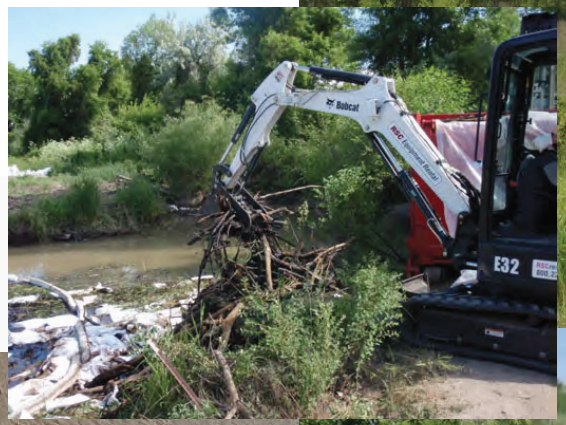
Module 1

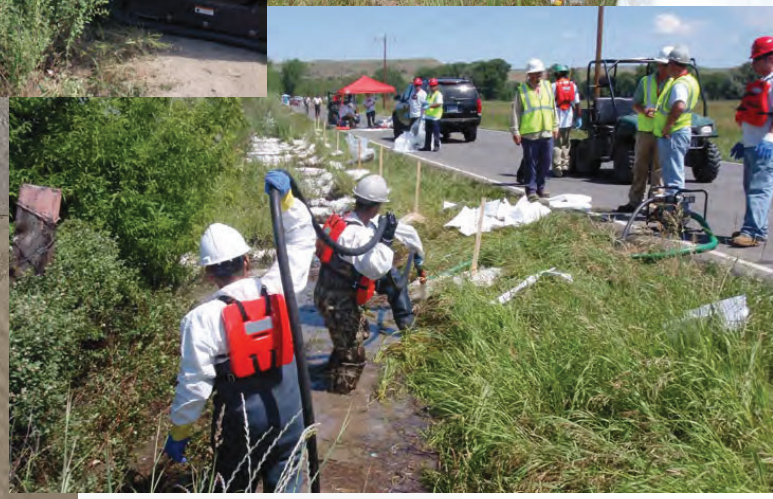
Facility Response Plan (FRP) Compliance Assistance Workshop

U.S. EPA Region 8 Oil Section
March 6, 2025

WiFi: IHG Rewards Free WiFi
Use the Code: CPRSE

Opening Remarks





Introductions

- Steve Merritt – Oil Program Manager / Section Supervisor
- Angie Villa– Facility Response Plan Coordinator
- Brian Croft- On-Scene Coordinator (OSC)
- Joyel Dhieux - On-Scene Coordinator (OSC)
- Deborah King - On-Scene Coordinator (OSC)
- Dayana Arrue- Tetra Tech, START Contractor
- Jerica Horak- Tetra Tech, START Contractor

Participant Introductions

- **Name**
- **Facility and Location**
- **Position or Role**
- **Years of Oil Spill Response Experience**
- **Topics of Interest** (What do you want to know?)

Workshop Objective

To provide compliance assistance to oil facilities subject to 40 CFR 112 so they may develop compliant Facility Response Plans (FRPs) and successfully complete FRP/SPCC Inspections and Government Initiated Unannounced Exercises (GIUEs).

Agenda

Morning

- Opening Remarks and Introductions
- Regulatory Overview and WOTUS
- Overview of Spill Prevention, Control, and Countermeasures (SPCC) and Facility Response Plan (FRP) Regulations
- Required FRP Contents (Parts I and II)
    - Emergency Response Action Plan & Notifications
    - Hazard Evaluation
    - Discharge Scenarios & Discharge Detection
    - Plan Implementation
    - Response Training, Drills, and Exercises

Afternoon

- Plan Review/Approval Process, Common Deficiencies, and Open Discussion
- Government-Initiated Unannounced Exercises
- SPCC/FRP Inspections
- Qualified Individual Responsibilities and Mock Interview Exercise
- Reconsideration Requests
- Open Q&A Session, Course Evaluations, and Conclusion

Regulatory Context

Module 2

Steve Merritt

Module Objective

- By the end of the module participants will:
  - Understand the federal regulations and guidance governing oil spill prevention, preparedness, and emergency response in the U.S.
  - Be aware of the need to ensure Facility Response Plans are consistent with the EPA Region 8 oil spill contingency plans.

Agenda

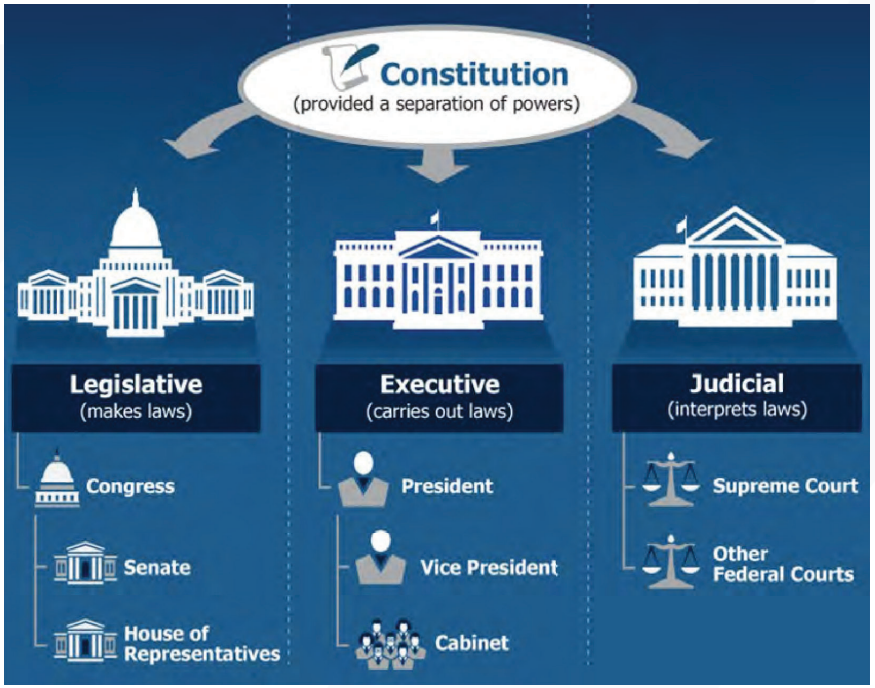
- Topic 1: Regulatory Context
  - Clean Water Act, as amended by the Oil Pollution Act of 1990
  - National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
  - SPCC and FRP Regulations (40 CFR 112)
  - Navigable Waters / Waters of the U.S. (WOTUS)

- Topic 2: FRP Consistency with EPA Oil Spill Contingency Plans
  - Regional/Area Contingency Plan
  - subArea Contingency Plans
  - Facility Response Plan and Emergency Response Action Plans

Oil Spill Prevention, Preparedness, and Response Regulations

Civics Refresher – The Rule of Law

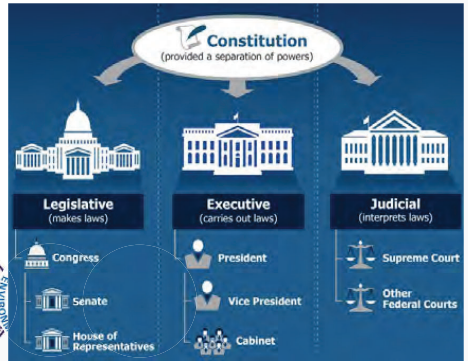
- "The very definition of a Republic is "an empire of laws, and not of men." ~John Adams
- Representative government based upon the Constitution
- Separation of powers between the legislative, judiciary, and the executive branch



Oil Spill Response Laws and Regulations

Laws/Acts (Legislative)

- Clean Water Act
  - 33 U.S.C. §1251 et seq. (1972)
  - Section 311
- Oil Pollution Act
  - 33 U.S.C. §2701 et seq. (1990)



Rules/Regulations (Executive)

- National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
  - 40 CFR Part 300, et seq.
- Spill Prevention, Control and Countermeasure (SPCC) Rule
  - 40 CFR Part 112, Subparts A-C
- Facility Response Plan (FRP) Rule
  - 40 CFR Part 112, Subpart D

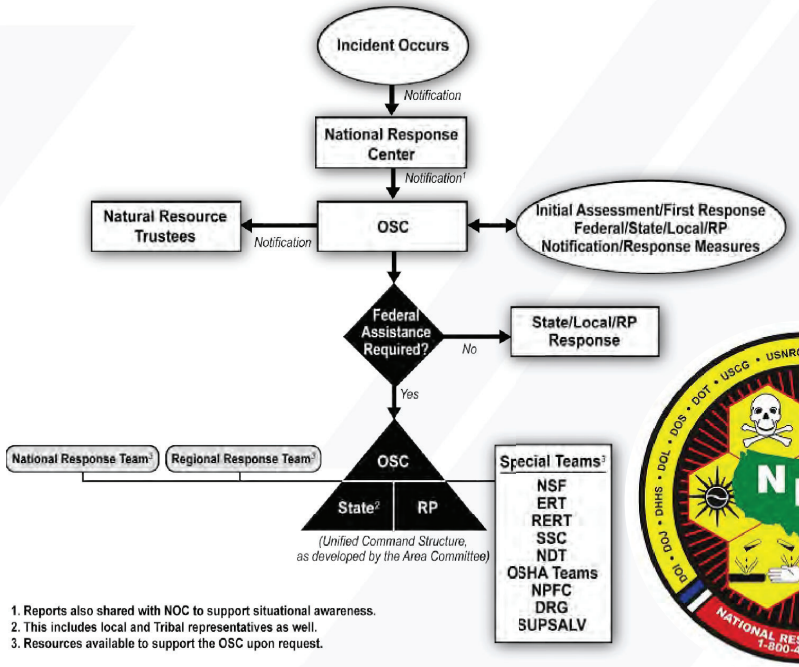
National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

http://www.bbc.com/news/uk-england-39223308

- SS Torrey Canyon Oil Spill
  - March 18, 1967
  - Near Cornwall, England
  - 37 million gallons of crude oil spilled into the North Atlantic
- Provides organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances

National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300)

- EPA and USCG have federal response authority to respond to and remove oil spills
- Requires discharge, or threat of discharge, to navigable waters
- Federal response to oil spill is not discretionary
- Established the National Response System (NRS) and the National Response Center (NRC)
- Requires oil spill contingency plans to be developed



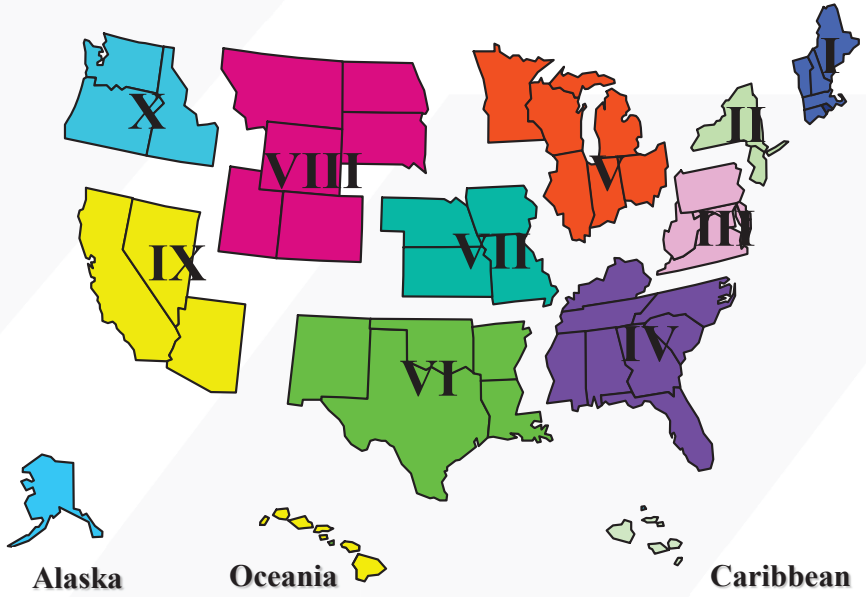
National Response System (NRS) Overview

- National Response System Components:
  - National Response Team (NRT)
  - 13 Regional Response Teams (RRTs)
  - National Response Center (NRC)
  - Special Teams
  - Federal On-Scene Coordinators (OSCs)
  - Area Committees
  - State/Local Governments
  - Joint Response Teams with Canada and Mexico
  - Regulated Industry

National Response Team (NRT)

- Comprised of 15 federal agencies, same as the Regional Response Teams
- EPA Chair, USCG Co-Chair
- National-level planning, policy, and coordinating body; not command and control
- Provides advice and assistance to the OSC and RRT during a response

Regional Response Teams (RRTs)



- Provide technical support and resources to the OSC during a response, as requested
- 13 RRTs comprised of same 15 Federal agencies plus State representatives
- Engage in planning and preparedness activities
- Coordinate decision making process for alternative cleanup operations

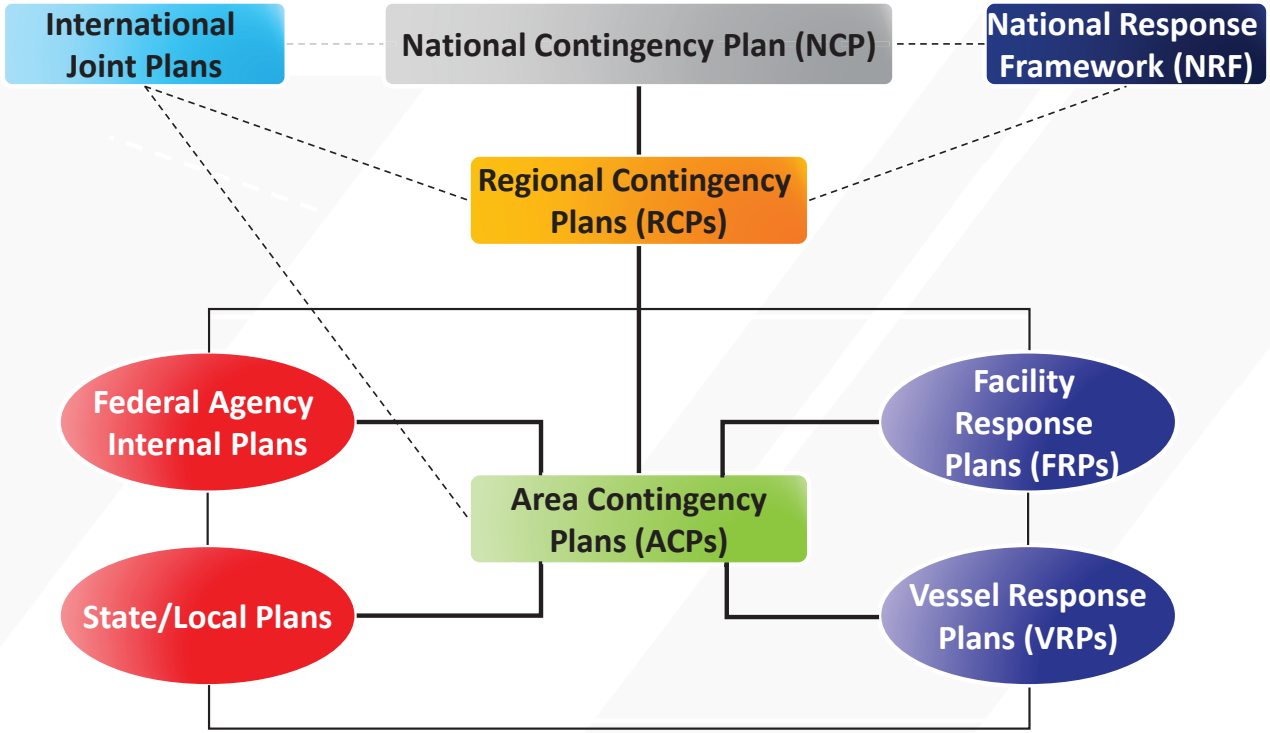
National Response Center (NRC)

- Notifies Federal and State OSCs of incidents
- Concurrently notifies DHS/NOC & EPA/USCG Headquarters
- Satisfies "immediate notification" requirements and helps alert resource trustees and some county and local entities with jurisdiction
- Preparedness role – supports NRS planning activities and can be used for drills/exercises

State and Local Preparedness

- Emergency Planning and Community Right-to-Know Act (EPCRA) (or SARA Title III)
  - Established federal/state/local integration with the NRS
  - Assigned preparedness responsibilities at all levels of government
  - Resulted in 50 State Emergency Response Commissions (SERCs) and over 2,000 Local Emergency Planning Committees (LEPCs)
    - Requires the development of local emergency response plans - for worst case scenario at selected facilities

Preparedness Components and Plans



Clean Water Act, as amended by the Oil Pollution Act (OPA) of 1990

- Exxon Valdez Spill
  - March 24, 1989
  - Prince William Sound, Alaska
  - 11 million gallons spilled into
- Amended the Clean Water Act to require some oil storage facilities to prepare Facility Response Plans (FRP).
- Also required agencies to develop Area Contingency Plans to effectively respond to oil spills on a regional scale.

https://www.theguardian.com/environment/exxon-valdez-oil-spill-disaster-arctic

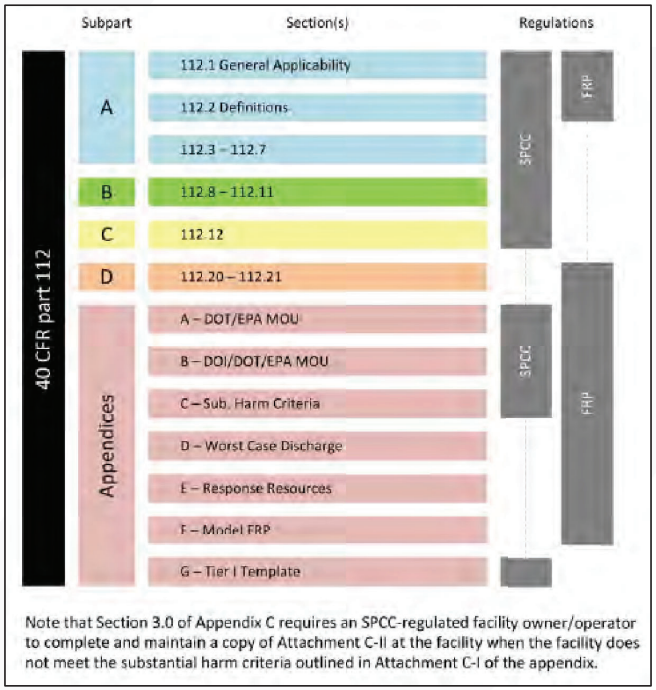
Oil Spill Liability Trust Fund

- Tax on Oil Production/Import
- OSLTF Emergency Fund established to provide funding for:
  - Emergency response actions to protect public health, safety and environment
  - Natural Resource Damage Assessments (NRDA) initiation
  - Compensation for claimants who demonstrate that oil pollution caused damages
- As authorized by the OPA, uses of the OSLTF include:
  - Response costs incurred by the USCG or EPA
  - State access for response activities
  - Payments to federal, state, and Indian tribe trustees to conduct natural resource damage assessments and restorations
  - Payment of claims for uncompensated response costs and damages
  - Research and development
  - Other specific appropriations

