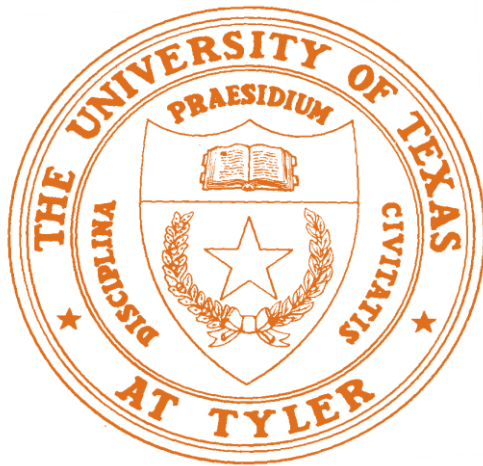


Spill Prevention, Control, and Countermeasure (SPCC) Plan



January 30, 2018

The University of Texas at Tyler
3900 University Blvd.
Tyler, TX 75799
(903) 566-7011

TABLE OF CONTENTS

Professional Engineer Certification	iv
General Facility Information	v
Plan Review Matrix	vi
1.0 INTRODUCTION	1
2.0 FACILITY DESCRIPTION	2
2.1 Facility Operations	2
2.2 Drainage Pathways and Distance to Navigable Waters	2
2.3 Site Location Maps.....	2
3.0 RESPONSIBILITIES, NOTIFICATIONS AND REPORTING	2
3.1 Responsibilities	3
3.2 Initial Notifications	3
3.3 Regulatory and Response Notifications	3
3.3.1 Texas Requirements	3
3.3.2 Spills Threatening to Reach Navigable Waters	4
3.3.3 Spills Threatening Human Health	5
3.3.4 Commercial Clean-up Contractors.....	5
3.4 Federal Reporting	5
3.5 State Reporting	6
4.0 EMERGENCY PROCEDURES	8
5.0 PAST SPILL EXPERIENCE	10
6.0 POTENTIAL SPILL REDUCTION	11
6.1 Oil Capacity and Storage	11
6.2 Bulk Fuel Storage.....	16
6.3 Containment.....	19
6.3.1 Hydraulic Elevators and Transformers.....	19
6.3.2 Waste Kitchen Grease Storage.....	19
6.3.3 Above Ground Storage Drums.....	20
6.3.4 Above Ground Storage Tanks.....	20
6.3.5 Emergency Generator Diesel Fuel Reservoir	20
6.4 General Practices.....	20

6.4.1 Oil Transfer Procedures	20
6.4.2 Dike Drainage.....	21
6.4.3 Recovered Clean-up Material Disposal	22
6.4.4 Visiting Vehicle Traffic.....	22
6.4.5 Drum Handling	22
7.0 INSPECTIONS	23
7.1 Visual Inspections	23
7.2 Integrity Testing.....	23
8.0 SPILL ABATEMENT EQUIPMENT AND MATERIALS	25
9.0 SECURITY	26
10.0 TRAINING	27
11.0 FACILITY RESPONSE PLAN	28
12.0 SPCC PLAN AMENDMENT	29
12.1 Facility Modifications	29
12.2 EPA Requirements.....	29
12.3 Five-Year Revisions	29
13.0 IMPLEMENTATION SCHEDULE	30

FIGURES

Figure 1: Facility Drainage and Distance to Navigable Waters.....	32
Figure 2: Elevator Hydraulic Reservoirs	33
Figure 3: Electrical Transformers.....	34
Figure 4: Generator Fuel Storage Tanks	34
Figure 5: Bulk Storage Containers.....	36

APPENDICES

Appendix A: SPCC Regulation 40 CFR Part 112	37
Appendix B: SPCC Rule Cross Reference	68
Appendix C: Spill Reporting Form (Example)	77
Appendix D: Inspection and Dike Draining Logs	80
Appendix E: Certification of the Applicability of the Substantial Harm Criteria Checklist.....	82
Appendix F: Training Roster	85
Appendix G: Photo Log of Oil Storage Locations	87

PROFESSIONAL ENGINEER CERTIFICATION

I hereby certify that (i) I am familiar with the applicable requirements of 40 CFR part 112, (ii) have visited and examined the facility, (iii) the Plan has been prepared in accordance with good engineering practices including the consideration of applicable industry standards, (iv) procedures for required inspections and testing have been established, and (v) the Plan is adequate for the facility.

Michael W. Medford
P.E., CPESC
Half Associates, Inc.
1121 E.S.E Loop 323, Suite 117
Tyler, TX 75701



(Professional Engineer Seal)

Michael W. Medford
Signature of Registered
Professional Engineer

Date: 02/05/18

Registration No: 93632

State: TEXAS

GENERAL FACILITY INFORMATION

Name and Location of Facility: The University of Texas at Tyler
3900 University Blvd.
Tyler, TX 75799

Type of Facility: Educational Facility

Telephone Number: 903-566-7300

Normal Operating Schedule: 24 hours/day; 7 days/week; 52 weeks/year

Name and Address of Owner/Operator: The University of Texas at Tyler
3900 University Blvd.
Tyler, TX 75799

Designated Person Responsible for
Spill Prevention at the Facility: Paula Tate
Environmental Health & Safety

Date of Initial Operation of Facility: 1971

Oil Spill History: N/A

Receiving Waters: Gilley Creek, Lake Tyler

MANAGEMENT APPROVAL

The University of Texas at Tyler is committed to the prevention of discharges of oil to navigable waters and the environment, and maintains the highest standards for spill prevention control and countermeasures through regular reviews, updating and implementation of this SPCC Plan for its facility in Tyler, Texas. This SPCC Plan will be implemented as herein described. By signing this document, I certify that I am thoroughly familiar with this SPCC Plan.

Authorized Facility

Representative: William J. O'Donnell Title: Vice President for Business Affairs

Signature: *William O'Donnell* Date: 03-14-2018

PLAN REVIEW MATRIX

Review Date	Reviewer Signature	Revision Required	Reason for Revision	Revision Number	Revision Date
7/20/2017	<input checked="" type="checkbox"/> Revision needed <input type="checkbox"/> Revision not needed Sign: _____	Yes	Site maintains more than 10,000 gallons of oil	1	
1/30/2018	<input type="checkbox"/> Revision needed <input checked="" type="checkbox"/> Revision not needed Sign: _____	No			
	<input type="checkbox"/> Revision needed <input type="checkbox"/> Revision not needed Sign: _____				
	<input type="checkbox"/> Revision needed <input type="checkbox"/> Revision not needed Sign: _____				
	<input type="checkbox"/> Revision needed <input type="checkbox"/> Revision not needed Sign: _____				
	<input type="checkbox"/> Revision needed <input type="checkbox"/> Revision not needed Sign: _____				
	<input type="checkbox"/> Revision needed <input type="checkbox"/> Revision not needed Sign: _____				

CERTIFICATION REQUIREMENTS

A Professional Engineer's certification is required if: (1) the site maintains oil in excess of 10,000 gallons, (2) the site has a single discharge exceeding 1,000 gallons or two discharges each exceeding 42 gallons within a twelve month period in the three years prior to the SPCC Plan certification date, or (3) the SPCC Plan deviates from any requirements as allowed by 40 CFR 112.7(a)(2) and 112.7(d) except as provided in 40 CFR 112.6(c).

1.0 INTRODUCTION

The Oil Pollution Prevention Regulation in 40 CFR Part 112 was developed in order to (1) prevent oil discharges from reaching navigable waterways (defined to include, but not limited to: lakes, rivers, streams, and wetlands) and adjoining shorelines, and (2) to ensure effective response to oil discharges. Required under this rule is the development of a Spill Prevention Control and Countermeasure Plan (SPCC) for applicable owners, users and/or operators of facilities that could possibly discharge oil in harmful quantities into navigable waterways.

On January 14, 2010, the Environmental Protection Agency (EPA) put into effect a final rule amending the SPCC regulations. Under the SPCC requirements, owners or operators of facilities that “drill, produce, gather, store, use, process, refine, transfer, distribute, or consume oil and oil products” must prepare a SPCC if any of the following storage practices apply:

- greater than 1,320 gallons of oil is stored in above-ground containers/tanks, or
- greater than 42,000 gallons of oil is stored in underground containers/tanks provided the underground storage tank (UST) is not subject to the technical requirements of the UST regulations, 40 CFR Part 280 or 281.

In accordance with SPCC regulations, only containers of oil (defined as “oil of any kind or in any form, including, but not limited to; petroleum, fuel, oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil”) with a capacity of 55 gallons or greater are counted in the calculation of the 1,320-gallon threshold. All containers with a storage capacity of less than 55 gallons of oil are exempt from the SPCC regulations. A complete copy of the SPCC regulations is included in Appendix A.

The University of Texas at Tyler (UT Tyler) is required to prepare, maintain, and follow a SPCC plan since greater than 1,320 gallons of petroleum products are stored above ground and the discharge of oil could potentially impact Gilley Creek and ultimately Lake Tyler, located southeast of the campus.

2.0 FACILITY INFORMATION

2.1 Facility Description

The University of Texas at Tyler Main Campus is located on the southeast side of Tyler, Texas. The campus encompasses approximately 294 acres with interior paved roads and parking surfaces and multiple buildings surrounded by green areas and woodlands. The campus is bordered by Varsity Drive to the north, University Boulevard (Spur 248) to the south, Old Omen Road to the east, and Patriot Drive to the west.

The University's total above ground oil storage capacity is approximately 18,850 gallons and includes the following containers with capacities at or exceeding 55-gallons:

- Hydraulic reservoirs (~5,105 gallons) associated with elevators;
- Electrical transformers (~9,470 gallons) filled with dielectric fluid (non-PCB);
- Diesel reservoirs associated with emergency generators (~2,610 gallons);
- Various aboveground storage tanks and drums (~1,465 gallons); and
- Used kitchen grease containers (~200 gallons).

2.2 Drainage Pathways and Distance to Navigable Waters

Figure 1 depicts the facility drainage, based on a visual observation of site contours is directed to the south of the property towards Gilley Creek. Storm drains which direct flow to Gilley Creek are located throughout the campus. A large volume spill could potentially impact Gilley Creek and/or Lake Tyler.

2.3 Site Location Maps

- **Figure 2** Elevator Hydraulic Reservoirs
- **Figure 3** Electrical Transformers
- **Figure 4** Generator Fuel Storage Tanks
- **Figure 5** Bulk Storage Containers

A photo log of the oil storage locations is included as Appendix G. Also note that Figures 1 through 5 have been provided at the end of the text for convenience to the reader and user of this SPCC Plan.

3.0 RESPONSIBILITIES, NOTIFICATIONS, AND REPORTING

3.1 Responsibilities

The duties of the Primary Emergency Coordinator and his/her alternate are to routinely inspect all storage and handling facilities and take corrective action when conditions warrant. In addition, the Primary Emergency Coordinator will participate in, set up and maintain: necessary spill emergency procedures; recordkeeping; personnel training; SPCC Plan Reviews and amendments (if required); and reporting requirements.

In the event of an oil release, appropriate staff of UT Tyler shall carry out the procedures outlined herein under the direction of the Primary Emergency Coordinator or his/her alternates(s).

3.2 Initial Notifications

In the event of any emergency or occurrence related to the release or threatened release of petroleum products, the following persons shall be notified immediately:

Name	Phone Number
UT Tyler Police	903-566-7300
Paula Tate	903-566-7401

The Primary Emergency Coordinator and his/her Alternate Emergency Coordinator have been chosen based on the following qualifications:

- Is on-site or on call at all times;
- Is familiar with the facility layout;
- Is knowledgeable of the locations and characteristics of the materials handled;
- Is familiar with all operations and activities at the facility;
- Is thoroughly familiar with emergency plans;
- Is knowledgeable of the locations of all records; and
- Has the authority to commit facility resources in the event of an emergency.

The Emergency Coordinators or designated Alternates will then notify the proper off-site authorities about the actual emergency, following their initial action at the site.

UT Tyler staff does not respond to major spills. Response staff, along with the department involved, will contact campus police who will alert UT Tyler Environmental Health and Safety (EH&S) as necessary. If the spill is beyond the capacity for campus staff to mitigate, one of the commercial cleanup contractors will be contacted to provide a response.

3.3 Regulatory and Response Notifications

The guidelines in this section apply to all spills: petroleum products, chemicals, and/or non-hazardous and hazardous waste.

3.3.1 Texas Requirements (Reference 30TAC327)

The Texas Commission on Environmental Quality (TCEQ) shall be notified as soon as possible but no later than 24 hours after the discovery of a spill. The TCEQ defines a reportable spill as:

Spill Type	Reportable Quantity
Petroleum Product and Used Oil	- 25 gallons onto land; or - quantity sufficient to create a sheen for spills into water
Crude oil and all other oils not defined as used oil or petroleum product	- 210 gallons onto land; or - Quantity sufficient to create a sheen for spills into water
Hazardous Substances	- a reportable quantity as defined in Table 302.4 in 40 CFR 302.4 for spills onto land; or - whichever is less; 100 pounds or the reportable quantity as defined in Table 302.4 in 40 CFR 302.4 for spills into water
All other substances	- 100 pounds if spilled into water

State Emergency Response (TCEQ) (24 Hrs)

Phone: (800) 832-8224

Tyler Regional TCEQ Office

Phone: (903) 535-5100

The following information will be provided:

- Name, title, affiliation, address and telephone number of reporter;
- For discharges from sites on land, the name of the site, street address, municipality, and the county;
- For discharges on, under or into water, the name of the body of water, location of the discharge with reference to a fixed point, description of the area which the discharge may reach;
- Date and time at which the discharge began, the date and time at which the discharge was discovered, and, if the discharge has ended, the date and time at which it ended;
- Common name and quantity of material(s) involved, to the extent known;
- An estimate of the quantity discharged;
- The identity of any governmental representatives, including authorities or third parties, responding to the spill;
- Any actions taken to contain, clean up and remove the hazardous substance(s) discharged;
- The possible hazards to human health or the environment outside the facility;
- The extent of injuries, if any; and
- The name and address of any person responsible for the discharge (i.e. source of the spill).

3.3.2 Spills Threatening to Reach Navigable Waters

In the event that a spill of material of any amount threatens to reach navigable waters, the National Response Center in Washington, DC shall be contacted within 24 hours of the event:

Authority	Phone Number
National Response Center (NRC)	(800) 424-8802
EPA Region VI	(800) 887-6063

If possible, UT Tyler personnel will be ready to report the following information to the NRC:

- Your name, location, organization, and telephone number;
- Name and address of the party responsible for the incident;
- Date and time of the incident;
- Location of the incident;
- Source and cause of the release or spill;
- Types of material(s) released or spilled;
- Quantity of materials released or spilled;
- Danger or threat posed by the release or spill;
- Number and types of injuries (if any);
- Weather conditions at the incident location;
- Any other information that may help emergency personnel respond to the incident.

Navigable waters of United States are defined in 40 CFR Part 110.1 to include interstate waterways or intrastate waterways including lakes, rivers and streams which may be utilized by interstate travelers for recreational purposes. Navigable waters also include lakes, rivers, and streams from which fish or shellfish are taken. The complete definition may be found in Section 502(7) of the Federal Water Pollution Control Act. In the event of a large volume release, oil products could potentially enter Gilley or Lake Tyler. Detailed information regarding individual storage areas is provided in Section 6.0.

3.3.3 Spills Threatening Human Health

In the event the Emergency Coordinator or designated alternate determines that the release of materials threatens human health outside the facility and evacuation may be necessary, he/she will also report his findings to the local authorities, as appropriate:

Authority	Phone Number
State Emergency Response Commission	800-832-8224
Tyler Fire Department	903-531-1319
Smith County LEPC	903-566-6600

3.3.4 Commercial Clean-Up Contractors

Should a spill contractor be needed, UT Tyler will contact one of the following contractors:

Contractor	Phone Number
SWS Environmental Services	1-877-742-4215
SET Environmental Inc.	1-877-437-7455

3.4 Federal Reporting

After a spill or release of greater than 1,000 gallons or after two spills of greater than 42 gallons within any twelve-month period, or if the spill impacted a navigable waterway, the Emergency Coordinator will report the event(s) to the following agency within 60 days.

The Regional Administrator
U.S. Environmental Protection Agency – Region VI
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202
Phone: 1-800- 887-6063

The EPA report will include:

- Name of the facility;
- Your name;
- Location of the facility;
- Maximum storage or handling capacity of the facility and normal daily throughput;
- Corrective action and countermeasures you have taken, including a description of equipment repairs and replacement;
- An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;
- The cause of the discharge, including a failure analysis of the system or subsystem in which the failure occurred;
- Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence; and
- Such other information as the Regional Administrator may reasonably require pertinent to the Plan or spill event.

As required by EPA Federal Regulation 40 CFR 112.4(c), a copy of the EPA report will also be submitted to the TCEQ through the Regional Office.

Texas State Emergency Response Commission (SERC) who will contact TCEQ Emergency Response Section at the following address:

TCEQ, Region 5
Attn: Emergency Response Section
2916 Teague Drive
Tyler, TX 75701-3734
Phone: 903-595-5100

If 1,000 gallons or more of material is spilled to a navigable waterway, or there are two or more reportable spills (to the National Response Center) in a year, the EPA may conduct an inspection of the site and review this Plan. Following the inspection and review, the EPA may require facility modifications and/or operational changes to minimize the possibility of future spills.

3.5 State Reporting

For all spills reported to the TCEQ, UT Tyler will submit written information in the form of a letter describing the details of the discharge or spill and supporting the adequacy of the response action within 30 days of the discovery of the reportable discharge or spill.

The documentation shall contain one of the following items:

- A statement that the discharge or spill response action has been completed and a description of how the response action was conducted. The statement shall include the initial report information outlined in Section 3.2 of this plan;
- A request for an extension of time to complete the response action, along with the reasons for the request. The request shall also include a projected work schedule outlining the time required to complete the response action. The executive director may grant an extension up to six months from the date the spill or discharge was reported. Unless otherwise notified by the appropriate regional manager or the Emergency Response Team, UT Tyler shall proceed according to the terms of the projected work schedule; or
- A statement that the discharge or spill response action has not been completed nor is it expected to be completed within the maximum allowable six month extension. The statement shall explain why completion of the response action is not feasible and include a projected work schedule outlining the remaining tasks to complete the response action. This information will also serve as notification that the response actions to the discharge or spill will be conducted under the Texas Risk Reduction Program rules in Chapter 350 of the Texas Administrative Coalition. This report will be mailed to:

TCEQ, Region 5
Attn: Emergency Response Section
2916 Teague Drive
Tyler, TX 75701-3734

4.0 EMERGENCY RESPONSE

In the event of a spill or release, the emergency procedures outlined in the Emergency Procedures flow chart provided on the following page will be followed. A copy of the emergency procedure flow chart will be in or near the Primary Emergency Coordinator's office, as well as all of the alternates. If any employee discovers a spill or release, it will immediately be reported to the Primary Emergency Coordinator. If the Primary Emergency Coordinator or alternate determines that the spill or release cannot be handled by on-site personnel and/or may be a threat to either health or the environment, the listed professional spill response contractor (previously listed in Section 3.3.4) will be contacted.

The Primary Emergency Coordinator or Alternate is responsible for determining when a spill event has concluded or is under control sufficiently such that normal activities and personnel presence may be safely resumed.

Only if the spill or release can be safely handled by on-site personnel, the following actions may be conducted:

- While awaiting arrival of the Emergency Coordinator or designated Alternates, personnel shall commence containment activities immediately, using all available man-power and spill response materials in the adjacent area of the spill.
- Immediate containment of the spill shall be initiated such as blocking of adjacent interior floor and exterior storm drains, constructing dikes, and using all available containment materials on hand.

Contained materials will be removed as soon as possible and placed into proper containers, such as 55-gallon drums. All equipment and manpower shall be utilized to remove spilled materials promptly and in a safe manner. All drums used to contain spilled waste will be transported to the waste storage area for eventual off-site disposal by a licensed transporter.

