SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN

AWMS RT. 169, LLC

ROUTE 169 SALT WATER INJECTION FACILITY

WEATHERSFIELD TOWNSHIP, TRUMBULL COUNTY, OHIO

Site Address:
1732 State Route 169
Weathersfield Townhip, Ohio 44446

DECEMBER 2013

Prepared for:
AWMS Rte. 169, LLC
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Prepared by:
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NPE Project No. AWM-001

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LIST OF ACRONYMS AND ABBREVIATIONS

AWMS	American Water Management Services, LLC
CFR	Code of Federal Regulations
Ohio EPA	Ohio Environmental Protection Agency
ORC	Ohio Revise Code
POTW	Publicly Owned Treatment Works
SPCC	Spill Prevention, Control, and Countermeasure
USEPA	U.S. Environmental Protection Agency

INTRODUCTION

The purpose of this Spill Prevention, Control, and Countermeasure (SPCC) Plan is to describe measures implemented by AWMS Rt. 169, LLC (AWMS) at their State Route 169 Salt Water Injection Facility (Facility) located at 1732 State Route 169, Weathersfield Township, Ohio 44446 to prevent oil discharges from occurring and to prepare AWMS to respond in a safe, effective, and timely manner to mitigate the impacts of a discharge.

This Plan has been prepared to meet the requirements of Title 40, *Code of Federal Regulations,* Part 112 (40 CFR Part 112), as amended November 22, 2011. A copy of the pertinent sections of these existing regulations is provided in Appendix J.

In addition to fulfilling requirements of 40 CFR Part 112, this SPCC Plan is used as a reference for oil storage information and testing records, as a tool to communicate practices on preventing and responding to discharges with employees, as a guide to facility inspections, and as a resource during emergency response.

AWMS management has determined that the Facility does not pose a risk of substantial harm under 40 CFR Part 112, as recorded in the "Substantial Harm Determination" included in Appendix B of this Plan.

This Plan provides guidance on key actions that AWMS and its personnel must perform to comply with the SPCC rule:

- Complete the site inspections as outlined in the Inspection, Tests, and Records section of this Plan (Section 3.7) using the inspection checklists included in Appendices C and G.

- Perform preventive maintenance of equipment, secondary containment systems, and discharge prevention systems described in this Plan as needed to keep them in proper operating conditions.

- Conduct annual employee training as outlined in the Personnel, Training, and Spill Prevention Procedures section of this Plan (Section 3.8) and document them on the log included in Appendix D.

- If either of the following occurs, submit the SPCC Plan to the U. S. Environmental Protection Agency (USEPA) Region 5 Regional Administrator and the Ohio Environmental Protection Agency (Ohio EPA) Northeast District office, along with and the USEPA Notification Standard Report in Appendix I:

    - The facility discharges more than 1,000 gallons of oil into or upon the navigable waters of the U.S. or adjoining shorelines in a single spill event; or

    - The facility discharges oil in quantity greater than 42 gallons in each of two spill events within any 12-month period.

- Review the SPCC Plan at least once every five (5) years and amend it to include more effective prevention and control technology if such technology will significantly reduce the likelihood of a spill event and has been proven effective in the field at the time of the review. Because the Facility does not qualify as a Tier I Qualified Facility per 40 CFR Part 112.3(g), technical amendments to the plan must be certified by a registered professional engineer as required by per 40 CFR Part 112.5.c. Non-technical amendments may be certified by the Facility.

- Amend the SPCC Plan within six (6) months whenever where is a change in Facility design, construction, operation, or maintenance that materially affects the Facility's spill potential.

Part 1: Plan Administration

1.1 Management Statement of Approval and Designated Person [40 CFR 112.7]

AWMS is committed to preventing discharges of oil to navigable waters and the environment, and to maintaining the highest standards for spill prevention control and countermeasures through the implementation and regular review and amendment to the Plan. This SPCC Plan has the full approval of AWMS management. AWMS has committed the necessary resources to implement the measures described in this Plan.

The AWMS Superintendent is the Designated Person Accountable for Oil Spill Prevention (SPCC Plan Coordinator) at the Facility and has the authority to commit the necessary resources to implement this Plan.

This SPCC Plan is fully approved by the management of AWMS and will be implemented as described herein prior to start-up of the facility, which is expected to occur by January 15, 2014.

Signature:_____

Name: Todd Miller

Title: Superintendent/Spill Coordinator

Date:_____

1.2 Professional Engineer Certification [40 CFR 112.3(d)]

The undersigned Registered Professional Engineer is familiar with the requirements of 40 CFR Part 112 and has visited and examined the Facility, or has supervised examination of the Facility by appropriately qualified personnel. The undersigned Registered Professional Engineer attests that this Spill Prevention, Control, and Countermeasure (SPCC) Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards and the requirements of 40 CFR Part 112; that procedures for required inspections and testing have been established; and that this Plan is adequate for the Facility.

This certification in no way relieves the owner or operator of the Facility of his/her duty to prepare and fully implement this SPCC Plan in accordance with the requirements of 40 CFR Part 112. This Plan is valid only to the extent that the Facility owner or operator maintains, tests, and inspects equipment, containment, and other devices as prescribed in this Plan.

Robert T. Settle

Signature

#44353 State of Ohio

Professional Engineer Registration No.

Robert T. Settle, P.E.

Name

Project Manager

Title

North Point Engineering Corporation
6657 Frank Avenue NW, Suite 200
North Canton, Ohio 44720

12/24/13

Date

1.3 Location of SPCC Plan [40 CFR 112.3(e)]

In accordance with 40 CFR 112.3(e), a complete copy of this SPCC Plan is maintained at the Facility in the Control Room. The Control Room is attended whenever the Facility is operating.

1.4 Plan Review [40 CFR 112.3 and 112.5]

1.4.1 Changes in Facility Configuration

In accordance with 40 CFR 112.5(a), AWMS periodically reviews and evaluates this SPCC Plan for any change in the facility design, construction, operation, or maintenance that materially affects the facility's potential for an oil discharge, including, but not limited to:

- Commissioning of containers;
- Reconstruction, replacement, or installation of piping systems;
- Construction or demolition that might alter secondary containment structures; or
- Changes of product or service, revisions to standard operation, modification of testing/inspection procedures, and use of new or modified industry standards or maintenance procedures.

The Facility does not qualify as a Tier I Qualified Facility per 40 CFR Part 112.3(g), therefore, technical amendments to the plan must be certified by a registered professional engineer as required by per 40 CFR Part 112.5(c). Non-technical amendments can be made (and documented in this section) by the Facility owner and/or operator. Non-technical amendments include the following:

- Change in the name or contact information (i.e., telephone numbers) of individuals responsible for the implementation of this Plan; or
- Change in the name or contact information of spill response or cleanup contractors.

AWMS must make the needed revisions to the SPCC Plan as soon as possible, but no later than six months after the change occurs. The Plan must be implemented as soon as possible following any technical amendment, but *no later than six months* from the date of the amendment. The SPCC Coordinator is responsible for initiating and coordinating revisions to the SPCC Plan.

1.4.2 Scheduled Plan Reviews

In accordance with 40 CFR 112.5(b), AWMS reviews this SPCC Plan at least once every five years. Revisions to the Plan, if needed, are made within six months of the five-year review. This Plan is dated December 2013. The next plan review is therefore scheduled to take place in or prior to December 2018.

1.4.3 Record of Plan Reviews

Plan reviews are recorded in the Plan Review Log (Table 1-1). This log must be completed even if no amendment is made to the Plan as a result of the review. Unless a technical or administrative change prompts an earlier review of the Plan, the next scheduled review of this Plan must occur by November 2018.

1.4.4 Record of Plan Amendments

Plan amendments are recorded in the Plan Review Log (Table 1-2).

1.5 Cross-Reference with SPCC Rule Provisions (40 CFR 112.7)

This SPCC Plan does not follow the exact order presented in 40 CFR Part 112. Section headings identify, where appropriate, the relevant section(s) of the SPCC rule. Table 1-3 presents a cross-reference of Plan sections relative to applicable parts of 40 CFR Part 112.

Table 1-1: Plan Review Log

I have completed review and evaluation of the SPCC Plan for this facility in accordance with 40 CFR 112.5 (b) on the date indicated below.

Review Date	Name	Signature	Plan Amendment Required (Yes / No)

Table 1-2: Plan Amendment Log

The undersigned attests that this SPCC Plan has been amended in accordance with good engineering practice, including consideration of applicable industry standards and the requirements of 40 CFR Part 112; and that this amended Plan is adequate for the Facility.