Spill Prevention, Control and Countermeasure (SPCC) Rule (40 CFR 112.1 through 112.12)

- Originally published in 1973 using §311 Clean Water Act authority
- Regulation intended to **prevent oil from reaching navigable waters** and adjoining shorelines, and to **contain discharges of oil**.
- Requires facilities with >1,320 gallons of stored oil to develop and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans
- Establishes procedures, methods, and equipment requirements (Subparts A, B, and C) for preventing oil pollution

Facility Response Plan (FRP) Rule (40 CFR 112.20-112.21 & Appendices D, E, F)

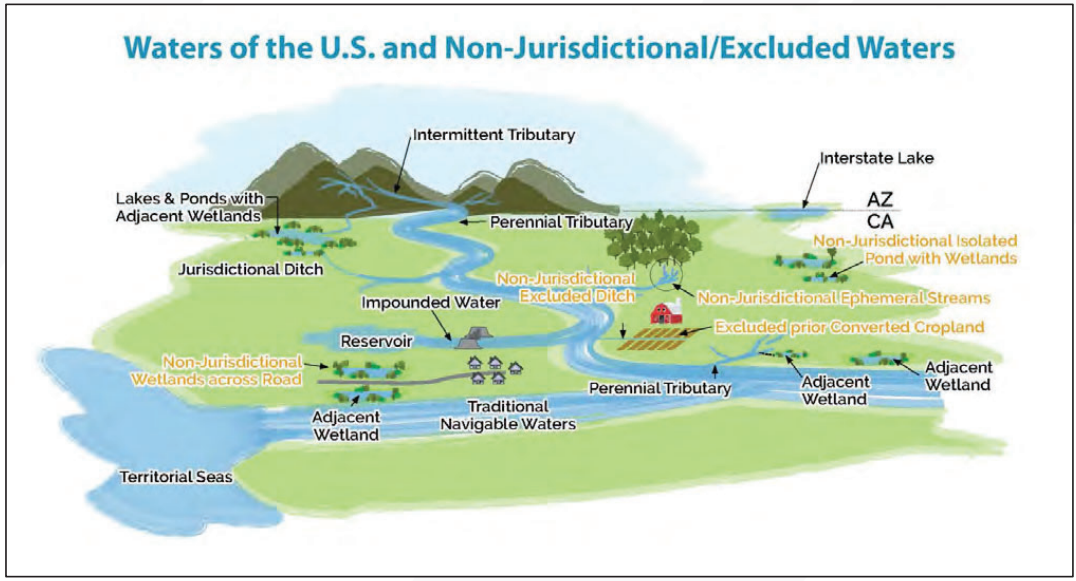


Note that Section 3.0 of Appendix C requires an SPCC-regulated facility owner/operator to complete and maintain a copy of Attachment C-II at the facility when the facility does not meet the substantial harm criteria outlined in Attachment C-I of the appendix.

- Following OPA 90, on July 1, 1994, EPA finalized rules directing industry to prepare and submit Facility Response Plans
- The FRP rule requires facilities with >1M gallons of stored oil to prepare and submit an FRP, building on the SPCC requirements
- An FRP ensures a facility's preparedness to **respond to a worst-case oil discharge o navigable waters outside containment**

Waters of the United States (WOTUS)

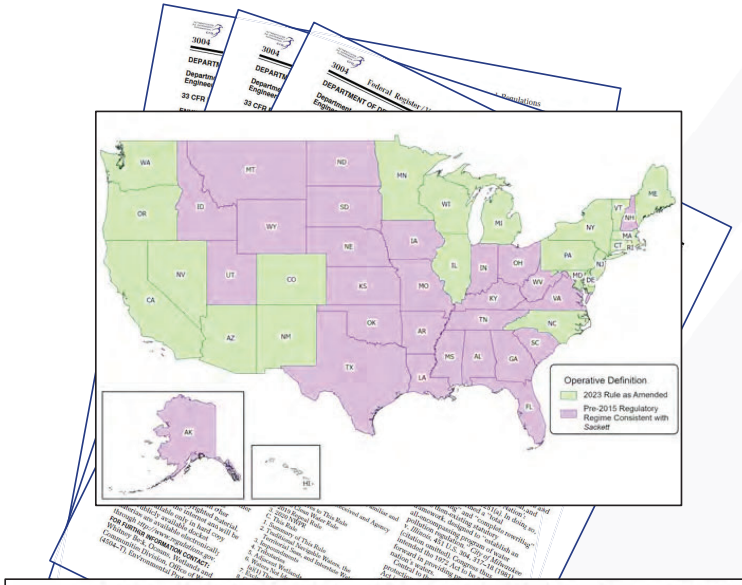
- 1972 Amendments to the Clean Water Act established federal jurisdiction over “navigable waters,” defined in the Act as the “waters of the United States”

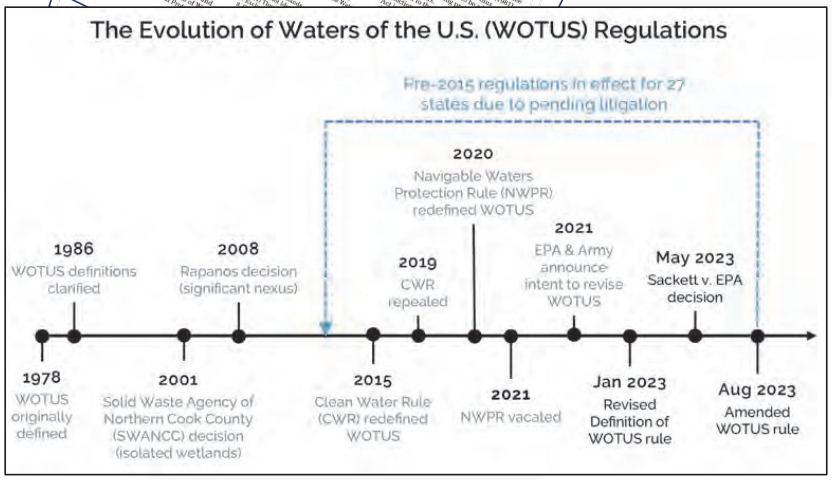


Revised Definition of WOTUS by EPA/USACE

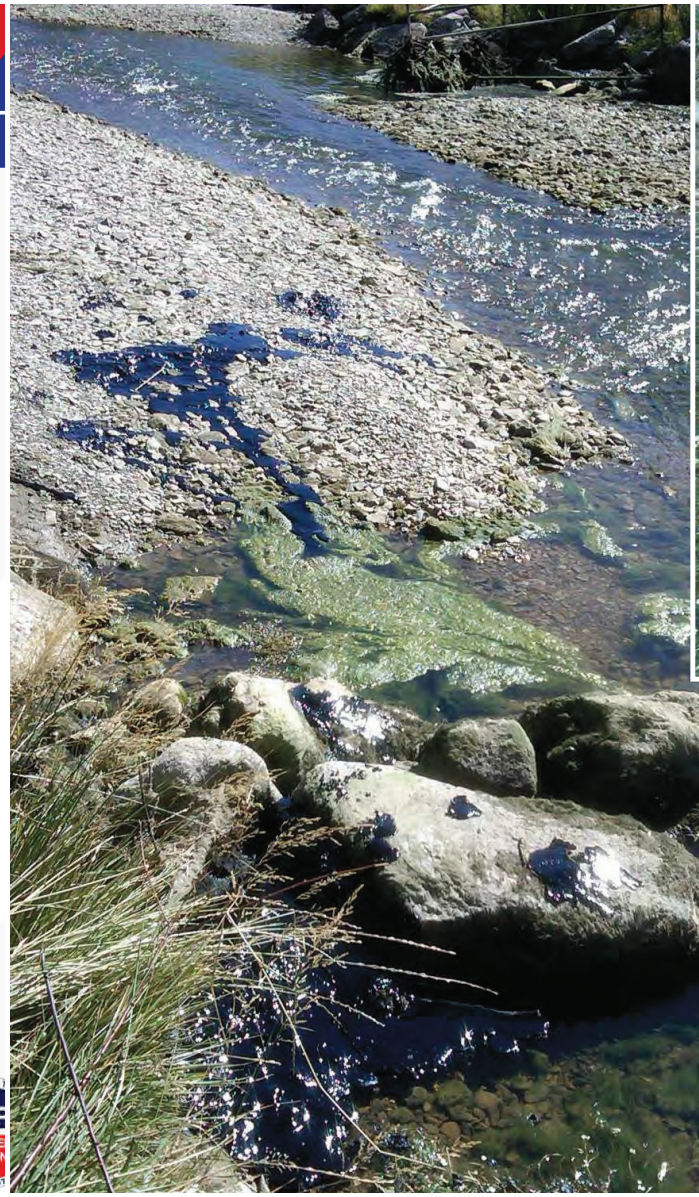
- Pre-2015 WOTUS in Effect Now in 27 states
- Conforming 2023 Rule based on SCOTUS *Sackett* Decision, effective Sept. 8, 2023, in rest of states, DC and territories
- Tests: "relatively permanent" and continuous surface connection to traditional navigable waters
- Exclusions remain same as Jan. 2023 rule
- Approved USACE Jurisdictional Determinations map:
  - https://watersgeo.epa.gov/cwa/CWA-JDs/
  - www.epa.gov/WOTUS

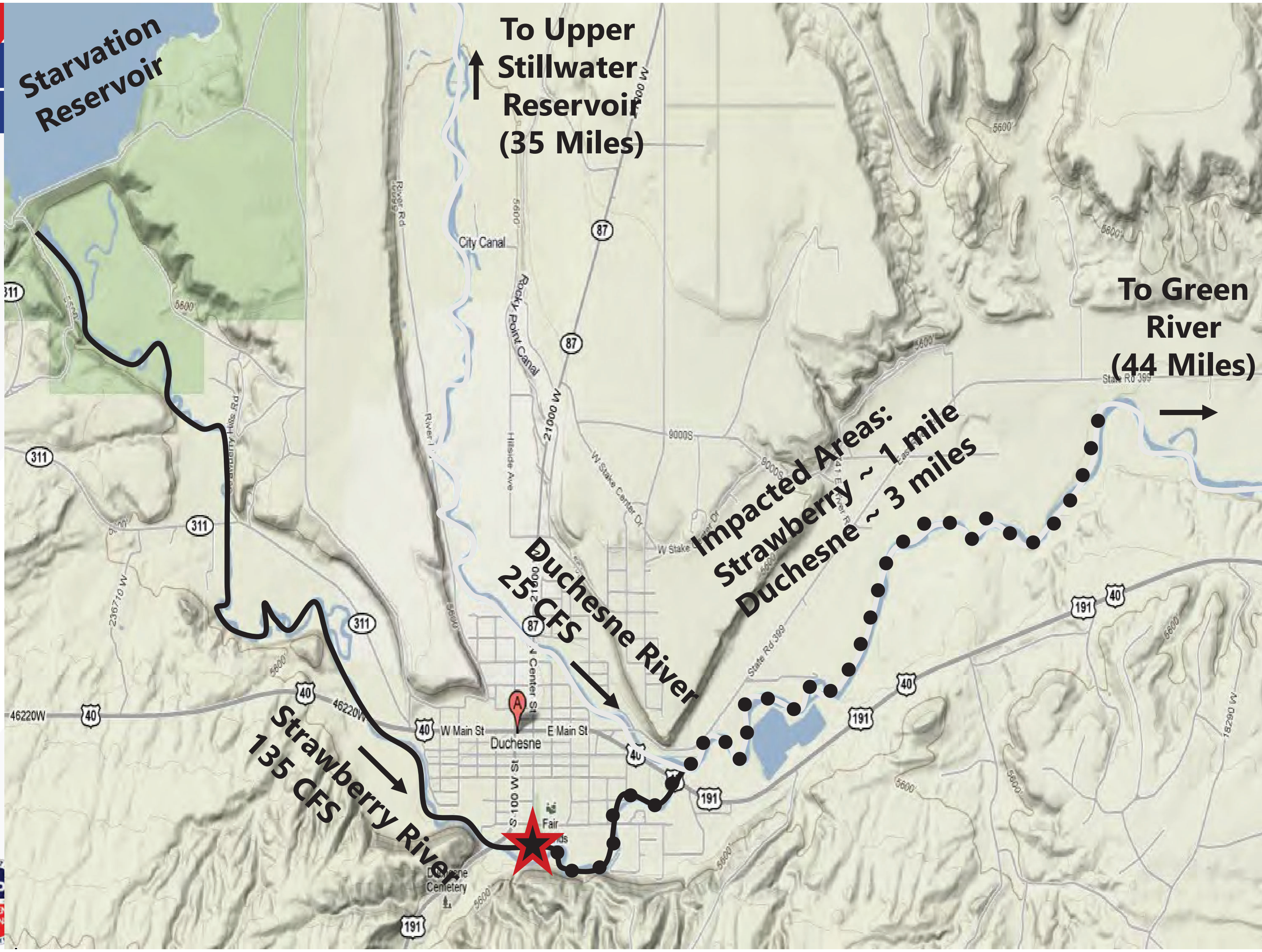
See Handout 2-1





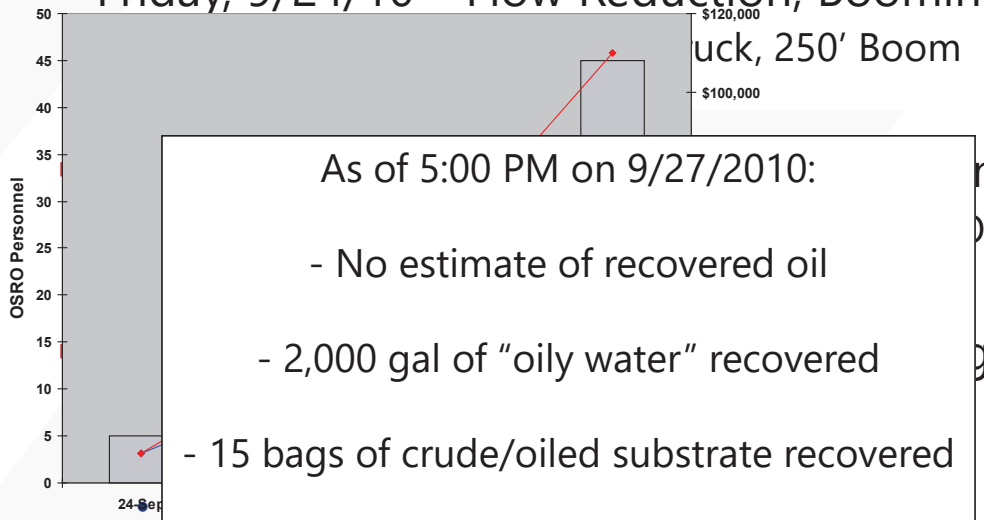
Case Study: Strawberry River Oil Spill, Duchesne, UT – September 24, 2010




Starvation Reservoir
To Upper Stillwater Reservoir (35 Miles)
To Green River (44 Miles)
Impacted Areas:
Strawberry ~ 1 mile
Duchesne ~ 3 miles
Duchesne River
25 CFS
Strawberry River
135 CFS
Duchesne
W Main St
E Main St
City Canal
Rocky Point Canal

Initial Response & OSRO Escalation

- Friday, 9/24/10 – Flow Reduction, Booming
  - uck, 250' Boom
- ng
  - ffs, 2,000' Boom
  - Costs
- g
  - Tank, Excavator, Skid Steer,
  - Costs
- Mo[illegible] il Recovery
  - 13/32 OSRO/Sub Personnel, 2 Vac Trucks, 2 Frac Tanks, Excavator, Skid Steer, 2 ATVs, 2 Roll-Offs, 2,000' Boom
  - $46,000 Response Costs / $110,000 Cumulative Costs



As of 5:00 PM on 9/27/2010:

- No estimate of recovered oil

- 2,000 gal of "oily water" recovered

- 15 bags of crude/oiled substrate recovered

-Estimated 4-6 weeks to complete removal

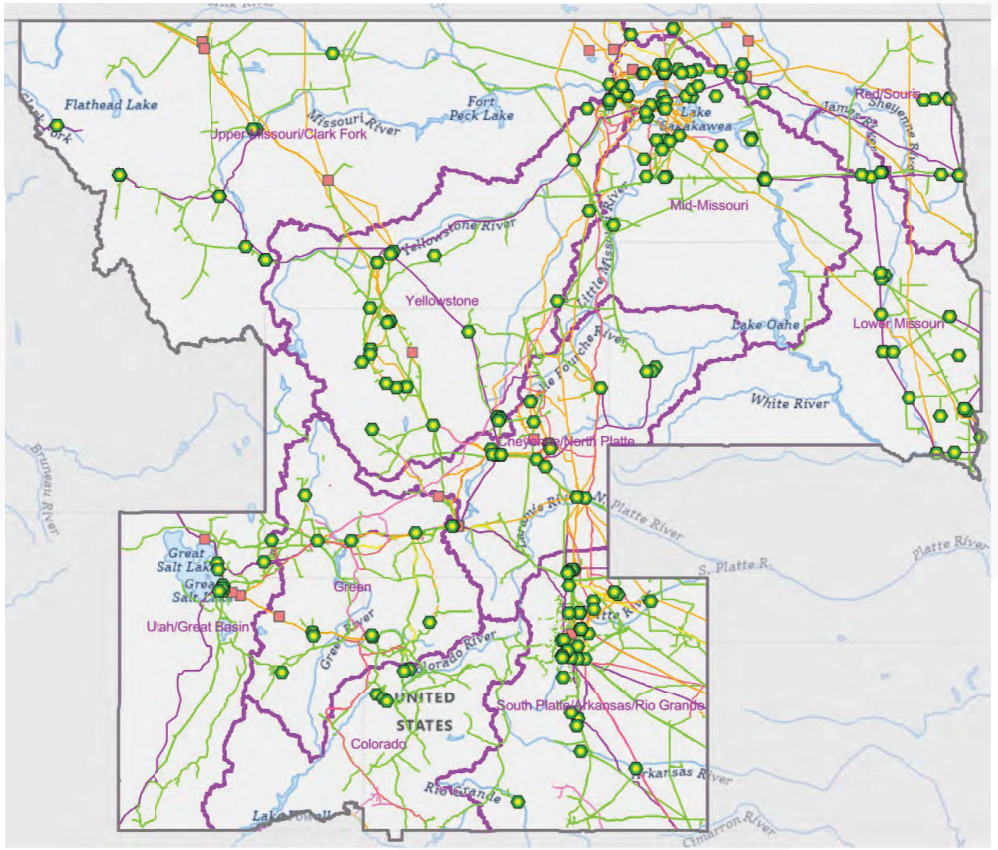

30 CFS


300 CFS

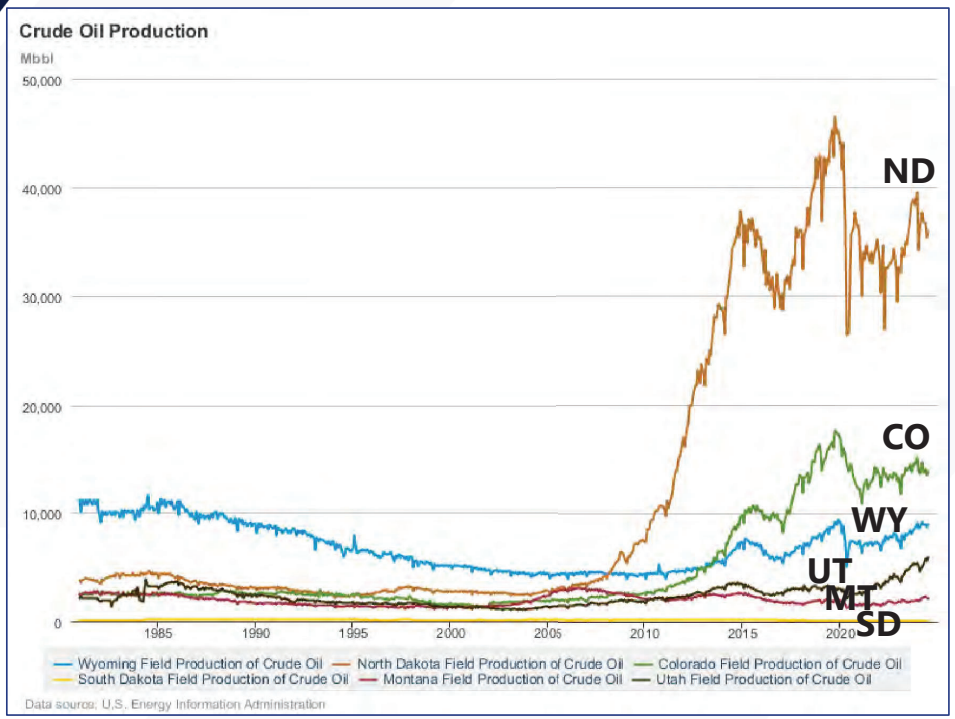
FRP Consistency with EPA Oil Spill Contingency Plans

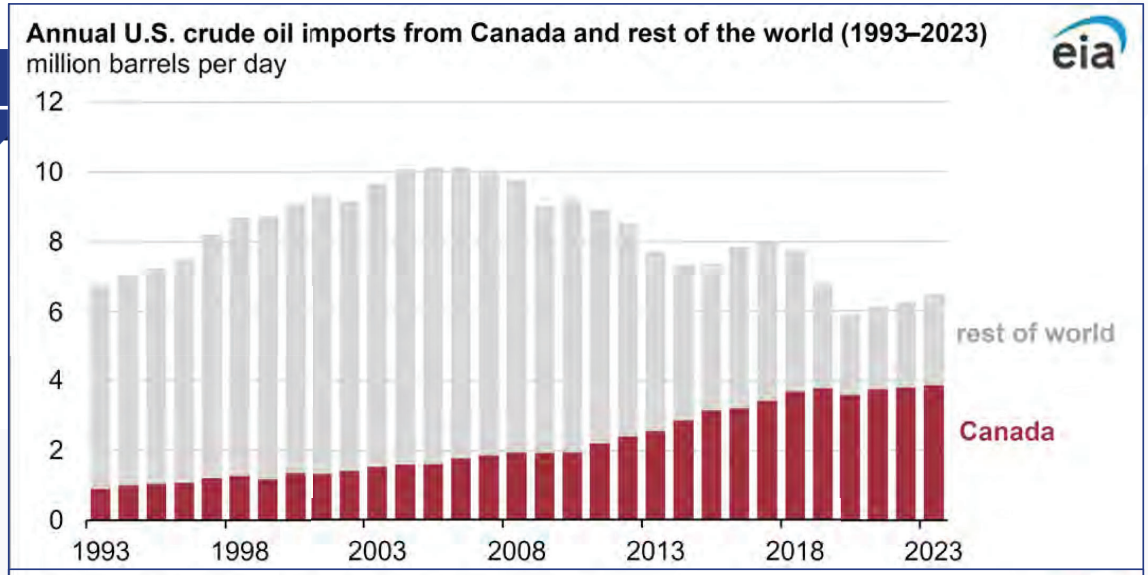
Oil Focus in Region 8

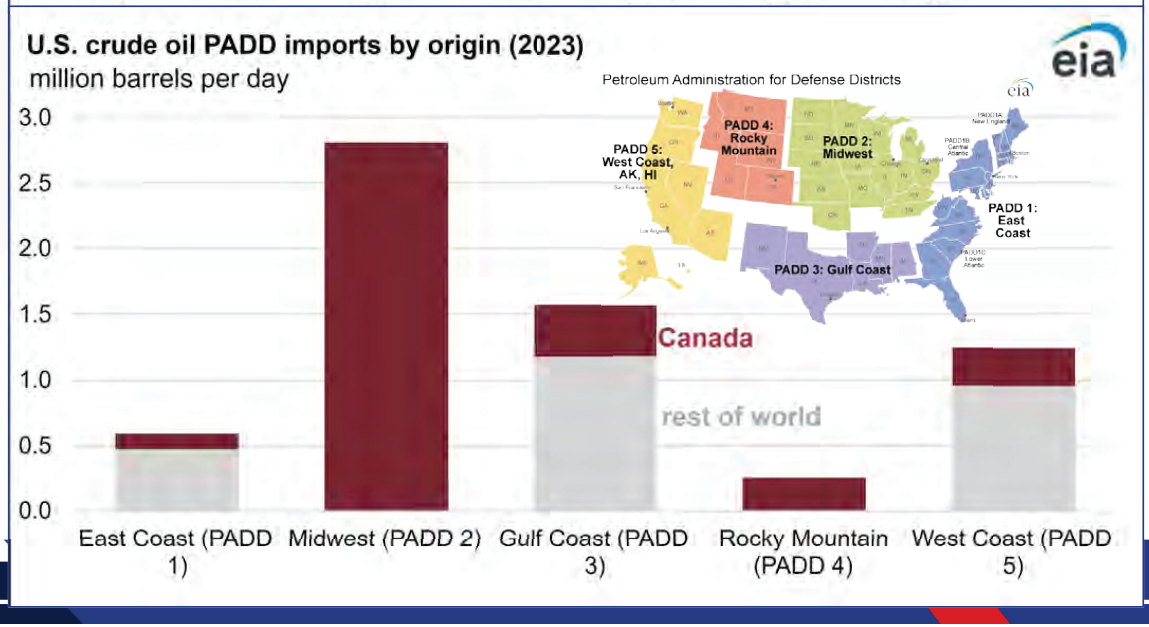
- Oil Production Areas:
  - Bakken Formation (ND & MT)
  - Niobrara / Denver-Julesburg Basin (CO)
  - Uinta Basin (UT)
- Petroleum Refinery Centers:
  - Salt Lake City, UT
  - Billings, MT
  - Bismarck/Mandan, ND
  - Denver, CO/Cheyenne, WY
- Major Pipelines:
  - Dakota Access Pipeline
  - Keystone
  - Express/Platte
  - Glacier



Region 8 Crude Oil Production/Transport



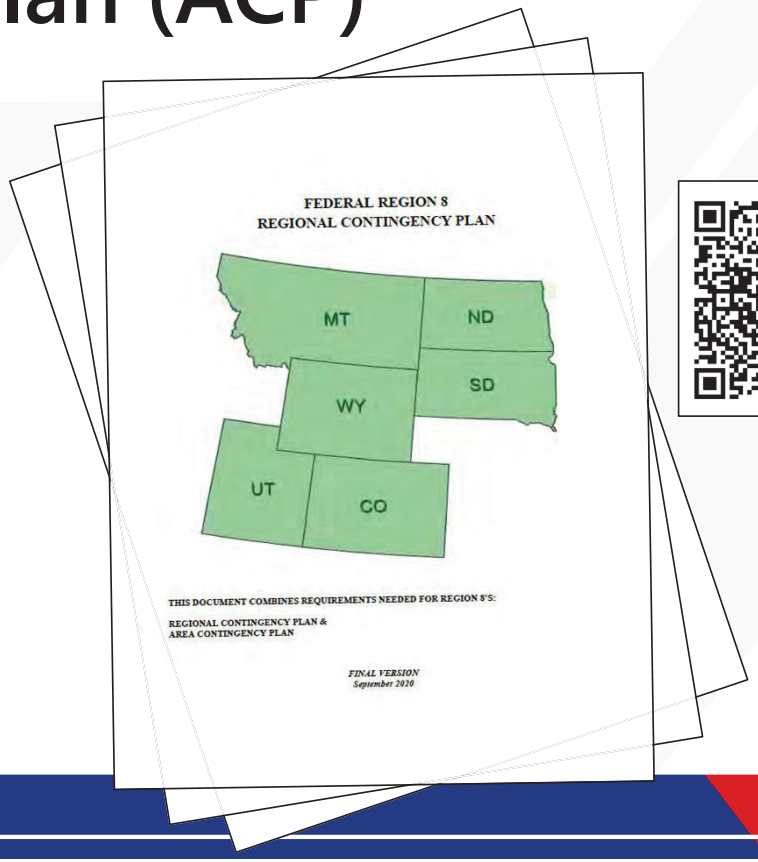




EPA Region 8 Regional Contingency Plan (RCP) and Area Contingency Plan (ACP)

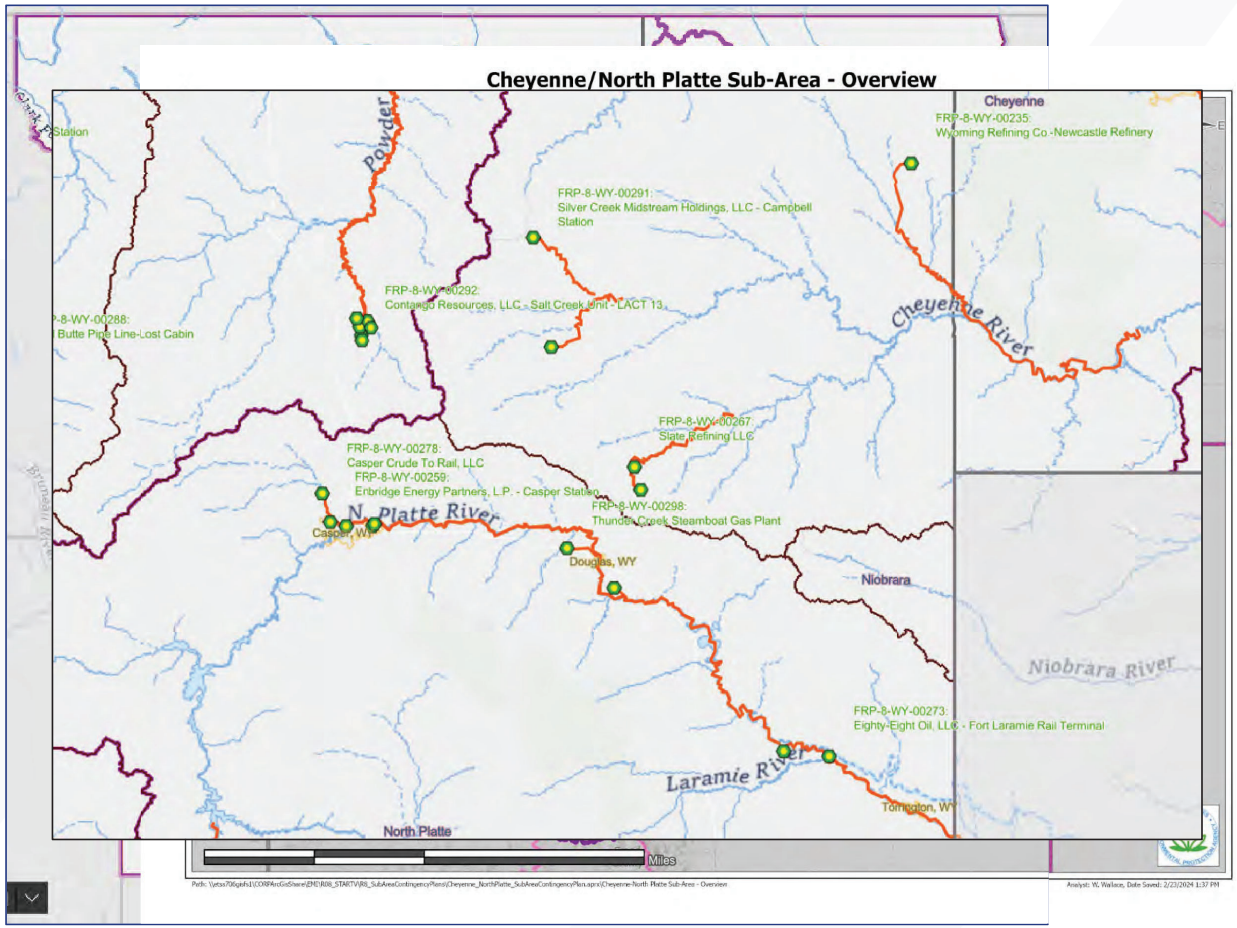
Contains:

- Description of area covered
- Responsibilities of operators and agencies in removing a discharge
- List of response resources
- Scientific support to inform use of chemical countermeasures
- Integration with other plans



EPA Region 8 subArea Contingency Plans (sACPs)

- 10 subAreas in EPA Region 8
- 1 FRP Coordinator and Oil OSC Each
- Worst-Case Discharge Analysis

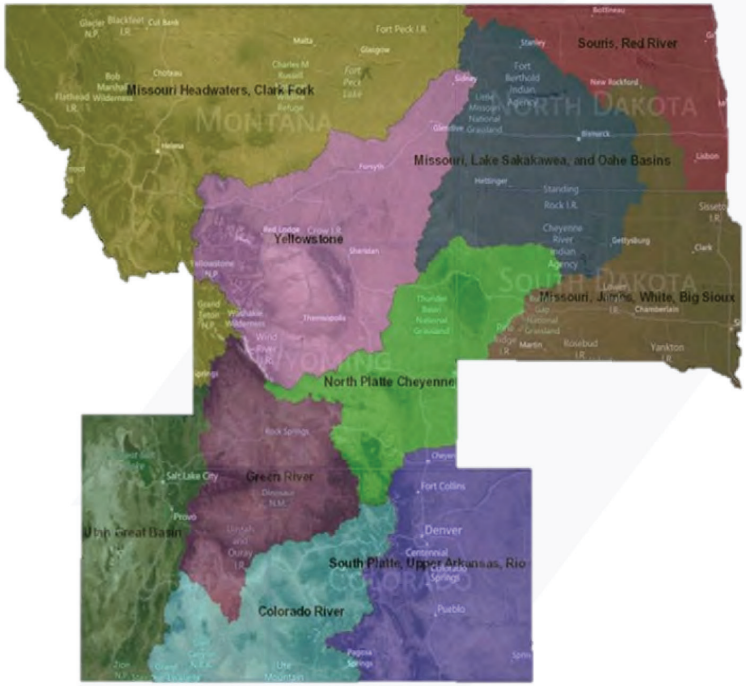


EPA Region 8 sACP Contents

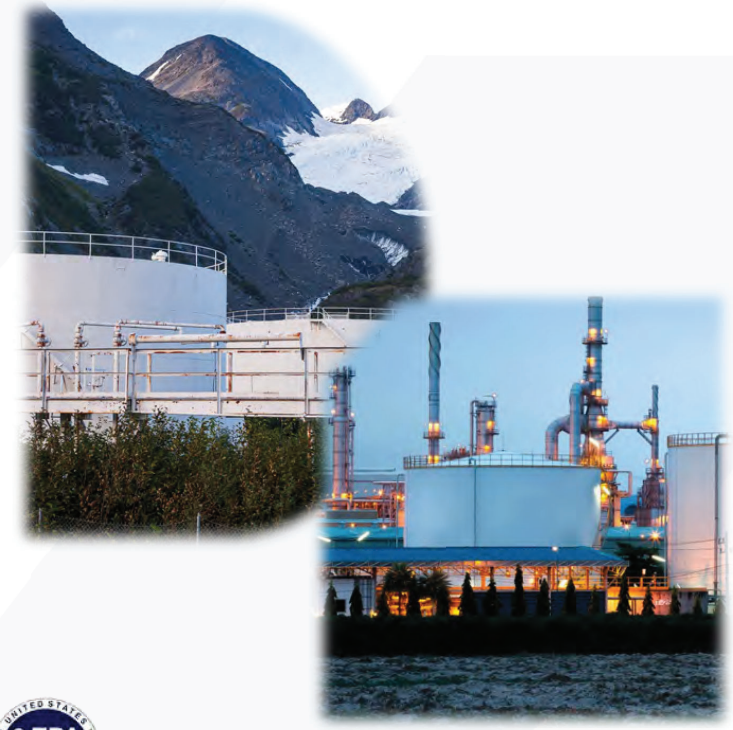
- Worst-Case Discharge Analyses
  - Pipelines
  - EPA FRPs (Terminals/Refineries)
  - Railroad Transport
  - Truck Transport
- Resources at Risk
  - Critical Infrastructure
  - Sensitive Environments
  - Economic Resources
  - T&E Species
- Response to a Worst-Case Discharge
  - Roles and Responsibilities
  - Notification Procedures and Contacts
  - Response Resources Available
  - Key Control Points/Strategies
- Plan Integration
  - NCP
  - Region 8 RCP/ACP
  - SERC/LEPC Response Plans
  - Facility Response Plans

Region 8 subArea Contingency Plan Contacts

subArea	FRP Coordinator	Oil OSC
Colorado (CO/UT)	Mike Porter	Gary Mitchler
Green (WY/CO/UT)	Mike Porter	Brian Croft
Utah/Great Basin (UT)	Angie Villa	Eric Sandusky
S. Platte (CO)	Mike Porter	Gary Mitchler
Cheyenne/N. Platte (WY/SD)	Angie Villa	Deb King
Red/Souris (ND)	Angie Villa	Kyle Corcoran
Upper Missouri (MT)	Mike Porter	Eric Sandusky
Mid-Missouri (ND/SD)	Angie Villa	Deb King
Lower Missouri (SD)	Angie Villa	Kyle Corcoran
Yellowstone (MT/WY)	Mike Porter	Brian Croft



Facility Response Plans (FRPs) and Emergency Response Action Plans (ERAPs)



- Ensure FRPs & ERAPs are consistent with local, regional, and national contingency plans:
  - Timely and complete notifications
  - Consulting with resource trustees (DOI/USFWS)
  - Coordination with EPA for using chemical countermeasures or in-situ burning
  - **Mitigating impacts to the public, fish, wildlife, and sensitive environments**
  - Proper disposal of oil and debris

Connecting the Dots

- The FRP and the QI are essential to mounting an effective response to a worst-case discharge
- Knowing the FRP, practicing timely notifications, and training/exercising response personnel can reduce impacts from a worst-case discharge
- Reviewing relevant portions of the NCP and applicable Area Contingency Plans annually and, if necessary, revising the FRPs/ERAPS to ensure consistency with these plans

Module Objective

- By the end of the module participants will:
  - Understand the federal regulations and guidance governing oil spill prevention, preparedness, and emergency response in the U.S.
  - Be aware of the need to ensure Facility Response Plans are consistent with the EPA Region 8 oil spill contingency plans.