EMERGENCY PROCEDURE FLOWCHART: SPILL AND/OR RELEASE OF HAZARDOUS MATERIAL

CONTACT EMERGENCY COORDINATOR AND/OR SECONDARY COORDINATOR:
 1) Emergency Coordinator – UT Tyler Campus Police 903-566-7300 (24-Hour)
 2) Alternate Emergency Coordinator – Paula Tate 903-566-7011

EMERGENCY COORDINATOR OR ALTERNATE OBTAINS THE FOLLOWING INFORMATION:
 1) Nature of emergency;
 2) Location of emergency;
 3) Size and extent of emergency; and

PERSONNEL INJURED? YES NO

EMERGENCY COORDINATOR / ALTERNATE CONTACTS THE FOLLOWING:
 EMS/FIRE: 9-1-1
 POISON CONTROL CENTER 1-800-343-272
BE PREPARED TO GIVE:
 NATURE OF EMERGENCY, NAME, ADDRESS, EXTENT OF INJURIES, AND POSSIBLE HAZARDOUS MATERIALS INVOLVED AND QUANTITY

IF NECESSARY, THE EMERGENCY COORDINATOR WILL ACTIVATE INTERNAL FACILITY ALARMS AND/OR COMMUNICATIONS SYSTEMS TO NOTIFY ALL PERSONNEL OF EVACUATION

IS THE SPILL AN INCIDENTAL RELEASE THAT CAN BE ABSORBED, NEUTRALIZED, OR OTHERWISE CONTROLLED AT THE TIME OF RELEASE BY EMPLOYEES IN THE IMMEDIATE RELEASE AREA OR BY MAINTENANCE PERSONNEL UTILIZING EQUIPMENT ON-HAND WITHOUT JEOPARDIZING THEIR HEALTH OR SAFETY?

YES

NO

BEGIN CONTAINING SPILL, CLEAN-UP SPILLED MATERIAL, AND STORE PROPERLY FOR DISPOSAL.
 EMERGENCY COORDINATOR / ALTERNATE CONTACTS THE STATE AS NECESSARY (SECTION 3.3)
 TCEQ - STATE: 1-800-832-8224
 TCFO - TYI FR OFFICE: 903-595-5100

EMERGENCY COORDINATOR / ALTERNATE CONTACTS:
 TYLER FIRE DEPARTMENT: 903-531-1319
 SMITH COUNTY LEPC: 903-566-6600
 SPILL CONTRACTOR:
 SWS Environmental Services 1-877-742-4215

HAS SPILL REACHED OR THREATENED GILLEY CREEK OR HAS ENTERED THE SOIL, WATER OR VOLITIALIZED TO THE AIR?

YES

NO

EMERGENCY COORDINATOR / ALTERNATE CONTACTS THE FOLLOWING: NATIONAL RESPONSE CENTER: 800-424-8802

SPILL CONTAMINATED MATERIAL CLEANED UP AND STORED PROPERLY FOR DISPOSAL

REPORTING REQUIREMENTS MET (SECTION 3.4 AND 3.5) AND SPILL FORM (APPENDIX C) COMPLETED

5.0 PAST SPILL EXPERIENCE

According to 40 CFR 112.7(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 a recurrence.

In preparing this plan, no spills having occurred within the past twelve months were identified. Any future spills will be documented using the Spill Form in Appendix C.

6.0 POTENTIAL SPILL PREDICTION

6.1 Oil Capacity and Storage

After a review of the UT Tyler campus, it was determined that all petroleum products are stored and managed at the facility within bulk storage and oil filled operational equipment. Provided in Table 1 is a summary of the oil capacities and containment and control practices identified at UT Tyler. At any one time, a total of approximately 18,850 gallons of fuel/oil is stored at the facility above ground. Tables 1A and 1B describe the potential type of failure(s), the estimated amount of material which may be released, the probable flow direction if a spill should occur, and existing secondary containment measures in each area of concern.

Oil filled operational equipment includes any oil storage container in which the oil is present solely to support the function of the apparatus or the device. While oil-filled equipment is not subject to the bulk storage container requirements, it must still meet the requirements for general secondary containment. General secondary containment may include:

- Dikes, berms, or retaining walls sufficiently impervious to contain oil;
- Curbing
- Culverting, gutters, or other drainage systems;
- Weirs, booms, or other barriers;
- Spill diversion ponds;
- Retention ponds; or
- Sorbent materials.

Table 1A provides a description of measures for avoiding and/or containing the release of materials from the facility associated with oil filled operational equipment. In the event of catastrophic failure and release of oil, the equipment will immediately cease to operate, or “blow” in the case of transformers, in these instances the release would be immediately observed and addressed with response kits by EH&S within 5 minutes.

The local electrical utility provider, Oncor, owns one oil filled electrical transformer in the area of the Alumni House (ALU), and all transformers on the Eagles Landing (EL) property. In the event of a release from these transformers it is the responsibility of Oncor to conduct all response, repair, and reporting associated with any releases from the transformer.

Oncor Reporting Division	Phone Number
New Construction	1-888-222-8045

**TABLE 1A – OIL FILLED OPERATION EQUIPMENT OIL STORAGE
 POTENTIAL SPILL PREDICTION AND CONTROL SUMMARY
 The University of Texas at Tyler**

ELEVATOR HYDRAULIC RESERVOIRS (~5,105 gallons)					
Area/Location	Source	Potential Type of Failure	Potential Spill Volume (gal.)	Flow Direction and Distance to Closest Stormwater Drain	Secondary Containment
E1 ADM	Hydraulic Oil	Reservoir/Pump failure	165	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	17		
E2 ALU	Hydraulic Oil	Reservoir/Pump failure	220	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	22		
E3 BEP	Hydraulic Oil	Reservoir/Pump failure	110	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	11		
E4 BRB 2 nd Floor	Hydraulic Oil	Reservoir/Pump failure	180	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	18		
E5 BUS	Hydraulic Oil	Reservoir/Pump failure	75	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	8		
E6 FAC	Hydraulic Oil	Reservoir/Pump failure	145	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	15		
E7 FAC	Hydraulic Oil	Reservoir/Pump failure	150	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	15		
E8 FAC	Hydraulic Oil	Reservoir/Pump failure	220	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	22		
E9 HPC	Hydraulic Oil	Reservoir/Pump failure	225	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	23		
E10 HPC	Hydraulic Oil	Reservoir/Pump failure	225	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	23		
E11 HPR	Hydraulic Oil	Reservoir/Pump failure	100	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	10		
E12 LIB Reservoir #1	Hydraulic Oil	Reservoir/Pump failure	115	Concrete Floor, drain 5' away	A,C ²
		Spill during oil transfer	12		

**TABLE 1A – OIL FILLED OPERATION EQUIPMENT OIL STORAGE
POTENTIAL SPILL PREDICTION AND CONTROL SUMMARY
The University of Texas at Tyler**

Area/Location	Source	Potential Type of Failure	Potential Spill Volume (gal.)	Flow Direction and Distance to Closest Stormwater Drain	Secondary Containment
E13 LIB Reservoir #2	Hydraulic Oil	Reservoir/Pump failure	115	Concrete Floor, drain 5' away	A, C ²
		Spill during oil transfer	12		
E14 ORH Reservoir #1	Hydraulic Oil	Reservoir/Pump failure	200	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	20		
E15 ORH Reservoir #2	Hydraulic Oil	Reservoir/Pump failure	200	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	20		
E16 PHE	Hydraulic Oil	Reservoir/Pump failure	100	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	10		
E17 RBN Reservoir #1	Hydraulic Oil	Reservoir/Pump failure	400	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	40		
E18 RBN Reservoir #2	Hydraulic Oil	Reservoir/Pump failure	400	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	40		
E19 RBS Reservoir #1	Hydraulic Oil	Reservoir/Pump failure	400	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	40		
E20 RBS Reservoir #2	Hydraulic Oil	Reservoir/Pump failure	400	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	40		
E21 UC Exterior Freight	Hydraulic Oil	Reservoir/Pump failure	200	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	20		
E22 UC Kitchen/Freight	Hydraulic Oil	Reservoir/Pump failure	170	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	17		
E23 UC	Hydraulic Oil	Reservoir/Pump failure	165	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	17		
E24 WTB	Hydraulic Oil	Reservoir/Pump failure	125	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	13		
E25 WTB	Hydraulic Oil	Reservoir/Pump failure	300	Concrete Floor, No access to stormwater	A,B
		Spill during oil transfer	30		

TABLE 1A – OIL FILLED OPERATION EQUIPMENT OIL STORAGE POTENTIAL SPILL PREDICTION AND CONTROL SUMMARY The University of Texas at Tyler					
ELECTRICAL TRANSFORMERS (~9,470 gallons)					
Area/Location	Source	Potential Type of Failure	Potential Spill Volume (gal.)	Flow Direction and Distance to Closest Stormwater Drain	Secondary Containment
T1 ADM	Mineral Oil	Reservoir/Pump failure	340	In concrete pit, floor drain 5' away	A
		Spill during oil transfer	34		
T2 ARC	Envirotemp	Reservoir/Pump failure	377	West 200' to creek	A
		Spill during oil transfer	38		
T3 BEP	Mineral Oil	Reservoir/Pump failure	207	East 20'	A
		Spill during oil transfer	21		
T4 BPK	Mineral Oil	Reservoir/Pump failure	333	West to street	A
		Spill during oil transfer	33		
T5 BRB	Mineral Oil	Reservoir/Pump failure	259	North 60'	A
		Spill during oil transfer	26		
T6 BUS	Mineral Oil	Reservoir/Pump failure	200	North to parking lot then to street	A
		Spill during oil transfer	20		
T19 FAC	Mineral Oil	Reservoir/Pump failure	408	West-southwest 20' to storm water sump	A
		Spill during oil transfer	41		
T20 HPC	Mineral Oil	Reservoir/Pump failure	443	None in Immediate Vicinity	A
		Spill during oil transfer	44		
T21 HPC	Mineral Oil	Reservoir/Pump failure	443	None in Immediate Vicinity	A
		Spill during oil transfer	44		
T22 HPR	Mineral Oil	Reservoir/Pump failure	340	In concrete pit floor drain 5' away	A
		Spill during oil transfer	34		
T23 LIB	Mineral Oil	Reservoir/Pump failure	430	Curb inlet 100' northeast	A
		Spill during oil transfer	43		
T24 ORH	Mineral Oil	Reservoir/Pump failure	305	South 130 yard to curb inlet	A
		Spill during oil transfer	31		

**TABLE 1A – OIL FILLED OPERATION EQUIPMENT OIL STORAGE
POTENTIAL SPILL PREDICTION AND CONTROL SUMMARY
The University of Texas at Tyler**

Area/Location	Source	Potential Type of Failure	Potential Spill Volume (gal.)	Flow Direction and Distance to Closest Stormwater Drain	Secondary Containment
T25 PHY	Mineral Oil	Reservoir/Pump failure	140	West 110' to creek	A
		Spill during oil transfer	14		
T26 PPN	Mineral Oil	Reservoir/Pump failure	639	East 75'	A
		Spill during oil transfer	64		
T27 PPN	Mineral Oil	Reservoir/Pump failure	639	East 75'	A
		Spill during oil transfer	64		
T28 PPS (On the Roof)	Mineral Oil	Reservoir/Pump failure	400	Roof drain	A
		Spill during oil transfer	40		
T29 PPS (On the Roof)	Mineral Oil	Reservoir/Pump failure	570	Roof drain	A
		Spill during oil transfer	57		
T30 PPS (On the Roof)	Mineral Oil	Reservoir/Pump failure	271	Roof drain	A
		Spill during oil transfer	27		
T31 PPS (On the Roof)	Mineral Oil	Reservoir/Pump failure	351	Roof drain	A
		Spill during oil transfer	35		
T32 PVL	Mineral Oil	Reservoir/Pump failure	111	West 150' to stormwater inlet	A
		Spill during oil transfer	11		
T33 UC	Envirotemp	Reservoir/Pump failure	255	Northwest 25'	A
		Spill during oil transfer	26		
T34 UC	Envirotemp	Reservoir/Pump failure	484	South 15'	A
		Spill during oil transfer	48		
T35 WTB	Mineral Oil	Reservoir/Pump failure	481	Conveyance to Harvey Lake 25' southeast	A
		Spill during oil transfer	48		

Secondary Containment Legend

- A To be contained by spill kit absorbent materials
- B Spill contained by impervious nature of building's floor and walls
- C² Sized Secondary containment via constructed berm

6.2 Bulk Fuel Storage

Bulk fuel storage refers to any container (≥55 gallons capacity) used to store oil other than oil filled operational equipment. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. These containers are subject to the more laborious bulk storage container requirements of 40 CFR 112.8 and 40 CFR 112.12 which include but are not limited to sized secondary containment, integrity testing, facility and dike drainage, and discharge avoidance.

Table 1B is a description of measures for the avoidance and/or containment of the release of materials from the facility associated with bulk fuel storage. All containers and drums listed in Table 1B are compatible with the oil stored within. Pipe supports (as applicable) are all designed to minimize abrasion and corrosion and to allow for expansion and contraction. Potential for abrasion and/or corrosion will be inspected monthly to ensure pipe integrity is maintained (see Section 7.0)

TABLE 1B – BULK FUEL STORAGE POTENTIAL SPILL PREDICTION AND CONTROL SUMMARY The University of Texas at Tyler							
ABOVEGROUND STORAGE TANKS AND DRUMS (~1,465 gallons)							
Area/ Source	Total Volume (gal.)/ Source	Potential Type of Failure	Potential Spill Volume (gal.)	Flow Direction	Overflow Protection/ Discharge Avoidance	Secondary Containment	Dike Draining Protocols
AST1 PPN Dielectric Fluid	(2) 55	Container Failure	55	Under cover, not in building. Drain 20' to the northwest	Visual	C ³	N/A Containment area is covered
		Spill during transfer	6				
AST2 PPS Used Oil	55	Container Failure	55	Floor drain located ~40' southeast	Visual	C ³ Plastic containment pan is exactly 55 gallon capacity	N/A Containment area is covered
		Spill during transfer	6				
AST3 PHY Diesel #2	300	Container Failure	300	West then north towards drainage feature	Visual	C ² Steel dike w/350-gallon capacity	N/A Containment area is covered
		Spill during transfer	30				
AST4 PHY Gasoline	1000	Container Failure	1000	West towards drainage feature	Level Gauge	C ² Concrete dike w/1,660-gallon capacity	Secondary containment area accumulates rainwater – see Dike Draining Protocols in 6.4.2 & Appendix C
		Spill during transfer	100				
WASTE KITCHEN GREASE STORAGE (~200 gallons)							
AST5 UC Waste Kitchen Grease	200	Container Failure	200	Onto paved surface; storm drain located 20' west	Visual	A	Secondary containment area accumulates rainwater – see Dike Draining Protocols in 6.4.2 & Appendix C
		Spill during transfer	20				

**TABLE 1B – BULK FUEL STORAGE
 POTENTIAL SPILL PREDICTION AND CONTROL SUMMARY
 The University of Texas at Tyler**

EMERGENCY GENERATOR FUEL STORAGE TANKS (~2,610 gallons)							
Area/Source	Total Volume (gal.)/ Source	Potential Type of Failure	Potential Spill Volume (gal.)	Flow Direction	Overflow Protection/ Discharge Avoidance	Secondary Containment	Dike Draining Protocols
G1 FAC Detroit Diesel 250DS60	300	Container Failure	300	Inside building; northeast 30' exterior grate inlet	Visual	C ¹	N/A
		Spill during transfer	30				
G2 ORH Generac 5876730100	100	Container Failure	100	Onto paved surface; curb inlet 130 yards southwest	Visual	C ¹	N/A
		Spill during transfer	10				
G3 PHY Baldor TS60T	80	Container Failure	80	Onto ground; 130' west to creek	Visual	A	N/A
		Spill during transfer	8				
G4 PPN Caterpillar 3125B	500	Container Failure	500	Onto paved surface; 70' east to floor drain	Visual	C ¹	N/A
		Spill during transfer	50				
G5 UC Generac 77110360100	80	Container Failure	80	Onto paved surface; drain west-southwest	Visual	C ¹	N/A
		Spill during transfer	8				
G6 MB1 Magnum MMG80	150	Container Failure	150	Onto ground; southwest 300' to creek	Visual	A	N/A
		Spill during transfer	15				
G7 WTB Caterpillar 350	1000	Container Failure	1000	Onto paved surface; adjacent grate inlet for conveyance to Harvey Lake	Visual	C ¹	N/A
		Spill during transfer	100				
G8 USC Caterpillar D150-8	400	Container Failure	400	Onto paved surface; 250' south to street	Visual	C ¹	N/A
		Spill during transfer	40				

Secondary Containment Legend

- A To be contained by spill kit absorbent materials
- B Spill contained by impervious nature of building's floor and walls
- C¹ Sized Secondary containment via double-walled construction
- C² Sized Secondary containment via constructed berm
- C³ Sized Secondary containment via spill pallet
- D Electronic Monitoring System
- E Inadequate containment, see Section 13.0 for implementation schedule

6.3 Containment

6.3.1 Hydraulic Elevators and Transformers (Oil-Filled Operating Equipment)

There are (25) hydraulic elevators, with hydraulic fluid reservoir capacities at or exceeding 55-gallons, located throughout the UT Tyler main campus in various buildings. Numerous electrical transformers with dielectric fluid (mineral oil) capacities at or exceeding 55-gallons are located throughout campus. Photos of typical hydraulic oil reservoirs and electrical transformers located at UT Tyler are included in Appendix G.

6.3.1.1 Existing Containment and Safeguards

The hydraulic oil reservoirs for each elevator are located in locked elevator or mechanical rooms that are only accessible by authorized personnel. The walls and concrete floors of the elevator mechanical rooms provide for a majority of the secondary containment.

Electrical transformers containing dielectric fluid remain locked and are generally located away from high-traffic areas.

Oil filled operational equipment is subject to general containment requirements. Containment methods implemented include being located indoors for elevator reservoirs, having sorbent material readily available as outlined in Section 8.0, and conducting periodic inspections as outlined in Section 7.1.

6.3.2 Waste Kitchen Grease Storage

One (1) container is located on UT Tyler's main campus at the dining center located in the University Center. This container and drip pan are regularly serviced by the vendor.

6.3.2.1 Existing Containment and Safeguards

The container of waste kitchen grease is located in the loading dock area discharging onto surrounding paved area and is adjacent to a storm water drain. The tank is single-walled and a drip pan is installed beneath to prevent spillage from landing on the paved surface.

UT Tyler will regularly inspect the kitchen grease tank for leaks or releases as outlined in Section 7.1.

6.3.3 Above Ground Storage Drums

UT Tyler Facilities Management maintains (1) one 55-gallon drum to store used oil at the south power plant building and (2) two 55-gallon drums to store dielectric fluid in the north power plant building.

6.3.3.1 Existing Containment and Safeguards

The 55-gallon drums are located inside the buildings and within adequate secondary containment systems.

UT Tyler will regularly inspect the 55-gallon drums for leaks or releases as outlined in Section 7.1.

Overfill protection is addressed by maintenance staff visually gauging the available capacity remaining in the container prior to manually filling the drum.

6.3.4 Above Ground Storage Tanks

One (1) gasoline AST and one (1) diesel AST, is located at the Physical Plant complex.

6.3.4.1 Existing Containment and Safeguards

The ASTs are single-wall constructed but are in adequate secondary containment systems.

Each tank will be inspected monthly as outlined in Section 7.1.

6.3.5 Emergency Generator Diesel Fuel Reservoir

There are eight (8) emergency generators with diesel fuel reservoirs are located throughout the campus.

6.3.5.1 Existing Containment and Safeguards

The six (6) permanent emergency generators have a double-walled integrated diesel fuel tank and are mounted to a concrete pad. The two (2) portable emergency generators have a single-wall integrated diesel fuel tank and are mounted to a trailer. They do not have portable containment systems to provide adequate secondary containment. Spill response kits are located adjacent to these portable emergency generators.

Each tank will be inspected monthly as outlined in Section 7.1.

6.4 General Practices

6.4.1 Oil Transfer Procedures and Overfill Protection

6.4.1.1 Elevators and Transformers

During the removal or addition of oil, relative to elevators or transformers, UT Tyler personnel, or trained contractors acting on their behalf, will supervise these operations if they are being performed by an outside contractor. If trained UT Tyler personnel are not in attendance during such activities, the contractor will be informed by UT Tyler personnel, or trained contractors acting on their behalf, of the emergency response procedures outlined in this plan. Specifically, the contractor will be notified of whom to call on campus in case of a spill or release.

6.4.1.2 Kitchen Grease

UT Tyler food services contractors will receive training and take necessary precautions when adding waste kitchen grease to the storage container. Prior to the transfer of used kitchen grease to the storage container, personnel will note the level within the container to ensure adequate capacity is available.

UT Tyler personnel, or trained food services contractors acting on their behalf, will oversee the removal of the waste kitchen grease when vacuum pumped by the disposal contractor to ensure proper procedures and precautions are taken to minimize any releases. UT Tyler food services contractors will be present at all off-loading events.

To reduce the potential for a spill to a storm water drain, grease will not be added to or removed from the container during a heavy rain event, if at all possible.

6.4.1.3 Above Ground Storage Drums

Oils from smaller containers are added to the used oil drum. Overfill protection is addressed by maintenance staff visually gauging the available capacity remaining in the container prior to manually filling the drum. Care will be taken to minimize releases. UT Tyler personnel, or trained contractors acting on UT Tyler's behalf, will be present at all times when vendors are loading or unloading drums containing new or used oil.

