the release (i.e., the effects of any toxic, irritating, or asphyxiating gases that may be generated, or the effects of any hazardous surface water runoffs from water or chemical agents used to control fire and heat-induced explosion);
(G) Assess and implement prompt removal actions to contain and remove the substance released;
(H) Coordinate rescue and response actions as previously arranged with all response personnel;
(I) Use authority to immediately access company funding to initiate cleanup activities; and
(J) Direct cleanup activities until properly relieved of this responsibility.
(4) *Hazard evaluation.* The response plan shall discuss the facility's known or reasonably identifiable history of discharges reportable under 40 CFR part 110 for the entire life of the facility and shall identify areas within the facility where discharges could occur and what the potential effects of the discharges would be on the affected environment. To assess the range of areas potentially affected, owners or operators shall, where appropriate, consider the distance calculated in paragraph (f)(1)(ii) of this section to determine whether a facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines.

(5) *Response planning levels.* The response plan shall include discussion of specific planning scenarios for:
(i) A worst case discharge, as calculated using the appropriate worksheet in Appendix D to this part. In cases where the Regional Administrator determines that the worst case discharge volume calculated by the facility is not appropriate, the Regional Administrator may specify the worst case discharge amount to be used for response planning at the facility. For complexes, the worst case planning quantity shall be the larger of the amounts calculated for each component of the facility;
(ii) A discharge of 2,100 gallons or less, provided that this amount is less than the worst case discharge amount. For complexes, this planning quantity shall be the larger of the amounts calculated for each component of the facility; and
(iii) A discharge greater than 2,100 gallons and less than or equal to 36,000 gallons or 10 percent of the capacity of the largest tank at the facility, whichever is less, provided that this amount is less than the worst case discharge amount. For complexes, this planning quantity shall be the larger of the amounts calculated for each component of the facility.
(6) *Discharge detection systems.* The response plan shall describe the procedures and equipment used to detect discharges.
(7) *Plan implementation.* The response plan shall describe:
(i) Response actions to be carried out by facility personnel or contracted personnel under the response plan to ensure the safety of the facility and to mitigate or prevent discharges described in paragraph (h)(5) of this section or the substantial threat of such discharges;
(ii) A description of the equipment to be used for each scenario;
(iii) Plans to dispose of contaminated cleanup materials; and
(iv) Measures to provide adequate containment and drainage of discharged oil.
(8) *Self-inspection, drills/exercises, and response training.* The response plan shall include:
(i) A checklist and record of inspections for tanks, secondary containment, and response equipment;
(ii) A description of the drill/exercise program to be carried out under the response plan as described in §112.21;
(iii) A description of the training program to be carried out under the response plan as described in §112.21; and
(iv) Logs of discharge prevention meetings, training sessions, and drills/exercises. These logs may be maintained as an annex to the response plan.
(9) *Diagrams.* The response plan shall include site plan and drainage plan diagrams.
(10) *Security systems.* The response plan shall include a description of facility security systems.
(11) *Response plan cover sheet.* The response plan shall include a completed response plan cover sheet provided in Section 2.0 of Appendix F to this part.
(i)(1) In the event the owner or operator of a facility does not agree with the Regional Administrator's determination that the facility could, because of its location, reasonably be expected to cause substantial harm or significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, or that amendments to the facility response plan are necessary prior to approval, such as changes to the worst case discharge planning volume, the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional

information and data in writing to support the request. The request and accompanying information must be submitted to the Regional Administrator within 60 days of receipt of notice of the Regional Administrator's original decision. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.
(2) In the event the owner or operator of a facility believes a change in the facility's classification status is warranted because of an unplanned event or change in the facility's characteristics (i.e., substantial harm or significant and substantial harm), the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional information and data in writing to support the request. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.
(3) After a request for reconsideration under paragraph (i)(1) or (i)(2) of this section has been denied by the Regional Administrator, an owner or operator may appeal a determination made by the Regional Administrator. The appeal shall be made to the EPA Administrator and shall be made in writing within 60 days of receipt of the decision from the Regional Administrator that the request for reconsideration was denied. A complete copy of the appeal must be sent to the Regional Administrator at the time the appeal is made. The appeal shall contain a clear and concise statement of the issues and points of fact in the case. It also may contain additional information from the owner or operator, or from any other person. The EPA Administrator may request additional information from the owner or operator, or from any other person. The EPA Administrator shall render a decision as rapidly as practicable and shall notify the owner or operator of the decision.
[59 FR 34098, July 1, 1994, as amended at 65 FR 40798, June 30, 2000]