Check on Learning

- After check on learning transition to next module.

Module 3

Spill Prevention, Control, and Countermeasures (SPCC) and Facility Response Plan (FRP) Rules Overview

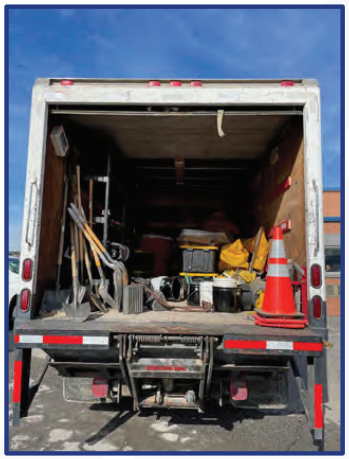
Objective

- By the end of the presentation, attendees should be able to understand the SPCC/FRP Rules including applicability, definitions, and submission requirements for FRP.

Oil Discharges Occur!

Topics

- **SPCC**
  - Applicability
  - Terms and Definitions
  - Reviews and amendments
  - General requirement to prepare and implement Spill Prevention
- **FRP**
  - Applicability
  - Substantial Harm Criteria/Sig-Sub Harm Criteria
  - Required Submissions
  - General Requirements



Do you count these containers towards your aggregate storage volume?

Should the facility include these **mobile/portable containers** in their SPCC plan?

Do you need to include every drum in your inventory list?

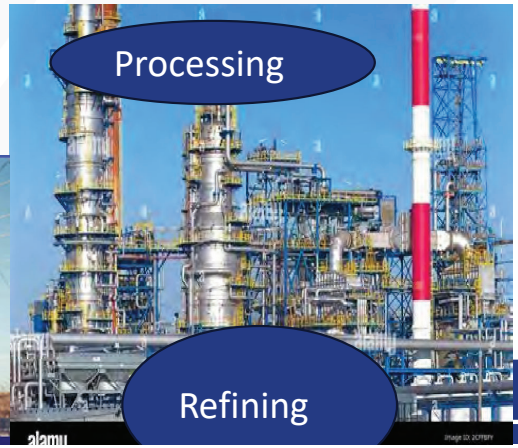
Terms and Definitions

- **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

§112.2

40 CFR 112.1(b) General SPCC Rule Applicability

- Drilling
- Producing
- Gathering
- Storing
- Processing
- Refining
- Transferring
- Distributing
- Consuming oil and oil products



SPCC General applicability

- Non-transportation-related facility (Appendix A)
- Reasonable expectation of oil discharge that could impact WOTUS or adjoining shorelines
- Aggregate storage capacities
  - AST 1,320 gallons (~32bbl)
  - UST 42,000 gallons (1,000bbl)

§112.1

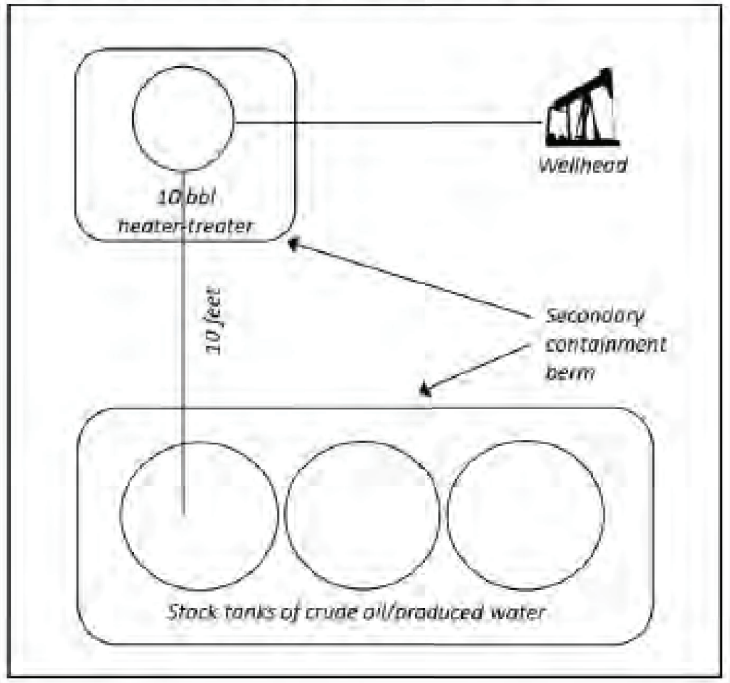
Facility Boundaries

Things to consider:

- Ownership, management, and operation
- Similar functions, characteristic and types
- Adjacency or shared drainage pathway

Aggregation

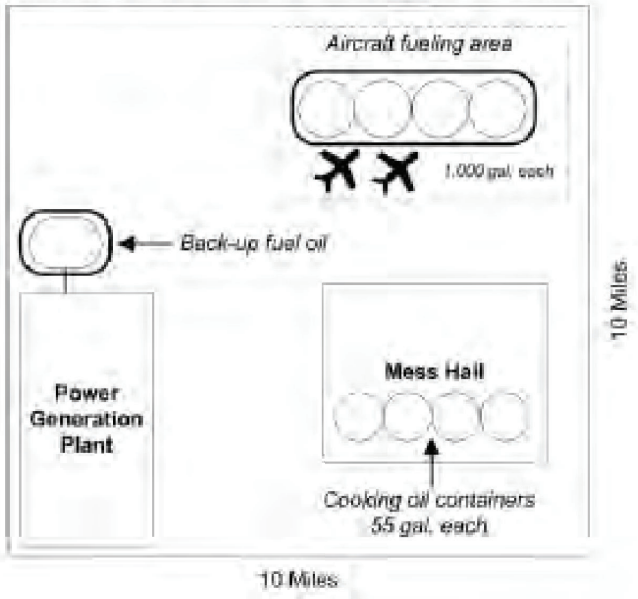
Aggregation of equipment at an oil production facility.



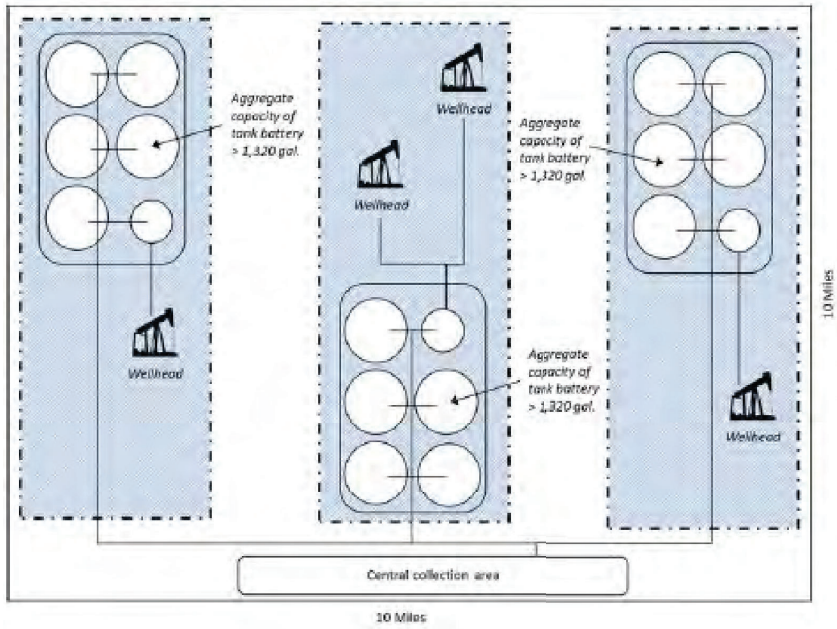
§112.2

Separation

Separation of areas at a military base (or other large facility).



Separation of parcels at an oil production facility.



What is a Discharge?

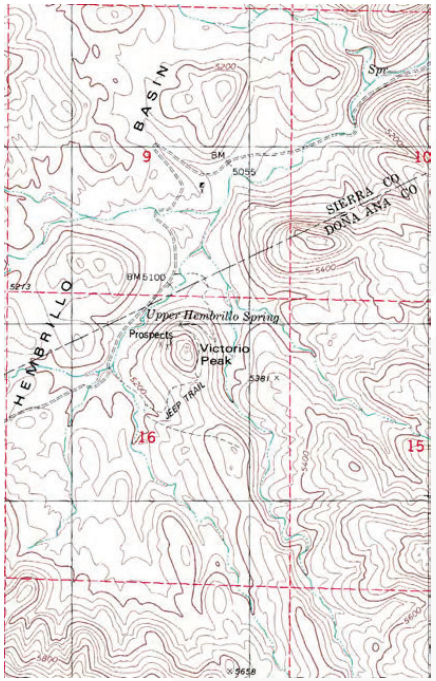
§112.1(b)/§110
causes a sheen or discoloration, sludge or emulsion to be deposited, or violation of water quality standard

§112.2 SPCC
any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any amount of oil no matter where it occurs

§110 "sheen rule" §112.2

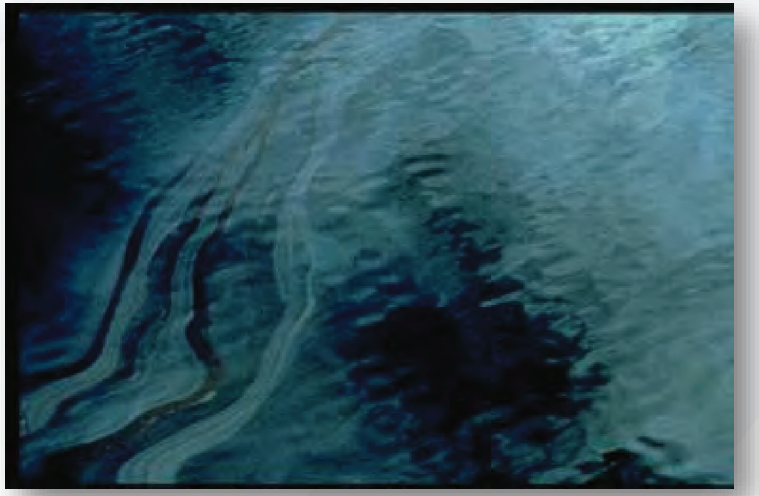
Reasonable Expectation of an Oil Discharge

- Consider geography and location relative to WOTUS
- Determine if any conveyance exists
- Volume of oil discharge



Reasonable Expectation of an Oil Discharge

- Soil and geologic conditions
- Precipitation runoff
- Quantity and oil stored
- Past discharges
- Flow-path



§ 112.3 - SPCC Preparation and Implementation

- Must prepare in writing and implement a Spill Prevention Control and Countermeasure Plan in accordance with § 112.7 and any other applicable section of this part.

40 CFR 112.7

- 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

SPCC Preparation and Implementation - Continued

- A licensed Professional Engineer must review and certify a Plan
- Have a Professional Engineer certify any technical amendments
- Review and evaluation of the SPCC Plan at least once every five years

Reviews and Amendments

By Regional Administrator

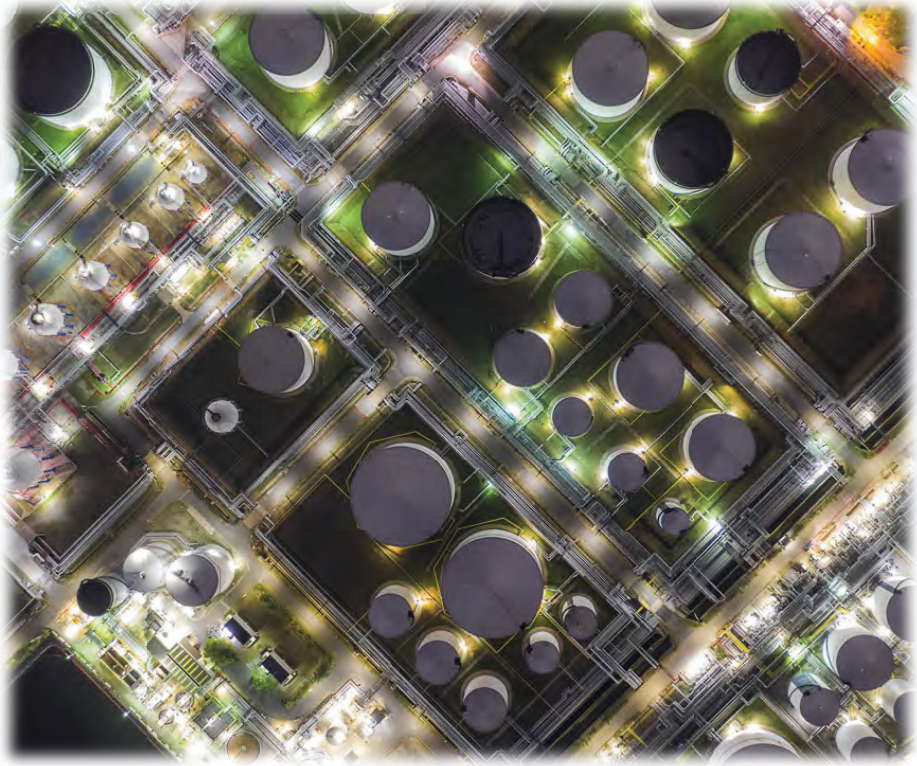
- Discharges
  - Any single > 1,000 gal to WOTUS
  - Two > 42 gal in 12-month period to WOTUS
- 30 days to amend, 6 months to implement

By Owner/Operator

- Material changes
- 6 months to amend, 6 months to implement
- Every 5 years

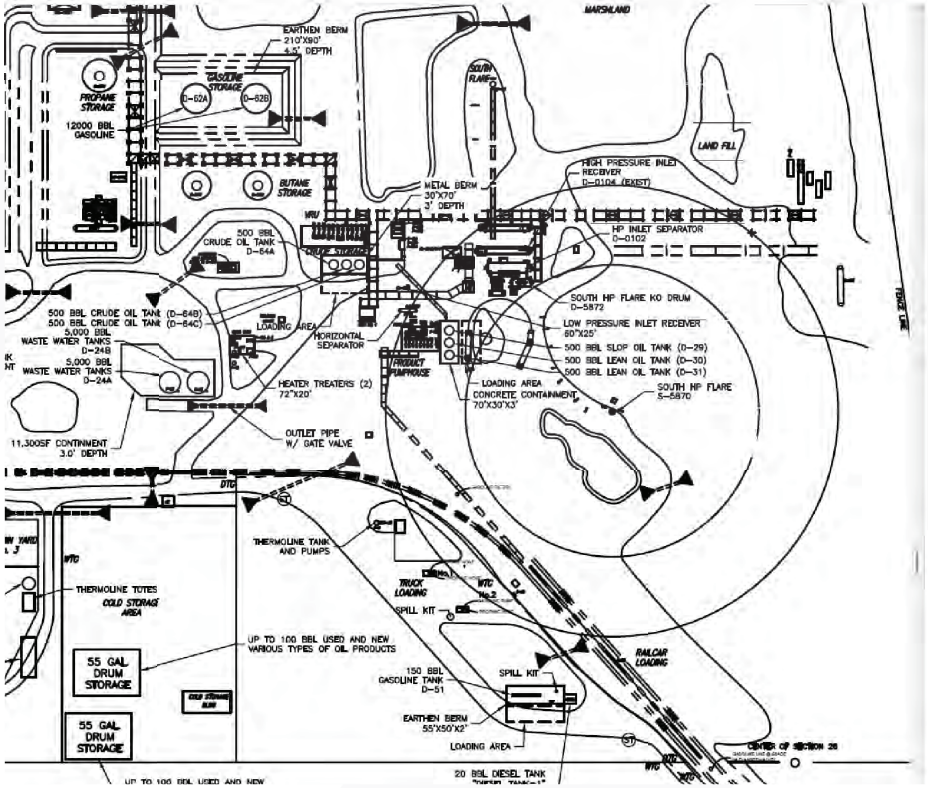
General Requirements for SPCC Plans

- Describe physical layout with diagram
- Oil Inventory
  - Type & Storage Capacity
  - Potential number of portable/mobile
- Discharge **Prevention** Measures
- Discharge or Drainage **Controls**
- **Countermeasures**
- Disposal of recovered oil
- Emergency contact list
- Security measures



Facility Diagram Requirements

- Include a diagram showing the physical layout of the facility, including:
  - the location and contents of each fixed oil storage container
  - the storage area where mobile or portable containers are located
  - transfer stations and connecting pipes, including intra-facility gathering lines



Oil Inventory

Building No.	ID	SPCC Plan Appendix D Figure	SPCC Plan Group	Category	Capacity (gallons)	Contents
	BW-2-1-AST			AST	250	Diesel
2	BW-2-2-AST	25	Power Pro	AST	250	Diesel
117	BW-117-1- AST	25	Power Pro	AST	450	Diesel
121	BW-121-1-AST	25	Power Pro	AST	500	Diesel
121	BW-121-2- AST	25	Power Pro	AST	30	Diesel
140	BW-140-1- AST	27	Used Vegetable Oil Containers	AST	75	Used Cooking Oil
156	BW-156-1- AST	26	Elevators	AST, Oil-Filled Equipment	65	Hydraulic Oil
174	BW-174-1- AST	27	Used Vegetable Oil Containers	AST	75	Used Cooking Oil

Discharge prevention Measures

- Including procedures for routine handling of products
  - loading, unloading,
  - facility transfers, etc.