6.4.1.4 Above Ground Storage Tanks

During delivery of fuel to the ASTs throughout campus, the delivery truck's tires will be chocked and hand brake set. During fuel transfers, the delivery truck driver and trained UT Tyler personnel, or trained contractors acting on UT Tyler's behalf, will observe the filling level of material in the tank via a visual tank gauge as indicated in Table 1B to ensure no spills occur. In addition, before and after delivery, all valves on the truck and tank will be inspected to ensure none are leaking and all are secured. To meet the requirements of overfill protection UT Tyler will ensure that:

- adequate capacity is available to receive the delivery;
- a receipt is obtained; and
- stormwater drains or ditches are protected from a spill or release.

The ports of the ASTs will be locked after the delivery is complete. If at all possible, to reduce the potential for a spill to a storm water drain, fuel oil, diesel or gasoline will not be off loaded or unloaded during a heavy rain event, if at all possible.

6.4.1.5 Diesel and Gasoline Electric Dispensers

Equipment and vehicles are refueled in the following manner:

- The pump is locked at all times unless diesel or gasoline is being dispensed.
- Electricity is supplied to the pump via a remote power switch located in a locked room inside Physical Plant.
- The person dispensing fuel continuously monitors the entire fueling process.

6.4.2 Dike Drainage

In case of rainwater accumulation, a draining log will be used to document all dike or secondary containment draining activities. The draining log, available in Appendix D, outlines the draining procedures which entail trained UT Tyler personnel conducting the following:

- Visually inspect the contained rainwater for evidence of color, an oily sheen or film, or oil sludge or deposits.
- If there is any evidence of discoloration, an oily sheen or film, or oily sludge or deposits, the material will NOT be drained to the ground. An outside contractor will vacuum the contained

fuel/oil/water mixture and properly dispose of it in accordance with the resulting waste stream determination.

- If the containment area is drained to the ground, trained personnel will monitor the entire draining event (i.e. not leave that dike or containment area while the dike is being drained). Additionally, all drain lines will be securely closed and locked after the event.

6.4.3 Recovered Clean-up Material Disposal

UT Tyler typically utilizes absorbent mats, absorbent socks, and granular loose absorbent material to contain any minor spills or releases.

Waste absorbent material will be cleaned-up and disposed of using the following procedure:

- Contain the clean-up material into a dedicated storage container as soon as a spill is absorbed, but no later than the end of the day in which the spill occurred.
- The dedicated drum will be labeled with the words "Oil Absorbent Material" or other words as appropriate.
- Conduct a hazardous waste determination to determine if material is hazardous or non-hazardous waste.
- The used clean-up material will then be disposed of properly based on the outcome of the hazardous waste determination.
- Shipping records will be maintained by UT Tyler for used materials that are transported off-site for disposal.

6.4.4 Visiting Vehicle Traffic

To the fullest extent possible, kitchen grease containers, ASTs, and drums are located away from any roads and therefore are not in the path of vehicular traffic.

6.4.5 Drum Handling

The following precautions will be taken during drum handling operations:

- Keep the drum closed at all times, except when adding or removing oil; and
- Use appropriate transport devices such as a dolly or a specifically designed handcart.

7.0 INSPECTIONS

7.1 Visual Inspections

UT Tyler personnel or a designated vendor will inspect its oil storage areas according to the schedule herein. A written record of the inspections will be kept as required by 40 CFR Part 112.7 Section (e). An SPCC Inspection Log (Appendix D), will be completed and signed by the inspector as part of each inspection. Oil storage locations at UT Tyler will be inspected according to the following schedule:

Oil Storage Location Type	Inspection Schedule
Bulk Storage (Table 1B)	Monthly (UT Tyler)
Electrical Transformers (Table 1A)	Semiannually (UT Tyler)
Elevator Reservoirs (Table 1A)	Monthly (Elevator Contractor)

At a minimum, UT Tyler will inspect all tanks for deterioration (e.g. corrosion), leaks, tank supports and foundations, and condition of secondary containment, where applicable. In addition to the tank, the associated aboveground piping will be inspected for damage, including the condition of the piping system including all valves, flanges, etc. Containers and drums will be checked for proper labeling and signs of deterioration or leakage. Any sign of rust, corrosion, or leakage constitutes an unsatisfactory condition requiring appropriate preventive maintenance. Any container or drum label deficiencies will be corrected immediately. The containment areas will also be inspected for cracks or other forms of deterioration.

During these inspections, personnel will also verify the adequate supply of spill containment and abatement materials. See Section 8.0 for a detailed list of spill abatement equipment and materials that will be maintained.

All inspection logs will be stored within the UT Tyler EH&S database.

7.2 Integrity Testing

Each container with a capacity of 55 gallons or greater (e.g. 55-gallon drum, tank, etc.), which is not an oil-filled electrical, operating, or manufacturing equipment, is considered to be a bulk storage container and is therefore regulated under 40 CFR 112.8(c)(6). Each above ground bulk storage container will be tested for integrity on a regular schedule and when material repairs are made.

The Standard Tank Institute (STI) provides industry standards regarding integrity testing guidance for shop-built tanks and portable containers. The guidance categorizes ASTs from 1-3 based on a spill or release risk level, with 1 being the lowest risk and 3 being the highest risk for a spill or release. For instance, a double-walled, shop-built tank in contact with the ground that maintains a Continuous Release Detection Method (CRDM) and is less than 5,000 gallons is considered a Category 1 tank. Category 1 tanks are recommended by STI to have periodic inspections conducted by the owner or designated employee.

The integrity testing requirement does not apply to oil-filled electrical operating and manufacturing equipment, 55-gallon drums which are not reused on-site, or USTs subject to 40 CFR 280. Based on these criteria, on these criteria, UT Tyler will perform integrity testing on the following bulk storage tanks as outlined below.

OIL STORAGE TANK INTEGRITY TESTING The University of Texas at Tyler			
Location	Description	AST Category	Integrity Testing Implementation
Physical Plant (AST3)	300 gallon Diesel AST	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
Physical Plant (AST4)	1000 gallon Gasoline AST	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
University Center (AST5)	200 gallon Waste Kitchen Grease Container	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
Cowan Center (G1)	300 gallon Diesel Belly Tank	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
Ornelas Hall (G2)	100 gallon Diesel Belly Tank	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
Physical Plant (G3)	80 gallon Diesel Belly Tank	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
Power Plant North (G4)	500 gallon Diesel Belly Tank	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
University Center (G5)	80 gallon Diesel Belly Tank	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
Mobile Building 1 (G6)	150 gallon Diesel Belly Tank	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
Brookshire Hall (G7)	1000 gallon Diesel Belly Tank	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections
University Service Center (G8)	400 gallon Diesel Belly Tank	1	Tank maintains continuous release detection method – conduct monthly and annual visual inspections

8.0 SPILL ABATEMENT EQUIPMENT AND MATERIALS

UT Tyler will maintain spill control equipment for all of the oil storage areas on-site. The following materials will be provided:

- absorbent material (i.e. Safe-T-Sorb, pads, and booms);
- spark-free shovel/broom; and
- temporary disposal bag.

Spill control equipment will be stored in locations, which are accessible to all employees and located near oil storage locations. UT Tyler personnel, or contractors acting on their behalf, will inspect the spill control equipment monthly to ensure that they are maintained in working order and spill abatement materials are replenished as needed.

UT Tyler will maintain the bulk of its spill control equipment in the following areas on campus:

- Facility Management, Physical Plant
- EH&S, USC Building

Commercial clean-up contractors who will be contacted by UT Tyler if their assistance is needed are as follows:

Contractor	Phone Number
SWS Environmental Services	1-877-742-4215
SET Environmental Inc.	1-877-437-7455

9.0 SECURITY

UT Tyler's hours of operations are 24 hours/day, 7 days/week as the site is always occupied by staff and students living on-site. In addition, UT Tyler Campus Police ensures the security of campus. The internal and external areas are patrolled, and the campus maintains numerous security cameras. All fuel storage areas are either within locked areas to prevent unauthorized access, or are easily visible and therefore monitored by UT Tyler security personnel.

10.0 TRAINING

EPA Regulation 40 CFR Part 112.7(f) requires that annual training be provided for all “oil handling” personnel to assure an understanding of the SPCC Plan. Personnel at UT Tyler whose duties involve the daily management, use, inspection or maintenance of oil storage, transfer, process or treatment equipment will be trained in the contents of this SPCC Plan. This training will highlight those portions of the SPCC as they relate to facility operations, including, but not limited to, known discharges or failures, malfunctioning components, and recently developed precautionary measures. The training will include the following:

- Operation and maintenance of equipment to prevent the discharge of oil;
- Discharge procedure protocols;
- Applicable pollution control laws, rules and regulations;
- General facility operations;
- Contents of the facility SPCC plan; and
- Review of any spills or releases in the last year.

All current and new hires of “oil handling” personnel shall be trained by UT Tyler prior to beginning work. This training includes a detailed and complete review of UT Tyler’s SPCC Plan and its standard operating procedures. Annual refreshers of this training will be given to all facility employees. Training will be tracked using UT Tyler’s database. An example roster is provided in Appendix F.

The Designated Person Responsible for spill prevention at the facility (page v), will approve the SPCC and certify that he/she is thoroughly familiar with the Plan. As such, that individual is qualified to conduct training of oil handling personnel or may opt to designate to another qualified individual thoroughly familiar with this plan to conduct such training.

11.0 FACILITY RESPONSE PLAN

UT Tyler is not required to prepare and submit a Facility Response Plan defined under 40 CFR Part 112.20 for the following reasons:

- This facility does not transfer oil over water to or from vessels with a total oil facility storage capacity greater than or equal to 42,000 gallons.
- The facility does not have a total oil storage capacity greater than or equal to 1,000,000 gallons.

Since UT Tyler does not meet the substantial harm criteria, UT Tyler must only complete a Certification of Harm Determination Form and maintain the form as part of their SPCC Plan. The Certification form, to be completed, is included in Appendix E.

12.0 SPCC PLAN AMENDMENT

12.1 Facility Modifications

This SPCC Plan, under 40 CFR 112.5, will be amended whenever there is a change in facility design, construction, operation or maintenance which material affects the facility's potential for a discharge of oil to navigable waters of the United States or adjoining shorelines. These plan amendments will be prepared within six (6) months and fully implemented as soon as possible, but not later than six (6) months following the plan's amendment. Emergency response issues will be reviewed when:

- The plan fails during an emergency;
- It becomes evident that emergency contacts are not equipped to handle situations; or
- There are personnel changes (i.e. emergency coordinator or alternate).

12.2 EPA Requirements

The Environmental Protection Agency Regional Administrator may require amendments to the Plan whenever the facility has: 1) discharged more than 1,000 U.S. gallons into or upon the navigable waters in the U.S.; 2) discharged oil in quantities larger than 42 gallons, as defined in 40 CFR Part 112.1(b), into or upon the navigable waters of the U.S. in two spill events, occurring within any twelve month period.

12.3 Five Year Revisions

Regardless of facility changes, the SPCC Plan will also undergo a complete review and evaluation at least once every five (5) years. As a result of this review, the plan will be updated within six (6) months to include more effective prevention and control technology, if such technology is identified as having the ability to significantly reduce the likelihood of spills, and has been field proven at the time of the review. All technical amendments to this plan shall be certified by a Professional Engineer in accordance with 40 CFR 112.3(d). Non-technical amendments include changes to phone numbers or names. These amendments will be made as the change occurs, initialed, and dated by UT Tyler personnel.

All 5-year SPCC plan reviews will be documented at their completion in the SPCC Plan Review Log on page vii at the beginning of this plan. The person responsible for the 5-year review will attest to the certification statement with their signature, include the date of the review and indicate whether a revision to the plan is necessary, as well as date of the revision, if applicable.

13.0 IMPLEMENTATION SCHEDULE

UT Tyler will fully implement this SPCC Plan and be compliant with the SPCC regulations by following the implementation schedule presented below. UT Tyler should complete the far right column at the time that each item is implemented. Failure to implement these actions may negate the PE signature associated with this SPCC Plan.

Action Item Number	Action Item	Corresponding Section in SPCC Plan	Proposed Implementation Date	Actual Implementation Date & Signature
1	Post the spill response flow chart in the following locations: Facilities Management and Environmental Health & Safety	4.0	August 2017	
2	Procure portable secondary containment systems for the trailer-mounted gen sets located at Physical Plant and Mobile Building 1 (Vivarium)	6.3.5.1	January 2018	
3	Ensure appropriate employees are familiar with and following oil transfer procedures	6.4.1	Initially and annually thereafter	
4	Install a drain in the concrete secondary containment wall for the Physical Plant Gasoline AST	6.4.2	September 2018	
5	Ensure appropriate employees are familiar with and utilizing the dike draining log	6.4.2 & Appendix D	With each rain event	
6	Conduct routine inspections as specified	7.1 & Appendix D	As indicated in Section 7.0	
7	Initiate integrity testing schedule	7.2 & Appendix D	As indicated in Section 7.2	
8	Maintain spill response material on site in appropriate locations	8.0	Check monthly	
9	Conduct training of all oil handling personnel in the contents of this plan	10.0	Initially and annually thereafter	
10	Install secondary containment around stormwater drains in sub-grade transformer vaults T1 and T22	6.1	September 2018	

FIGURES

Figure 1: Facility Drainage and Distance to Navigable Waters

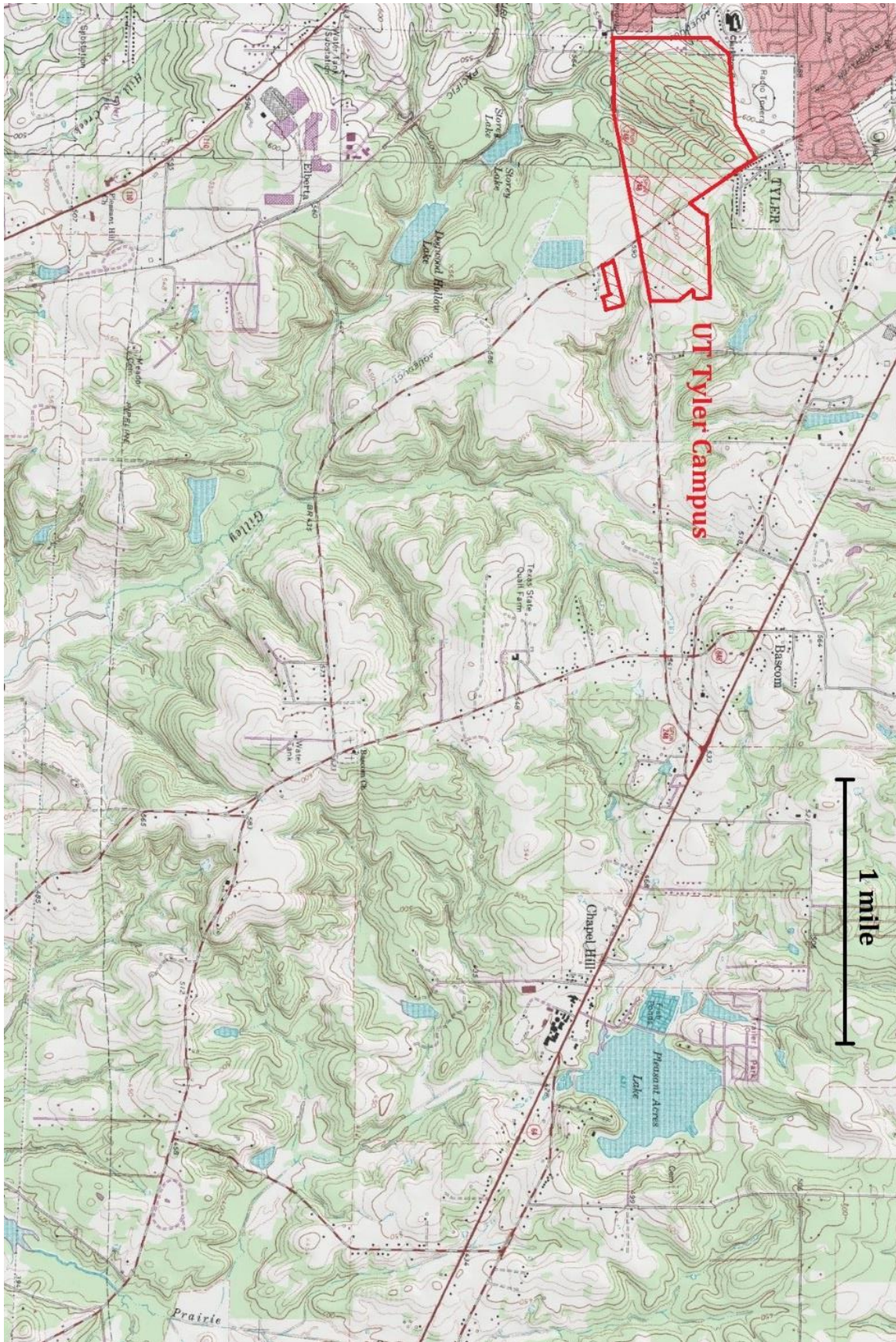
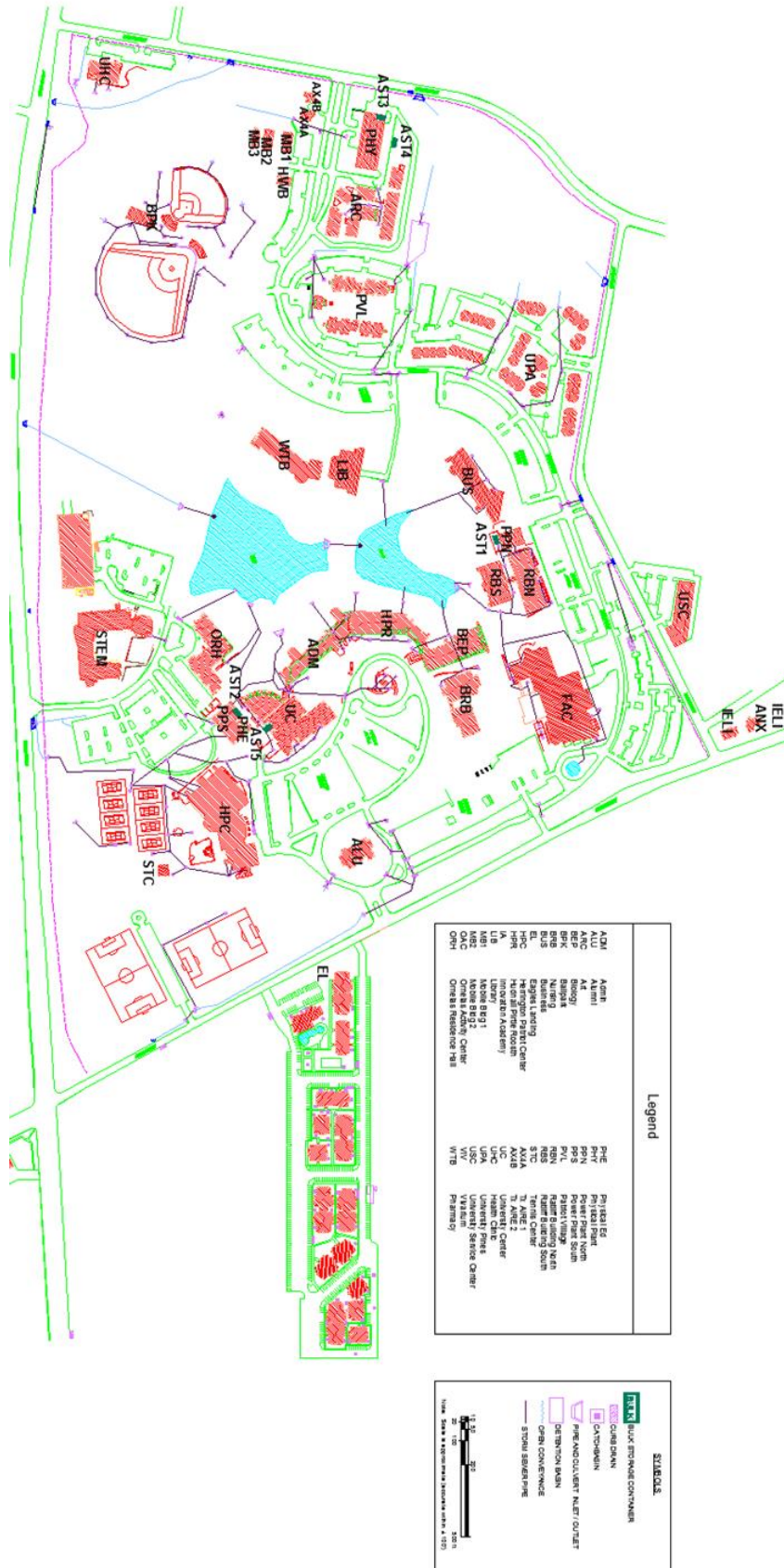


Figure 5: Bulk Storage Containers



APPENDIX A

SPCC REGULATIONS

APPENDIX A: SPCC Regulation 40 CFR Part 112

Title 40: Protection of Environment

PART 112—OIL POLLUTION PREVENTION

Section Contents

Subpart A—Applicability, Definitions, and General Requirements for All Facilities and All Types of Oils

- § 112.1 General applicability.
- § 112.2 Definitions.
- § 112.3 Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan.
- § 112.4 Amendment of Spill Prevention, Control, and Countermeasure Plan by Regional Administrator.
- § 112.5 Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators.
- § 112.6 Qualified Facility Plan Requirements.
- § 112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans.