Amendment Date	Description of Amendment	Name and Signature of Person Certifying This Amendment

Table 1-3: SPCC Rule Cross-Reference

Provision	Plan Section / Table / Appendix
112.3(d)	1.2 Professional Engineer Certification
112.3(e)	1.3 Location of SPCC Plan
112.5(a)	1.4.4 Record of Plan Amendments Table 1-2: Amendment Log
112.5(b)	1.4.3 Record of Plan Reviews Table 1-1: Plan Review Log
112.7	1.1 Management Statement of Approval and Designated Person
112.7	1.5 Cross-Reference with SPCC Rule Table 1-3: PSCC Rule Cross-Reference
112.7(a)(1) & (2)	3.1 Compliance with Applicable Requirements
112.7(a)(3)	2.1.1 Location and Activities 3.2 Facility Layout Diagram Appendix A: Location Map, Site Plan and Facility Diagram
112.7(a)(4)	5.3 Discharge Notification Appendix F: Discharge Notification Form Appendix H: Ohio EPA Written Follow-up Requirements Appendix I: USEPA Notification Standard Report
112.7(a)(5)	Part 5: Discharge Response
112.7(b)	3.4 Potential Discharge Volumes and Direction of Flow
112.7(c)	3.5 Containment and Diversionary Structures
112.7(d)	3.6 Practicability of Secondary Containment
112.7(e)	3.7 Inspections, Tests, and Records Appendix C: Facility Inspection Checklist
112.7(f)	3.8 Personnel, Training and Discharge Prevention Procedures
112.7(g)	3.9 Security
112.7(h)	3.10 Tank Truck Loading/Unloading
112.7(i)	3.11 Brittle Fracture Evaluation
112.7(j)	3.12 Conformance with Applicable State and Local Requirements
112.8(b)	4.1 Facility Drainage
112.8(c)(1)	4.2.1 Construction
112.8(c)(2)	4.2.2 Secondary Containment
112.8(c)(3)	4.2.3 Drainage of Diked Areas
112.8(c)(4)	4.2.4 Corrosion Protection
112.8(c)(5)	4.2.5 Partially Buried and Bunkered Storage Tanks
112.8(c)(6)	4.2.6 Inspection Appendix C
112.8(c)(7)	4.2.7 Heating Coils

Table 1-3: SPCC Rule Cross-Reference

Provision	Plan Section / Table / Appendix
112.8(c)(8)	4.2.8 Overfill Prevention System
112.8(c)(9)	4.2.9 Effluent Treatment Facilities
112.8(c)(10)	4.2.10 Visible Discharges
112.8(c)(11)	4.2.11 Mobile and Portable Containers
112.8(d)	4.3 Transfer Operations, Pumping and In-Plant Processes
112.20(e)	Introduction Appendix B: Substantial Harm Determination

* Only selected excerpts of the relevant rule text are provided in Appendix J of this plan. For a complete list of SPCC requirements, refer to the full text of 40 CFR Part 112.

Part 2: General Facility Information

Name:	AWMS Rt. 169, LLC Salt Water Injection Facility
Address:	1732 State Route 169 Weathersfield Township, Ohio 44446 (330) 856-8876
Type:	Deep Well Injection Facility for Disposal of Oil and Gas Drilling and Production Wastewater
Date of Initial Operations:	Facility under construction – expected start-up date is January 15, 2014
Owner:	AWMS Rt. 169, LLC
Operator:	American Water Management Services, LLC
Primary Contact:	Stephen G. Kilper, PE, President Telephone: (330) 856-8800 Facsimile: (330) 856-8483 Cell: (330) 618-0259

2.1 Facility Description [40 CFR 112.7(a)(3)]

2.1.1 Location and Activities

The Facility will consist of:

- A wastewater storage/treatment facility located on an approximate 5.2-acre lease property at 1732 State Route 169 in Weathersfield Township, Trumbull County, Ohio; and
- Two injection wells located immediately west of the storage/treatment facility.

The parcel is leased to AWMS and is owned by Gearmar Properties, Inc. The figures included in Appendix A of this Plan show the location and layout of the Facility.

The Facility will provide for storage, treatment, and deep well disposal of wastewater generated during the drilling and operation of natural gas and crude oil wells. Other than electrical control and wastewater filtration equipment, all wastewater and oil handling/transfer operations will be conducted outdoors.

Typical hours of operation are expected to be from 5 AM to 2AM, Monday through Friday and from 5AM to 6PM on Saturday, but may operate 24 hours per day depending on demand. The Facility employs approximately 5 people including maintenance and operation personnel.

2.1.2 Oil Storage

The total above ground storage capacity at the Facility exceeds 1,320 gallons of petroleum based products stored in containers with a capacity of 55 gallons or greater. A single 125-barrel (5,250-gallon) steel storage tank will be used to collect oil skimmed from wastewater delivered to the facility in tank trucks. The tank will be located inside a lined earthen containment structure. When a sufficient quantity of oil has accumulated in the tank, the oil will be unloaded into tank trucks for shipment to an off-site oil reclamation facility. The Facility does not own any transport trucks and all off-site oil shipments will be made using contracted carriers in bulk (normally in 80 or 100 barrel shipments).

2.2 Evaluation of Discharge Potential

2.2.1 Distance to Navigable Waters and Adjoining Shorelines and Flow Paths

The storage/treatment facility is located on the west side of North Main Street (State Route 169). Stormwater at the Facility drains by overland flow to a roadside ditch along North Main Street, which eventually discharges into an unnamed tributary of Mosquito Creek.

2.2.2 Discharge History

Table 2-2 summarizes the Facility's discharge history.

Table 2-2: Oil Discharge History

Description of Discharge	Corrective Actions Taken	Plan for Preventing Recurrence
None recorded as of November 2013		

PART 3: Discharge Prevention - General SPCC Provisions

The following measures are implemented to prevent oil discharges during the handling, use, or transfer of oil products at the Facility. Oil-handling employees have received training in the proper implementation of these measures.

3.1 Compliance with Applicable Requirements [40 CFR 112.7(a)(2)]

40 CFR 112.7(a)(2) requires a facility that deviates from SPCC Plan requirements to provide an explanation for nonconformance and provide equivalent environmental protection. The plan for this Facility does not deviate from the requirements.

3.2 Facility Layout Diagram [40 CFR 112.7(a)(3)]

Figure 1 (Location Map) in Appendix A shows the general location of the Facility on a U.S. Geological Survey topographic map. Figure 2 (Site/Facility Plan) in Appendix A presents the overall layout of the Facility, the location of stormwater channels and culverts, flow direction for surface water runoff, and oil containing equipment/containers as required under 40 CFR 112.7(a)(3).

3.3 Spill Reporting [40 CFR 112.7(a)(4)]

The discharge notification form included in Appendix F will be completed upon immediate detection of a discharge to ensure that all of the required information is available prior to reporting a spill to the proper notification contacts.

3.4 Potential Discharge Volumes and Direction of Flow [40 CFR 112.7(b)]

Table 3-1 presents expected volume, discharge rate, general direction of flow in the event of equipment failure, and means of secondary containment for different parts of the Facility where oil is stored or handled.

Table 3-1: Potential Discharge Volumes and Direction of Flow

Potential Event	Maximum Volume Released (Gallons)	Maximum Discharge Rate	Direction of Flow	Secondary Containment
Oil Storage Tank Area				
Failure of tank	1 to 5,250	Gradual to instantaneous	N/A – Inside containment berm	Earthen containment structure equipped with an impermeable geosynthetic liner (231,681 gallon capacity)
Leak inside containment structure during oil transfer to tank truck	1 to 150	150 gal/min	N/A – Inside containment berm	Earthen containment structure equipped with an impermeable geosynthetic liner (231,681 gallon capacity)
Tank Truck Loading Pad				
Piping/hose leak outside containment structure during oil transfer to tank truck	1 to 150	150 gal/min	Spillage will flow via a collection trench to an 1,800-gallon concrete sump equipped with a pump located south of pad. See Note 1.	The sump is equipped with a level controlled pump which discharges into two oil/water separators. A high level alarm is provided in the sump. In addition, a spill kit will be located adjacent to the loading pad.

Notes:
1. In the event of sump pump failure, the spill material would accumulate along the east & west sides of the loading pad and eventually flow in an easterly direction toward North Main Street.

3.5 Containment and Diversionary Structures [40 CFR 112.7(c)]

Methods of secondary containment at this facility to prevent oil from reaching navigable waters include:

- Containment structure: One oil storage tank and 5 wastewater storage/treatment tanks are located inside a earthen containment structure with geosyntetic lining system, which has an approximate volume of 231,681 gallons, see table. The largest single tank within the containment has a volume of 168,000 gallons. Drainage within the containment flows to a sump. The sump is equipped with a level controlled pump which discharges into the wastewater storage/treatment system for eventual disposal of the collected drainage by deep well injection. A high level alarm is provided in the sump.

- Concrete tank truck loading pad and sump: The loading pad is sloped to collection trenches that drain to the sump (equipped with a submersible pump). The operation of the pump will be automatically controlled by liquid level controls provided in the sump. The pump will discharge accumulated liquids (precipitation and spillage) into the tank containment structure. A high level alarm is provided in the sump.

- Spill kit: A spill cleanup kit that includes absorbent material will be located adjacent to the tank truck loading pad for rapid deployment should a spill occur. The response equipment inventory for the Facility is provided in Appendix G of this Plan. The inventory is checked monthly to ensure that used material is replenished.