Discharge or drainage controls

40 CFR 112.7(c)
General Secondary Containment

- All areas
- Flexibility
  - Must be able to contain oil
  - Address the typical failure mode
  - Most likely quantity
  - Passive or Active

40 CFR 112.8
Specific (Sized) Secondary Containment

- Bulk containers: capacity of largest single container + freeboard
- Loading racks: maximum capacity of any single compartment*

§112.7(a)(3)(iii)

Transfers

Loading/Unloading Areas 112.7(c)

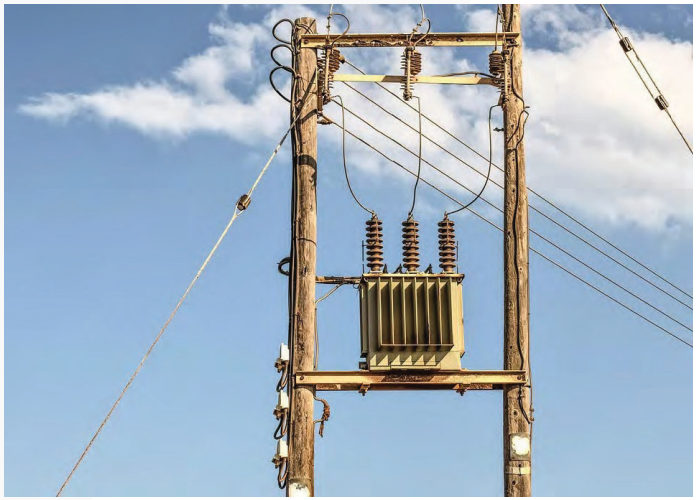
- General containment

Loading/Unloading Racks 112.8

- Specific (**sized**) containment
- Loading/unloading arm
- Visual inspections
- Warning signs, wheel chock, interlock system

Oil-Filled Operational Equipment

- Oil used for/in the operation of that equipment
- Is not considered a bulk storage container
- General containment requirement with exceptions



40 CFR 112.7(k)

General Secondary Containment

40 CFR 112.8 Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge

Sized Secondary Containment for Bulk Containers

40 CFR 112.8 Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge

Sized Secondary Containment for Bulk Containers

Inspections and Tests

Facilities must:

- Conduct inspections and tests in accordance with written procedures
- And appropriate industry standards
  - Qualifications of personnel
  - Frequency and type
- **Sign** and maintain all records with plan for 3 years
  - Available at facility

112.7(e)

Inspections and Integrity Testing

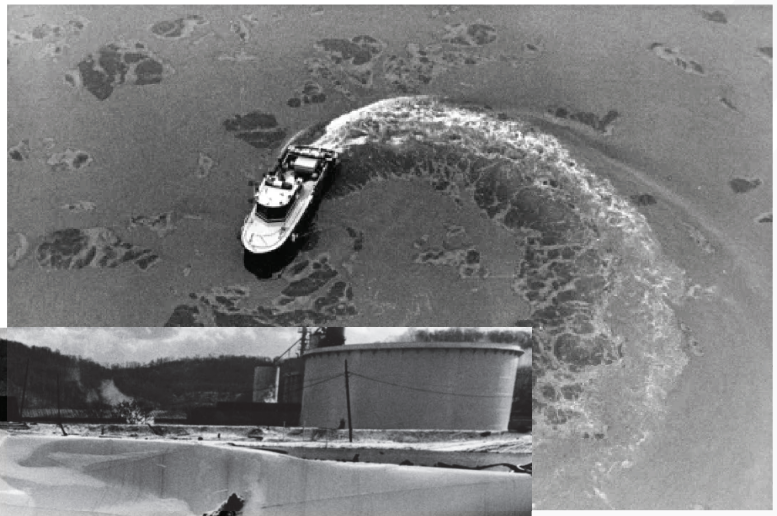
Inspect the container's supports and foundations.

- Frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas.
- Keep certified inspector comparison records for the lifetime of the tank.

40 CFR 112.8 or 112.12 (c)

Ashland Oil Spill

- 1 million gallons of diesel discharged into a storm sewer -> WOTUS
- Failed to conduct integrity testing
- $2.25 million in penalties and $18 million in cleanup costs



40 CFR 112.7(i)

Personnel Training

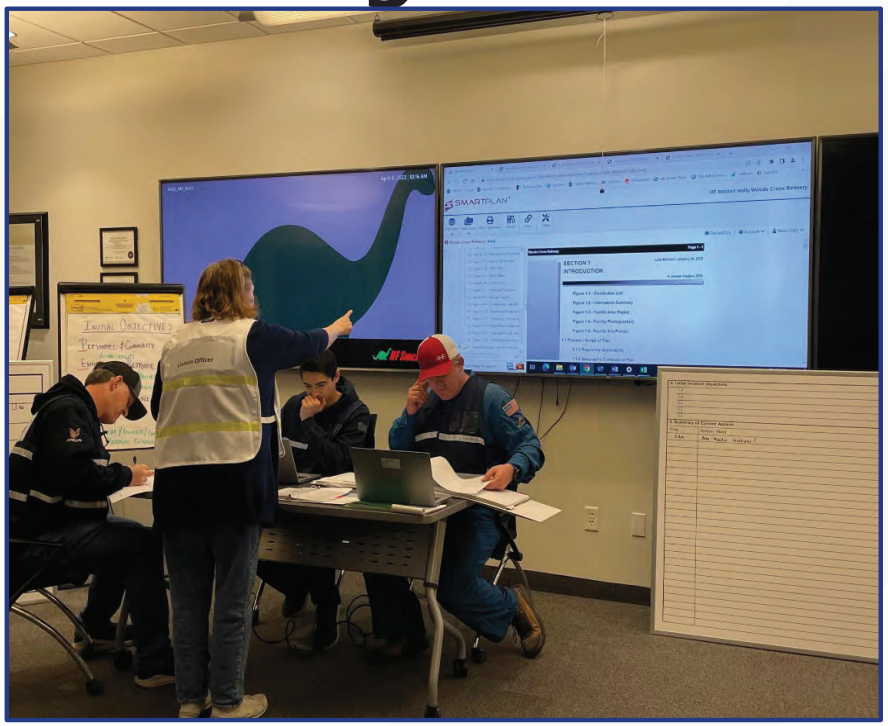
At a minimum, train your oil-handling personnel in:

- Operation and maintenance of equipment
- Response procedures
- Applicable pollution laws and regulations
- General facility operations
- Contents of the facility SPCC Plan

40 CFR 112.7(f) (1)

Discharge Prevention Briefings

- Conduct at least annually
- All oil-handling personnel
- SPCC review
- Discuss
  - Discharges and failures
  - Malfunctioning components
  - Any recently developed precautionary measures



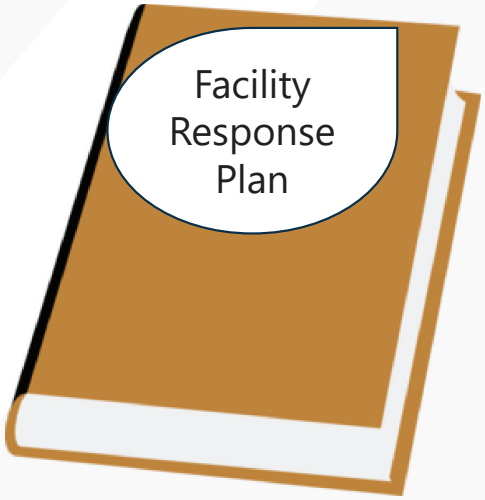
40 CFR 112.7(f)(3)

Facility Specific Requirements

112.8 Onshore Facilities (bulk)	• Facility Drainage • Bulk Storage Containers • Facility transfer operations, pumping, and facility process
112.9 Onshore Production Facilities	• Facility Drainage • Bulk Storage Containers • Flow-through process vessels • Produced water containers • Facility transfer operations
112.10 Onshore Drilling and Workover	• Discharge prevention
112.12 AFVO	• Facility Drainage • Bulk storage containers • Bulk storage container inspections • Facility transfer operations, pumping, and facility process.

See Handout 7-1

Applicability-Facility Response Plan 40 CFR §112.20



FRP Rule Purpose and Applicability

Facilities that

"could reasonably be expected to cause **substantial harm** to the environment by discharging oil into or on the navigable waters or adjoining shorelines"

Must **plan** for and **respond** to a worst-case discharge

Substantial Harm

42,000 Gallons of Storage

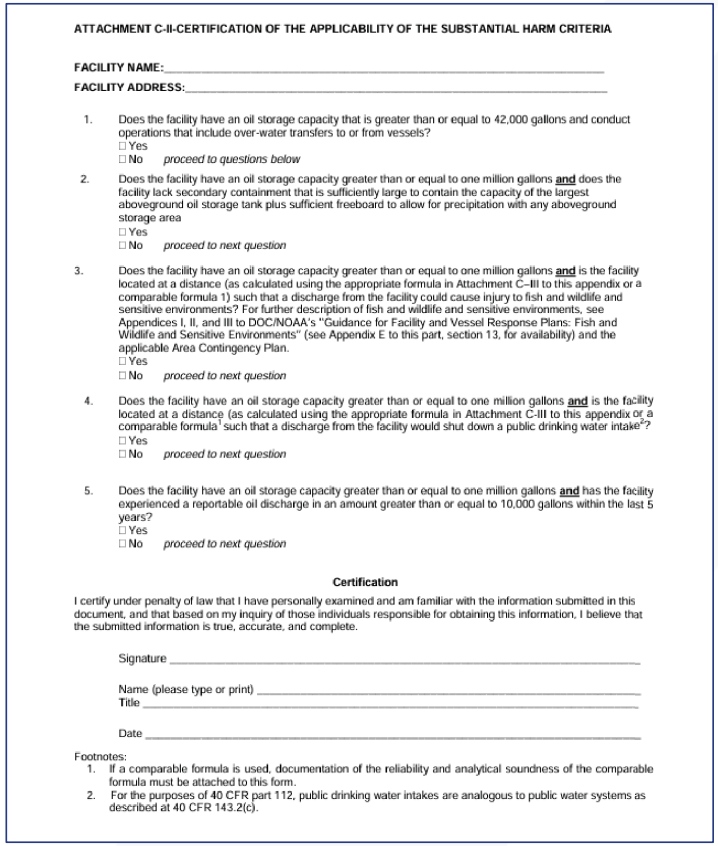
- Transfers over water to vessels

1 Million Gallons of Storage

- Inadequate secondary containment
- Injury to fish and wildlife and sensitive environments
- Shutdown public drinking water intake
- Discharge ≥ 10,000 gallons

Substantial Harm Criteria Exercise

Using the blank C-II form fill out the necessary information specific to your facility



ATTACHMENT C-II-CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

FACILITY NAME:_____

FACILITY ADDRESS:_____

1. Does the facility have an oil storage capacity that is greater than or equal to 42,000 gallons and conduct operations that include over-water transfers to or from vessels?
   ☐ Yes
   ☐ No *proceed to questions below*
2. Does the facility have an oil storage capacity greater than or equal to one 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 with any aboveground storage area
   ☐ Yes
   ☐ No *proceed to next question*
3. Does the facility have an oil storage capacity greater than or equal to one million gallons **and** is the facility located at a distance (as calculated using the appropriate formula in Attachment C–III to this appendix or a comparable formula 1) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan.
   ☐ Yes
   ☐ No *proceed to next question*
4. Does the facility have an oil storage capacity greater than or equal to one million gallons **and** is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula[1] such that a discharge from the facility would shut down a public drinking water intake[2]?
   ☐ Yes
   ☐ No *proceed to next question*
5. Does the facility have an oil storage capacity greater than or equal to one million gallons **and** has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?
   ☐ Yes
   ☐ No *proceed to next question*

Certification

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

Signature _____

Name (please type or print) _____
Title _____

Date _____

Footnotes:
1. If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable formula must be attached to this form.
2. For the purposes of 40 CFR part 112, public drinking water intakes are analogous to public water systems as described at 40 CFR 143.2(c).

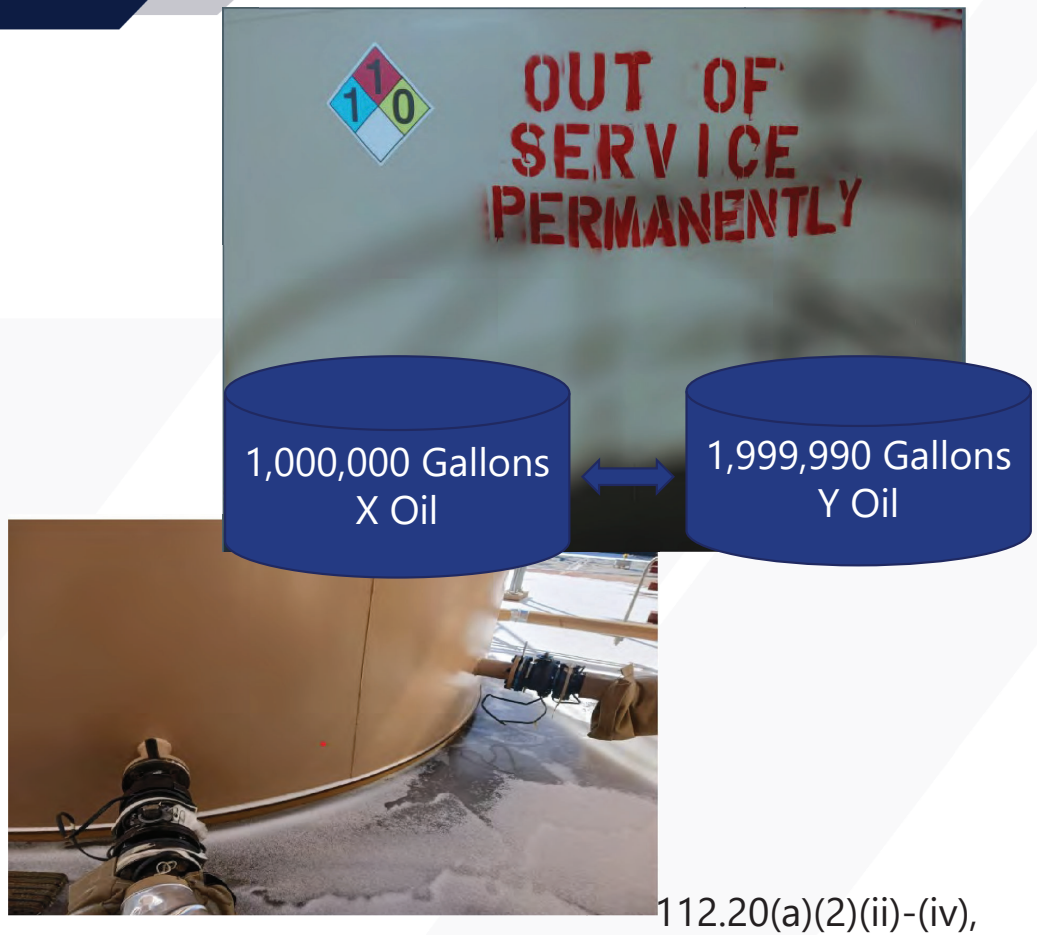
See Handout 3-1

Significant & Substantial Harm

- Based on the following factors:
  - Past discharges
  - Proximity to waters
  - Age of storage tanks
  - Other facility-specific and Region-specific information
- EPA will issue notification of determination
- At a minimum review, every 5 years

Submissions & Amendments

- Prior to start of new operations
  - 60 days for amendments
- Newly subject to 112.20(f)(1)
  - 6 months
- 60 days after material changes
- When non-material changes occur



112.20(a)(2)(ii)-(iv), 112.20(d)(1),112.20(d)(2)

Requirements

Contents and Format

- Follow appendix F format or use a cross-reference for ICP
- Emergency Response Action Plan
- FRP Contents described 112.20(h)1-11

Field Actions

- Spill response training program
- Drills and exercise program
- Operable and ready equipment
- Consistent with the NCP and Area Contingency Plans

Recap-SPCC Plan Preparation and Amendments

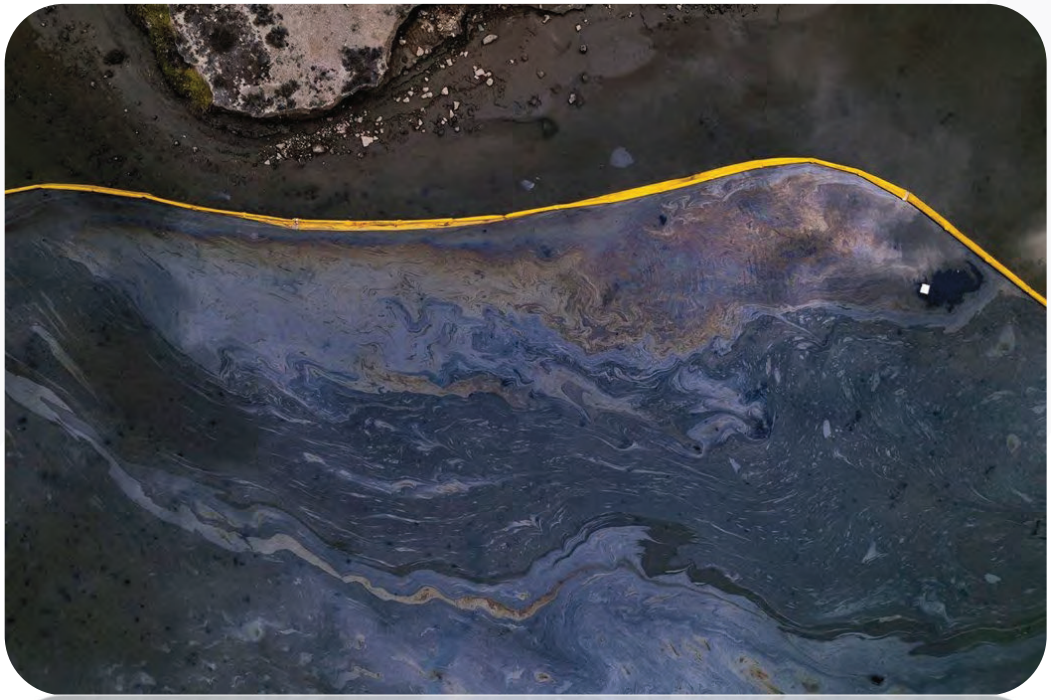
- SPCC Plan must be certified by a PE
- A Professional Engineer must certify any technical amendments
- SPCC Plan must have the full approval of management
- A plan should be amended and resubmitted in the case of any material changes at the facility
- SPCC plans should be reviewed and resubmitted every five years.