Subpart B—Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

- § 112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).
- § 112.9 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.
- § 112.10 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.
- § 112.11 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

Subpart C—Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, including Oils from Seeds, Nuts, Fruits, and Kernels.

- § 112.12 Spill Prevention, Control, and Countermeasure Plan requirements.
- §§ 112.13-112.15 [Reserved]

Subpart D—Response Requirements

- § 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
Appendix G to Part 112—XXX

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.

Subpart A—Applicability, Definitions, and General Requirements for All Facilities and All Types of Oils

Source: 67 FR 47140, July 17, 2002, unless otherwise noted.

§ 112.1 General applicability.

(a)(1) This part establishes procedures, methods, equipment, and other requirements 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, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).

(2) As used in this part, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the case may require.

(b) Except as provided in paragraph (d) of this section, this part applies to any owner or operator of a non-transportation-related onshore or offshore facility engaged in

drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act) that has oil in:

- (1) Any aboveground container;
 - (2) Any completely buried tank as defined in §112.2;
 - (3) Any container that is used for standby storage, for seasonal storage, or for temporary storage, or not otherwise “permanently closed” as defined in §112.2;
 - (4) Any “bunkered tank” or “partially buried tank” as defined in §112.2, or any container in a vault, each of which is considered an aboveground storage container for purposes of this part.
- (c) As provided in section 313 of the Clean Water Act (CWA), departments, agencies, and instrumentalities of the Federal government are subject to this part to the same extent as any person.
- (d) Except as provided in paragraph (f) of this section, this part does not apply to:
- (1) The owner or operator of any facility, equipment, or operation that is not subject to the jurisdiction of the Environmental Protection Agency (EPA) under section 311(j)(1)(C) of the CWA, as follows:
 - (i) Any onshore or offshore facility, that due to its location, could not reasonably be expected to have a discharge as described in paragraph (b) of this section. This determination must be based solely upon consideration of the geographical and location aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, drainage, etc.) and must exclude consideration of manmade features such as dikes, equipment or other structures, which may serve to restrain, hinder, contain, or otherwise prevent a discharge as described in paragraph (b) of this section.

(ii) Any equipment, or operation of a vessel or transportation-related onshore or offshore facility which is subject to the authority and control of the U.S. Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of EPA, dated November 24, 1971 (Appendix A of this part).

(iii) Any equipment, or operation of a vessel or onshore or offshore facility which is subject to the authority and control of the U.S. Department of Transportation or the U.S. Department of the Interior, as defined in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(2) Any facility which, although otherwise subject to the jurisdiction of EPA, meets both of the following requirements:

(i) The completely buried storage capacity of the facility is 42,000 gallons or less of oil. For purposes of this exemption, the completely buried storage capacity of a facility excludes the capacity of a completely buried tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, that is currently subject to all of the technical requirements of part 280 of this chapter or all of the technical requirements of a State program approved under part 281 of this chapter. The completely buried storage capacity of a facility also excludes the capacity of a container that is "permanently closed," as defined in §112.2.

(ii) The aggregate aboveground storage capacity of the facility is 1,320 gallons or less of oil. For the purposes of this exemption, only containers with a capacity of 55 gallons or greater are counted. The aggregate aboveground storage capacity of a facility excludes the capacity of a container that is "permanently closed," and the capacity of a "motive power container" as defined in §112.2.

(3) Any offshore oil drilling, production, or workover facility that is subject to the notices and regulations of the Minerals Management Service, as specified in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(4) Any completely buried storage tank, as defined in §112.2, and connected underground piping, underground ancillary

equipment, and containment systems, at any facility, that is subject to all of the technical requirements of part 280 of this chapter or a State program approved under part 281 of this chapter, except that such a tank must be marked on the facility diagram as provided in §112.7(a)(3), if the facility is otherwise subject to this part.

(5) Any container with a storage capacity of less than 55 gallons of oil.

(6) Any facility or part thereof used exclusively for wastewater treatment and not used to satisfy any requirement of this part. The production, recovery, or recycling of oil is not wastewater treatment for purposes of this paragraph.

(7) Any "motive power container," as defined in §112.2. The transfer of fuel or other oil into a motive power container at an otherwise regulated facility is not eligible for this exemption.

(e) This part establishes requirements for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans are designed to complement existing laws, regulations, rules, standards, policies, and procedures pertaining to safety standards, fire prevention, and pollution prevention rules. The purpose of an SPCC Plan is to form a comprehensive Federal/State spill prevention program that minimizes the potential for discharges. The SPCC Plan must address all relevant spill prevention, control, and countermeasures necessary at the specific facility. 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.

(f) Notwithstanding paragraph (d) of this section, the Regional Administrator may require that the owner or operator of any facility subject to the jurisdiction of EPA under section 311(j) of the CWA prepare and implement an SPCC Plan, or any applicable part, to carry out the purposes of the CWA.

(1) Following a preliminary determination, the Regional Administrator must provide a written notice to the owner or operator stating the reasons why he must prepare an SPCC Plan, or applicable part. The Regional Administrator must send such notice to the owner or operator by certified mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of such notice to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(2) Within 30 days of receipt of such written notice, the owner or operator may provide information and data and may consult with the Agency about the need to prepare an SPCC Plan, or applicable part.

(3) Within 30 days following the time under paragraph (b)(2) of this section within which the owner or operator may provide information and data and consult with the Agency about the need to prepare an SPCC Plan, or applicable part, the Regional Administrator must make a final determination regarding whether the owner or operator is required to prepare and implement an SPCC Plan, or applicable part. The Regional Administrator must send the final determination to the owner or operator by certified mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of the final determination to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(4) If the Regional Administrator makes a final determination that an SPCC Plan, or applicable part, is necessary, the owner or operator must prepare the Plan, or applicable part, within six months of that final determination and implement the Plan, or applicable part, as soon as possible, but not later than one year after the Regional Administrator has made a final determination.

(5) The owner or operator may appeal a final determination made by the Regional Administrator requiring preparation and implementation of an SPCC Plan, or applicable part, under this paragraph. The owner or operator must make the appeal to the Administrator of EPA within 30 days of receipt of the final determination under paragraph (b)(3) of this section from the Regional Administrator requiring preparation and/or implementation of an SPCC Plan, or applicable part. The owner or operator must send a complete copy of the appeal to the Regional Administrator at the time he makes the appeal to the Administrator. The appeal must contain a clear and concise statement of the issues and points of fact in the case. In the appeal, the owner or operator may also provide additional information. The additional information may be from any person. The Administrator may request additional information from the owner or operator. The Administrator must render a decision within 60 days of receiving the appeal or additional information submitted by the owner or operator and must serve the owner or operator with the decision made in the appeal in the manner described in paragraph (f)(1) of this section.

[67 FR 47140, July 17, 2002, as amended at 71 FR 77290, Dec. 26, 2006]

§ 112.2 Definitions.

For the purposes of this part:

Adverse weather means weather conditions that make it difficult for response equipment and personnel to clean up or remove spilled oil, and that must 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 is intended to function.

Alteration means any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

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

Breakout tank means a container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Bulk storage container means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.

Bunkered tank means a container constructed or placed in the ground by cutting the earth and re-covering the container in a manner that breaks the surrounding natural grade, or that lies above grade, and is covered with earth, sand, gravel, asphalt, or other material. A bunkered tank is considered an aboveground storage container for purposes of this part.

Completely buried tank means any container completely below grade and covered with earth, sand, gravel, asphalt, or other material. Containers in vaults, bunkered tanks, or partially buried tanks are considered aboveground storage containers for purposes of this part.

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 CWA.

Contiguous zone means the zone established by the United States under Article 24 of the Convention of the Territorial Sea and Contiguous Zone, that is contiguous to the territorial sea and that extends nine miles seaward from the outer limit of the territorial area.

Contract or other approved means means:

(1) A written contractual agreement with an oil spill removal organization 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 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 area; and/or

(4) Any other specific arrangement 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 of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of this part, the term discharge shall not include any discharge of oil that is authorized by a permit issued under section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).

Facility means any mobile or fixed, onshore or offshore building, structure, installation,

equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and waste treatment, or in which oil is used, as described in Appendix A to this part. The boundaries of a facility depend on several site-specific factors, including, but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and the types of activity at the site.

Farm means a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.

Fish and wildlife and sensitive environments means areas that may be identified by 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 or 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 archaeological 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, or exposure to a product of reactions resulting from a discharge.

Maximum extent practicable means within 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 includes 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.

Mobile refueler means a bulk storage container onboard a vehicle or towed, that is

designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Motive power container means any onboard bulk storage container used primarily to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment. An onboard bulk storage container which is used to store or transfer oil for further distribution is not a motive power container. The definition of motive power container does not include oil drilling or workover equipment, including rigs.

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.

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 (other than a vessel or public vessel) located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters.

Oil means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which

the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (e.g., those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

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.

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 or maintained the facility immediately prior to such abandonment.

Partially buried tank means a storage container that is partially inserted or constructed in the ground, but not entirely below grade, and not completely covered with earth, sand, gravel, asphalt, or other material. A partially buried tank is considered an aboveground storage container for purposes of this part.

Permanently closed means any container or facility for which:

(1) All liquid and sludge has been removed from each container and connecting line; and

(2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Person includes an individual, firm, corporation, association, or 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.

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil, or associated storage or measurement, and located in a single geographical oil or gas field operated by a single operator.

Regional Administrator means the Regional Administrator of the Environmental Protection Agency, in and for the Region in which the facility is located.

Repair means any work necessary to maintain or restore a container to a condition suitable for safe operation, other than that necessary for ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan means the document required by §112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

Storage capacity of a container means the shell capacity of the container.

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, (Appendix A of this part).

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, and the Pacific Island Governments.

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.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

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.

[67 FR 47140, July 17, 2002, as amended at 71 FR 77290, Dec. 26, 2006; 73 FR 71943, Nov. 26, 2008]

§ 112.3 Requirement to prepare and implement a Spill Prevention, Control,

The owner or operator of an onshore or offshore facility subject to this section must prepare a Spill Prevention, Control, and Countermeasure Plan (hereafter “SPCC Plan” or “Plan),” in writing, and in accordance with §112.7, and any other applicable section of this part.

(a)(1) If your onshore or offshore facility was in operation on or before August 16, 2002, you must maintain your Plan, but most amend it, if necessary to ensure compliance with this part, and implement the Plan no later than July 1, 2009. If your onshore or offshore facility becomes operational after August 16, 2002, through July 1, 2009, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan on or before July 1, 2009.

(2) If your onshore facility is a farm as defined in §112.2, the compliance date described in paragraph (a)(1) of this section is delayed until the effective date of a rule establishing SPCC requirements specifically for farms or otherwise establishes dates by which farms must comply with the provisions of this part.

(b)(1) If you are the owner or operator of an onshore or offshore facility that becomes operational after July 1, 2009, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare

and implement a Plan before you begin operations.

(2) If your onshore facility meets the definition of farm in §112.2, the compliance date described in paragraph (b)(1) of this section is delayed until the effective date of a rule establishing SPCC requirements specifically for farms or otherwise establishes dates by which farms must comply with the provisions of this part.

(c) If you are the owner or operator of an onshore or offshore mobile facility, such as an onshore drilling or workover rig, barge mounted offshore drilling or workover rig, or portable fueling facility, you must prepare, implement, and maintain a facility Plan as required by this section. You must maintain your Plan, but must amend and implement it, if necessary to ensure compliance with this part, on or before July 1, 2009. If your onshore or offshore mobile facility becomes operational after July 1, 2009, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan before you begin operations. This provision does not require that you prepare a new Plan each time you move the facility to a new site. The Plan may be a general Plan. When you move the mobile or portable facility, you must locate and install it using the discharge prevention practices outlined in the Plan for the facility. The Plan is applicable only while the facility is in a fixed (non-transportation) operating mode.

(d) Except as provided in §112.6, a licensed Professional Engineer must review and certify a Plan for it to be effective to satisfy the requirements of this part.

(1) By means of this certification the Professional Engineer attests:

(i) That he is familiar with the requirements of this part;

(ii) That he or his agent has visited and examined the facility;

(iii) That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part;

(iv) That procedures for required inspections and testing have been established; and

(v) That the Plan is adequate for the facility.

(2) Such certification shall in no way relieve the owner or operator of a facility of his

duty to prepare and fully implement such Plan in accordance with the requirements of this part.

(e) If you are the owner or operator of a facility for which a Plan is required under this section, you must:

(1) Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or at the nearest field office if the facility is not so attended, and

(2) Have the Plan available to the Regional Administrator for on-site review during normal working hours.

(f) *Extension of time.* (1) The Regional Administrator may authorize an extension of time for the preparation and full implementation of a Plan, or any amendment thereto, beyond the time permitted for the preparation, implementation, or amendment of a Plan under this part, when he finds that the owner or operator of a facility subject to this section, cannot fully comply with the requirements 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 his agents or employees.

(2) If you are an owner or operator seeking an extension of time under paragraph (f)(1) of this section, you may submit a written extension request to the Regional Administrator. Your request must include:

(i) A full explanation of the cause for any such delay and the specific aspects of the Plan affected by the delay;

(ii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay; and

(iii) 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 you may present additional oral or written statements in support of your extension request.

(3) The submission of a written extension request under paragraph (f)(2) of this section does not relieve you of your obligation to comply with the requirements of this part. The Regional Administrator may request a copy of your Plan to evaluate the extension

request. When the Regional Administrator authorizes an extension of time for particular equipment or other specific aspects of the Plan, such extension does not affect your obligation to comply with the requirements related to other equipment or other specific aspects of the Plan for which the Regional Administrator has not expressly authorized an extension.

(g) *Qualified Facilities.* The owner or operator of a qualified facility as defined in this subparagraph may self-certify his or her facility's Plan, as provided in §112.6. A qualified facility is one that:

(1) Has an aggregate aboveground storage capacity of 10,000 gallons or less; and

(2) Has had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons or no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to this part if the facility has been in operation for less than three years (other than discharges as described in §112.1(b) that are the result of natural disasters, acts of war, or terrorism).

[67 FR 47140, July 17, 2002, as amended at 68 FR 1351, Jan. 9, 2003; 68 FR 18894, Apr. 17, 2003; 69 FR 48798, Aug. 11, 2004; 71 FR 8466, Feb. 17, 2006; 71 FR 77290, Dec. 26, 2006; 72 FR 27447, May 16, 2007]

§ 112.4 Amendment of Spill Prevention, Control, and Countermeasure Plan by Regional Administrator.

If you are the owner or operator of a facility subject to this part, you must:

(a) Notwithstanding compliance with §112.3, whenever your facility has discharged more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or discharged more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b), occurring within any twelve month period, submit the following information to the Regional Administrator within 60 days from the time the facility becomes subject to this section:

(1) Name of the facility;

(2) Your name;

(3) Location of the facility;

(4) Maximum storage or handling capacity of the facility and normal daily throughput;

(5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;

(6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;

(7) The cause of such discharge as described in §112.1(b), including a failure analysis of the system or subsystem in which the failure occurred;

(8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence; and

(9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.

(b) Take no action under this section until it applies to your facility. This section does not apply until the expiration of the time permitted for the initial preparation and implementation of the Plan under §112.3, but not including any amendments to the Plan.

(c) Send to the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located a complete copy of all information you provided to the Regional Administrator under paragraph (a) of this section. Upon receipt of the information such State agency or agencies may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment, and other requirements necessary to prevent and to contain discharges from your facility.

(d) Amend your Plan, if after review by the Regional Administrator of the information you submit under paragraph (a) of this section, or submission of information to EPA by the State agency under paragraph (c) of this section, or after on-site review of your Plan, the Regional Administrator requires that you do so. The Regional Administrator may require you to amend your Plan if he finds that it does not meet the requirements of this part or that amendment is necessary to prevent and contain discharges from your facility.

(e) Act in accordance with this paragraph when the Regional Administrator proposes by certified mail or by personal delivery that you amend your SPCC Plan. If the owner or operator is a corporation, he must also notify by mail the registered agent of such corporation, if any and if known, in the State in which the facility is located. The Regional Administrator must specify the terms of

such proposed amendment. Within 30 days from receipt of such notice, you may submit written information, views, and arguments on the proposed amendment. After considering all relevant material presented, the Regional Administrator must either notify you of any amendment required or rescind the notice. You must amend your Plan as required within 30 days after such notice, unless the Regional Administrator, for good cause, specifies another effective date. You must implement the amended Plan as soon as possible, but not later than six months after you amend your Plan, unless the Regional Administrator specifies another date.

(f) If you appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan, send the appeal to the EPA Administrator in writing within 30 days of receipt of the notice from the Regional Administrator requiring the amendment under paragraph (e) of this section. You must send a complete copy of the appeal to the Regional Administrator at the time you make the appeal. The appeal must contain a clear and concise statement of the issues and points of fact in the case. It may also contain additional information from you, or from any other person. The EPA Administrator may request additional information from you, or from any other person. The EPA Administrator must render a decision within 60 days of receiving the appeal and must notify you of his decision.

§ 112.5 Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators.

If you are the owner or operator of a facility subject to this part, you must:

(a) Amend the SPCC Plan for your facility in accordance with the general requirements in §112.7, and with any specific section of this part applicable to your facility, when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge as described in §112.1(b). Examples of changes that may require amendment of the Plan include, but are not limited to: commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at a facility. An amendment made under this section must be prepared within six months, and implemented as soon as possible, but not later than six months following preparation of the amendment.

(b) Notwithstanding compliance with paragraph (a) of this section, complete a review and evaluation of the SPCC Plan at least once every five years from the date your facility becomes subject to this part; or, if your facility was in operation on or before August 16, 2002, five years from the date your last review was required under this part. As a result of this review and evaluation, you must amend your SPCC Plan within six months of the review to include more effective prevention and control technology if the technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge as described in §112.1(b) from the facility. You must implement any amendment as soon as possible, but not later than six months following preparation of any amendment. You must document your completion of the review and evaluation, and must sign a statement as to whether you will amend the Plan, either at the beginning or end of the Plan or in a log or an appendix to the Plan. The following words will suffice, "I have completed review and evaluation of the SPCC Plan for (name of facility) on (date), and will (will not) amend the Plan as a result."

(c) Except as provided in §112.6, have a Professional Engineer certify any technical amendments to your Plan in accordance with §112.3(d).

[67 FR 47140, July 17, 2002, as amended at 71 FR 77291, Dec. 26, 2006]

§ 112.6 Qualified Facility Plan Requirements.

(a) *Preparation and Self-certification of Plan.* If you are the owner or operator of a facility that meets the qualified facility qualification criteria in §112.3(g), you may choose to self-certify your Plan. You must certify in the Plan that:

- (1) You are familiar with the requirements of this part;
- (2) You have visited and examined the facility;
- (3) The Plan has been prepared in accordance with accepted and sound industry practices and standards, and with the requirements of this part;
- (4) Procedures for required inspections and testing have been established;
- (5) The Plan is being fully implemented;

(6) The facility meets the qualification criteria set forth under §112.3(g);

(7) The Plan does not deviate from any requirement of this part as allowed by §§112.7(a)(2) and 112.7(d), except as provided in paragraph (c) of this section; and

(8) The Plan and individual(s) responsible for implementing the Plan have the full approval of management and the facility owner or operator has committed the necessary resources to fully implement the Plan.

(b) *Self-certification of Technical Amendments.* If you self-certify your Plan pursuant to paragraph (a) of this section, you must certify any technical amendments to your Plan in accordance with paragraph (a) of this section when there is a change in the facility design, construction, operation, or maintenance that affects its potential for a discharge as described in §112.1(b) except:

(1) If a Professional Engineer certified a portion of your Plan in accordance with paragraph (d) of this section, and the technical amendment affects this portion of the Plan, you must have the amended provisions of your Plan certified by a Professional Engineer in accordance with §112.6(d)(2).

(2) If the change is such that the facility no longer meets the qualifying criteria in §112.3(g) because it exceeds 10,000 gallons in aggregate aboveground storage capacity, you must prepare a Plan in accordance with the general Plan requirements in §112.7 and the applicable requirements in subparts B and C, including having the Plan certified by a Professional Engineer as required under §112.3(d).