- Clean-up Contractors: The contact information for the primary spill clean-up contractor is provided under Appendix E of this report. The contractor is located less than one mile from the Facility and would be able to respond within several hours of a spill occurrence.

3.6 Practicability of Secondary Containment [40 CFR 112.7(d)]

AWMS currently utilizes both passive and active secondary containment measures at the Facility.

- Passive secondary containment is provided for the oil storage tank.

- Active secondary containment measures (use of sump pumps and spill kits) are used for oil transfer operations, which will only occur at the tank truck loading pad.

3.7 Inspections, Tests, and Records [40 CFR 112.7(e)]

As required by the SPCC rule, AWMS will perform inspections of oil containers, containment structures, transfer piping, associated equipment at the Facility as described below. Checklists are provided in Appendices C and G to record the results of these inspections. Written inspection records will be signed by the SPCC Coordinator and maintained with this SPCC Plan for a period of three years.

3.7.1 Daily Inspection

The oil storage tank, earthen containment structure, tank truck loading pad, oil transfer piping, and the surrounding areas will be visually inspected for signs of deterioration or leaks each day that the Facility is in operation.

3.7.2 Monthly Inspection

These inspections will include:

- Testing of the high level alarms in the oil storage tank and spill containment sumps at the tank truck loading pad and the earthen containment structure.
- Checking the inventory of discharge response equipment and restocking as needed.

3.7.2 Annual Inspection

These inspections will include:

- A detailed visual inspection of the oil storage tank and oil transfer piping, valves and fittings
- Testing of the high level alarm in the oil storage tank

In addition to the above inspections by facility personnel, the oil storage tank will be periodically evaluated by an outside certified tank inspector following the Steel Tank Institute (STI) Standard for the Inspection of Aboveground Storage Tanks, SP-001, as described in Section 4.2.6 of this Plan.

All problems regarding oil containers, containment structures, or response equipment must immediately be reported to the SPCC Coordinator. Visible oil leaks from these units must be repaired as soon as possible to prevent a larger spill or a discharge to navigable waters. Pooled oil is to be removed immediately upon discovery.

3.8 Personnel, Training, and Discharge Prevention Procedures [40 CFR 112.7(f)]

The SPCC Coordinator is the Facility designee and is responsible for oil discharge prevention, control, and response preparedness activities at this Facility.

AWMS management will instruct oil-handling facility personnel in the operation and maintenance of oil pollution prevention equipment, discharge procedure protocols, applicable pollution control laws, rules and regulations, general facility operations, and the content of this SPCC Plan. Any new facility personnel with oil-handling responsibilities are provided with this same training prior to being involved in any oil operation.

Annual discharge prevention briefings are held by the SPCC Coordinator for all facility personnel involved in oil operations. The briefings are aimed at ensuring continued understanding and adherence to the discharge prevention procedures presented in the SPCC Plan. The briefings also highlight and describe known discharge events or failures, malfunctioning components, and recently implemented precautionary measures and best practices. Facility operators and other personnel will have the opportunity during the briefings to share recommendations concerning health, safety, and environmental issues encountered during facility operations.

Records of the briefings and discharge prevention training are kept on the form shown in Appendix D and maintained with this SPCC Plan for a period of three years.

3.9 Security [40 CFR 112.7(g)]

Access to the Facility and oil storage/transfer units is controlled as described below.

Restricted Access:

The oil containing areas of the facility are fully fenced around the perimeter and are staffed during operational hours. Access to the Facility is limited to authorized personnel only. During non-operational hours, the facility is locked. The oil storage tank is located within a secure area of the Facility within visual contact of AWMS personnel during operational hours.

Drain valves secured:

Two valves are provided on the oil storage tank load out piping. The first is an emergency shutoff valve (manually operated – normally open) located immediately adjacent to the tank inside the containment structure. The second is the primary shutoff valve (electrically operated – normally closed) located immediately upstream of the loading hose connection at the truck loading pad. The control switch for the primary valve is located inside the Facility office, which is only accessible to AWMS personnel.

Starter controls locked:

Not applicable – A truck mounted pump will be used for loading. As noted above, an electrically operated valve is located on the suction line for the pump, which is kept closed except during truck loading operations. Access to the controls for this valve is restricted to AWMS personnel.

Pipeline loading/unloading connections securely capped:

The connection on the oil storage tank load out piping at the truck loading pad will be securely capped when not in use.

Lighting adequate to detect spills:

Oil transfer operations will be limited to the tank truck loading pad. Lights illuminate areas where oil is stored and/or transferred and is adequate to detect spills during nighttime hours.

3.10 Tank Truck Loading/Unloading Rack Requirements [40 CFR 112.7(h)]

Loading/unloading procedures meet DOT regulations:

Tank truck unloading procedures meet the minimum requirements and regulations established by the Department of Transportation (DOT). In particular, the following procedures are to be observed during the transfer of oil.

- No smoking is allowed while loading/unloading oil.
- The truck driver is to remain with the vehicle at all times while oil is being loaded.
- Each shipment of oil will be supervised by an AWMS Employee. During loading of oil-containing vehicles, the driver must be alert, have unobstructed view of the operation, and be within 25 feet of the truck.
- The wheels of the truck will be secured with wheel chocks prior to commencing material transfer. Wheel chocks should not be removed until the material transfer is completed and all transfer lines are disconnected and secured.
- Loading operations are to be performed only in areas designated for that purpose, i.e., the tank truck loading pad.

Secondary containment for vehicles adequate:

Bulk loads of oil are transferred from the 5,250-gallon oil storage tank into tank trucks at the tank truck loading pad located on the northern side of the property. All loading/unloading areas are subject to the general secondary containment requirements in 40 CFR 112.7(c). However, if a loading/unloading "rack" is present, the additional requirements of 40 CFR 112.7(h)(1) also apply. Based on review of USEPA publication 550-B-05-001 entitled, "SPCC Guidance for Regional Inspectors," dated November 28, 2005 (USEPA SPCC Guidance), loading/unloading areas that utilize a single hose and connection are not considered "racks." Therefore, the requirements of 40 CFR 112.7(h)(1) do not apply to this Facility.

40 CFR 112.7(c) requires that the secondary containment size should be based on the magnitude of the most likely discharge taking into consideration the specific features of the facility and its operation. The following calculation provides the required information to determine the secondary containment volume required for this facility.

Event causing a potential release:

Tank truck shipments of oil with an AWMS employee present on site during unloading operations

Details:

- The oil storage tank will be unloaded using either a vacuum truck or a truck equipped with a gear pump at a rate of approximately 150 gallons per minute.
- The reasonably expected source and cause of the discharge is a ruptured hose connection.
- Each tank truck is equipped with own loading pump, a high level shutoff switch for the pump, a shutoff valve on the vehicle tank, and a sight gauge. The switch and valve are readily accessible to the tank truck driver.
- The discharge from the ruptured hose connection is not expected to impede the driver's or associate's access to the switch. It can be reasonably expected, therefore, the pump can be shutoff within 30 seconds of a hose connection rupture.

Calculations:
The maximum reasonably expected discharge would be:

150 gal/min × 30 sec × 1 min/60 sec = 75 gallons

To provide the required containment, AWMS will utilize a concrete loading pad that is equipped with a trench drain sloped to a sump with automatically operated pumps. The sump will be provided with a high level alarm. Any release during loading operations would be contained in the sump preventing a release offsite. In the event of a sump pump malfunction, the AWMS personnel on-site will immediately apply booms and sorbent materials to recover the spill and begin the spill response procedures outlined in Section 5 of this SPCC.

Warning or barrier sign for vehicles:

Signs will be posted at the loading/unloading areas warning drivers to adhere to the proper loading/unloading procedures as described above.

Vehicles examined for lowermost drainage outlets before leaving:

Once truck loading is complete, the primary valve on the oil storage tank load out piping is closed, the fill line is evacuated using the tank truck pump prior to disconnecting the suction hose from the truck. The connection on the oil storage tank load out piping is then securely capped. Prior to departure of the truck, the lowermost drain and all outlets are closely examined for leakage, and if necessary, tightened adjusted or replaced to prevent any liquid leakage during transit.

3.11 Brittle Fracture Evaluation [40 CFR 112.7(i)]

This section is not applicable as the oil storage containers at the Facility are not field constructed and do not pose a risk of failure from brittle fracture.

3.12 Conformance with State and Local Applicable Requirements [40 CFR 112.7(j)]

There are no bulk oil storage tanks at this Facility that require registration with the state and local authorities.

Notification of various governmental agencies may be required in the event of a release of oil into the environment. Refer to Section 5.3 of this plan a detailed description of the circumstances under which notification is required per Ohio Revised Code Section 3750.06.

PART 4: Discharge Prevention – SPCC Provisions for Onshore Facilities (Excluding Production Facilities)

4.1 Facility Drainage [40 CFR 112.8(b)]

This section is not applicable as all drainage from containment pads and diked areas is conveyed to the wastewater storage tanks for final disposal via deep well injection.