Recap-Control Oil Spills

- **Discharge or drainage Controls**
- Secondary containment
- Diversionary Structures
- Control procedures
- ERAP/FRP

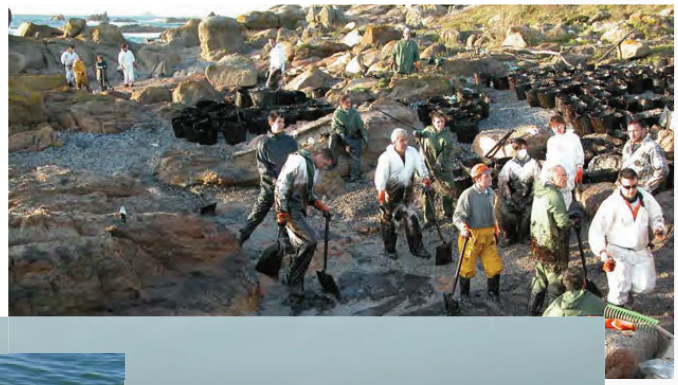
Countermeasures

- Discovery
- Response (ERAP)
- Cleanup
- Disposal (FRP)



Recap – FRP

The purpose of the FRP rule is to develop a plan to respond to a worst-case discharge!



A facility is subject to the FRP Rule if can cause:

- Substantial Harm
- Significant and Substantial Harm

FRP Submissions:

- FRP/ERAP
- FRP review every 5 years

Facility should conduct amendments:

If required by Regional Administrator

If there is a Material change

After a 5-year review if there is a material change

QUESTIONS?

Module 4
Required Facility Response Plan (FRP) Contents (40 CFR §112.20 and Appendix F)

112.20(h): A response plan…

Shall follow the format of the model facility-specific response plan included in Appendix F.

See Handout 4-1

1.0 Model FRP Contents (40 CFR §112, App. F)

- 1.1 Emergency Response Action Plan (ERAP)
- 1.2 Facility Information
- 1.3 Emergency Response Information
- 1.4 Hazard Evaluation
- 1.5 Discharge Scenarios
- 1.6 Discharge Detection Systems
- 1.7 Plan Implementation
- 1.8 Self-Inspection, Drills/Exercises, and Response Training
- 1.9 Diagrams
- 1.10. Security
- Response Plan Cover Sheet

1.1 Emergency Response Action Plan (ERAP) Required Contents (40 CFR §112, App. F)

1.2.5 Qualified Individual Information - partial

1.3.1 Emergency Notification Phone List - partial

1.3.1. Spill Response Notification Form - partial

1.3.2 Response Equipment List and Location - complete

1.3.3 Response Equipment Testing and Deployment - complete

1.3.3. Facility Response Team - partial

1.3.5 Evacuation Plan - condensed

1.7 Immediate Actions - Plan Implementation - complete

1.9. Facility Diagrams – complete

1.2.5 Qualified Individual Information

Name	Position	Home and Work Addresses	Emergency Phone number	Specific Response Training Experience

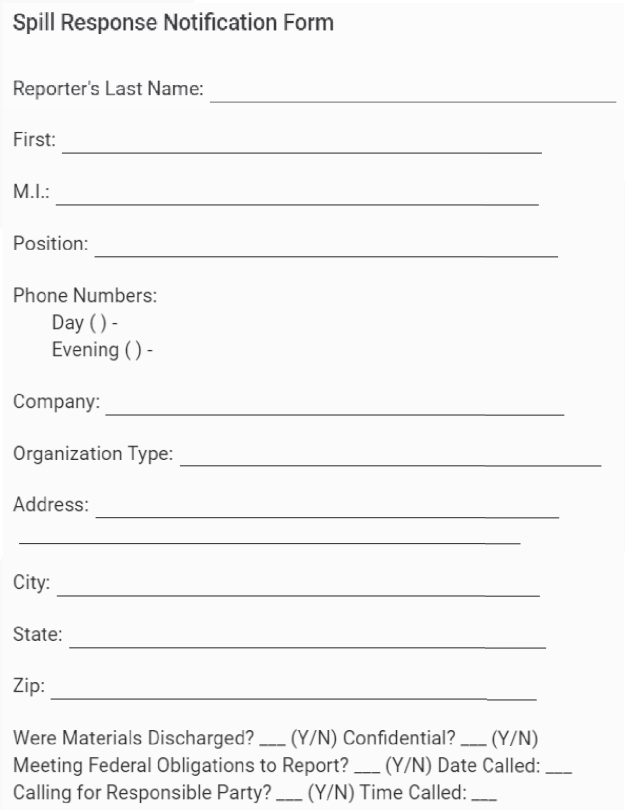
1.3.1 Emergency Notification Phone List

Reporter's Name:
Date:
Facility Name:

Owner Name:
Facility Identification Number:
Date and Time of Each NRC Notification:

Organization	Phone Number
1. National Response Center (NRC):	1-800-424-8802
2. Qualified Individual:	
3. Company Response Team:	
4. Federal On-Scene Coordinator (OSC):	(303) 293-1788 and (800) 227-8917
5. Local Response Team (Fire Dept./Cooperatives):	
6. Fire Marshall:	
7. State Emergency Response Commission (SERC):	
8. State Police:	
9. Local Emergency Planning Committee (LEPC):	
10. Local Water Supply System:	
11. Weather Report:	
12. Local Television/Radio Station for Evacuation Notification:	
13 Hospitals:	

1.3.1 SPILL RESPONSE NOTIFICATION FORM



Spill Response Notification Form

Reporter's Last Name: _____

First: _____

M.I.: _____

Position: _____

Phone Numbers:
Day ( ) -
Evening ( ) -

Company: _____

Organization Type: _____

Address: _____

_____

City: _____

State: _____

Zip: _____

Were Materials Discharged? ___ (Y/N) Confidential? ___ (Y/N)
Meeting Federal Obligations to Report? ___ (Y/N) Date Called: ___
Calling for Responsible Party? ___ (Y/N) Time Called: ___

- Incident description
- Material
- Response action
- Impact
- Additional information
- Caller notifications

1.3.2 Response Equipment List

1.3.2 Response Equipment List

Skimmer/Pumps: Operational status: _____

Type/ Model/Year	Number	Capacity (gal/min)	Daily Effective Recovery Rate	Storage Location	Date Fuel Last Changed

Boom: Operational Status: _____

Type/ Model/Year	Number	Size (length ft.)	Containment Area (sq. ft.)	Storage Location

Sorbents: Operational Status: _____

Type and Year Purchased	Amount	Absorption Capacity (gal)	Storage Location (s)

1.3.3 Response Equipment Testing and Deployment Log

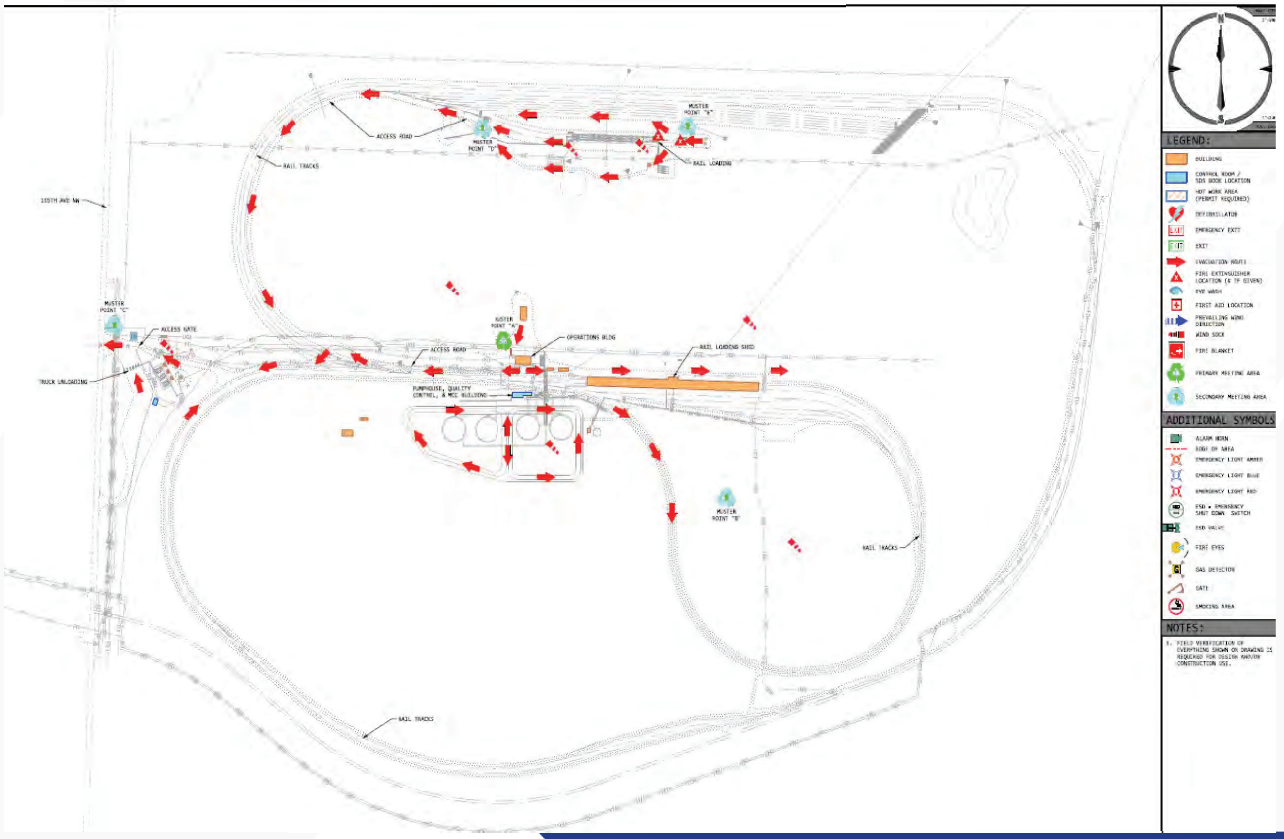
- Last Inspection or response equipment test date
- Inspection frequency
- Last deployment drill date
- Deployment frequency
- Oil spill removal organization certification (if applicable)

1.3.4 Facility Response Team

Date of Last Update:

Name	Phone Number	Response time	Responsibility during response action	Response training type/date

1.3.5 Evacuation Plans



1.7.1 Immediate Actions

1. Stop the product flow	**Act quickly to secure pumps, close valves, etc.**
2. Warn personnel	Enforce safety and security measures.
3. Shut off ignition sources	Motors, electrical circuits, open flames, etc.
4. Initiate containment	Around the tank and/or in the water with oil boom.
5. Notify NRC	1–800–424–8802
6. Notify OSC	
7. Notify, as appropriate	

1.9 Diagrams

- (1) Site Plan Diagram
- (2) Site Drainage Plan Diagram
- (3) Site Evacuation Plan Diagram

1.0 Model FRP Contents (40 CFR §112, App. F)

- 1.1 Emergency Response Action Plan (ERAP)
- 1.2 Facility Information
- 1.3 Emergency Response Information
- 1.4 Hazard Evaluation
- 1.5 Discharge Scenarios
- 1.6 Discharge Detection Systems
- 1.7 Plan Implementation
- 1.8 Self-Inspection, Drills/Exercises, and Response Training
- 1.9 Diagrams
- 1.10. Security
- Response Plan Cover Sheet

1.2 Facility Information (40 CFR §112, App. F)

- Facility Name and Location
- Latitude and Longitude
- *Wellhead Protection Area*
- Owner/Operator
- Qualified Individual (QI)
- Date of Storage Start-up
- Current Operation
- *Date(s) and Type(s) of Substantial Expansions*

1.3 Emergency Response Information (40 CFR §112, App. F)

- 1.3.1 Notification
- 1.3.2 Facility Response Equipment List
- 1.3.3 Response Equipment Testing and Deployment Drill Log
- 1.3.4 Personnel
- 1.3.5 Evacuation Plans
- 1.3.6 Qualified Individual's Duties

1.4 Hazard Evaluation (40 CFR §112, App. F)

- 1.4.1 Hazard Identification
- 1.4.2 Vulnerability Analysis – *use the planning distance*
- 1.4.3 Analysis of the Potential for an Oil Discharge
- 1.4.4 Facility Reportable Oil Spill History

1.4 Hazard Evaluation (40 CFR §112, App. F)

Hazard Identification

HAZARD IDENTIFICATION TANKS [1]

DATE OF LAST UPDATE: ___

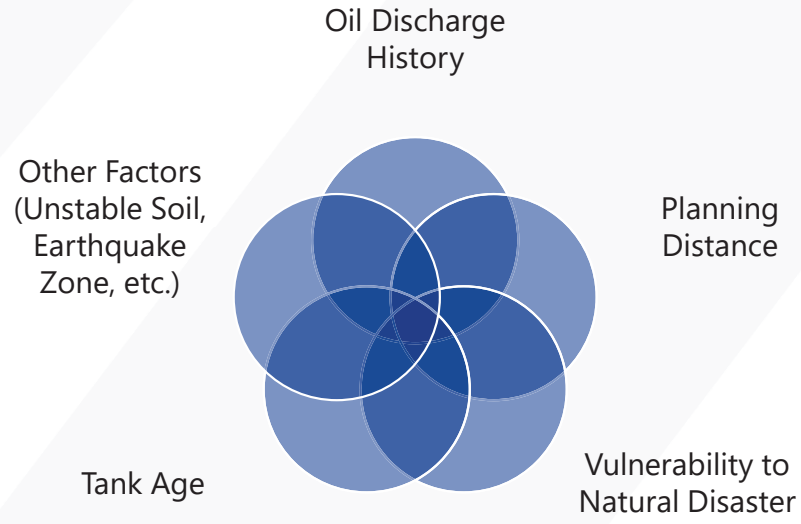
Tank No.	Substance Stored (Oil and Hazardous Substance)	Quantity Stored (gallons)	Tank Type/Year	Maximum Capacity (gallons)	Failure/Cause

[1] Tank = any container that stores oil.

Vulnerability Analysis

1.4 Hazard Evaluation (40 CFR §112, App. F)

Analysis of the Potential for an Oil Discharge



1.5 Discharge Scenarios (40 CFR §112, App. F)

1.5.1 Small and Medium Discharges

- Small: 2,100 gals
- Medium: 36,000 gallons or 10% of largest tank at facility, whichever is less

1.5 Discharge Scenarios - Worst Case Discharge (WCD)

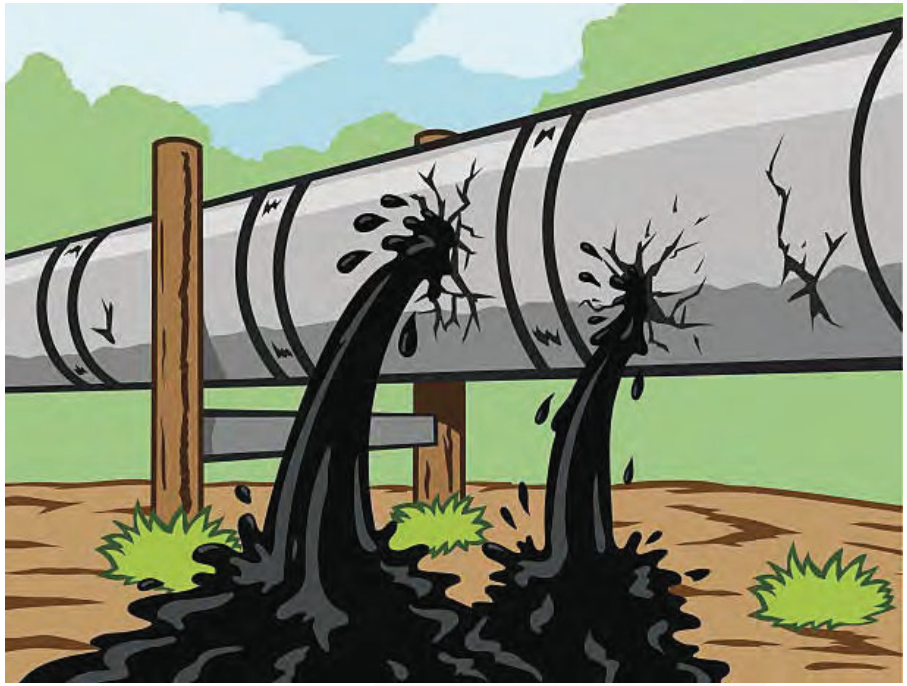
Calculate volume using:

- Largest container
- All containers without adequate secondary containment
- Permanently manifolded containers count as one
- Appendix D – discharge planning volume
- For each oil type that is more than 10% of the aggregate

Discharge Scenarios

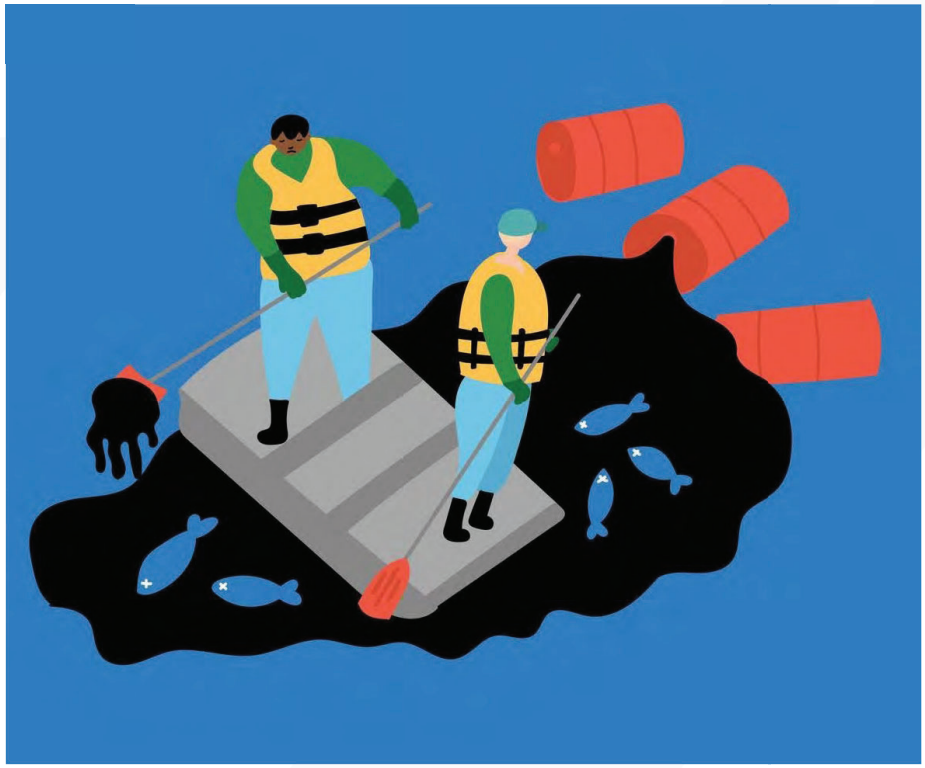
Must account for all operations such as:

- Loading and unloading of surface transportation
- Facility maintenance
- Facility piping
- Pumping stations and sumps
- Oil storage tanks
- Vehicle refueling
- Age and condition