(c) *Applicable Requirements.* Except as provided in this subparagraph, your self-certified SPCC Plan must comply with §112.7 and the applicable requirements in subparts B and C of this part:

(1) *Environmental Equivalence.* Your Plan may not include alternate methods which provide environmental equivalence pursuant to §112.7(a)(2), unless each alternate method has been reviewed and certified in writing by a Professional Engineer, as provided in paragraph (d) of this section.

(2) *Impracticability.* Your Plan may not include any determinations that secondary containment is impracticable and provisions in lieu of secondary containment pursuant to §112.7(d), unless each such determination and alternative provision has been reviewed

and certified in writing by a Professional Engineer, as provided in paragraph (d) of this section.

(3) *Security (excluding oil production facilities).* You must either:

(i) Comply with the requirements under §112.7(g); or

(ii) Describe in your Plan how you secure and control access to the oil handling, processing and storage areas; secure master flow and drain valves; prevent unauthorized access to starter controls on oil pumps; secure out-of-service and loading/unloading connections of oil pipelines; address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.

(4) *Bulk Storage Container Inspections.* You must either:

(i) Comply with the requirements under §112.8(c)(6) or §112.12(c)(6), as applicable; or

(ii) Test/inspect each aboveground container for integrity on a regular schedule and whenever material repairs are made. You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections which take into account container size, configuration, and design (such as containers that are: shop built, skid-mounted, elevated, equipped with a liner, double walled, or partially buried). Examples of these integrity tests include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph.

(d) *Professional Engineer Certification of Portions of a Qualified Facility's Self-certified Plan.* As described in paragraph (c) of this section, the facility owner or operator may not self-certify alternative measures allowed under §112.7(a)(2) or (d), that are included in the facility's Plan. Such measures must be reviewed and certified, in writing, by a licensed Professional Engineer as follows:

(1) For each alternative measure allowed under §112.7(a)(2), the Plan must be accompanied by a written statement by a Professional Engineer that states the reason for nonconformance and describes the alternative method and how it provides equivalent environmental protection in accordance with §112.7(a)(2). For each determination of impracticability of secondary containment pursuant to §112.7(d), the Plan must clearly explain why secondary containment measures are not practicable at this facility and provide the alternative measures required in §112.7(d) in lieu of secondary containment.

(2) By certifying each measure allowed under §112.7(a)(2) and (d), the Professional Engineer attests:

(i) That he is familiar with the requirements of this part;

(ii) That he or his agent has visited and examined the facility; and

(iii) That the alternative method of environmental equivalence in accordance with §112.7(a)(2) or the determination of impracticability and alternative measures in accordance with §112.7(d) is consistent with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part.

(3) The review and certification by the Professional Engineer under this paragraph is limited to the alternative method which achieves equivalent environmental protection pursuant to §112.7(a)(2) or to the impracticability determination and measures in lieu of secondary containment pursuant to §112.7(d).

[71 FR 77291, Dec. 26, 2006]

§ 112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans.

If you are the owner or operator of a facility subject to this part you must prepare a Plan in accordance with good engineering practices. The Plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan. You must prepare the Plan in writing. If you do not follow the sequence specified in this section for the Plan, you must prepare an equivalent Plan acceptable to the Regional Administrator that meets all of the applicable requirements listed in this part, and you must supplement it with a section cross-referencing the location of

requirements listed in this part and the equivalent requirements in the other prevention plan. If the Plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, you must discuss these items in separate paragraphs, and must explain separately the details of installation and operational start-up. As detailed elsewhere in this section, you must also:

(a)(1) Include a discussion of your facility's conformance with the requirements listed in this part.

(2) Comply with all applicable requirements listed in this part. Except as provided in §112.6, your Plan may deviate from the requirements in paragraphs (g), (h)(2) and (3), and (i) of this section and the requirements in subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and §§112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), and 112.12(c)(11), where applicable to a specific facility, if you provide equivalent environmental protection by some other means of spill prevention, control, or countermeasure. Where your Plan does not conform to the applicable requirements in paragraphs (g), (h)(2) and (3), and (i) of this section, or the requirements of subparts B and C of this part, except the secondary containment requirements in paragraph (c) and (h)(1) of this section, and §§112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), and 112.12(c)(11), you must state the reasons for nonconformance in your Plan and describe in detail alternate methods and how you will achieve equivalent environmental protection. If the Regional Administrator determines that the measures described in your Plan do not provide equivalent environmental protection, he may require that you amend your Plan, following the procedures in §112.4(d) and (e).

(3) Describe in your Plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each container. The facility diagram must include completely buried tanks that are otherwise exempted from the requirements of this part under §112.1(d)(4). The facility diagram must also include all transfer stations and connecting pipes. You must also address in your Plan:

(i) The type of oil in each container and its storage capacity;

(ii) Discharge prevention measures including procedures for routine handling of

products (loading, unloading, and facility transfers, etc.);

(iii) Discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge;

(iv) Countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor);

(v) Methods of disposal of recovered materials in accordance with applicable legal requirements; and

(vi) Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with whom you have an agreement for response, and all appropriate Federal, State, and local agencies who must be contacted in case of a discharge as described in §112.1(b).

(4) Unless you have submitted a response plan under §112.20, provide information and procedures in your Plan to enable a person reporting a discharge as described in §112.1(b) to relate information on the exact address or location and phone number of the facility; the date and time of the discharge; the type of material discharged; estimates of the total quantity discharged; estimates of the quantity discharged as described in §112.1(b); the source of the discharge; a description of all affected media; the cause of the discharge; any damages or injuries caused by the discharge; actions being used to stop, remove, and mitigate the effects of the discharge; whether an evacuation may be needed; and, the names of individuals and/or organizations who have also been contacted.

(5) Unless you have submitted a response plan under §112.20, organize portions of the Plan describing procedures you will use when a discharge occurs in a way that will make them readily usable in an emergency, and include appropriate supporting material as appendices.

(b) Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge), include in your Plan 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 type of major equipment failure.

(c) Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in

§112.1(b), except as provided in paragraph (k) of this section for qualified oil-filled operational equipment. The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank or pipe, will not escape the containment system before cleanup occurs. At a minimum, you must use one of the following prevention systems or its equivalent:

(1) For onshore facilities:

(i) Dikes, berms, or retaining walls sufficiently impervious to contain oil;

(ii) Curbing;

(iii) Culverting, gutters, or other drainage systems;

(iv) Weirs, booms, or other barriers;

(v) Spill diversion ponds;

(vi) Retention ponds; or

(vii) Sorbent materials.

(2) For offshore facilities:

(i) Curbing or drip pans; or

(ii) Sumps and collection systems.

(d) Provided your Plan is certified by a licensed Professional Engineer under §112.3(d), or, in the case of a qualified facility that meets the criteria in §112.3(g), the relevant sections of your Plan are certified by a licensed Professional Engineer under §112.6(d), if you determine that the installation of any of the structures or pieces of equipment listed in paragraphs (c) and (h)(1) of this section, and §§112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), and 112.12(c)(11) to prevent a discharge as described in §112.1(b) from any onshore or offshore facility is not practicable, you must clearly explain in your Plan why such measures are not practicable; for bulk storage containers, conduct both periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping; and, unless you have submitted a response plan under §112.20, provide in your Plan the following:

(1) An oil spill contingency plan following the provisions of part 109 of this chapter.

(2) A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

(e) *Inspections, tests, and records.* Conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer develop for the facility. You must keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(f) *Personnel, training, and discharge prevention procedures.* (1) At a minimum, train your oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility SPCC Plan.

(2) Designate a person at each applicable facility who is accountable for discharge prevention and who reports to facility management.

(3) Schedule and conduct discharge prevention briefings for your oil-handling personnel at least once a year to assure adequate understanding of the SPCC Plan for that facility. Such briefings must highlight and describe known discharges as described in §112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures.

(g) *Security (excluding oil production facilities).* (1) Fully fence each facility handling, processing, or storing oil, and lock and/or guard entrance gates when the facility is not in production or is unattended.

(2) Ensure that the master flow and drain valves and any other valves permitting direct outward flow of the container's contents to the surface have adequate security measures so that they remain in the closed position when in non-operating or non-standby status.

(3) Lock the starter control on each oil pump in the "off" position and locate it at a site accessible only to authorized personnel when the pump is in a non-operating or non-standby status.

(4) Securely cap or blank-flange the loading/unloading connections of oil

pipelines or facility piping when not in service or when in standby service for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure.

(5) Provide facility lighting commensurate with the type and location of the facility that will assist in the:

(i) Discovery of discharges occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.); and

(ii) Prevention of discharges occurring through acts of vandalism.

(h) *Facility tank car and tank truck loading/unloading rack (excluding offshore facilities).* (1) Where loading/unloading area drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading and unloading areas. You must design any containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.

(2) Provide an interlocked warning light or physical barrier system, warning signs, wheel chocks, or vehicle break interlock system in loading/unloading areas to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines.

(3) Prior to filling and departure of any tank car or tank truck, closely inspect for discharges the lowermost drain and all outlets of such vehicles, and if necessary, ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit.

(i) If a field-constructed aboveground container undergoes a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, or has discharged oil or failed due to brittle fracture failure or other catastrophe, evaluate the container for risk of discharge or failure due to brittle fracture or other catastrophe, and as necessary, take appropriate action.

(j) In addition to the minimal prevention standards listed under this section, include in your Plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and containment procedures

listed in this part or any applicable more stringent State rules, regulations, and guidelines.

(k) *Qualified Oil-filled Operational Equipment.* The owner or operator of a facility with oil-filled operational equipment that meets the qualification criteria in paragraph (k)(1) of this sub-section may choose to implement for this qualified oil-filled operational equipment the alternate requirements as described in paragraph (k)(2) of this sub-section in lieu of general secondary containment required in paragraph (c) of this section.

(1) *Qualification Criteria—Reportable Discharge History:* The owner or operator of a facility that has had no single discharge as described in §112.1(b) from any oil-filled operational equipment exceeding 1,000 U.S. gallons or no two discharges as described in §112.1(b) from any oil-filled operational equipment each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan certification date, or since becoming subject to this part if the facility has been in operation for less than three years (other than oil discharges as described in §112.1(b) that are the result of natural disasters, acts of war or terrorism); and

(2) *Alternative Requirements to General Secondary Containment.* If secondary containment is not provided for qualified oil-filled operational equipment pursuant to paragraph (c) of this section, the owner or operator of a facility with qualified oil-filled operational equipment must:

(i) Establish and document the facility procedures for inspections or a monitoring program to detect equipment failure and/or a discharge; and

(ii) Unless you have submitted a response plan under §112.20, provide in your Plan the following:

(A) An oil spill contingency plan following the provisions of part 109 of this chapter.

(B) A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

[67 FR 47140, July 17, 2002, as amended at 71 FR 77292, Dec. 26, 2006]

Subpart B—Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and

Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

Source: 67 FR 47146, July 17, 2002, unless otherwise noted.

§ 112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).

If you are the owner or operator of an onshore facility (excluding a production facility), you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.* (1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, as provided in paragraphs (c)(3)(ii), (iii), and (iv) of this section.

(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.

(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.

(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer

is needed, provide two “lift” pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in §112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.* (1) Not use a container 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.

(2) Construct all bulk storage tank installations (except mobile refuelers) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in §112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially

buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) Test each aboveground container for integrity on a regular schedule, and whenever you make material repairs. The frequency of and type of testing must take into account container size and design (such as floating roof, skid-mounted, elevated, or partially buried). You must combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in §112.1(b). Except for mobile refuelers, you must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.* (1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess 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. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

[67 FR 47146, July 17, 2002, as amended at 71 FR 77293, Dec. 26, 2006]

§ 112.9 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

If you are the owner or operator of an onshore production facility, you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed under this section.

(b) *Oil production facility drainage.* (1) At tank batteries and separation and treating areas where there is a reasonable possibility of a discharge as described in §112.1(b), close and seal at all times drains of dikes or drains of equivalent measures required under §112.7(c)(1), except when draining uncontaminated rainwater. Prior to drainage, you must inspect the diked area and take action as provided in §112.8(c)(3)(ii), (iii), and (iv). You must remove accumulated oil on the rainwater and return it to storage or dispose of it in accordance with legally approved methods.

(2) Inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge. You must promptly remove any accumulations of oil.

(c) *Oil production facility bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(2) Provide all tank battery, separation, and treating facility installations with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must safely confine drainage from undiked areas in a catchment basin or holding pond.

(3) Periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

(4) Engineer or update new and old tank battery installations in accordance with good engineering practice to prevent discharges.

You must provide at least one of the following:

(i) Container capacity adequate to assure that a container will not overflow if a pumper/gauger is delayed in making regularly scheduled rounds.

(ii) Overflow equalizing lines between containers so that a full container can overflow to an adjacent container.

(iii) Vacuum protection adequate to prevent container collapse during a pipeline run or other transfer of oil from the container.

(iv) High level sensors to generate and transmit an alarm signal to the computer where the facility is subject to a computer production control system.

(d) *Facility transfer operations, oil production facility.* (1) Periodically and upon a regular schedule inspect all aboveground valves and piping associated with transfer operations for the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items.

(2) Inspect saltwater (oil field brine) disposal facilities often, particularly following a sudden change in atmospheric temperature, to detect possible system upsets capable of causing a discharge.

(3) Have a program of flowline maintenance to prevent discharges from each flowline.

§ 112.10 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

If you are the owner or operator of an onshore oil drilling and workover facility, you must:

(a) Meet the general requirements listed under §112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Position or locate mobile drilling or workover equipment so as to prevent a discharge as described in §112.1(b).

(c) Provide catchment basins or diversion structures to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.

(d) Install a blowout prevention (BOP) assembly and well control system before drilling below any casing string or during workover operations. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

§ 112.11 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

If you are the owner or operator of an offshore oil drilling, production, or workover facility, you must:

(a) Meet the general requirements listed under §112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Use oil drainage collection equipment to prevent and control small oil discharges around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and associated equipment. You must control and direct facility drains toward a central collection sump to prevent the facility from having a discharge as described in §112.1(b). Where drains and sumps are not practicable, you must remove oil contained in collection equipment as often as necessary to prevent overflow.

(c) For facilities employing a sump system, provide adequately sized sump and drains and make available a spare pump to remove liquid from the sump and assure that oil does not escape. You must employ a regularly scheduled preventive maintenance inspection and testing program 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.

(d) At facilities with areas where separators and treaters are equipped with dump valves which predominantly fail in the closed position and where pollution risk is high, specially equip the facility to prevent the discharge of oil. You must prevent the discharge of oil by:

(1) Extending the flare line to a diked area if the separator is near shore;

(2) Equipping the separator with a high liquid level sensor that will automatically shut in wells producing to the separator; or

(3) Installing parallel redundant dump valves.

(e) Equip atmospheric storage or surge containers with high liquid level sensing devices that activate an alarm or control the flow, or otherwise prevent discharges.

(f) Equip pressure containers with high and low pressure sensing devices that activate an alarm or control the flow.

(g) Equip containers with suitable corrosion protection.

(h) Prepare and maintain at the facility a written procedure within the Plan for inspecting and testing pollution prevention equipment and systems.

(i) Conduct testing and inspection of the pollution prevention equipment and systems at the facility on a scheduled periodic basis, commensurate with the complexity, conditions, and circumstances of the facility and any other appropriate regulations. You must use simulated discharges for testing and inspecting human and equipment pollution control and countermeasure systems.

(j) Describe in detailed records surface and subsurface well shut-in valves and devices in use at the facility for each well sufficiently to determine their method of activation or control, such as pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(k) Install a BOP assembly and well control system during workover operations and before drilling below any casing string. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while the BOP assembly and well control system are on the well.

(l) Equip all manifolds (headers) with check valves on individual flowlines.

(m) Equip the flowline with a high pressure sensing device and shut-in valve at the wellhead 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. Alternatively you may provide a pressure relief system for flowlines.

(n) Protect all piping appurtenant to the facility from corrosion, such as with protective coatings or cathodic protection.

(o) Adequately protect sub-marine piping appurtenant to the facility against environmental stresses and other activities such as fishing operations.

(p) Maintain sub-marine piping appurtenant to the facility in good operating condition at all times. You must periodically and according to a schedule inspect or test such piping for failures. You must document and keep a record of such inspections or tests at the facility.

Subpart C—Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, including Oils from Seeds, Nuts, Fruits, and Kernels.

Source: 67 FR 57149, July 17, 2002, unless otherwise noted.

§ 112.12 Spill Prevention, Control, and Countermeasure Plan requirements.

If you are the owner or operator of an onshore facility (excluding a production facility), you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.* (1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, subject to the requirements of paragraphs (c)(3)(ii), (iii), and (iv) of this section.

(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate

catchment basins in areas subject to periodic flooding.

(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.

(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two “lift” pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in §112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.* (1) Not use a container 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.

(2) Construct all bulk storage tank installations (except mobile refuelers) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in §112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) Test each aboveground container for integrity on a regular schedule, and whenever you make material repairs. The frequency of and type of testing must take into account container size and design (such as floating roof, skid-mounted, elevated, or partially buried). You must combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in §112.1(b). Except for mobile refuelers, you must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.* (1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess 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. You must also

conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

[67 FR 57149, July 17, 2002, as amended at 71 FR 77293, Dec. 26, 2006]

§§ 112.13-112.15 [Reserved]

Subpart D—Response Requirements

§ 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 you have prepared an equivalent response plan acceptable to the Regional Administrator 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; 66 FR 34560, June 29, 2001; 67 FR 47151, July 17, 2002]

§ 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 Peña,
Secretary of Transportation.

Dated: February 3, 1994.
Carol M. Browner,
Administrator, Environmental Protection Agency.

[59 FR 34102, July 1, 1994]

Appendix C to Part 112—Substantial Harm Criteria

1.0 Introduction

The flowchart provided in Attachment C–I to this appendix shows the decision tree with the criteria to identify whether a facility “could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters or adjoining shorelines.” In addition, the Regional Administrator has the discretion to identify facilities that must prepare and submit facility-specific response plans to EPA.

1.1 Definitions

1.1.1 *Great Lakes* means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

1.1.2 Higher Volume Port Areas include

- (1) Boston, MA;
- (2) New York, NY;
- (3) Delaware Bay and River to Philadelphia, PA;

- (4) St. Croix, VI;
- (5) Pascagoula, MS;
- (6) Mississippi River from Southwest Pass, LA to Baton Rouge, LA;
- (7) Louisiana Offshore Oil Port (LOOP), LA;
- (8) Lake Charles, LA;
- (9) Sabine-Neches River, TX;
- (10) Galveston Bay and Houston Ship Channel, TX;
- (11) Corpus Christi, TX;
- (12) Los Angeles/Long Beach Harbor, CA;
- (13) San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay to Antioch, CA;
- (14) Straits of Juan de Fuca from Port Angeles, WA to and including Puget Sound, WA;
- (15) Prince William Sound, AK; and

(16) Others as specified by the Regional Administrator for any EPA Region.