4.2 Bulk Storage Containers [40 CFR 112.8(c)]

A single 125-barrel (5;250-gallon) steel storage tank will be used to collect oil skimmed from wastewater delivered to the facility in tank trucks. The tank will be located inside an earthen containment structure that is lined with a high density polyethylene (HDPE) geomembrane.

4.2.1 Construction [40 CFR 112.8 (c)(1)]

The oil tank used at the Facility is constructed of steel with an epoxy coating per API standards. The design and construction of this bulk storage container is compatible with the characteristics of the oil product it contains, and with temperature and pressure conditions.

4.2.2 Secondary Containment [40 CFR 112.8(c)(2)]

As described in detail in Section 3.5 above, the methods of secondary containment at this facility to prevent oil from reaching navigable waters include:

- Earthen containment structure: One oil storage tank and five wastewater storage/treatment tanks are located inside an earthen containment structure with geosyntetic lining system, which has an approximate volume of 231,681 gallons. The largest single tank within the containment has a volume of 168,000 gallons.

- Concrete tank truck loading pad and sump: The loading pad is sloped to collection trenches that drain to a sump. The sump is equipped with a submersible pump that discharges accumulated liquids into the tank containment structure.

- Spill kit: A spill cleanup kit that includes absorbent material will be located adjacent to the tank truck loading pad for rapid deployment should a spill occur.

4.2.3 Drainage of Diked Areas [40 CFR 112.8(c)(3)]

This section is not applicable as all drainage from containment pads and diked areas is conveyed to the wastewater storage tanks for final disposal via deep well injection.

4.2.4 Corrosion Protection [40 CFR 112.8(c)(4)]

This section is not applicable since there are no partially buried or bunkered storage tanks at this facility.

4.2.5 Partially Buried and Bunkered Storage Tanks [40 CFR 112.8(c)(5)]

This section is not applicable since there are no partially buried or bunkered storage tanks at this Facility.

4.2.6 Inspections and Tests [40 CFR 112.8(c)(6)]

Visual inspections of the oil storage tank by facility personnel will be performed according to the schedule outlined in this plan, Section 3.7. Leaks from tank seams, gaskets, rivets, and bolts will be promptly corrected. Records of inspections and tests will be signed by the inspector and kept at the facility for at least three years.

In addition to the above daily, monthly and annual inspections by facility personnel, the oil storage tank will be periodically evaluated by an outside certified tank inspector following the Steel Tank Institute (STI) Standard for the Inspection of Aboveground Storage Tanks, SP-001, as described in Section 4.2.6 of this Plan.

The scope and schedule of certified inspections and tests performed on the facility's ASTs are specified in STI Standard SP-001. The external inspection includes ultrasonic testing of the shell, as specified in the standard, or if recommended by the certified tank inspector to assess the integrity of the tank for continued oil storage. Records of certified tank inspections will be kept at the facility for at least three years. Shell test comparison records will be retained for the life of the tanks.

Table 4-2: Scope and Frequency of Oil Storage Tank Inspections and Tests

Inspection/Test	Frequency
Visual inspection by facility personnel (as per checklists in Appendix C)	Daily & annual
External inspection by certified inspector (as per STI Standard SP-001)	5 years
Internal inspection by certified inspector (as per STI Standard SP-001)	10 years*

* Or earlier, as recommended by the certified inspector based on findings from an external inspection.

Records of the external and internal inspections shall be kept in Appendix K.

4.2.7 Heating Coils [40 CFR 112.8(c)(7)]

This section is not applicable as there are no oil containers with heating coils at the Facility.

4.2.8 Overfill Prevention Systems [40 CFR 112.8(c)(8)]

Overfill prevention systems utilized at the Facility include:

- The oil storage tank is fitted with level controls and a high level alarm.
- Each tank truck is equipped with its own loading pump, a high level shutoff switch for the pump, a shutoff valve on the vehicle tank, and a sight gauge.

4.2.9 Effluent Treatment Facilities [40 CFR 112.8(c)(9)]

This section is not applicable as all drainage from containment pads and diked areas is conveyed to the wastewater storage tanks for final disposal via deep well injection.

4.2.10 Visible Discharges [40 CFR 112.8(c)(10)]

Visible oil leaks are reported to the SPCC Coordinator so that they can be immediately repaired. The maintenance department informs the SPCC coordinator when the repair has been completed or if additional time is needed to obtain parts to remedy the leak. Measures will be taken to minimize and mitigate the leak, while awaiting repair. Any spilled oil shall be cleaned up immediately by operations personnel. The locations of oil spill cleanup supplies are illustrated on Figure 2.

4.2.11 Mobile and Portable Containers [40 CFR 112.8(c)(11)]

Mobile and/or portable containers will be utilized on a temporary basis as needed to prevent a discharge of oil into navigable waters in the event of a spill.

4.3 Transfer Operations, Pumping, and In-Plant Processes [40 CFR 112.8(d)]

Buried piping installation protection and examination:

This section is not applicable since there is no buried oil transfer piping at the Facility.

Not-in-service and standby service terminal connection:

The terminal connection on the oil load out (transfer) piping is labeled and the connection is capped when transfer operations are not being conducted.

Pipe supports design:

Oil transfer piping is properly designed to minimize abrasion and allow for expansion and contraction. All piping is located within the storage tank containment structure with the exception of a single load out connection at the tank truck loading pad.

Aboveground valve and pipeline examination:

The valving and piping associated the oil transfer operations will be inspected on a daily basis.

Protection of aboveground piping from vehicular traffic:

The only aboveground piping used for oil transfer operations is located either inside the storage tank containment structure or at the tank truck loading pad. The piping is surrounded by steel bollards to protect it from vehicular traffic at the loading pad.

Part 5: Discharge Response

This section describes the response and cleanup procedures in the event of an oil discharge. The uncontrolled discharge of oil to groundwater, surface water, or soil is prohibited by state and federal laws. Immediate action must be taken to control, contain, and recover discharged product.

In general, the following steps are to be taken:

- If possible and safe to do so, identify and shut down source of the discharge to stop the flow;
- Contain the discharge with sorbents, berms, fences, trenches, sandbags, or other material;
- Contact the SPCC Coordinator or his/her alternate;
- Contact regulatory authorities and the response organization (as needed); and
- Collect and dispose of recovered products according to regulation.

For the purpose of establishing appropriate response procedures, this SPCC Plan classifies discharges as either "minor" or "major," depending on the volume and characteristics of the material released.

A list of Emergency Contacts is provided in Appendix E. The list is also posted at prominent locations throughout the facility. A list of discharge response materials kept at the facility is included in Appendix G.

5.1 Response to a Minor Discharge

A "minor" discharge is defined as one that poses no significant harm (or threat) to human health and safety or to the environment. Minor discharges are generally those where:

- The quantity of product discharged is small (e.g., may involve less than 10 gallons of oil, diesel, gasoline or hydraulic oil);
- Discharged material is easily stopped and controlled at the time of the discharge;
- Discharge is localized near the source;
- Discharged material is not likely to reach water;
- There is little risk to human health or safety; and
- There is little risk of fire or explosion.

Minor discharges can usually be cleaned up by Facility personnel. The following guidelines apply:

- Immediately notify the SPCC Coordinator.
- Contain the discharge with spill response materials and equipment. Place clean-up debris in properly labeled waste containers.
- The SPCC Coordinator determines whether notification of any outside agencies is required per Section 5.3 below.

5.2 Response to a Major Discharge

A "major" discharge is defined as one that cannot be safely controlled or cleaned up by facility personnel, such as when:

- The discharge is large enough to spread beyond the immediate discharge area;
- The discharged material enters a waterway;
- The discharge requires special equipment or training to clean up;
- The discharged material poses a hazard to human health or safety; or
- There is a danger of fire or explosion.

In the event of a major discharge, the following guidelines apply:

- If the SPCC Coordinator is not available at the time of the discharge, then the next highest person in seniority assumes responsibility for coordinating response activities.
- All workers must immediately evacuate the discharge site via the designated exit routes and move to the designated staging areas at a safe distance from the discharge. Exit routes are included on the facility diagram and posted in various locations throughout the main plant building.
- If the SPCC Coordinator is not present at the facility, the senior on-site person notifies the SPCC Coordinator of the discharge and has authority to initiate notification and response. Certain notifications are dependent on the circumstances and type of discharge.
- The SPCC Coordinator (or senior on-site person) must call for medical assistance if workers are injured.
- The SPCC Coordinator (or senior on-site person) determines whether notification of any outside agencies is required per Section 5.3 below.
- The SPCC Coordinator (or senior on-site person) coordinates clean-up and obtains assistance from a clean-up contractor or other response organization as necessary.

5.3 Discharge Notification

5.3.1 Notification Not Required

Notification of outside agencies is <u>not</u> required under Ohio Revised Code (ORC) Section 3750.06(E) for oil discharges that either:

- Are contained on-site (i.e., remains within the Facility property boundaries); or
- Consist of less than 25 gallons (Reportable Quantity for diesel fuel, gasoline, or oil) and are <u>not</u> discharged to navigable waters.