§112.21 Facility response training and drills/exercises.
(a) The owner or operator of any facility required to prepare a facility response plan under §112.20 shall develop and implement a facility response training program and a drill/exercise program that satisfy the requirements of this section. The owner or operator shall describe the programs in the response plan as provided in §112.20(h)(8).
(b) The facility owner or operator shall develop a facility response training program to train those personnel involved in oil spill response activities. It is recommended that the training program be based on the USCG's Training Elements for Oil Spill Response, as applicable to facility operations. An alternative program can also be acceptable subject to approval by the Regional Administrator.
(1) The owner or operator shall be responsible for the proper instruction of facility personnel in the procedures to respond to discharges of oil and in applicable oil spill response laws, rules, and regulations.
(2) Training shall be functional in nature according to job tasks for both supervisory and non-supervisory operational personnel.
(3) Trainers shall develop specific lesson plans on subject areas relevant to facility personnel involved in oil spill response and cleanup.
(c) The facility owner or operator shall develop a program of facility response drills/exercises, including evaluation procedures. A program that follows the National Preparedness for Response Exercise Program (PREP) (see Appendix E to this part, section 13, for availability) will be deemed satisfactory for purposes of this section. An

alternative program can also be acceptable subject to approval by the Regional Administrator.
[59 FR 34101, July 1, 1994, as amended at 65 FR 40798, June 30, 2000]

Appendix A to Part 112 -- Memorandum of Understanding Between the Secretary of Transportation and the Administrator of the Environmental Protection Agency

SECTION II -- DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11548, the term:
(1) *Non-transportation-related onshore and offshore facilities* means:
(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.
(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.
(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and the wellhead separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.
(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.
(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.
(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding inline or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.
(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.
(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for off-loading vessels.
(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation-related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation-related facility and which are not intended to transport oil in interstate or intrastate commerce.
(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.
(2) *Transportation-related onshore and offshore facilities* means:
(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.
(B) Transfer hoses, loading arms and other equipment appurtenant to a non-transportation-related facility which is used to transfer oil in bulk to or from a vessel.
(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.
(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

Appendix B to Part 112 -- Memorandum of Understanding Among the Secretary of the Interior, Secretary of Transportation, and Administrator of the Environmental Protection Agency

PURPOSE

This Memorandum of Understanding (MOU) establishes the jurisdictional responsibilities for offshore facilities, including pipelines, pursuant to section 311 (j)(1)(c), (j)(5), and (j)(6)(A) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (Public Law 101-380). The Secretary of the Department of the Interior (DOI), Secretary of the Department of Transportation (DOT), and Administrator of the Environmental Protection Agency (EPA) agree to the division of responsibilities set forth below for spill prevention and control, response planning, and equipment inspection activities pursuant to those provisions.

BACKGROUND

Executive Order (E.O.) 12777 (56 FR 54757) delegates to DOI, DOT, and EPA various responsibilities identified in section 311(j) of the CWA. Sections 2(b)(3), 2(d)(3), and 2(e)(3) of E.O. 12777 assigned to DOI spill prevention and control, contingency planning, and equipment inspection activities associated with offshore facilities. Section 311(a)(11) defines the term "offshore facility" to include facilities of any kind located in, on, or under navigable waters of the United States. By using this definition, the traditional DOI role of regulating facilities on the Outer Continental Shelf is expanded by E.O. 12777 to include inland lakes, rivers, streams, and any other inland waters.

RESPONSIBILITIES

Pursuant to section 2(i) of E.O. 12777, DOI redelegates, and EPA and DOT agree to assume, the functions vested in DOI by sections 2(b)(3), 2(d)(3), and 2(e)(3) of E.O. 12777 as set forth below. For purposes of this MOU, the term "coast line" shall be defined as in the Submerged Lands Act (43 U.S.C. 1301(c)) to

mean "the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."
1. To EPA, DOI redelegates responsibility for non-transportation-related offshore facilities located landward of the coast line.
2. To DOT, DOI redelegates responsibility for transportation-related facilities, including pipelines, located landward of the coast line. The DOT retains jurisdiction for deepwater ports and their associated seaward pipelines, as delegated by E.O. 12777.
3. The DOI retains jurisdiction over facilities, including pipelines, located seaward of the coast line, except for deepwater ports and associated seaward pipelines delegated by E.O. 12777 to DOT.

EFFECTIVE DATE

This MOU is effective on the date of the final execution by the indicated signatories.

LIMITATIONS

1. The DOI, DOT, and EPA may agree in writing to exceptions to this MOU on a facility-specific basis. Affected parties will receive notification of the exceptions.
2. Nothing in this MOU is intended to replace, supersede, or modify any existing agreements between or among DOI, DOT, or EPA.

MODIFICATION AND TERMINATION

Any party to this agreement may propose modifications by submitting them in writing to the heads of the other agency/department. No modification may be adopted except with the consent of all parties. All parties shall indicate their consent to or disagreement with any proposed modification within 60 days of receipt. Upon the request of any party, representatives of all parties shall meet for the purpose of considering exceptions or modifications to this agreement. This MOU may be terminated only with the mutual consent of all parties.
Dated: November 8, 1993.
Bruce Babbitt,
Secretary of the Interior.
Dated: December 14, 1993.
Federico Pen a,
Secretary of Transportation.
Dated: February 3, 1994.
Carol M. Browner,
Administrator, Environmental Protection Agency.
[59 FR 34102, July 1, 1994]

ATTACHMENT D

SPILL REPORTING FORM
(1 Page)