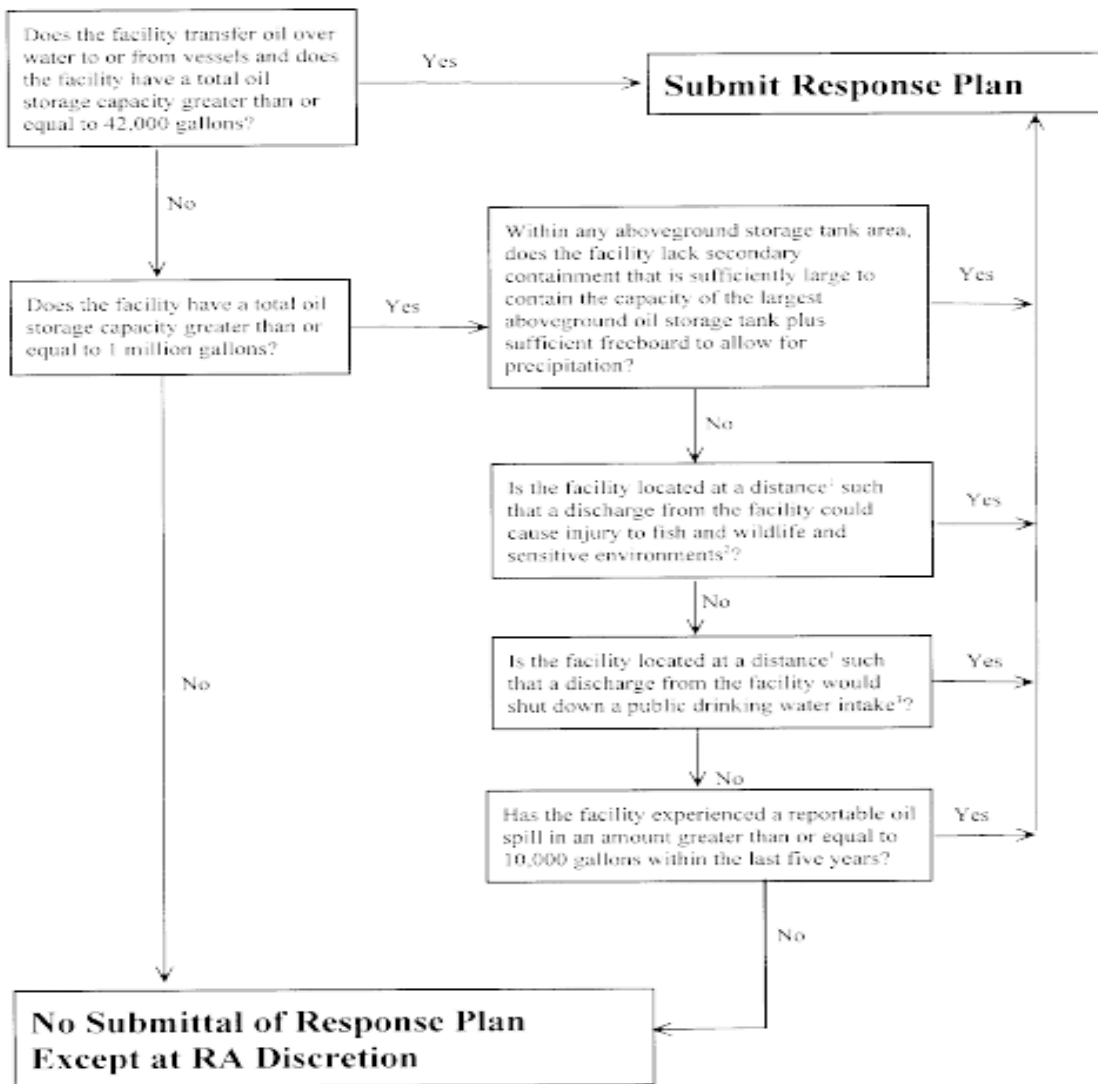
1.1.3 *Inland Area* means the area shoreward of the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines as defined in 33 CFR 80.740–80.850). The inland area does not include the Great Lakes.

1.1.4 *Rivers and Canals* means a body of water confined within the inland area, including the Intracoastal Waterways and other waterways artificially created for navigating that have project depths of 12 feet or less.

A facility that has the potential to cause substantial harm to the environment in the event of a discharge must prepare and submit a facility-specific response plan to EPA in accordance with Appendix F to this part. A description of the screening criteria

2.1 *Non-Transportation-Related Facilities With a Total Oil Storage Capacity Greater Than or Equal to 42,000 Gallons Where Operations Include Over-Water Transfers of Oil.* A non-transportation-related facility with a total oil storage capacity greater than

Attachment C-I
Flowchart of Criteria for Substantial Harm



¹ Calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula.

² For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and vessel response Plans: Fish and Wildlife and Sensitive Environments" (59 FR 14713, March 29, 1994) and the applicable Area Contingency Plan.

³ Public drinking water intakes are analogous to public water systems as described at CFR 143.2(c).

2.0 Description of Screening Criteria for the Substantial Harm Flowchart

for the substantial harm flowchart is provided below:

or equal to 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA. Daily oil transfer operations at these types of facilities occur

between barges and vessels and onshore bulk storage tanks over open water. These facilities are located adjacent to navigable water.

2.2 Lack of Adequate Secondary Containment at Facilities With a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons. Any facility with a total oil storage capacity greater than or equal to 1 million gallons without secondary containment sufficiently large to contain the capacity of the largest aboveground oil storage tank within each area plus sufficient freeboard to allow for precipitation must submit a response plan to EPA. Secondary containment structures that meet the standard of good engineering practice for the purposes of this part include berms, dikes, retaining walls, curbing, culverts, gutters, or other drainage systems.

2.3 Proximity to Fish and Wildlife and Sensitive Environments at Facilities With a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons. A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility could cause injury (as defined at 40 CFR 112.2) to fish and wildlife and sensitive environments. For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "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. Facility owners or operators must determine the distance at which an oil discharge could cause injury to fish and wildlife and sensitive environments using the appropriate formula presented in Attachment C-III to this appendix or a comparable formula. **2.4 Proximity to Public Drinking Water Intakes at Facilities with a Total Oil Storage Capacity Greater than or Equal to 1 Million Gallons** A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility would shut down a public drinking water intake, which is analogous to a public water system as described at 40 CFR 143.2(c). The distance at which an oil discharge from an SPCC-regulated facility would shut down a public drinking water intake shall be calculated using the appropriate formula presented in Attachment C-III to this appendix or a comparable formula.**2.5 Facilities That Have Experienced Reportable Oil Discharges in an Amount Greater Than or Equal to 10,000 Gallons Within the Past 5 Years and That Have a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons.** A facility's oil spill history within the past 5

years shall be considered in the evaluation for substantial harm. Any facility with a total oil storage capacity greater than or equal to 1 million gallons that has experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the past 5 years must submit a response plan to EPA.

3.0 Certification for Facilities That Do Not Pose Substantial Harm

If the facility does not meet the substantial harm criteria listed in Attachment C-I to this appendix, the owner or operator shall complete and maintain at the facility the certification form contained in Attachment C-II to this appendix. In the event an alternative formula that is comparable to the one in this appendix is used to evaluate the substantial harm criteria, 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.

4.0 References

Chow, V.T. 1959. Open Channel Hydraulics. McGraw Hill.

USCG IFR (58 FR 7353, February 5, 1993). This document is available through EPA's rulemaking docket as noted in Appendix E to this part, section 13.

Attachments to Appendix C

Attachment C-II—Certification of the Applicability of the Substantial Harm Criteria

Facility Name: _____
Facility Address: _____

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?

Yes ___ No ___

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?

Yes ___ No ___

3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula¹) 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 to DOC/NOAA's "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.

Yes ___ No ___

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula¹) such that a discharge from the facility would shut down a public drinking water intake²?

¹ If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable formula must be attached to this form.

² For the purposes of 40 CFR part 112, public drinking water intakes are analogous to public water systems as described at 40 CFR 143.2(c).

Yes ___ No ___

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?

Yes ___ No ___

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature

Name (please type or print)

Title

Date

Attachment C-III—Calculation of the Planning Distance

1.0 Introduction

1.1 The facility owner or operator must evaluate whether the facility is located at a distance such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments or disrupt operations at a public drinking water intake. To quantify that distance, EPA considered oil transport mechanisms over land and on still, tidal influence, and moving navigable waters. EPA has determined that the primary concern for calculation of a planning distance is the transport of oil in navigable waters during adverse weather conditions. Therefore, two formulas have been developed to determine distances for planning purposes from the point of discharge at the facility to the potential site of impact on moving and still waters, respectively. The formula for oil transport on moving navigable water is based on the velocity of the water body and the time interval for arrival of response resources. The still water formula accounts for the spread of discharged oil over the surface of the water. The method to determine oil transport on tidal influence areas is based on the type of oil discharged and the distance down current during ebb tide and up current during flood tide to the point of maximum tidal influence.

1.2 EPA's formulas were designed to be simple to use. However, facility owners or operators may calculate planning distances using more sophisticated formulas, which take into account broader scientific or engineering principles, or local conditions. Such comparable formulas may result in different planning distances than EPA's formulas. In the event that an alternative formula that is comparable to one contained in this appendix is used to evaluate the criterion in 40 CFR 112.20(f)(1)(ii)(B) or (f)(1)(ii)(C), 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 and shall notify the Regional Administrator in writing that an alternative formula was used.¹

¹ For persistent oils or non-persistent oils, a worst case trajectory model (i.e., an alternative formula) may be substituted for the distance formulas described in still, moving, and tidal waters, subject to Regional Administrator's review of the model. An example of an alternative formula that is comparable to the one contained in this appendix would be a worst case trajectory calculation based on credible adverse winds, currents, and/or river stages, over a range of seasons, weather conditions, and river stages. Based on historical information or a spill trajectory model, the Agency may require that additional fish and wildlife and sensitive environments or public drinking water intakes also be protected.

1.3 A regulated facility may meet the criteria for the potential to cause substantial harm to the environment without having to perform a planning distance calculation. For facilities that meet the substantial harm criteria because of inadequate secondary containment or oil spill history, as listed in the flowchart in Attachment C-1 to this appendix, calculation of the planning distance is unnecessary. For facilities that do not meet the substantial harm criteria for secondary containment or oil spill history as listed in the flowchart, calculation of a planning distance for proximity to fish and wildlife and sensitive environments and public drinking water intakes is required, unless it is clear without performing the calculation (e.g., the facility is located in a wetland) that these areas would be impacted.

1.4 A facility owner or operator who must perform a planning distance calculation on navigable water is only required to do so for the type of navigable water conditions (i.e., moving water, still water, or tidal-influenced water) applicable to the facility. If a facility owner or operator determines that more than one type of navigable water condition applies, then the facility owner or operator is required to perform a planning distance calculation for each navigable water type to determine the greatest single distance that oil may be transported. As a result, the final planning distance for oil transport on water shall be the greatest individual distance rather than a summation of each calculated planning distance.

1.5 The planning distance formula for transport on moving waterways contains three variables: the velocity of the navigable water (v), the response time interval (t), and a conversion factor (c). The velocity, v, is determined by using the Chezy-Manning equation, which, in this case, models the flood flow rate of water in open channels. The Chezy-Manning equation contains three variables which must be determined by facility owners or operators. Manning's

Roughness Coefficient (for flood flow rates), n, can be determined from Table 1 of this attachment. The hydraulic radius, r, can be estimated using the average mid-channel depth from charts provided by the sources listed in Table 2 of this attachment. The average slope of the river, s, can be determined using topographic maps that can be ordered from the U.S. Geological Survey, as listed in Table 2 of this attachment.

1.6 Table 3 of this attachment contains specified time intervals for estimating the arrival of response resources at the scene of a discharge. Assuming no prior planning, response resources should be able to arrive at the discharge site within 12 hours of the discovery of any oil discharge in Higher Volume Port Areas and within 24 hours in Great Lakes and all other river, canal, inland, and nearshore areas. The specified time intervals in Table 3 of Appendix C are to be used only to aid in the identification of whether a facility could cause substantial harm to the environment. Once it is determined that a plan must be developed for the facility, the owner or operator shall reference Appendix E to this part to determine appropriate resource levels and response times. The specified time intervals of this appendix include a 3-hour time period for deployment of boom and other response equipment. The Regional Administrator may identify additional areas as appropriate.

2.0 Oil Transport on Moving Navigable Waters

2.1 The facility owner or operator must use the following formula or a comparable formula as described in §112.20(a)(3) to calculate the planning distance for oil transport on moving navigable water:

$$d = v \times t \times c; \text{ where}$$

d: the distance downstream from a facility within which fish and wildlife and sensitive environments could be injured or a public drinking water intake would be shut down in the event of an oil discharge (in miles);

v: the velocity of the river/navigable water of concern (in ft/sec) as determined by Chezy-Manning's equation (see below and Tables 1 and 2 of this attachment);

t: the time interval specified in Table 3 based upon the type of water body and location (in hours); and

c: constant conversion factor 0.68 sec⁰ mile/hr ÷ 5280 ft/mile).

2.2 Chezy-Manning's equation is used to determine velocity:

$$v=1.49/r^{2/3} \times s^{1/2}; \text{ where}$$

v=the velocity of the river of concern (in ft/sec);

n=Manning's Roughness Coefficient from Table 1 of this attachment;

r=the hydraulic radius; the hydraulic radius can be approximated for parabolic channels by multiplying the average mid-channel depth of the river (in feet) by 0.667 (sources for obtaining the mid-channel depth are listed in Table 2 of this attachment); and

s=the average slope of the river (unitless) obtained from U.S. Geological Survey topographic maps at the address listed in Table 2 of this attachment.

Table 1—Manning's Roughness Coefficient for Natural Streams

[Note: Coefficients are presented for high flow rates at or near flood stage.]

Stream description	Roughness coefficient (n)
Minor Streams (Top Width <100 ft.)	
Clean:	
Straight	0.03
Winding	0.04
Sluggish (Weedy, deep pools):	
No trees or brush	0.06
Trees and/or brush	0.10
Major Streams (Top Width >100 ft.)	
Regular section:	
(No boulders/brush)	0.035
Irregular section:	
(Brush)	0.05

Table 2—Sources of r and s for the Chezy-Manning Equation

All of the charts and related publications for navigational waters may be ordered from:

Distribution Branch
(N/CG33)
National Ocean Service
Riverdale, Maryland 20737-1199
Phone: (301) 436-6990

There will be a charge for materials ordered and a VISA or Mastercard will be accepted.

The mid-channel depth to be used in the calculation of the hydraulic radius (r) can be obtained directly from the following sources:

Charts of Canadian Coastal and Great Lakes Waters:

Canadian Hydrographic Service
Department of Fisheries and Oceans
Institute
P.O. Box 8080
1675 Russell Road
Ottawa, Ontario K1G 3H6
Canada
Phone: (613) 998-4931

Charts and Maps of Lower Mississippi River (Gulf of Mexico to Ohio River and St. Francis, White, Big Sunflower, Atchafalaya, and other rivers):

U.S. Army Corps of Engineers
Vicksburg District
P.O. Box 60
Vicksburg, Mississippi 39180
Phone: (601) 634-5000

Charts of Upper Mississippi River and Illinois Waterway to Lake Michigan:

U.S. Army Corps of Engineers
Rock Island District
P.O. Box 2004
Rock Island, Illinois 61204
Phone: (309) 794-5552

Charts of Missouri River:

U.S. Army Corps of Engineers
Omaha District
6014 U.S. Post Office and Courthouse
Omaha, Nebraska 68102
Phone: (402) 221-3900

Charts of Ohio River:

U.S. Army Corps of Engineers
Ohio River Division
P.O. Box 1159
Cincinnati, Ohio 45201
Phone: (513) 684-3002

Charts of Tennessee Valley Authority Reservoirs, Tennessee River and Tributaries:

Tennessee Valley Authority
Maps and Engineering Section
416 Union Avenue
Knoxville, Tennessee 37902

Phone: (615) 632-2921

Charts of Black Warrior River, Alabama River, Tombigbee River, Apalachicola River and Pearl River:

U.S. Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, Alabama 36628-0001
Phone: (205) 690-2511

The average slope of the river (s) may be obtained from topographic maps:

U.S. Geological Survey
Map Distribution
Federal Center
Bldg. 41
Box 25286
Denver, Colorado 80225

Additional information can be obtained from the following sources:

1. The State's Department of Natural Resources (DNR) or the State's Aids to Navigation office;

2. A knowledgeable local marina operator; or

3. A knowledgeable local water authority (e.g., State water commission)

2.3 The average slope of the river (s) can be determined from the topographic maps using the following steps:

(1) Locate the facility on the map.

(2) Find the Normal Pool Elevation at the point of discharge from the facility into the water (A).

(3) Find the Normal Pool Elevation of the public drinking water intake or fish and wildlife and sensitive environment located downstream (B) (Note: The owner or operator should use a minimum of 20 miles downstream as a cutoff to obtain the average slope if the location of a specific public drinking water intake or fish and wildlife and sensitive environment is unknown).

(4) If the Normal Pool Elevation is not available, the elevation contours can be used to find the slope. Determine elevation of the water at the point of discharge from the facility (A). Determine the elevation of the water at the appropriate distance downstream (B). The formula presented below can be used to calculate the slope.

(5) Determine the distance (in miles) between the facility and the public drinking water intake or fish and wildlife and sensitive environments (C).

(6) Use the following formula to find the slope, which will be a unitless value:
Average Slope=[(A-B) (ft)/C (miles)] × [1 mile/5280 feet]

2.4 If it is not feasible to determine the slope and mid-channel depth by the Chezy-Manning equation, then the river velocity can be approximated on-site. A specific length, such as 100 feet, can be marked off along the shoreline. A float can be dropped into the stream above the mark, and the time required for the float to travel the distance can be used to determine the velocity in feet per second. However, this method will not yield an average velocity for the length of the stream, but a velocity only for the specific location of measurement. In addition, the flow rate will vary depending on weather conditions such as wind and rainfall. It is recommended that facility owners or operators repeat the measurement under a variety of conditions to obtain the most accurate estimate of the surface water velocity under adverse weather conditions.

2.5 The planning distance calculations for moving and still navigable waters are based on worst case discharges of persistent oils. Persistent oils are of concern because they can remain in the water for significant periods of time and can potentially exist in large quantities downstream. Owners or operators of facilities that store persistent as well as non-persistent oils may use a comparable formula. The volume of oil discharged is not included as part of the planning distance calculation for moving navigable waters. Facilities that will meet this substantial harm criterion are those with facility capacities greater than or equal to 1 million gallons. It is assumed that these facilities are capable of having an oil discharge of sufficient quantity to cause injury to fish and wildlife and sensitive environments or shut down a public drinking water intake. While owners or operators of transfer facilities that store greater than or equal to 42,000 gallons are not required to use a planning distance formula for purposes of the substantial harm criteria, they should use a planning distance calculation in the development of facility-specific response plans.

Table 3—Specified Time Intervals

Operating areas	Substantial harm planning time (hrs)
Higher volume port area	12 hour arrival+3 hour deployment=15 hours.
Great Lakes	24 hour arrival+3 hour deployment=27 hours.
All other rivers and canals, inland, and nearshore areas	24 hour arrival+3 hour deployment=27 hours.

2.6 *Example of the Planning Distance Calculation for Oil Transport on Moving Navigable Waters.* The following example provides a sample calculation using the planning distance formula for a facility discharging oil into the Monongahela River:

(1) Solve for v by evaluating n, r, and s for the Chezy-Manning equation:

Find the roughness coefficient, n, on Table 1 of this attachment for a regular section of a major stream with a top width greater than 100 feet. The top width of the river can be found from the topographic map.

$$n=0.035.$$

Find slope, s, where A=727 feet, B=710 feet, and C=25 miles.

Solving:

$$s=[(727 \text{ ft}-710 \text{ ft})/25 \text{ miles}] \times [1 \text{ mile}/5280 \text{ feet}]=1.3 \times 10^{-4}$$

The average mid-channel depth is found by averaging the mid-channel depth for each mile along the length of the river between the facility and the public drinking water intake or the fish or wildlife or sensitive environment (or 20 miles downstream if applicable). This value is multiplied by 0.667 to obtain the hydraulic radius. The mid-channel depth is found by obtaining values for r and s from the sources shown in Table 2 for the Monongahela River.

Solving:

$$r=0.667 \times 20 \text{ feet}=13.33 \text{ feet}$$

Solve for v using:

$$v=1.5/n \times r^{2/3} \times s^{1/2};$$

$$v=[1.5/0.035] \times (13.33)^{2/3} \times (1.3 \times 10^{-4})^{1/2}$$

$$v=2.73 \text{ feet/second}$$

(2) Find t from Table 3 of this attachment. The Monongahela River's resource response time is 27 hours.

(3) Solve for planning distance, d:

$$d=v \times t \times c$$

$$d=(2.73 \text{ ft/sec}) \times (27 \text{ hours}) \times (0.68 \text{ sec/mile/hr} \times \text{ft})$$

$$d=50 \text{ miles}$$

Therefore, 50 miles downstream is the appropriate planning distance for this facility.

3.0 Oil Transport on Still Water

3.1 For bodies of water including lakes or ponds that do not have a measurable velocity, the spreading of the oil over the surface must be considered. Owners or operators of facilities located next to still water bodies may use a comparable means of calculating the planning distance. If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable calculation must be attached to the response plan cover sheet.

3.2 *Example of the Planning Distance Calculation for Oil Transport on Still Water.* To assist those facilities which could potentially discharge into a still body of water, the following analysis was performed to provide an example of the type of formula that may be used to calculate the planning distance. For this example, a worst case discharge of 2,000,000 gallons is used.