5.3.2 Notification Required

5.3.2.1. Discharge Does Not Reach Navigable Waters

Notification of the following agencies is required for an oil discharge of a Reportable Quantity (25 gallons or more) that exits the Facility property boundaries, but does not reach navigable waters:

- Trumbull County Office of Homeland Security and Emergency Management
- Niles Fire Department
- Ohio EPA Emergency Response Unit

5.3.2.2. Discharge Into Navigable Waters

Notification of the following agencies is required for an oil discharge of a Reportable Quantity of oil into navigable waters:

- Trumbull County Office of Homeland Security and Emergency Management
- Niles Fire Department
- Ohio EPA Emergency Response Unit
- National Response Center

NOTE: The Reportable Quantity for a release into navigable waters is any amount that causes a visible film or sheen upon the water surface or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

Verbal notification shall be made within 30 minutes of knowledge of the release. Emergency contact information for reporting a discharge to appropriate authorities is listed in Appendix E. A summary sheet is included in Appendix F to facilitate reporting (after completion, insert this document into the Plan). The person reporting the discharge must provide the following information:

- 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 discharge
- Types of material(s) released or discharged (is it extremely hazardous?)
- Quantity of materials released or discharged
- Danger or threat posed by the release or discharge
- Number and types of injuries (if any)
- Media affected or threatened by the discharge (i.e., water, land, air)
- Weather conditions at the incident location

- Precautions taken, including evacuation, remediation, or other proposed response actions.
- Any other information that may help emergency personnel respond to the incident

Written follow-up emergency notice must be submitted within 30 days of knowledge of the release to the Ohio EPA Emergency Response Unit and the Athens County Local Emergency Planning Committee. The written notice must provide all of the information listed on the document entitled, "Written Follow-up Requirements" included in Appendix H of this Plan.

In addition to the above reporting, 40 CFR 112.4 requires that information be submitted to the United States Environmental Protection Agency (USEPA) Regional Administrator and the Ohio EPA whenever the facility discharges (as defined in 40 CFR 112.1(b)) *more than 1,000 gallons of oil in a single event or more than 42 gallons of oil in each of two discharge incidents within a 12-month period.* The following information must be submitted to the EPA Regional Administrator and to Ohio EPA within 60 days:

- Name of the facility;
- Name of the owner/operator;
- Location of the facility;
- Maximum storage or handling capacity and normal daily throughput;
- Corrective action and countermeasures taken, including a description of equipment repairs and replacements;
- Description of facility, including maps, flow diagrams, and topographical maps;
- Cause of the discharge(s) to navigable waters and adjoining shorelines, including a failure analysis of the system and subsystem in which the failure occurred;
- Additional preventive measures taken or contemplated to minimize possibility of recurrence; and
- Other pertinent information requested by the Regional Administrator.

A standard report for submitting the information to the USEPA Regional Administrator and to Ohio EPA is included in Appendix I of this Plan.

5.4 Waste Disposal

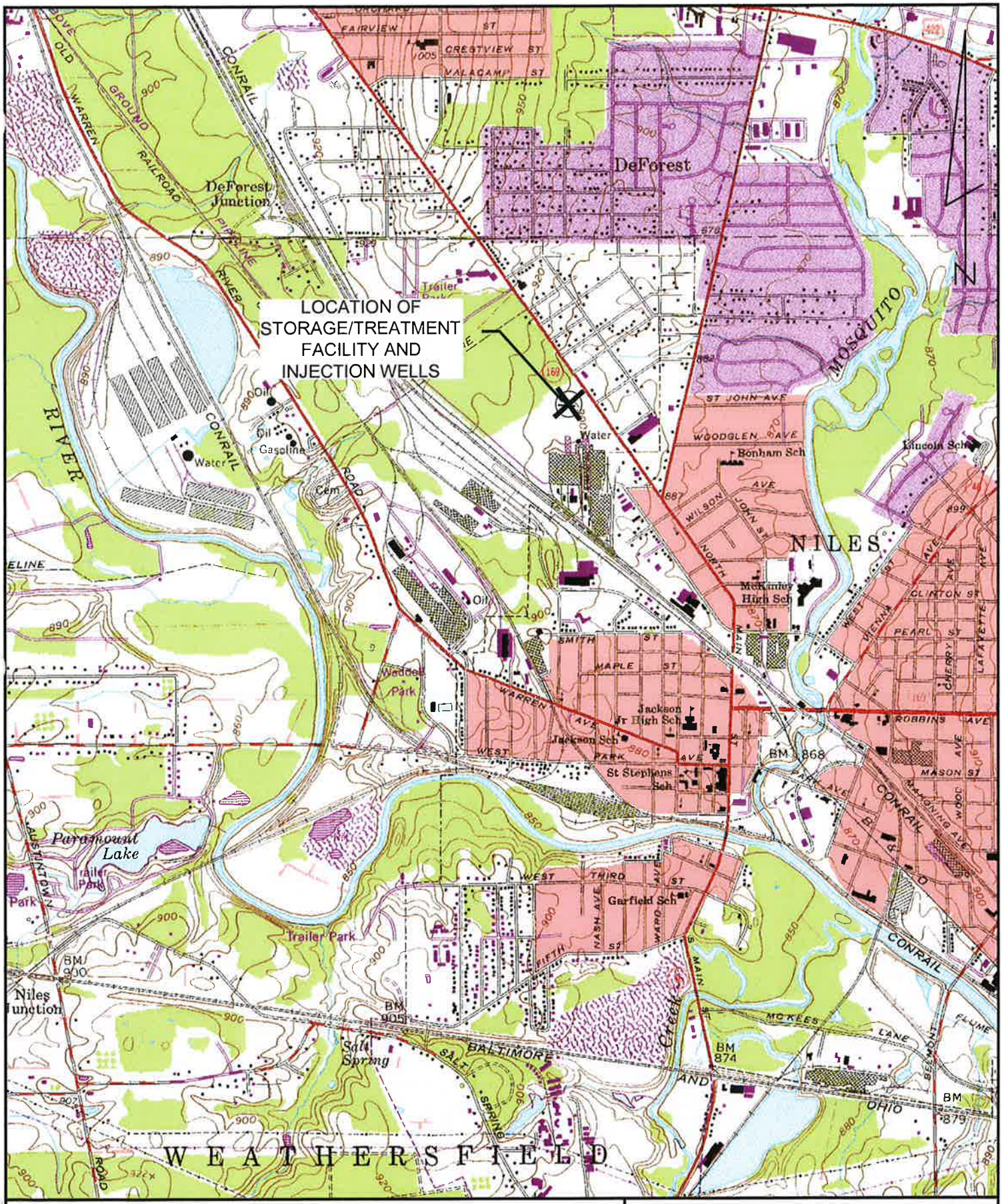
Wastes resulting from discharge response/clean-up activities will be containerized in impervious bags, drums, or buckets. The SPCC Coordinator will characterize the waste for proper disposal and ensure that it is removed from the Facility by a licensed waste hauler as soon as practicable.

5.5 Cleanup Contractors and Equipment Suppliers

Contact information for specialized spill response and cleanup contractors are provided in Appendix E. These contractors have the necessary equipment to respond to discharges of oil that affect navigable waters.

Location Map
and
Site Plan/Facility Diagram

APPENDIX A



NORTH POINT ENGINEERING
6657 FRANK AVE. N.W.
Suite 200
N.Canton, Ohio 44720
330 – 494 – 8888
Fax 330 – 494 – 8889

AWMS RTE. 169, LLC

FIGURE 1 – LOCATION MAP
ROUTE 169 SALT WATER INJECTION FACILITY
SPCC PLAN

SCALE: 1"= 2000'	DATE: 11–18–13	DWG: USGS

J:\AWM001 s Injection Well\dwg\SPCC Plan\AWM001-FIG1_SPCC 11-18-13.dwg ov 18, 2013 – 5:08pm – lbyington

Substantial Harm Determination

APPENDIX B

Appendix B
Substantial Harm Determination

Facility Name: AWMS Rt. 169, LLC Salt Water Injection Facility

Facility Address: 1732 State Route 169
Weathersfield Township, Ohio 44446

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 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 40 CFR Part 112 Appendix C, Attachment C-III or a comparable formula) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments?
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 40 CFR Part 112 Appendix C, Attachment C-III or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake?
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 spill 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.

_____	President
Signature	Title
Stephen G. Kilper	_____
Name (type or print)	Date

Inspection Checklists

APPENDIX C

APPENDIX C-1
Daily Facility Inspection Checklist

This inspection record must be completed and signed each day that the Facility is in operation. Provide further description and comments, if necessary, on a separate sheet of paper and attach to this sheet.