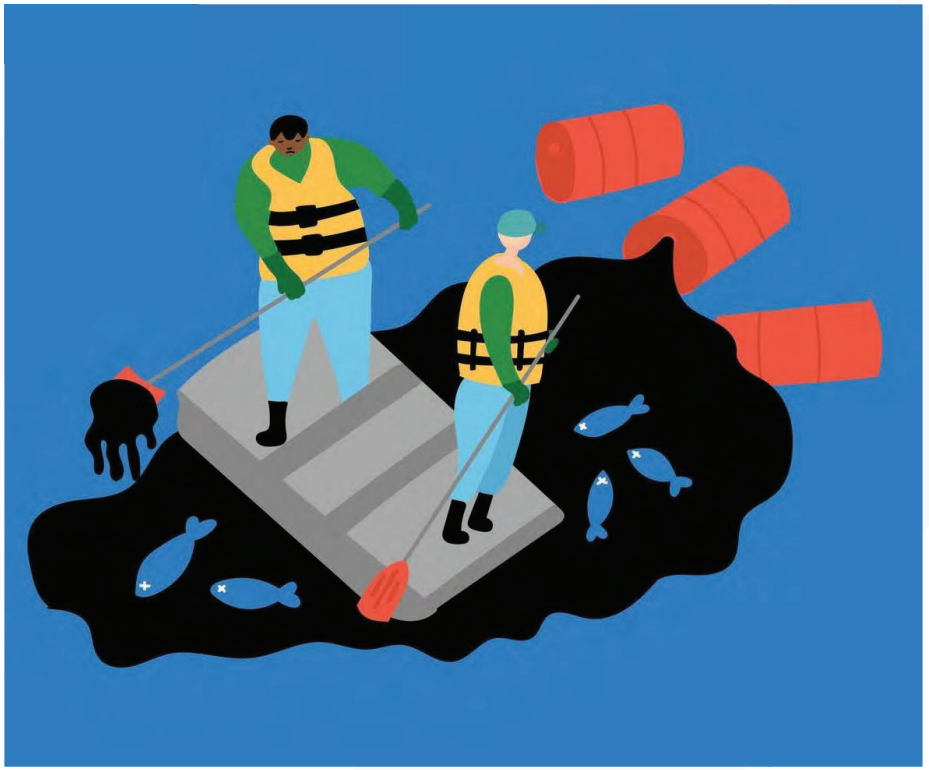
For each scenario, address factors that affect response efforts, including:

- Size of the discharge
- Proximity to downgradient wells, waterways, and drinking water intakes
- Proximity to fish and wildlife and sensitive environments
- Likelihood that the discharge will travel offsite
- Location of the material discharged
- WCD information included in the sub-area contingency plan



For each scenario, address factors that affect response efforts, including:

- Material discharged
- Weather or aquatic conditions
- Available remediation equipment
- Probability of a chain reaction of failures; and
- Direction of discharge pathway



Discharge Scenario Exercise

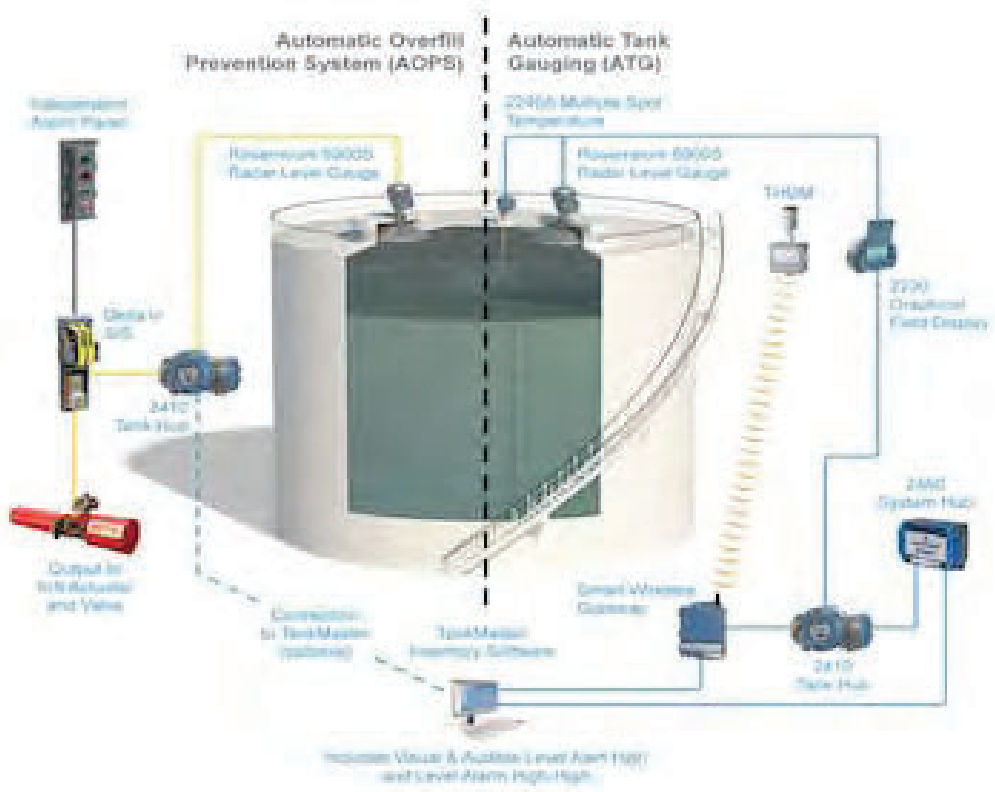
For the facility provided write a small, medium and worst-case discharge scenario.

- Identify most likely source for each discharge level given facility operations
- Address factors that could impact response
- Refer to Appendix F 1.5 Discharge Scenarios

See Handout 4-2

1.6 Discharge Detection System (40 CFR §112, App. F)

- By personnel or automated
- System testing
- Contingencies if system inoperable



1.7 Plan Implementation (40 CFR §112, App. F)

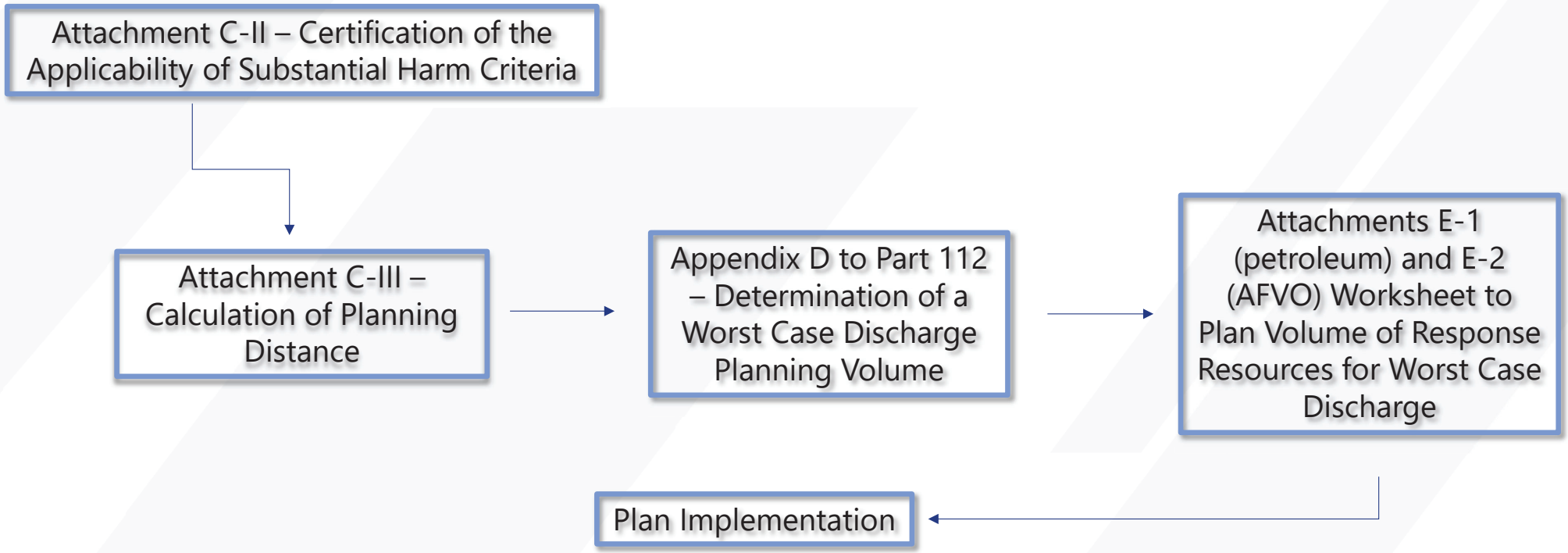
1.5.1 Small and Medium Discharges

- Emergency plans for spill response;
- Additional response training;
- Additional contracted help;
- Access to additional response equipment/experts; and
- Ability to implement the plan including response training and practice drills.

1.5.2 Worst Case Discharge (WCD)

- How do you scale up for the WCD?
- Where are the contractor or company resources coming from?
- How long will it take?
- What do you do in the meantime?

Putting it all Together



Implementation: Consider All Conditions

1.8.2 Facility Drills/Exercises

- An exercise program is required to test and evaluate the FRP, responders, and QIs
- Easiest - Follow the Preparedness for Response Exercise Program (PREP)
- Records (drill/exercise logs) must be kept for all drills and exercises

PREP Exercise Components

Element	Frequency*	Initiating Authority	Notes
QI Notification Exercises	Quarterly	Facility owner or operator	At least one notification has to be conducted during non-business hours
Emergency Procedures Exercises	Quarterly	Facility owner or operator	*Optional: can be used by facilities as an unannounced exercise*
Spill Management Team Tabletop Exercise	Annually	Facility owner or operator	At least one exercise every 3 years must involve a worst-case discharge scenario
Equipment Deployment Exercises	(Twice a Year)	Facility owner or operator	If OSRO-owned equipment is identified in the Plan, the OSRO equipment must also be deployed and operated. OSRO must provide documentation to facility owner or operator
Government-Initiated Unannounced Exercises	**Triennially**	**EPA, RSPA, USCG**	**If successfully completed, the facility can only be subject to a GIUE once every 3 years**

* At least one exercise per year must be unannounced

Why Exercise?

Some conservative estimates calculate it costs over $1,000 per foot of an oil spill to clean, remediate and recover the land/waterway.

In practice we've seen it cost over $10,000/ft!

Practicing your plan is the best test of the procedures in a controlled environment.

Plan familiarity cannot be attained through reading and study the way it can during a practical exercise.

1.8.3 Response Training

Facility Response Personnel Training Logs

Discharge Prevention Meeting Logs

QI and Incident Management Team Training

Training for Worker Health and Safety (HAZWOPER)

FRP Training and Exercise Requirements

§112.21 – Requirements for training and exercises - *[§112.21(b)]*

- Train personnel involved in oil spill response activities
  - Recommendation that training program be based on USCG's Training Elements for Oil Spill Response
  - Alternative program is acceptable, subject to approval by the Regional Administrator
  - Minimum – know your plan, your facility, and the way to initiate and manage a response in your organization.
  - Good to have – NIMS/ICS training, oil spill response training, and lots of practice!

QUESTIONS?

Lunch Break – 11:30 – 12:30 PM

- Buffalo Wild Wings - $$

Chicken Wings, Bar Food
5071 E 2nd St, Casper, WY

- Charrito's - $

Mexican Cuisine
4910 E 2nd St, Casper, WY

- Five Guys - $$

Burgers
5060 E 2nd St, Casper, WY

- Wendy's - $

Burgers, American Fast Food
4281 E 2nd St, Casper, WY

- Hooch's Bar & Drive Thru - $$

Burgers, Bar Food
6985 Nugget Road, Evansville, WY

- Schlotzsky's - $$

Deli Sandwiches, Pizza, Salads
6985 Nugget Road, Evansville, WY

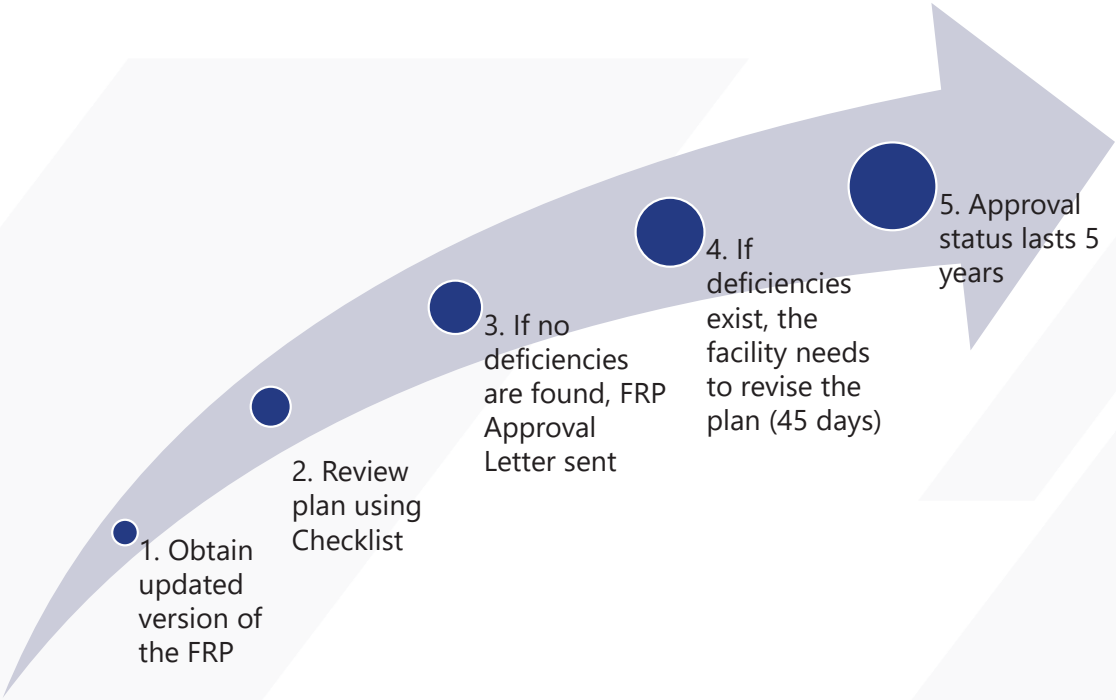
Module 5

Facility Response Plan (FRP) Review and Approval Process

How to Submit your FRP to EPA

- Send an email to r8_frp@epa.gov (Plan size limited to ~20MB) or include a link to your FTP site/OneDrive/Google Drive location.
- Email or call our FRP Coordinators (Mike Porter/Angie Villa) and request an EPA GoAnywhere link

FRP Review Process/Approval Process



Plan Review Checklist

See Handout 5-1

EPA

Note to reviewer:	The plan review checklist incorporates required plan elements in 40 CFR 112.20, 112.21 Appendices D, E and F. Indicate the adequacy of addressing plan requirements as follows: adequately addressed (YES); deficient or not addressed (NO); or not applicable (N/A). **This guidance applies to the other FRP checklists as well.**

Facility Response Plan - Plan Review Checklist

Facility Information			
Oil Db ID			
FRP ID			
Facility Name			
Facility Address			
Harm Designation		Substantial Harm	
		Significant and Substantial Harm	
Activity Information			
Activity Type	FRP Plan Review		
Reason for Review (check one)		Initial Plan Submittal (new FRP)	
		5-year Review	
		Plan Amendment (note type)	Note (type of amendment):
		Other (note other reason)	Note (describe other reason):
Activity Date			
EPA Inspector			
Plan Version Reviewed			

Common Deficiencies

Facility Response Plan **(FRP)**

1.2 Facility Information

Date Of Last Update:	September 2021
Facility Name:	Acme Oil Terminal 1
Location (Street Address):	123 Oil Road
City/State/Zip:	Acmeton, WY 82501
County:	Acme
Phone Number:	920-437-9684
Directions:	The facility is located just south of Highway 123 on the southeast side of Acmeton.
Latitude:	24°55'43.0"N
Longitude:	71°52'33.0"W
Wellhead Protection Area:	The Facility is not located within a Wellhead Protection Area.
Operator:	Acme Oil, Inc.
Location (Street Address):	
City/State/Zip:	
County:	
Phone Number:	800-123-4567
Fax Number (U.S. Oil Division):	800-891-0123
24 Hr. Phone Number:	800-891-4567

Common Deficiencies

- Missing or Incorrect Emergency Contact Information

NRC number should be 800-424-8802

REQUIRED NOTIFICATIONS			
Organization Notification Required for an Oil Discharge	Phone Number	Person Notified	Time Notified
National Response Center (NRC)	866-672-7640		
Company Response (required notifications)			
Denny Smith Terminal Manager Qualified Individual - QI			
Jacob Schmidt Terminal Technician II –	864-278-3970 (work) 234-567-8910 (cell)		
Billy Sims Terminal Technician- QI	123-456-7891 (cell)		
Local Contacts			
Croft Fire Department/Fire Marshall	911		
Sheriff's Department	911		
HEPACO - OSRO	800-888-7689		
Center for Toxicology & Environmental Health	333-444-5555		
Acmeton LEPC			

Common Deficiencies

- Missing Equipment Details

FACILITY SPILL RESPONSE EQUIPMENT

Quantity	Type/ Description	Location
Various	Hand Tools	Facility
Various	Shovels	Facility
Various	Sorbent Pads (2' x 2' and 4' x 4')	Facility
Various	Absorbent Socks	Facility

1.3.2 Response Equipment List

Skimmer/Pumps Operational status:

Type/ Model/Year	Number	Size/length (ft.)	Containment Area (sq. ft.)		Date Fuel Last Changed

Boom Operational Status:

Type/ Model/Year	Number	Size/length (ft.)	Containment Area (sq. ft.)	Storage Location

Common Deficiencies

- Planning Distance Calculation

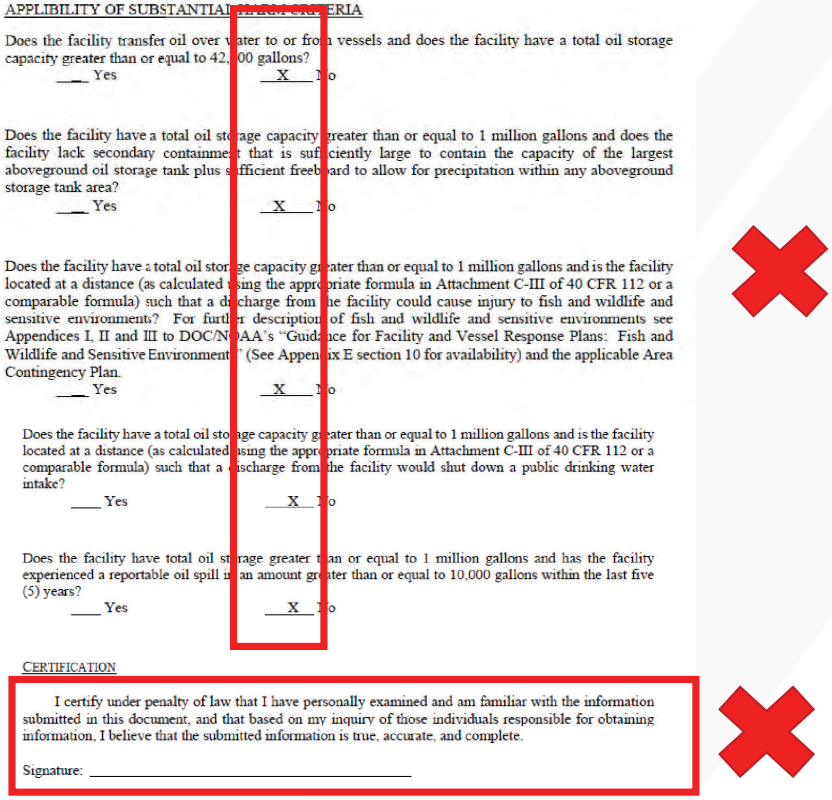
$$D = V \times T \times C$$

D = Distance
V = Velocity (use Chezy-Manning's to find v)
T = Time
C = Conversion Factor (0.68 sec mile/hr ft)

Oil Spill Path Planning Distance		
Segment	Distance	Time
Segment A	0.12	0.07
Segment B	2.78	3.93
Segment C	4.75	1.97
Segment D	28.19	16.8
Segment E	2.99	4.11
Total Planning Distance	38.83 miles	27 hours

Common Deficiencies

- Missing Harm Determination and Certification (Attachment C-II form, included as Handout 3-1)



APPLIBILITY OF SUBSTANTIAL [illegible] CRITERIA

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 ___X___ No

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 ___X___ No

Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III of 40 CFR 112 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 to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (See Appendix E section 10 for availability) and the applicable Area Contingency Plan.
___ Yes ___X___ No

Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III of 40 CFR 112 or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake?
___ Yes ___X___ No

Does the facility have total oil storage 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 five (5) years?
___ Yes ___X___ 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 information, I believe that the submitted information is true, accurate, and complete.