(1) The surface area in square feet covered by an oil discharge on still water, A₁, can be determined by the following formula,² where V is the volume of the discharge in gallons and C is a constant conversion factor:

² Huang, J.C. and Monastero, F.C., 1982. *Review of the State-of-the-Art of Oil Pollution Models*. Final report submitted to the American Petroleum Institute by Raytheon Ocean Systems, Co., East Providence, Rhode Island.

$$A_1=10^5 \times V^{3/4} \times C$$

$$C=0.1643$$

$$A_1 = 10^5 \times (2,000,000 \text{ gallons})^{3/4} \times (0.1643)$$

$$A_1 = 8.74 \times 10^8 \text{ ft}^2$$

(2) The spreading formula is based on the theoretical condition that the oil will spread uniformly in all directions forming a circle. In reality, the outfall of the discharge will direct the oil to the surface of the water where it intersects the shoreline. Although the oil will not spread uniformly in all directions, it is assumed that the discharge will spread from the shoreline into a semi-circle (this assumption does not account for winds or wave action).

$$(3) \text{ The area of a circle} = \pi r^2$$

(4) To account for the assumption that oil will spread in a semi-circular shape, the area of a circle is divided by 2 and is designated as A_2 .

$$A_2 = (\pi r^2) / 2$$

Solving for the radius, r , using the relationship $A_1 = A_2$: $8.74 \times 10^8 \text{ ft}^2 = (\pi r^2) / 2$

$$\text{Therefore, } r = 23,586 \text{ ft}$$

$$r = 23,586 \text{ ft} \div 5,280 \text{ ft/mile} = 4.5 \text{ miles}$$

Assuming a 20 knot wind under storm conditions:

$$1 \text{ knot} = 1.15 \text{ miles/hour}$$

$$20 \text{ knots} \times 1.15 \text{ miles/hour/knot} = 23 \text{ miles/hr}$$

Assuming that the oil slick moves at 3 percent of the wind's speed:³

³ *Oil Spill Prevention & Control*. National Spill Control School, Corpus Christi State University, Thirteenth Edition, May 1990.

$$23 \text{ miles/hour} \times 0.03 = 0.69 \text{ miles/hour}$$

(5) To estimate the distance that the oil will travel, use the times required for response resources to arrive at different geographic locations as shown in Table 3 of this attachment.

For example:

$$\text{For Higher Volume Port Areas: } 15 \text{ hrs} \times 0.69 \text{ miles/hr} = 10.4 \text{ miles}$$

For Great Lakes and all other areas: $27 \text{ hrs} \times 0.69 \text{ miles/hr} = 18.6 \text{ miles}$

(6) The total distance that the oil will travel from the point of discharge, including the distance due to spreading, is calculated as follows:

Higher Volume Port Areas: $d = 10.4 + 4.5$ miles or approximately 15 miles

Great Lakes and all other areas: $d = 18.6 + 4.5$ miles or approximately 23 miles

4.0 Oil Transport on Tidal-Influence Areas

4.1 The planning distance method for tidal influence navigable water is based on worst case discharges of persistent and non-persistent oils. Persistent oils are of primary concern because they can potentially cause harm over a greater distance. For persistent oils discharged into tidal waters, the planning distance is 15 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 15 miles, whichever is less, during flood tide.

4.2 For non-persistent oils discharged into tidal waters, the planning distance is 5 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 5 miles, whichever is less, during flood tide.

4.3 *Example of Determining the Planning Distance for Two Types of Navigable Water Conditions*. Below is an example of how to determine the proper planning distance when a facility could impact two types of navigable water conditions: moving water and tidal water.

(1) Facility X stores persistent oil and is located downstream from locks along a slow moving river which is affected by tides. The river velocity, v , is determined to be 0.5 feet/second from the Chezy-Manning equation used to calculate oil transport on moving navigable waters. The specified time interval, t , obtained from Table 3 of this attachment for river areas is 27 hours. Therefore, solving for the planning distance, d :

$$d = v \times t \times c$$

$$d = (0.5 \text{ ft/sec}) \times (27 \text{ hours}) \times (0.68 \text{ sec/mile/hrft})$$

$$d = 9.18 \text{ miles.}$$

(2) However, the planning distance for maximum tidal influence down current

during ebb tide is 15 miles, which is greater than the calculated 9.18 miles. Therefore, 15 miles downstream is the appropriate planning distance for this facility.

5.0 Oil Transport Over Land

5.1 Facility owners or operators must evaluate the potential for oil to be transported over land to navigable waters of the United States. The owner or operator must evaluate the likelihood that portions of a worst case discharge would reach navigable waters via open channel flow or from sheet flow across the land, or be prevented from reaching navigable waters when trapped in natural or man-made depressions excluding secondary containment structures.

5.2 As discharged oil travels over land, it may enter a storm drain or open concrete channel intended for drainage. It is assumed that once oil reaches such an inlet, it will flow into the receiving navigable water. During a storm event, it is highly probable that the oil will either flow into the drainage structures or follow the natural contours of the land and flow into the navigable water. Expected minimum and maximum velocities are provided as examples of open concrete channel and pipe flow. The ranges listed below reflect minimum and maximum velocities used as design criteria.⁴ The calculation below demonstrates that the time required for oil to travel through a storm drain or open concrete channel to navigable water is negligible and can be considered instantaneous. The velocities are:

⁴ The design velocities were obtained from Howard County, Maryland Department of Public Works' Storm Drainage Design Manual.

For open concrete channels:

maximum velocity=25 feet per second

minimum velocity=3 feet per second

For storm drains:

maximum velocity=25 feet per second

minimum velocity=2 feet per second

5.3 Assuming a length of 0.5 mile from the point of discharge through an open concrete channel or concrete storm drain to a navigable water, the travel times (distance/velocity) are:

1.8 minutes at a velocity of 25 feet per second

14.7 minutes at a velocity of 3 feet per second

22.0 minutes for at a velocity of 2 feet per second

5.4 The distances that shall be considered to determine the planning distance are illustrated in Figure C-I of this attachment. The relevant distances can be described as follows:

D1=Distance from the nearest opportunity for discharge, X_1 , to a storm drain or an open concrete channel leading to navigable water.

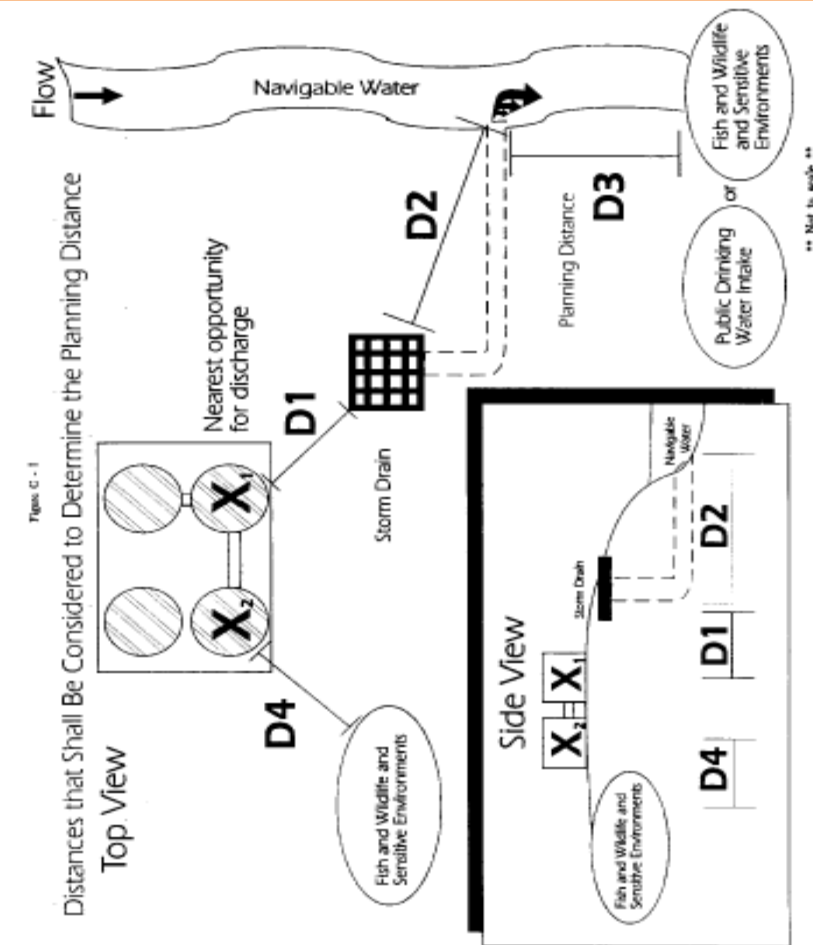
D2=Distance through the storm drain or open concrete channel to navigable water.

D3=Distance downstream from the outfall within which fish and wildlife and sensitive environments could be injured or a public drinking water intake would be shut down as determined by the planning distance formula.

D4=Distance from the nearest opportunity for discharge, X_2 , to fish and wildlife and sensitive environments not bordering navigable water.

5.5 A facility owner or operator whose nearest opportunity for discharge is located within 0.5 mile of a navigable water must complete the planning distance calculation (D3) for the type of navigable water near the facility or use a comparable formula.

5.6 A facility that is located at a distance greater than 0.5 mile from a navigable water must also calculate a planning distance (D3) if it is in close proximity (i.e., D1 is less



than 0.5 mile and other factors are conducive to oil travel over land) to storm drains that flow to navigable waters. Factors to be considered in assessing oil transport over land to storm drains shall include the topography of the surrounding area, drainage patterns, man-made barriers (excluding secondary containment structures), and soil distribution and porosity. Storm drains or concrete drainage channels that are located in close proximity to the facility can provide a direct pathway to navigable waters, regardless of the length of the drainage pipe. If D1 is less than or equal to 0.5 mile, a discharge from the facility could pose substantial harm because the time to travel the distance from the storm drain to the navigable water (D2) is virtually instantaneous.

5.7 A facility's proximity to fish and wildlife and sensitive environments not bordering a navigable water, as depicted as D4 in Figure C-I of this attachment, must also be considered, regardless of the distance from the facility to navigable waters. Factors to be considered in assessing oil transport over land to fish and wildlife and sensitive environments should include the topography of the surrounding area,

drainage patterns, man-made barriers (excluding secondary containment structures), and soil distribution and porosity.

5.8 If a facility is not found to pose substantial harm to fish and wildlife and sensitive environments not bordering navigable waters via oil transport on land, then supporting documentation should be maintained at the facility. However, such documentation should be submitted with the response plan if a facility is found to pose substantial harm.

[59 FR 34102, July 1, 1994, as amended at 65 FR 40798, June 30, 2000; 67 FR 47152, July 17, 2002]

Appendix D to Part 112—Determination of a Worst Case Discharge Planning Volume

1.0 Instructions

1.1 An owner or operator is required to complete this worksheet if the facility meets the criteria, as presented in Appendix C to this part, or it is determined by the RA that the facility could cause substantial harm to the environment. The calculation of a worst case discharge planning volume is used for emergency planning purposes, and is required in 40 CFR 112.20 for facility owners or operators who must prepare a response plan. When planning for the amount of resources and equipment necessary to respond to the worst case discharge planning volume, adverse weather conditions must be taken into consideration. An owner or operator is required to determine the facility's worst case discharge planning volume from either part A of this appendix for an onshore storage facility, or part B of this appendix for an onshore production facility. The worksheet considers the provision of adequate secondary containment at a facility.

1.2 For onshore storage facilities and production facilities, permanently manifolded oil storage tanks are defined as tanks that are designed, installed, and/or operated in such a manner that the multiple tanks function as one storage unit (i.e., multiple tank volumes are equalized). In a worst case discharge scenario, a single failure could cause the discharge of the contents of more than one tank. The owner or operator must provide evidence in the response plan that tanks with common piping or piping systems are not operated as one unit. If such evidence is provided and is acceptable to the RA, the worst case discharge planning volume would be based on the capacity of the largest oil storage tank within a common secondary containment area or the largest oil storage tank within a single secondary containment area, whichever is greater. For permanently manifolded tanks that function as one oil storage unit, the worst case discharge planning volume would be based on the combined oil storage capacity of all manifolded tanks or the capacity of the largest single oil storage tank within a secondary containment area, whichever is greater. For purposes of this rule, permanently manifolded tanks that are separated by internal divisions for each tank are considered to be single tanks and individual manifolded tank volumes are not combined.

1.3 For production facilities, the presence of exploratory wells, production wells, and oil storage tanks must be considered in the

calculation. Part B of this appendix takes these additional factors into consideration and provides steps for their inclusion in the total worst case discharge planning volume. Onshore oil production facilities 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. Although a potential worst case discharge planning volume is calculated within each section of the worksheet, the final worst case amount depends on the risk parameter that results in the greatest volume.

1.4 Marine transportation-related transfer facilities that contain fixed aboveground onshore structures used for bulk oil storage are jointly regulated by EPA and the U.S. Coast Guard (USCG), and are termed "complexes." Because the USCG also requires response plans from transportation-related facilities to address a worst case discharge of oil, a separate calculation for the worst case discharge planning volume for USCG-related facilities is included in the USCG IFR (see Appendix E to this part, section 13, for availability). All complexes that are jointly regulated by EPA and the USCG must compare both calculations for worst case discharge planning volume derived by using the EPA and USCG methodologies and plan for whichever volume is greater.

PART A: WORST CASE DISCHARGE PLANNING VOLUME CALCULATION FOR ONSHORE STORAGE FACILITIES¹

¹ "Storage facilities" represent all facilities subject to this part, excluding oil production facilities.

Part A of this worksheet is to be completed by the owner or operator of an SPCC-regulated facility (excluding oil production facilities) if the facility meets the criteria as presented in Appendix C to this part, or if it is determined by the RA that the facility could cause substantial harm to the environment. If you are the owner or operator of a production facility, please proceed to part B of this worksheet.

A.1 SINGLE-TANK FACILITIES

For facilities containing only one aboveground oil storage tank, the worst case discharge planning volume equals the capacity of the oil storage tank. If adequate secondary containment (sufficiently large to contain the capacity of the aboveground oil storage tank plus sufficient freeboard to allow for precipitation) exists for the oil

storage tank, multiply the capacity of the tank by 0.8.

(1) FINAL WORST CASE VOLUME: _____ GAL

(2) Do not proceed further.

A.2 SECONDARY CONTAINMENT—MULTIPLE-TANK FACILITIES

Are *all* aboveground oil storage tanks or groups of aboveground oil storage tanks at the facility *without* adequate secondary containment?²

² Secondary containment is described in 40 CFR part 112, subparts A through C. Acceptable methods and structures for containment are also given in 40 CFR 112.7(c)(1).

_____ (Y/N)

A.2.1 If the answer is yes, the final worst case discharge planning volume equals the *total aboveground oil storage capacity at the facility*.

(1) FINAL WORST CASE VOLUME: _____ GAL

(2) Do not proceed further.

A.2.2 If the answer is no, calculate the total aboveground oil storage capacity of tanks without adequate secondary containment. If *all* aboveground oil storage tanks or groups of aboveground oil storage tanks at the facility have adequate secondary containment, ENTER "0" (zero).

_____ GAL

A.2.3 Calculate the capacity of the largest single aboveground oil storage tank within an adequate secondary containment area or the combined capacity of a group of aboveground oil storage tanks permanently manifolded together, whichever is greater, PLUS THE VOLUME FROM QUESTION A.2.2.

FINAL WORST CASE VOLUME:³ _____ GAL

³ All complexes that are jointly regulated by EPA and the USCG must also calculate the worst case discharge planning volume for the transportation-related portions of the facility and plan for whichever volume is greater.

PART B: WORST CASE DISCHARGE PLANNING VOLUME CALCULATION FOR ONSHORE PRODUCTION FACILITIES

Part B of this worksheet is to be completed by the owner or operator of an SPCC-regulated oil production facility if the facility meets the criteria presented in Appendix C to this part, or if it is determined by the RA that the facility could cause substantial harm. A production facility consists of all wells (producing and exploratory) and related equipment in a single geographical oil or gas field operated by a single operator.

B.1 SINGLE-TANK FACILITIES

B.1.1 For facilities containing only one aboveground oil storage tank, the worst case discharge planning volume equals the capacity of the aboveground oil storage tank plus the production volume of the well with the highest output at the facility. If adequate secondary containment (sufficiently large to contain the capacity of the aboveground oil storage tank plus sufficient freeboard to allow for precipitation) exists for the storage tank, multiply the capacity of the tank by 0.8.

B.1.2 For facilities with production wells producing by pumping, if the rate of the well with the highest output is known and the number of days the facility is unattended can be predicted, then the production volume is equal to the pumping rate of the well multiplied by the greatest number of days the facility is unattended.

B.1.3 If the pumping rate of the well with the highest output is estimated or the maximum number of days the facility is unattended is estimated, then the production volume is determined from the pumping rate of the well multiplied by 1.5 times the greatest number of days that the facility has been or is expected to be unattended.

B.1.4 Attachment D–1 to this appendix provides methods for calculating the production volume for exploratory wells and production wells producing under pressure.

(1) FINAL WORST CASE VOLUME: _____ GAL

(2) Do not proceed further.

B.2 SECONDARY CONTAINMENT—MULTIPLE-TANK FACILITIES

Are *all* aboveground oil storage tanks or groups of aboveground oil storage tanks at

the facility *without* adequate secondary containment?

____ (Y/N)

B.2.1 If the answer is yes, the final worst case volume equals the total aboveground oil storage capacity without adequate secondary containment plus the production volume of the well with the highest output at the facility.

(1) For facilities with production wells producing by pumping, if the rate of the well with the highest output is known and the number of days the facility is unattended can be predicted, then the production volume is equal to the pumping rate of the well multiplied by the greatest number of days the facility is unattended.

(2) If the pumping rate of the well with the highest output is estimated or the maximum number of days the facility is unattended is estimated, then the production volume is determined from the pumping rate of the well multiplied by 1.5 times the greatest number of days that the facility has been or is expected to be unattended.

(3) Attachment D–1 to this appendix provides methods for calculating the production volumes for exploratory wells and production wells producing under pressure.

(A) FINAL WORST CASE VOLUME: _____ GAL

(B) Do not proceed further.

B.2.2 If the answer is no, calculate the total aboveground oil storage capacity of tanks without adequate secondary containment. If *all* aboveground oil storage tanks or groups of aboveground oil storage tanks at the facility have adequate secondary containment, ENTER “0” (zero).

_____ GAL

B.2.3 Calculate the capacity of the largest single aboveground oil storage tank within an adequate secondary containment area or the combined capacity of a group of aboveground oil storage tanks permanently manifolded together, whichever is greater, plus the production volume of the well with the highest output, PLUS THE VOLUME FROM QUESTION B.2.2. Attachment D–1 provides methods for calculating the production volumes for exploratory wells and production wells producing under pressure.

(1) FINAL WORST CASE VOLUME:⁴ _____ GAL

⁴ All complexes that are jointly regulated by EPA and the USCG must also calculate the worst case discharge planning volume for the transportation-related portions of the facility and plan for whichever volume is greater.

(2) Do not proceed further.

Attachments to Appendix D

Attachment D–I—Methods To Calculate Production Volumes for Production Facilities With Exploratory Wells or Production Wells Producing Under Pressure

1.0 Introduction

The owner or operator of a production facility with exploratory wells or production wells producing under pressure shall compare the well rate of the highest output well (rate of well), in barrels per day, to the ability of response equipment and personnel to recover the volume of oil that could be discharged (rate of recovery), in barrels per day. The result of this comparison will determine the method used to calculate the production volume for the production facility. This production volume is to be used to calculate the worst case discharge planning volume in part B of this appendix.

2.0 Description of Methods

2.1 Method A

If the well rate would overwhelm the response efforts (i.e., rate of well/rate of recovery ≥ 1), then the production volume would be the 30-day forecasted well rate for a well 10,000 feet deep or less, or the 45-day forecasted well rate for a well deeper than 10,000 feet.

(1) For wells 10,000 feet deep or less:

Production volume=30 days \times rate of well.

(2) For wells deeper than 10,000 feet:

Production volume=45 days \times rate of well.

2.2 Method B

2.2.1 If the rate of recovery would be greater than the well rate (i.e., rate of well/rate of recovery < 1), then the

production volume would equal the sum of two terms:

$$\text{Production volume} = \text{discharge volume}_1 + \text{discharge volume}_2$$

2.2.2 The first term represents the volume of the oil discharged from the well between the time of the blowout and the time the response resources are on scene and recovering oil (discharge volume₁).

$$\text{Discharge volume}_1 = (\text{days unattended} + \text{days to respond}) \times (\text{rate of well})$$

2.2.3 The second term represents the volume of oil discharged from the well after the response resources begin operating until the discharge is stopped, adjusted for the recovery rate of the response resources (discharge volume₂).

(1) For wells 10,000 feet deep or less:

$$\text{Discharge volume}_2 = [30 \text{ days} - (\text{days unattended} + \text{days to respond})] \times (\text{rate of well}) \times (\text{rate of well}/\text{rate of recovery})$$

(2) For wells deeper than 10,000 feet:

$$\text{Discharge volume}_2 = [45 \text{ days} - (\text{days unattended} + \text{days to respond})] \times (\text{rate of well}) \times (\text{rate of well}/\text{rate of recovery})$$

3.0 Example

3.1 A facility consists of two production wells producing under pressure, which are both less than 10,000 feet deep. The well rate of well A is 5 barrels per day, and the well rate of well B is 10 barrels per day. The facility is unattended for a maximum of 7 days. The facility operator estimates that it will take 2 days to have response equipment and personnel on scene and responding to a blowout, and that the projected rate of recovery will be 20 barrels per day.