Item to Inspect	Y*	N	Description & Comment
Storage Tanks & Containment Area			
Does the exterior of tanks and the immediate area show signs of deterioration, leaks, and corrosion?			
Is the liquid level in the containment pump sump above the high level alarm sensor?			
Tank Truck Unloading/Loading Pad			
Does the pad area show signs of spillage, deterioration, and leaks?			
Is the liquid level in the pad pump sump above the high level alarm sensor?			
Do the oil transfer hose, piping or supports show signs of leakage or structural instability?			
Is a sign with required oil loading procedures visible?			
Are proper oil loading procedures being followed?			
Security			
Are security gate locks functioning?			
Are all area lighting fixtures functioning?			
Spill Kits			
Are kits missing**?			

*Any item that receives "Yes" as an answer must be described and addressed immediately.
**The equipment in each spill kit is to be inventoried on a weekly basis (see Appendix G)

Signature: _____ **Date:** _____

APPENDIX C-2
Monthly Facility Inspection Checklist

This inspection record must be completed and signed each week that the Facility is in operation. Provide further description and comments, if necessary, on a separate sheet of paper and attach to this sheet.

Item to Inspect	Y	N*	Description & Comment
Oil Storage Tank			
Is the high level alarm in the tank working properly?			
Tank Containment Structure Sump			
Is the high level alarm in the containment sump working properly?			
Tank Truck Unloading/Loading Pad			
Is the high level alarm in the collection sump working properly?			
Spill Kits			
Does each kit contain all of the required equipment**?			

*Any item that receives "No" as an answer must be described and addressed immediately.
**The required equipment for each spill kit is listed in Appendix G.

Signature: _____ **Date:** _____

APPENDIX C-3
Annual Facility Inspection Checklist

This inspection record must be completed and signed each year that the Facility is in operation. Provide further description and comments, if necessary, on a separate sheet of paper and attach to this sheet.

Item to Inspect	Y	N*	Description & Comment
Oil Storage Tank			
Is there any evidence of leakage at the tank seams or piping connections?			
Is there any evidence of physical damage to the tank (punctures, bulging, etc.)?			
Is any corrosion evident?			
Is the high level alarm in the tank working properly?			
Oil Transfer Piping			
Is the emergency shutoff valve on the oil load out piping functioning properly?			
Is any leakage or corrosion evident on the transfer piping, fittings, or valves?			
Tank Containment Structure			
Is there any physical damage or evidence of leakage to the earthen containment??			

*Any item that receives "No" as an answer must be described and addressed immediately.

Signature: _____ **Date:** _____

Record of Discharge Prevention Briefings and Training

APPENDIX D

APPENDIX D
Record of Discharge Prevention Briefings and Training

Briefings will be scheduled and conducted by the facility owner or operator for operating personnel at regular intervals (at a minimum on annual basis) to ensure adequate understanding of this SPCC Plan. The briefings will also highlight and describe known discharge events or failures, malfunctioning components, and recently implemented precautionary measures and best practices. Personnel will also be instructed in operation and maintenance of equipment to prevent the discharge of oil, and in applicable pollution laws, rules, and regulations. Facility operators and other personnel will have an opportunity during the briefings to share recommendations concerning health, safety, and environmental issues encountered during facility operations.

Date	Subjects Covered	Employees in Attendance	Instructor(s)

Emergency Contacts

APPENDIX E

APPENDIX E
Emergency Contacts

EMERGENCY TELEPHONE NUMBERS:

Facility	
Stephen G. Kilper, PE President	Phone 330-856-8876 Fax 330-856-8483 Cell 330-618-0259
Todd Miller Superintendent	Cell 724-456-1160
Local Emergency Response	
Niles Fire Department	911 or (330) 544-9022
Niles Police Department	911 or (330) 652-9944
Trumbull County Sheriff	911 or (330) 675-2508
Trumbull Memorial Hospital	(330) 841-9011
Response/Cleanup Contractors	
Minuteman Spill Response, Inc.	800-905-7788
Notification	
Trumbull County Office of Homeland Security and Emergency Management	(330) 675-2666
Niles Fire Department	911 or (330) 544-9022
Ohio EPA – Emergency Response Unit	(800) 282-9378 or (614) 224-0946
National Response Center (see Note 1)	(800) 424-8802
U S EPA Region 5 (see Note 2)	(312) 353-2000

Notes:
1. Report only if discharge is to navigable waters
2. Report only if discharge is to navigable waters and is more than 1,000 gallons of oil in a single event or more than 42 gallons of oil in each of two discharge incidents within a 12-month period

Discharge Notification Form

APPENDIX F

APPENDIX F
Discharge Notification Form

Part A: Discharge Information	
General information when reporting a spill to outside authorities: Owner: AWMS Rt. 169, LLC Operator: American Water Management Services, LLC Facility Address: 1732 State Route 169 Weathersfield Township, Ohio 44446 Telephone: (330) 856-8800 Primary Contact: Stephen G. Kilper, PE President Phone 330-856-8876 Cell 330-618-0259 Secondary Contact: Todd Miller Spill Coordinator/Superintendent Cell 724-456-1161	
Type of oil:	Discharge Date and Time:
Quantity released:	Discovery Date and Time:
Quantity released to a waterbody:	Discharge Duration:
Location/Source:	
Actions taken to stop, remove, and mitigate impacts of the discharge:	
Affected media: ❑ Air ❑ Water ❑ Soil	❑ Stormwater sewer / POTW ❑ Dike / berm / oil-water separator ❑ Other: _____
Notification person:	Contact telephone number(s) Business: 24-hr:
Nature of discharges, environmental/health effects, and damages:	

APPENDIX F
Discharge Notification Form

Injuries, fatalities or evacuation required?

Part B: Notification Checklist for the Discharge of a Reportable Quantity(RQ)

The RQ for release into navigable waters shall be noted as any discharge that causes a visible film or sheen upon the water surface or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. The RQ for the release of oil into the environment, excluding navigable waters, shall be 25-gallons or more. Spills that are contained on site are exempt from reporting as noted under ORC 3750.06(E).

Reported by:		Title:
Agency	**Date and time**	**Name of person receiving call**
Trumbull County Office of Homeland Security and Emergency Management (330) 675-2666		
Niles Fire Department 911 or (330) 544-9022		
Ohio EPA - Emergency Response Unit (800) 282-9378		
National Response Center (see Note 1) (800) 424-8802		
US EPA Region 5 (see Note 2) (312) 353-2000		

Notes:
1. Report only if discharge is to navigable waters
2. Report only if discharge is to navigable waters and is more than 1,000 gallons of oil in a single event or more than 42 gallons of oil in each of two discharge incidents within a 12-month period

RETAIN COPIES OF COMPLETED REPORTS FOR A MINIMUM OF 3 YEARS

Discharge Response Equipment Inventory

APPENDIX G

APPENDIX G
Discharge Response Equipment Inventory

The discharge response equipment inventory is verified on a weekly basis and must be replenished as needed. The locations of the spill kit(s) are shown on Figure 2.

Spill Kit 1		Quantity
❑	Empty 55-gallon steel w/ lid and label	1
❑	Absorbent rug	10
❑	4" x 46" absorbent sock	4
❑	Nitrile gloves	2 pair
❑	Apron (vinyl blue) - Grainger #4JY17	2
❑	Faceshield - Huntsman #9154 CHIN	2
❑	Head gear - Jackson Model 170-SB	2

Ohio EPA
Written Follow-up Requirements

APPENDIX H

Written Follow-up Requirements

After the release or discharge, **written follow-up emergency notice must be submitted within 30 days** to the Ohio EPA, Emergency Response Section and the local planning committee of the planning district(s) in which release or discharge occurred, unless the release was from a vessel, then the report is sent only to the State Emergency Response Commission (SERC). This follow-up emergency notice is your company's opportunity to explain in its own words the circumstances and actions relating to the release of pollutants to the environment. Your written emergency notice should follow the question sequence as indicated below. If any of the questions are not applicable to your incident, indicate N/A (not applicable) for that item.

1. **When**
   (a) Actual time, date and duration of the discharge or release
   (b) Actual time and date of discovery of the release of discharge.
   (c) Actions taken to respond to and contain the release or discharge.
   (d) Indicate the spill number assigned by Ohio EPA. (If you do not know this number, call a duty officer during business hours and ask. The telephone number is 614-644-3194.) If the NationalResponseCenter was notified, please provide their assigned case number.

2. **Location**
   (a) Location of facility from which the release or discharge occurred.
   (b) Location of release: county, township and city.
   (c) Longitude and latitude of the release, if know.
   (d) Distance and direction from nearest intersection or milepost if it was a transportation-related release or discharge.

3. **Product Release**
   (a) Common and/or technical name(s) of the material(s) release or discharged and CAS Number(s).
   (b) What was the quantity and duration of the discharge? Indicate volume(s) in gallons or pounds.

4. **Environmental Impact**
   (a) Name of the environmental medium or media affected (i.e., navigable waters, land and/or air). If navigable waters, please identify.
   (b) What was the length of area of the navigable waterway affected?
   (c) What was the ground surface area (square feet or yards) and depth of soil contamination?
   (d) To the extent information is available, identify damage to wildlife and/or vegetation.
   (e) To the extent information is available, identify impact to human health and safety (i.e., evacuations, exposure, etc.).
   (f) Where appropriate, identify medical advice provided for exposed individuals and/or local medical personnel.