APPENDIX D
SPILL REPORTING FORM

1. GENERAL		
Name of Facility: **New Orleans Weather Forecast Office**	Address:	**62300 Airport Road Slidell, Louisiana 70460**
Completed By:	Organization:	**National Weather Service**
Position:	Phone:	
2. SPILL INFORMATION		
Date:	Time:	
Location at Facility:	Quantity:	
Substance Spilled: **Diesel Fuel**	Other:	
3. OUTSIDE NOTIFICATIONS		
Agencies	**Recorder at Outside Agency**	**Date and Time**
Call **9-1-1** (or the local emergency agency), if there is an immediate emergency		
NWS/NOAA: Mike Jacob: (301) 713-1838, ext. 165 Olga Kebis: (301) 713-1838, ext. 173 Terry Brisbin: (817) 978-2367, ext. 139 Mark George: (303) 497-3064		
EPA NATIONAL RESPONSE CENTER or U.S. COAST GUARD: (800) 424-8802		
The Louisiana State Police Hazardous Materials Hotline (24-hours): (888) 925-6595 OR (225) 925-6595 St. Tammany Office of Emergency Preparedness: (504) 898-2323 Louisiana Department of Environmental Quality, Southeast Regional Office: (504) 736-7701 or (225) 342-1234 (after hours)		
4. INFORMATION ON SOURCE AND CAUSE		
5. DESCRIPTION OF ENVIRONMENTAL DAMAGE		
6. CLEANUP ACTION(S) TAKEN		
7. CORRECTIVE ACTION(S) TO PREVENT FUTURE SPILLS		

Note: All information must be filled in. If something is unknown, write "unknown."
Copies must be sent to the NWS/NOAA personnel listed above.

APPENDIX E

CROSS REFERENCE OF THE REQUIREMENTS OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS, PART 112.7, WITH THIS PLAN

(1 Page)

APPENDIX E
CROSS REFERENCE OF THE REQUIREMENTS OF 40 CFR 112.7 AND THIS PLAN

CFR Citation	Item	Plan Location
112.7(a)	Spill History	Part I.B.4
112.7(b)	Potential Spill Prediction, Volumes, and Rates	Part I.B.5 and Table 2
112.7(c)	Containment and Diversionary Structures	Part I.B.2 and Part II.B.2
112.7(d)	Secondary Containment Impracticability	Not Applicable
112.7(e)(1)	Drainage Control	Part I.B.3
112.7(e)(2)	Bulk Storage Tanks and Secondary Containment	
112.7(e)(2)(i)	Tank Compatibility with its Contents	Part II.A.1
112.7(e)(2)(ii)	Diked Area Construction and Containment for Storage Tanks	Not Applicable
112.7(e)(2)(iii)	Diked Area Inspection and Drainage of Rainwater	Not Applicable
112.7(e)(2)(iv)	Corrosion Protection of Buried Metallic Storage Tanks	Not Applicable
112.7(e)(2)(v)	Corrosion Protection of Partially Buried Metallic Tanks	Not Applicable
112.7(e)(2)(vi)	Aboveground Tank Periodic Integrity Testing	Part IV.B.1
112.7(e)(2)(vii)	Control of Leakage through Internal Heating Coils	Not Applicable
112.7(e)(2)(viii)	Tank Installation Fail-safe Engineered	Part II.A.1, B.1
112.7(e)(2)(ix)	Observation of Disposal Facilities for Effluent Discharge	Not Applicable
112.7(e)(2)(x)	Visible Oil Leak Corrections from Tank Seams and Gaskets	Part II.A.3 & Appendix A
112.7(e)(2)(xi)	Appropriate Position of Mobile or Portable Tanks	Not Applicable
112.7(e)(3)	Facility Transfer Operations	
112.7(e)(3)(i)	Buried Piping Installation Protection and Examination	Part II.A.1 & Appendix A
112.7(e)(3)(ii)	Not-in-service and Standby Terminal Connections	Not Applicable
112.7(e)(3)(iii)	Pipe Support Designs	Not Applicable
112.7(e)(3)(iv)	Aboveground Valve and Pipeline Examination	Not Applicable
112.7(e)(3)(v)	Aboveground Piping Protection from Vehicular Traffic	Not Applicable
112.7(e)(4)	Facility Truck Unloading Operations	Part II.A.2
112.7(e)(5-7)	Oil Production Facilities (Onshore) and Oil Drilling, Production, or Workover Facilities (On Shore and Offshore)	Not Applicable
112.7(e)(8)	Inspections and Record Keeping	Part II.A.3
112.7(e)(9)	Security	
112.7(e)(9)(i)	Fencing	Part II.A.4
112.7(e)(9)(ii)	Flow Valves Locked	Not Applicable
112.7(e)(9)(iii)	Starter Controls Locked	Not Applicable
112.7(e)(9)(iv)	Pipeline Loading and Unloading Connections Securely Capped	Not Applicable
112.7(e)(9)(v)	Lighting Adequate to Detect Spills	Part II.A.4
112.7(e)(10)	Training	
112.7(e)(10)(i)	Personnel Instructions	Part II.A.5 and Appendix C
112.7(e)(10)(ii)	Designated Person Responsible for Spill Prevention	Page i
112.7(e)(10)(iii)	Spill Prevention Briefings	Part II.A.5

Note: CFR Code of Federal Regulations