(1) First, the facility operator determines that the highest output well is well B. The facility operator calculates the ratio of the rate of well to the rate of recovery:

10 barrels per day/20 barrels per day=0.5
Because the ratio is less than one, the facility operator will use Method B to calculate the production volume.

(2) The first term of the equation is:

$$\text{Discharge volume}_1 = (7 \text{ days} + 2 \text{ days}) \times (10 \text{ barrels per day}) = 90 \text{ barrels}$$

(3) The second term of the equation is:

$$\text{Discharge volume}_2 = [30 \text{ days} - (7 \text{ days} + 2 \text{ days})] \times (10 \text{ barrels per day}) \times (0.5) = 105 \text{ barrels}$$

(4) Therefore, the production volume is:

$$\text{Production volume} = 90 \text{ barrels} + 105 \text{ barrels} = 195 \text{ barrels}$$

3.2 If the recovery rate was 5 barrels per day, the ratio of rate of well to rate of recovery would be 2, so the facility operator would use Method A. The production volume would have been:

$$30 \text{ days} \times 10 \text{ barrels per day} = 300 \text{ barrels}$$

[59 FR 34110, July 1, 1994; 59 FR 49006, Sept. 26, 1994, as amended at 65 FR 40800, June 30, 2000; 67 FR 47152, July 17, 2002]

Appendix E to Part 112—Determination and Evaluation of Required Response Resources for Facility Response Plans

This section is omitted from UTT SPCC Plan Appendix A. UTT is not required to submit a Facility Response Plan (§112.20).

Appendix F to Part 112—Facility-Specific Response Plan

This section is omitted from UTT SPCC Plan Appendix A. UTT is not required to submit a Facility Response Plan (§112.20).

APPENDIX B

SPCC PLAN

REGULATORY CROSS REFERENCE

The University of Texas at Tyler SPCC Plan Regulatory Cross Reference			
SPCC Rule Section	Description	Facility SPCC Plan	Visually Confirmed in Field
112.3(d)	Except as provided in § 112.6, a licensed Professional Engineer must review and certify Plan for it to be effective to satisfy the requirements of this part.		
112.3(d)(1)	By means of this certification the Professional Engineer attests:		
112.3(d)(1)(i)	That he is familiar with the requirements of this part:		
112.3(d)(1)(ii)	That he or his agent has visited and examined the facility:		
112.3(d)(1)(iii)	That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the		
112.3(d)(1)(iv)	That procedures for required inspections and testing have been established; and		
112.3(d)(1)(v)	That the Plan is adequate for the facility.		
112.3(d)(1)(vi)	That, if applicable, for a produced water container subject to § 112.9l(6), any procedure to minimize the amount of free-phase oil is designed to reduce the accumulation of free-phase oil and the procedures and frequency for required inspections, maintenance and testing have been established and are described in the Plan.	NA	NA
112.4(a)	Notwithstanding compliance with § 112.3, whenever your facility has discharged more than 1,000 U.S. gallons of oil in a single discharge as described in § 112.1(b), or discharged more than 42 U.S. gallons of oil in each of two discharges as described in § 112.1(b), occurring within any twelve month period, submit the following information to the Regional Administrator within 60 days from the time the facility becomes subject of this section:	§3.4	NA
112.4(a)(1)	Name of the facility;	§3.4	NA
112.4(a)(2)	Your name;	§3.4	NA
112.4(a)(3)	Location of the facility;	§3.4	NA
112.4(a)(4)	Maximum storage or handling capacity of the facility and normal daily throughput;	§3.4	NA
112.4(a)(5)	Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;	§3.4	NA
112.4(a)(6)	An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;	§3.4	NA
112.4(a)(7)	The cause of such discharge as described in § 112.1(b), including a failure analysis of the system or subsystem in which the failure occurred;	§3.4	NA
112.4(a)(8)	An additional preventive measures you have taken or contemplated to minimize the possibility of recurrence; and	§3.4	NA
112.4(a)(9)	Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.	§3.4	NA
112.4(d)	Amendment of SPCC Plan by Regional Administrator.	--	--
112.5(a)	SPCC amendments due to changes in facility design.	lii	NA
112.5(b)	Perform a review and evaluation of SPCC Plan at least once every five years. The owner/operator must document completion of the review and evaluation, and must sign a statement as to whether he will amend the SPCC Plan. The following will suffice: "I have completed review and evaluation of the SPCC Plan for (name of facility) on (date), and will (will not) amend the Plan as a result.	lii	NA
112.5l	Obtain Professional Engineers certification for any technical amendments in accordance with 11-2.3(d).	iii	NA
112.7(a)(1)	Include a discussion of your facility's conformance with the requirements listed in 40 CFR 112.7.	--	--

The University of Texas at Tyler SPCC Plan Regulatory Cross Reference			
SPCC Rule Section	Description	Facility SPCC Plan	Visually Confirmed in Field
112.7(a)(2)	Comply with all applicable requirements listed in this part. Except as provided in § 112.6, your Plan may deviate from the requirements in paragraphs (g), (h)(2) and (3), and (i) of this section and the requirements in subparts B and C of this part, except the secondary containment requirements in paragraphs I and (h)(1) of this section, and §§ 112.8I(2), 112.8I(11), 112.9(2), 112.9(d)(3), 112.10I, 112.12I(2), and 112.12I(11), where applicable to a specific facility, if you provide equivalent environmental protection by some other means of spill prevention, control, or countermeasure. Where your Plan does not conform to the applicable requirements in paragraphs (g), (h)(2) and (3), and (i) of this section, or the requirements of subparts B and C of this part, except the secondary containment requirements in paragraph I and (h)(1) of this section, and §§ 112.8I(2), 112.8I(11), 112.9(2), 112.10I, 112.12I(2), and 112.12I(11), you must state the reasons for nonconformance in your Plan and describe in detail alternate methods and how you will achieve equivalent environmental protection. If the Regional Administrator determines that the measures described in your Plan do not provide equivalent environmental protection, he may require that you amend your Plan, following the procedures in § 112.4(d) and (e).	§6.3.1	✓
112.7(a)(3)	Describe in your Plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each fixed oil storage container and the storage area where mobile or portable containers are located. The facility diagram must identify the location of and mark as "exempt" underground tanks that are otherwise exempted from the requirements of this part under § 112.1(d)(4). The facility diagram must also include all transfer stations and connecting pipes, including intra-facility gathering lines that are otherwise exempted from the requirements of this part under § 112.1(d)(11). You must also address in your Plan:	Figures 1 and 2, Table 1	✓
112.7(a)(3)(i)	The type of oil in each fixed container and its storage capacity. For mobile or portable containers, either provide the type of oil and storage capacity for each container or provide an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities	Table 1	✓
112.7(a)(3)(ii)	(ii) Discharge prevention measures including procedures for routine handling of products (loading, unloading, and facility transfers, etc.);	§6	✓
112.7(a)(3)(iii)	(iii) Discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge.	§6	✓
112.7(a)(3)(iv)	(iv) Countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor);	§3	✓
112.7(a)(3)(v)	(v) Methods of disposal of recovered materials in accordance with applicable legal requirements; and	§6.3.3	✓
112.7(a)(3)(vi)	(vi) Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with whom you have an agreement for response, and all appropriate Federal, State, and local agencies who must be contacted in case of discharge as described in § 112.1(b).	§3 & 4	✓
112.7(a)(4)	Unless you have submitted a response plan under 40 CFR 112.20, provide information and procedures in your SPCC Plan to enable a person reporting a discharge to relate information on the exact address or location and phone number of the facility.	§3 & 4	✓
112.7(a)(5)	Unless you have submitted a response plan under 40 CFR 112.20, organize portions of the SPCC Plan describing procedures you will use when a discharge occurs in a way that will make them readily usable in an emergency and include appropriate supporting materials as appendices.	§3 & 4	✓

The University of Texas at Tyler SPCC Plan Regulatory Cross Reference			
SPCC Rule Section	Description	Facility SPCC Plan	Visually Confirmed in Field
112.7(b)	Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge), include in your Plan 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 type of major equipment failure.	Table 1	✓
112.7i	Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in § 112.1(b), except as provided in paragraph (k) of this section for qualified oil-filled operational equipment, and except as provided in § 112.9(d)(3) for flowlines and intra-facility gathering lines at an oil production facility. The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs. In determining the method, design, and capacity for secondary containment, you need only to address the typical failure mode, and the most likely quantity of oil that would be discharged. Secondary containment may be either active or passive in design. At a minimum, you must use one of the following prevention systems or its equivalent:	§6	✓
112.7i(1)	For onshore facilities: Section T. Dikes, berms, or retaining walls sufficiently impervious to contain oil; (ii) Curbing or drip pans; (iii) Sumps and collection systems; (iv) Culverting, gutters, or other drainage systems; (v) Weirs, booms, or other barriers; (vi) Spill diversion ponds; (vii) Retention ponds; or (viii) Sorbent materials.	§6	✓
112.7i(2)	For offshore facilities: Section T. Curbing or drip pans; or (ii) Sumps and collection systems.	NA	NA
112.7(d)	When installation of structures or equipment, as outlined in 112.7i and (h)(1) and 40 CFR 112.8i(2), l(11), 112.9i(2), 112.10i, 112.12i(2), 112.12i(11), 112.13i(2) and 112.14i is not practicable, clearly explain why such measures are not practicable; for bulk storage containers, conduct periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping, unless you have submitted a response plan under 40 CFR 112.20 provide the following in your SPCC Plan: 1. Provide an oil spill contingency plan described in 40 CFR 109; and 2. Provide a written commitment of manpower, equipment, and materials to control and remove harmful quantity of oil discharged.	§6.2 §13	✓
112.7(e)	Conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer developed for the facility. You must keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.	§7	✓
112.7(f)	Personnel, training, and discharge prevention procedures	--	--
112.7(f)(1)	At a minimum, train your oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rule, and regulations; general facility operations; and, the contents of the facility SPCC Plan.	§10	✓
112.7(f)(2)	Designate a person at each applicable facility who is accountable for discharge prevention and who reports to facility management.	§10	✓

The University of Texas at Tyler SPCC Plan Regulatory Cross Reference			
SPCC Rule Section	Description	Facility SPCC Plan	Visually Confirmed in Field
112.7(f)(3)	Schedule and conduct discharge prevention briefings for your oil handling personnel at least once a year to assure adequate understanding of the SPCC Plan for that facility. Such briefings must highlight and describe known discharges as described in § 112.1(b) or failures, malfunctioning components, and any	§10	✓
112.7(g)	Security (excluding oil production facilities). Describe in your Plan how you secure and control access to the oil handling, processing and storage areas; secure master flow and drain valves; prevent unauthorized access to starter controls on oil pumps; secure out-of-service and loading/unloading connections of oil pipelines; and address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.	§9	✓
112.7(h)	Facility tank car and tank truck loading/unloading rack (excluding offshore facilities).	--	--
112.7(h)(1)	Where loading/unloading rack drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading/unloading racks. You must design any containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.	§6	✓
112.7(h)(2)	Provide an interlocked warning light or physical barrier system, warning signs, wheel chocks, or vehicle break interlock system in loading/unloading areas to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines.	§6	✓
112.7(h)(3)	Prior to filling and department of any tank car or tank truck, closely inspect for discharges the lowermost drain and all outlets of such vehicles, and if necessary, ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit.	§6	✓
112.7(i)	If a field-constructed aboveground container undergoes a repair, alteration, reconstruction or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, or has discharged oil or failed due to brittle fracture failure or other catastrophe, evaluate the container of risk of discharge or failure due to brittle fracture or other catastrophe, and as necessary, take appropriate action.	7.0	✓
112.7(j)	In addition to the minimal prevention standards listed under this section, include in your Plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and containment procedures listed in this part or any applicable more stringent State rules, regulations, and guidelines.	NA	✓
112.8(b), 112.12(b)	Facility Drainage (for onshore facilities, except oil production)	--	--
112.8 (b)(1), 112.12 (b)(1)	Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.	6.3.2	✓
112.8 (b)(2), 112.12 (b)(2)	Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained storm water, as provided in paragraphs I(3)(ii), (iii), and (iv) of this section.	6.3.2	✓
112.8 (b)(3), 112.12 (b)(3)	Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.	6.3	✓

The University of Texas at Tyler SPCC Plan Regulatory Cross Reference			
SPCC Rule Section	Description	Facility SPCC Plan	Visually Confirmed in Field
112.8 (b)(4), 112.12 (b)(4)	If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge retain oil in the facility.	6.3	✓
112.8 (b)(5), 112.12 (b)(5)	Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two "lift" pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in § 112.1(b) in case there is an equipment failure or human error at the facility.	NA	✓
112.8 I, 112.12 I	Bulk Storage Containers (for onshore facilities, except oil production)	--	--
112.8 I(1), 112.12 I(1)	Bulk storage containers. (1) Not use a container 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.	6.1	✓
112.8 I(2), 112.12 I(2)	Construct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.	§6	✓
112.8 I(3), 112.12 I(3)	Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you: (i) Normally keep the bypass valve sealed closed. (ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in § 112.1(b). (iii) Open the bypass valve and reseal it following drainage under responsible supervision; and (iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§ 122.41 (j)(2) and 122.41 (m)(3).	6.3.2	✓
112.8 I(4)	Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.	NA	✓
112.8I(5)	Do not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.	NA	✓
112.8I(6)	Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections, which take into account container size, configuration, and design (such as containers that are: shop-built, field-erected, skid-mounted, elevated, equipped with a liner, double-walled, or partially buried). Examples of these integrity tests include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph.	7.3	✓

The University of Texas at Tyler SPCC Plan Regulatory Cross Reference			
SPCC Rule Section	Description	Facility SPCC Plan	Visually Confirmed in Field
112.8I(7)	Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.	NA	✓
112.8I(8)	Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices: (i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities, an audible air vent may suffice. (ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level. (iii) Direct communication between tank gauger and pumping station. (iv) Fast response system for determining liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers. (v) You must regularly test liquid level sensing devices to ensure proper operation.	Table 1 and §6	✓
112.8I(9)	Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in § 112.1(b).	NA	✓
112.8I(10)	Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.	§4 §6	✓
112.8I(11)	Position or locate mobile or portable oil storage containers to prevent a discharge as described in § 112.1(b). Except for mobile refuelers and other non-transportation related tank trucks, you must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.	§6	✓
112.8 (b)(4), 112.12 (b)(4)	If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge retain oil in the facility.	6.3	✓
112.8 (b)(5), 112.12 (b)(5)	Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two "lift" pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in § 112.1(b) in case there is an equipment failure or human error at the facility.	NA	✓
112.8 I, 112.12 I	Bulk Storage Containers (for onshore facilities, except oil production)	--	--
112.8 I(1), 112.12 I(1)	Bulk storage containers. (1) Not use a container 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.	6.1	✓
112.8 I(2), 112.12 I(2)	Construct all bulk storage tank installations (except mobile refuelers and other non-transportation-related tank trucks) so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.	§6	✓

The University of Texas at Tyler SPCC Plan Regulatory Cross Reference			
SPCC Rule Section	Description	Facility SPCC Plan	Visually Confirmed in Field
112.8 l(3), 112.12 l(3)	Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you: (i) Normally keep the bypass valve sealed closed. (ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in § 112.1(b). (iii) Open the bypass valve and reseal it following drainage under responsible supervision; and (iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§ 122.41 (j)(2) and 122.41 (m)(3).	6.3.2	✓
112.8 l(4)	Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.	NA	✓
112.8l(5)	Do not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.	NA	✓
112.8(d)(1)	Facility Transfer Operations, Pumping, and Facility Process (onshore facilities, except oil production)	--	--
112.8(d)(1)	Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect if for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as indicated by the magnitude of the damage.	NA	✓
112.8(d)(2)	Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.	NA	✓
112.8(d)(3)	Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.	§6	✓
112.8(d)(4)	Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess 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. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.	§7	✓
112.8(d)(5)	Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.	§6.3.4	✓

The University of Texas at Tyler SPCC Plan Regulatory Cross Reference			
SPCC Rule Section	Description	Facility SPCC Plan	Visually Confirmed in Field
Appendix C to Part 112	<p>Appendix C to Part 112 – Substantial Harm Criteria</p> <p>Section 2.1 A non-transportation-related facility with a total oil storage capacity greater than or equal to 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA.</p> <p>Section 2.2 Any facility with a total oil storage capacity greater than or equal to 1 million gallons without secondary containment sufficiently large to contain the capacity of the largest aboveground oil storage tank within each area plus sufficient freeboard to allow for precipitation must submit a response plan to the EPA. Secondary containment structures that meet the standard of good engineering practice for the purposes of this part include berms, dikes, retaining walls, curbing, culverts, gutters, or other drainage systems.</p> <p>Section 2.3 A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility could cause injury (as defined by 40 CFR 112.2) to fish and wildlife sensitive environments, see Appendices I, II, and III to DOC/NOAA’s “Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments” (59 FR 14713, March 29, 1994) and the applicable Area Contingency Plan. Facility owners or operators must determine the distance at which an oil spill could cause the appropriate formula presented in Attachment C-III to this appendix or a comparable formula.</p> <p>Section 2.4 A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility would shut down a public drinking water intake, which is analogous to a public water system as described at 40 CFR 143.2l.</p>	Appendix E	✓

NOTE: The following sections of the SPCC Rules do not apply to the facility:

- 112.9 SPCC Plan requirements for onshore oil production facilities.
- 112.10 SPCC Plan requirements for onshore oil drilling and work over facilities.
- 112.11 SPCC Plan requirements for offshore oil drilling, production, or work over facilities.

APPENDIX C

SPILL REPORTING FORM (EXAMPLE)

REPORT OF PETROLEUM DISCHARGE, SPILLAGE, OR RELEASE

When did the incident occur? Date: _____ Time: _____

Where did the incident occur? _____

How did the incident occur? _____

What and how much spilled? Is there a reportable quantity (RQ) associated with the material and was that RQ exceeded? (Reference the List of Lists)

Describe path of spill and any affected water bodies or areas of the environment. If fully contained, described how the spill was contained to prevent a release.

Under whose control was the product at the time of the incident? Provide their name, mailing address and telephone number (if not affiliated with UT Tyler).

List agencies that were notified as a result of this spill or note "NA" if reporting not required per Section 3.3 of SPCC Plan:

Date	Time	Person Making Notification	Agency Notified	Notes From Conversation/Notification

Were there any injuries as a result of this incident? If so, list the names of exposed individual(s), their address, phone number, and describe the injuries.

What medical attention or advice did the exposed individual(s) receive?

Are there any known or anticipated health risks (acute or chronic) associated with the release of this chemical or medical advice that should be communicated?

What waste was generated as a result of clean-up activities? Describe how it was disposed (include waste classification and name of waste vendor).

What actions are being taken, or are proposed, to prevent reoccurrence of an incident of this type?

I hereby affirm that the foregoing statement is true to the best of my knowledge.

Name

Title

Address

City/Town

State

Zip

Signature

Date

APPENDIX D

INSPECTION LOGS

DIKE DRAINING LOG

ANNUAL INTEGRITY INSPECTION LOG

APPENDIX E

CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA CHECKLIST

CERTIFICATION FOR FACILITIES THAT DO NOT POSE SUBSTANTIAL HARM

Facility Name: The University of Texas at Tyler

Facility Address: 3900 University Blvd. Tyler, TX 75799

1. Does the facility have a maximum storage capacity greater than or equal to 42,000 gallons and do the operations include over water transfers of oil to or from vessels?

Yes _____ No X

2. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons and is the facility without secondary containment for each above ground storage area sufficiently large to contain the capacity of the largest above ground storage tank within the storage area?

Yes _____ No X

3. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III or an alternative formula¹ considered acceptable by the RA) such that a discharge from the facility could cause injury to an environmentally sensitive area as defined in Appendix D?

Yes _____ No X

4. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III or an alternative formula¹ considered acceptable by the RA) such that a discharge from the facility would shut down a public drinking water intake?

Yes _____ No X

5. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons and within the past 5 years, has the facility experienced a reportable spill in any amount greater than or equal to 10,000 gallons?

Yes _____ No X

CERTIFICATION FOR FACILITIES THAT DO NOT POSE SUBSTANTIAL HARM

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Paula Tate
Name

Director, Environmental Health & Safety
Title

Signature

Date

APPENDIX F

TRAINING ROSTER

APPENDIX G

PHOTO LOG OF OIL STORAGE LOCATIONS



Eagle's Landing Building 13 Transformer (T18)



Mobile Building 1 Portable Generator (G6)



PHY Gasoline Storage Tank (AST4)



FAC Generator (G1)



PPN Generator (G4)