5. **Monitoring and Detection**
   (a) If the release or discharge was monitored, indicate the method of detection and concentrations detected.
   (b) If the release was airborne, how was the wind direction and speed determined?
   (c) When was the public warned, and if so, how?

6. **Mitigation, Containment Action**
   (a) How much product or waste was recovered or neutralized?
   (b) How was the material recovered or neutralized?
   (c) Were any other actions taken to reduce the impact of the discharge (containment adsorbents, on-site treatment, etc.)?

7. **Prevention Measures**
   Please provide plans to prevent recurrence of the discharge or release which may occur at this specific source. This may include: employee training, replacement of equipment, construction or security measures such as lighting, fencing or locks.

8. **Health Risks**
   List known or anticipated acute and chronic health risks of exposure associated with the substances which were released.

9. **Permit Numbers**
   (a) Indicate any air, water or other permit numbers which may be pertinent to this incident (voluntary information).
   (b) If this is a NPDES/air permit, please enclose a copy of your current effluent/emission limitations.

10. **Chronology**
    Provide a chronological review of the incident. Include a chronology of communications with state and local government.

11. **Documentation**
    Provide any reports or other documents which pertain to the incident (e.g. accident reports, manifest, bills of lading, laboratory analyses).

12. **Causes**
    Describe any extenuating circumstances which caused the discharge.

13. **Economic Impact** – This information is voluntary
    (a) Estimate the dollar value, if any, of the spilled product.
    (b) What was the equipment damage cost (estimate)?
    (c) What was the cost of spill clean-up (estimate)?
    (d) What are the estimated costs of spill prevention to eliminate possible reoccurrence of this event?

This information is required pursuant to Ohio Revised Code (ORC), Section 3750-06(D) and Ohio Administrative Code (OAC), Rule 3750-25-25(A)(2).

The written emergency notice must be submitted within 30 days of the release of discharge to:

Ohio EPA
Lazarus Government Center
Attn: ER Records Management
50 West Town Street, Suite 700
P. O. Box 1049
Columbus, OH 43216-1049

AND

the appropriate County LEPC Emergency Coordinator.

The statute provides that if significant additional information regarding the mandatory or voluntary information submitted becomes known during the period one (1) year after the release or discharge, the owner or operator shall submit to the LEPC and the Ohio EPA an updated written notice within three (3) days after learning of the additional information.

If this is the second oil spill release at this location within a 12 month period or a release of over 1,000 gallons which has reached water, you must submit a copy of your Spill Prevention Control and Countermeasure Plan (SPCC) to the U.S. EPA Regional Administrator and to Ohio EPA within 60 days from the time of the discharge as required by 40 CFS 112.4. Your SPCC plan may be submitted with your response to the 30-day written follow-up report. You may obtain SPCC information by calling 313-676-6500 or the Ohio EPA at (614) 644-3063.

USEPA Notification
Standard Report

APPENDIX I

APPENDIX I
USEPA Notification Standard Report

Facility:	*AWMS Rt. 169, LLC Salt Water Injection Facility*
Owner:	*AWMS Rt. 169, LLC*
Operator:	*American Water Management Services, LLC* *One American Way* *Warren, Ohio 44484*
Name of person filing report:	
Facility Location:	*1732 State Route 169* *Weathersfield Township, Ohio 44446*
Maximum storage capacity:	*5,250 Gallons*
Daily throughput:	*500 Gallons (varies)*
Nature of qualifying incident(s): ❑ Discharge to navigable waters or adjoining shorelines exceeding 1,000 gallons, or ❑ Second discharge exceeding 42 gallons within a 12-month period.	
Description of facility (attach maps, flow diagrams, and topographical maps):	
Cause of the discharge(s), including a failure analysis of the system and subsystems in which the failure occurred:	
Corrective actions and countermeasures taken, including a description of equipment repairs and replacements:	
Additional preventive measures taken or contemplated to minimize possibility of recurrence:	
Other pertinent information:	

Existing SPCC Regulations
(40 CFR 112)

http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=e5e234fda7eeda3cbbbe7d5add09797a&rgn=div5&view=text&node=40:23.0.1.1.7&idno=40

APPENDIX J

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR Data is current as of April 30, 2013

Title 40: Protection of Environment

PART 112—OIL POLLUTION PREVENTION

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

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Response Plans
Appendix F to Part 112—Facility-Specific Response Plan
Appendix G to Part 112—Tier I Qualified Facility SPCC Plan

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

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

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

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 U.S. 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, or the capacity of any underground oil storage tanks deferred under 40 CFR part 280 that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission and subject to any Nuclear Regulatory Commission provision regarding design and quality criteria, including, but not limited to, 10 CFR part 50. The completely buried storage capacity of a facility also excludes the capacity of a container that is "permanently closed," as defined in § 112.2 and the capacity of intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195.

(ii) The aggregate aboveground storage capacity of the facility is 1,320 U.S. gallons or less of oil. For the purposes of this exemption, only containers with a capacity of 55 U.S. gallons or greater are counted. The aggregate aboveground storage capacity of a facility excludes:

(A) The capacity of a container that is "permanently closed" as defined in § 112.2;

(B) The capacity of a "motive power container" as defined in § 112.2;

(C) The capacity of hot-mix asphalt or any hot-mix asphalt container;

(D) The capacity of a container for heating oil used solely at a single-family residence;

(E) The capacity of pesticide application equipment and related mix containers.

(F) The capacity of any milk and milk product container and associated piping and appurtenances.

(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, or any underground oil storage tanks including below-grade vaulted tanks, deferred under 40

CFR part 280, as originally promulgated, that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission, provided that such a tank is subject to any Nuclear Regulatory Commission provision regarding design and quality criteria, including, but not limited to, 10 CFR part 50. Such emergency generator tanks 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.

(8) Hot-mix asphalt, or any hot-mix asphalt container.

(9) Any container for heating oil used solely at a single-family residence.

(10) Any pesticide application equipment or related mix containers.

(11) Intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195, except that such a line's location must be identified and marked as "exempt" on the facility diagram as provided in § 112.7(a)(3), if the facility is otherwise subject to this part.

(12) Any milk and milk product container and associated piping and appurtenances.

(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; 73 FR 74300, Dec. 5, 2008; 74 FR 58809, Nov. 13, 2009; 76 FR 21660, Apr. 18, 2011]

§ 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 recovering 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, property, parcel, lease, 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 oil 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 types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.

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.

Loading/unloading rack means a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to the requirements of this part. A loading/unloading rack includes a loading or unloading arm, and may include any combination of the following: piping assemblages, valves, pumps, shut-off devices, overfill sensors, or personnel safety devices.

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.

Produced water container means a storage container at an oil production facility used to store the produced water after initial oil/water separation, and prior to reinjection, beneficial reuse, discharge, or transfer for disposal.

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or intra-facility 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 (including condensate), or associated storage or measurement, and is located in an oil or gas field, at a facility. This definition governs whether such structures, piping, or equipment are subject to a specific section of this part.

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; 73 FR 74300, Dec. 5, 2008]

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

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

(a)(1) Except as otherwise provided in this section, if your facility, or mobile or portable facility, was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, and implement the amended Plan no later than November 10, 2011. If such a facility becomes operational after August 16, 2002, through November 10, 2011, 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 November 10, 2011. If such a facility (excluding oil production facilities) becomes operational after November 10, 2011, 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. You are not required to prepare a new Plan each time you move a mobile or portable facility to a new site; the Plan may be general. 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 mobile or portable facility is in a fixed (non-transportation) operating mode.

(2) If your drilling, production or workover facility, including a mobile or portable facility, is offshore or has an offshore component; or your onshore facility is required to have and submit a Facility Response Plan pursuant to 40 CFR 112.20(a), and was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, and implement the amended Plan no later than November 10, 2010. If such a facility becomes operational after August 16, 2002, through November 10, 2010, 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 November 10, 2010. If such a facility (excluding oil production facilities) becomes operational after November 10, 2010, 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. You are not required to prepare a new Plan each time you move a mobile or portable facility to a new site; the Plan may be general. 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 mobile or portable facility is in a fixed (non-transportation) operating mode.

(3) If your farm, as defined in § 112.2, was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, and implement the amended Plan on or before May 10, 2013. If your farm becomes operational after August 16, 2002, through May 10, 2013, 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 May 10, 2013. If your farm becomes operational after May 10, 2013, 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.

(b) If your oil production facility as described in paragraph (a)(1) of this section becomes operational after November 10, 2011, or as described in paragraph (a)(2) of this section becomes operational after November 10, 2010, and could reasonably be expected to have a discharge as described in § 112.1(b), you must prepare and implement a Plan within six months after you begin operations.

(c) [Reserved]

(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.

(vi) That, if applicable, for a produced water container subject to § 112.9(c)(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.

(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 facility's Plan, as provided in § 112.6. A qualified facility is one that meets the following Tier I or Tier II qualified facility criteria:

(1) A Tier I qualified facility meets the qualification criteria in paragraph (g)(2) of this section and has no individual aboveground oil storage container with a capacity greater than 5,000 U.S. gallons.

(2) A Tier II qualified facility is one that 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), and has an aggregate aboveground oil storage capacity of 10,000 U.S. gallons or less.

[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; 73 FR 74301, Dec. 5, 2008, 74 FR 29141, June 19, 2009; 74 FR 58809, Nov. 13, 2009; 75 FR 63102, Oct. 14, 2010; 76 FR 21660, Apr. 18, 2011; 76 FR 64248, Oct. 18, 2011; 76 FR 72124, Nov. 22, 2011]

§ 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; 73 FR 74301, Dec. 5, 2008; 74 FR 58809, Nov. 13, 2009]

§ 112.6 Qualified Facilities Plan Requirements.

Qualified facilities meeting the Tier I applicability criteria in § 112.3(g)(1) are subject to the requirements in paragraph (a) of this section. Qualified facilities meeting the Tier II applicability criteria in § 112.3(g)(2) are subject to the requirements in paragraph (b) of this section.

(a) *Tier I Qualified Facilities* —(1) *Preparation and Self-Certification of the Plan.* If you are an owner or operator of a facility that meets the Tier I qualified facility criteria in § 112.3(g)(1), you must either: comply with the requirements of paragraph (a)(3) of this section; or prepare and implement a Plan meeting requirements of paragraph (b) of this section; or prepare and implement a Plan meeting the general Plan requirements in § 112.7 and applicable requirements in subparts B and C, including having the Plan certified by a Professional Engineer as required under § 112.3(d). If you do not follow the appendix G template, you must prepare an equivalent Plan 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. To complete the template in appendix G, you must certify that:

(i) You are familiar with the applicable requirements of 40 CFR part 112;

(ii) You have visited and examined the facility;

(iii) You prepared the Plan in accordance with accepted and sound industry practices and standards;

(iv) You have established procedures for required inspections and testing in accordance with industry inspection and testing standards or recommended practices;

(v) You will fully implement the Plan;

(vi) The facility meets the qualification criteria in § 112.3(g)(1);

(vii) The Plan does not deviate from any requirement of this part as allowed by § 112.7(a)(2) and 112.7(d) or include measures pursuant to § 112.9(c)(6) for produced water containers and any associated piping; and

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

(2) *Technical Amendments.* You must certify any technical amendments to your Plan in accordance with paragraph (a)(1) 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). If the facility change results in the facility no longer meeting the Tier I qualifying criteria in § 112.3(g)(1) because an individual oil storage container capacity exceeds 5,000 U.S. gallons or the facility capacity exceeds 10,000 U.S. gallons in aggregate aboveground storage capacity, within six months following preparation of the amendment, you must either:

(i) Prepare and implement a Plan in accordance with § 112.6(b) if you meet the Tier II qualified facility criteria in § 112.3(g)(2); or

(ii) Prepare and implement a Plan in accordance with the general Plan requirements in § 112.7, and applicable requirements in subparts B and C, including having the Plan certified by a Professional Engineer as required under § 112.3(d).

(3) *Plan Template and Applicable Requirements.* Prepare and implement an SPCC Plan that meets the following requirements under § 112.7 and in subparts B and C of this part: introductory paragraph of §§ 112.7, 112.7(a)(3)(i), 112.7(a)(3)(iv), 112.7(a)(3)(vi), 112.7(a)(4), 112.7(a)(5), 112.7(c), 112.7(e), 112.7(f), 112.7(g), 112.7(k), 112.8(b)(1), 112.8(b)(2), 112.8(c)(1), 112.8(c)(3), 112.8(c)(4), 112.8(c)(5), 112.8(c)(6), 112.8(c)(10), 112.8(d)(4), 112.9(b), 112.9(c)(1), 112.9(c)(2), 112.9(c)(3), 112.9(c)(4), 112.9(c)(5), 112.9(d)(1), 112.9(d)(3), 112.9(d)(4), 112.10(b), 112.10(c), 112.10(d), 112.12(b)(1), 112.12(b)(2), 112.12(c)(1), 112.12(c)(3), 112.12(c)(4), 112.12(c)(5), 112.12(c)(6), 112.12(c)(10), and 112.12(d)(4). The template in appendix G to this part has been developed to meet the requirements of 40 CFR part 112 and, when completed and signed by the owner or operator, may be used as the SPCC Plan. Additionally, you must meet the following requirements:

(i) *Failure analysis, in lieu of the requirements in § 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 discharge), include in your Plan a prediction of the direction and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

(ii) *Bulk storage container secondary containment, in lieu of the requirements in §§ 112.8(c)(2) and (c)(11) and 112.12(c)(2) and (c)(11).* Construct all bulk storage container installations (except mobile refuelers and other non-transportation-related tank trucks), including mobile or portable oil storage containers, so that you provide a secondary means of containment for the entire capacity of the largest single container plus additional capacity to contain precipitation. 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 catchment basin or holding pond. Position or locate mobile or portable oil storage containers to prevent a discharge as described in § 112.1(b).

(iii) *Overfill prevention, in lieu of the requirements in §§ 112.8(c)(8) and 112.12(c)(8).* Ensure that each container is provided with a system or documented procedure to prevent overfills of the container, describe the system or procedure in the SPCC Plan and regularly test to ensure proper operation or efficacy.

(b) *Tier II Qualified Facilities* —(1) *Preparation and Self-Certification of Plan.* If you are the owner or operator of a facility that meets the Tier II qualified facility criteria in § 112.3(g)(2), you may choose to self-certify your Plan. You must certify in the Plan that:

(i) You are familiar with the requirements of this part;

(ii) You have visited and examined the facility;

(iii) The Plan has been prepared in accordance with accepted and sound industry practices and standards, and with the requirements of this part;

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

(v) You will fully implement the Plan;

(vi) The facility meets the qualification criteria set forth under § 112.3(g)(2);

(vii) The Plan does not deviate from any requirement of this part as allowed by § 112.7(a)(2) and 112.7(d) or include measures pursuant to § 112.9(c)(6) for produced water containers and any associated piping, except as provided in paragraph (b)(3) of this section; and

(viii) 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.

(2) *Technical Amendments.* If you self-certify your Plan pursuant to paragraph (b)(1) of this section, you must certify any technical amendments to your Plan in accordance with paragraph (b)(1) 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:

(i) If a Professional Engineer certified a portion of your Plan in accordance with paragraph (b)(4) 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 paragraph (b)(4)(ii) of this section.

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

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

(i) *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 (b)(4) of this section.

(ii) *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 alternate measure has been reviewed and certified in writing by a Professional Engineer, as provided in paragraph (b)(4) of this section.

(iii) *Produced Water Containers.* Your Plan may not include any alternative procedures for skimming produced water containers in lieu of sized secondary containment pursuant to § 112.9(c)(6), unless they have been reviewed and certified in writing by a Professional Engineer, as provided in paragraph (b)(4) of this section.

(4) *Professional Engineer Certification of Portions of a Qualified Facility's Self-Certified Plan.*

(i) As described in paragraph (b)(3) 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. 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. By certifying each measure allowed under § 112.7(a)(2) and (d), the Professional Engineer attests:

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

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

(C) 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.

(ii) As described in paragraph (b)(3) of this section, the facility owner or operator may not self-certify measures as described in § 112.9(c)(6) for produced water containers and any associated piping. Such measures must be reviewed and certified, in writing, by a licensed Professional Engineer, in accordance with § 112.3(d)(1)(vi).

(iii) 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); to the impracticability determination and measures in lieu of secondary containment pursuant to § 112.7 (d); or the measures pursuant to § 112.9(c)(6) for produced water containers and any associated piping and appurtenances downstream from the container.

[73 FR 74302, Dec. 5, 2008, as amended at 74 FR 58810, Nov. 13, 2009]

§ 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), 112.9(d)(3), 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 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:

(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;

(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, 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:

(1) For onshore facilities:

(i) 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.

(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).* 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.

(h) *Facility tank car and tank truck loading/unloading rack (excluding offshore facilities).*

(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.

(2) Provide an interlocked warning light or physical barrier system, warning signs, wheel chocks or vehicle brake interlock system in the area adjacent to a loading/unloading rack, 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; 73 FR 74303, Dec. 5, 2008; 74 FR 58810, Nov. 13, 2009]

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 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.

(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 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) 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 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.

(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; 73 FR 74304, Dec. 5, 2008]

§ 112.9 Spill Prevention, Control, and Countermeasure Plan Requirements for onshore oil production facilities (excluding drilling and workover facilities).

If you are the owner or operator of an onshore oil production facility (excluding a drilling or workover 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) Except as described in paragraph (c)(5) of this section for flow-through process vessels and paragraph (c)(6) of this section for produced water containers and any associated piping and appurtenances downstream from the container, construct all tank battery, separation, and treating facility installations, so that you provide a secondary means of containment for the entire capacity of

(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; 73 FR 74305, Dec. 5, 2008]

§§ 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

Records of Tank Integrity Tests

APPENDIX K