Signature: _____

Common Deficiencies

- ERAP and Missing Facility Diagrams

Emergency Response Action Plan **(ERAP)**

1.9 Facility Diagrams (Section 9 – Condensed)

The response plan includes the following diagrams. Additional diagrams that would aid in the development of response plan sections may also be included.

Figure 1 - Subject Property Location Map - See Appendix C of Facility Response Plan

Figure 2 - Site Map - See Appendix C of Facility Response Plan

Figure 3 - Drainage Diagram - See Appendix C of Facility Response Plan

Figure 4 - Evacuation Diagram - See Appendix C of Facility Response Plan

QUESTIONS?

Module 6

Government-Initiated Unannounced Exercises (GIUEs)

What is a GIUE?

- GIUE: Government-Initiated Unannounced Exercise
- GIUE based on the National Preparedness for Response Exercise Program (PREP) Guidelines
- EPA Authority to conduct GIUEs: Section 2.3.7.2 of PREP; 40 CFR Section 112.21(e); NCP
- EPA Region 8 conducts approximately 25 - 30 GIUES each year in Colorado, Utah, Wyoming, Montana, North Dakota and South Dakota

EPA GIUE

- The objective of a GIUE is to evaluate the ability of responders to rapidly and effectively control a small discharge in a 4-hour window.
- Timeliness is not the sole factor during the evaluation but is a key component.
- A GIUE is a full-scale exercise…not a tabletop or simulation

GIUE – Intro Briefing

- EPA Team and facility management convene in conference room; a Notice of Inspection (NOI) will be signed by Qualified Individual (QI) or a facility representative (See Handout 6-1)
- Facility can include whomever they'd like in the briefing, including via teleconference
- EPA Team will explain the GIUE, inspection process and expectations (See Handout 6-2)
- Don't hesitate to ask questions!

Why me!?!?

EPA Region 8 targets facilities based on several factors:

- More than 3 years since the last EPA GIUE
- Updates to the FRP (new equipment, tanks, change in ownership, etc.)
- Recent reportable spills
- Failure of a past GIUE
- Reference from another EPA, State or Local regulator

GIUE Scheduling

- A GIUE is not optional
  - Exercise must proceed even if the Qualified Individual (QI) happens to be on vacation
  - Exercise may be cancelled/postponed if existing conditions present a safety concern
  - Facility may continue normal facility operations during the GIUE
  - Facility is responsible for costs of performing the exercise

What to Expect During a GIUE

1. EPA arrives unannounced at the facility (7 - 10 am)
2. Introductory Brief
3. GIUE initiated – Up to 4 hours
4. FRP/SPCC Inspection
5. Closing Brief (3 – 5 pm)
6. EPA GIUE Successful/Not Successful Letter with recommendations (30-45 days after inspection)

EPA GUE Spill Scenario

- Small discharge of 2,100 gallons that escapes containment and reaches water

- EPA will specify:
  - Tank or source (not exactly what happened)
  - Type of product
  - Volume discharged
  - Weather conditions, if different from time of the exercise

2016 NATIONAL PREPAREDNESS

FOR

RESPONSE EXERCISE PROGRAM

(PREP)

GUIDELINES

DEPARTMENT OF HOMELAND SECURITY
U.S. Coast Guard

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration

DEPARTMENT OF THE INTERIOR
Bureau of Safety and Environmental Enforcement

BSEE

- VERSION 2016.1 -

EPA GIUE Spill Scenario

- "Tank 101 had a complete failure. 2,100 gallons left the facility and oil entered the Provo River.)"

- Facility has up to 4 hours to complete the GIUE. The clock starts with the scenario.

Don't hesitate to ask questions before, during, or after the GIUE!

GIUE

There are four key time frames that EPA will evaluate:

1. Prompt Notifications
2. Containment Boom and means of deployment on-site within one hour followed by successful deployment of the boom
3. Oil recovery equipment (i.e., skimmer package) on-site within two hours
4. GIUE completed with four hours

Proper Notifications

- During a GIUE, notifications are conducted… *not simulated*
  - Notifications should be made promptly! National Response Center (NRC) within 15 mins
  - State Spill Line
  - Local agencies, etc.
  - Document who you called and time you called them

During the GIUE – Command Post

- Are proper notifications conducted in a timely fashion?
  - Are the ERAP and/or FRP being used?
- Has the spill response team and/or OSRO been activated?
  - When was response team/OSRO activated? When did they arrive? Can they deploy equipment?
- Are communications with response personnel and other facility personnel effective?

Common Notification Issues

- Staff can't find the FRP or list of notifications
- National Response Center (NRC) should be one of the first calls
- Response contractors are not available
- Lack of clarity over who calls who
- Balancing notifications with implementation of response plan

Boom and Personnel On-Site within One Hour

- Sufficient boom and personnel on-site within one hour
- Generally achieved with properly maintained spill response trailer and trained personnel

Containment Boom Deployment

- 1,000 feet of boom
- Must be containment boom, not made of absorbent materials
- At inland facilities, boom may be deployed in dry ditches if there is no water

- Consists of a float and skirt
- Is impermeable
- Required to stop the spread of oil

Sorbent

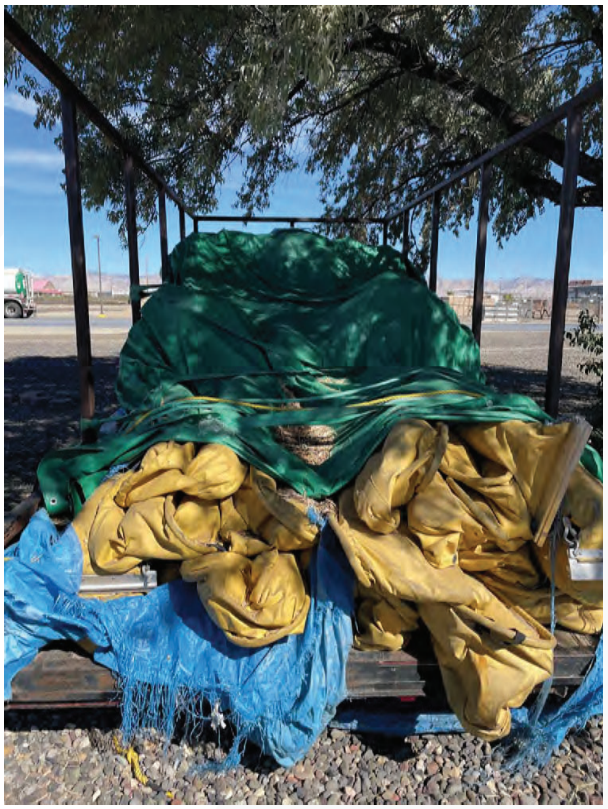
- Floats on top of the water; no skirt
- Absorbs oil
- Incapable of stopping/diverting oil

Containment Boom Alternatives

- "As appropriate" in FRP rule provides inland plan holders flexibility – *added to PREP Guidelines in 2016*
- Alternative strategy may be more appropriate where spill pathway could be a dry drainage pathway or tributary
- Alternatives include: underflow dams, temporary containment, dams (soil, etc.), inflatable diaphragms (culvert plugs)

Common Issues - Boom

- Trailer and equipment poorly maintained
- Can’t find the key to the trailer
- Trailer is too large and requires a semi- and CDL to drive
- Wrong type of boom
- Boom segments don’t connect



Oil Recovery within Two Hours

- Can be met with fully equipped response trailer
- Functioning skimmer
- Vacuum truck

Provisions for Storage of Recovered Oil

- Oil storage capacity for recovered oily material equivalent to twice the effective daily recovery capacity required on-scene, or 4,200 gallons per day

Common Issues – Oil Recovery

- Equipment doesn't work
- Response trailer doesn't have the proper equipment (i.e. hoses, pumps, etc.)
- Incompatible hose connectors
- Personnel don't know how to deploy equipment
- Vacuum trucks more than 2 hours away

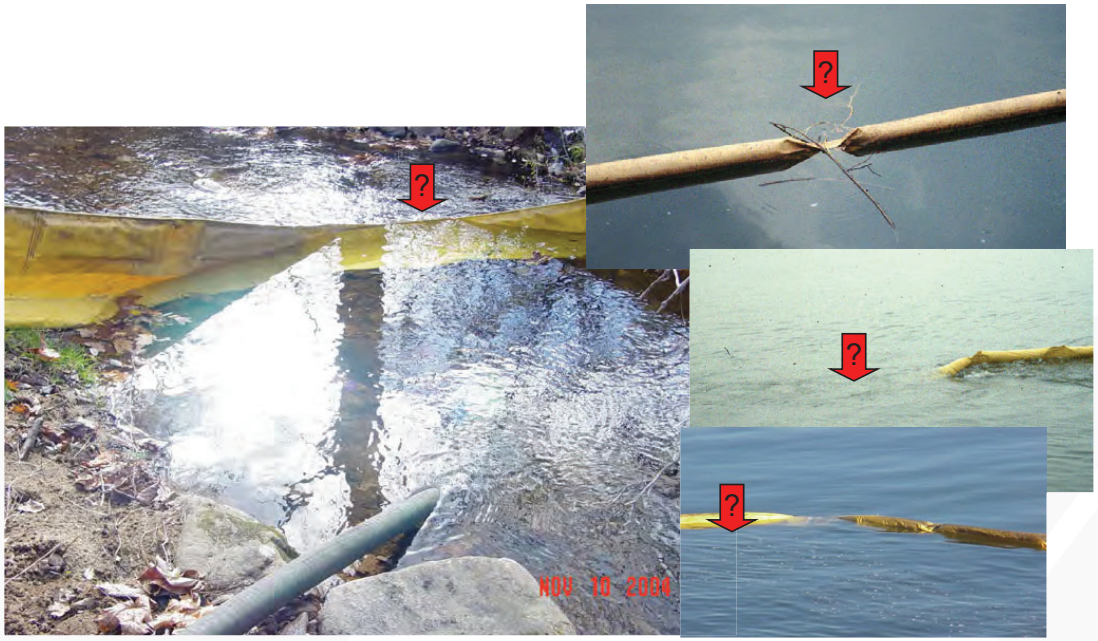
Complete GIUE within 4 hours

- Boom and oil recovery equipment safely and correctly deployed
- Generally, GIUE will be less than 4 hours

Common Boom Deployment Problems

- Can facility personnel and/or OSRO deploy the boom?
  - Do they have the required equipment?
  - Do they have access to boom deployment sites and anchor points? Can vac truck access control point?
- Is the boom properly deployed?
  - Proper anchoring, proper flotation, proper tension
  - No twists or gaps
- Is the boom maintained in a way to allow for rapid deployment?
- Does the facility have the appropriate hardware needed to link boom sections and stake the boom?

Boom Deployment Problems



Ineffective Boom

Properly Conducting the GIUE

- Did Facility identify the spill trajectory initially and throughout the exercise?
- Were risks to the environment, business, and public services determined?
- Did the QI identify the resources needed to respond?

Common Issues – GIUE Completion

- "This could never happen." Facility unfamiliar with FRP and spill trajectories
- Facility approach GIUE without sense of urgency… too accustomed to tabletops, not drills
- Staff unfamiliar with FRP, including potential downstream impacts and spill response tactics
- Under-trained and unprepared personnel
- QI response: "OSRO will handle it."

Common Issues – GIUE Completion

- Facility not conducting drills per PREP Guidelines – not practicing the FRP
- Facility too dependent on OSRO and OSRO not familiar with the facility and FRP
- Unable to successfully deploy boom and establish collection

Response Capability: General

- Demonstrate availability of response personnel and equipment necessary to respond within the specified times
- Resources may be ensured by "contract or other approved means"
  - Written contractual agreement with OSRO
  - Written certification by the owner or operator that the necessary personnel and equipment are available to respond to a discharge within appropriate response times
  - Active membership in local or regional cooperative
  - Other arrangement approved by the EPA RA upon request by the owner or operator

PREP Evaluation Factors

- Conducted proper notifications
- Arrival of containment boom as specified in the FRP within one hour of detection of the discharge and subsequent successful deployment ("boom in the water")
- Arrival of oil recovery devices as specified in the approved response plan within two hours of detection of the discharge and the subsequent successful operation/simulated recovery
- Demonstrated availability of adequate storage capacity for recovered oil
- Properly conducted the exercise considering the size of a small discharge including skill and competency of responders and material readiness of response equipment

GIUE Unsuccessful

1. The plan holder could not properly implement its response plan.

2. Response resources were not available or not in operating condition.

3. Response personnel were not adequately trained in implementing the response plan.

GIUE Completion - Inspection

- FRP/SPCC Inspection completed after the GIUE
- Conduct walk through facility
- Qualified Individual (QI) Interview

Closing Conference

- Reconvene in conference room
  - Facility can include staff members remotely
- Discuss additional information needs (i.e., training and exercise records)
- De-brief on GIUE and any next steps
- EPA will provide a successful/unsuccessful GIUE letter to facility within 45 days.

After a GIUE and Inspection

- During inspection or exercise, EPA will provide a "Notice of Inspection" form
- If there are field deficiencies, EPA will follow-up with a letter, typically within 30 days.
- Plan amendment may be required as a result of field deficiencies.
- Successful completion of a GIUE is documented in a letter, typically within 30-45 days.

Module 7
SPCC/FRP Inspection Process

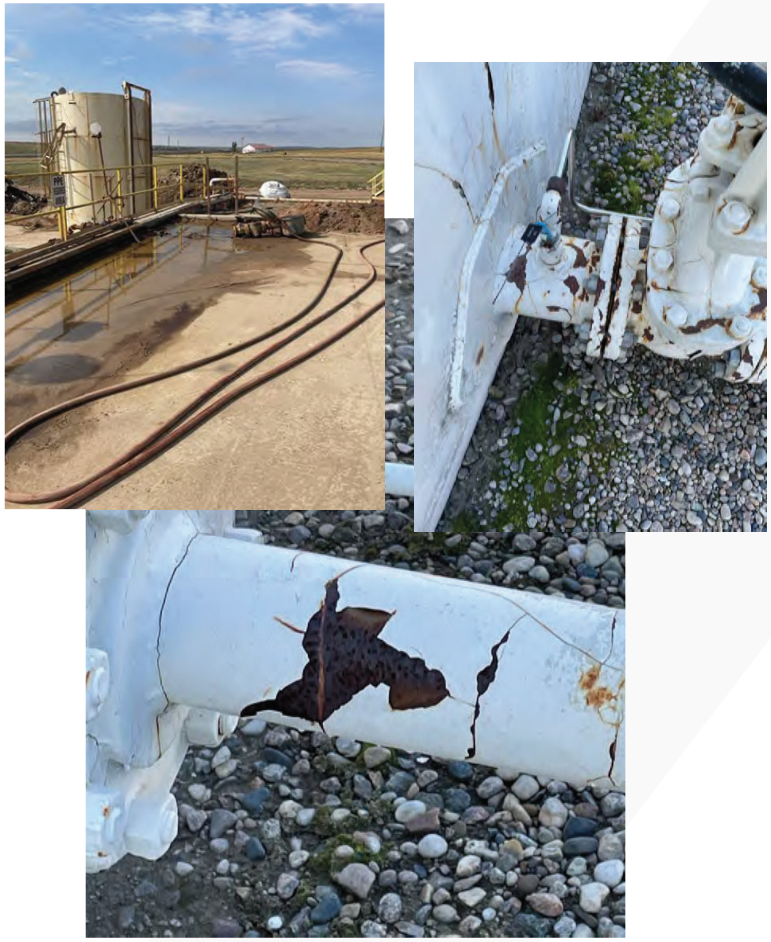
Records Reviews

- Verify SPCC/FRP/ERAP is available to response personnel
- Inspection logs
- Drainage logs
- Integrity testing (API 653, STI SP001)
- Training records
- Drill, exercise and equipment deployment logs

See Handout 7-1

Field Inspection

- Verify plan accuracy
- Secondary containment adequacy (Appendix F 1.8.1.3)
- Facility components are in good working order
- Hazard evaluation and vulnerability analysis accurate
- Facility diagrams are accurate



See Handout 7-2

Response Equipment (Appendix F 1.8.1.2)

- Verify equipment listed in plan is accurate
- We will need to put eyes on equipment
- Verify testing/deployment records are accurate and up to date
- If fully OSRO dependent, how do you ensure OSRO knows where to deploy and with what equipment?

Common Observations

- Leaks from valves and connection points
- Improperly braced or supported piping
- Discrepancies with diagrams and facility layout (piping and drainages)
- Missing inspection documentation
- Out of date notification lists

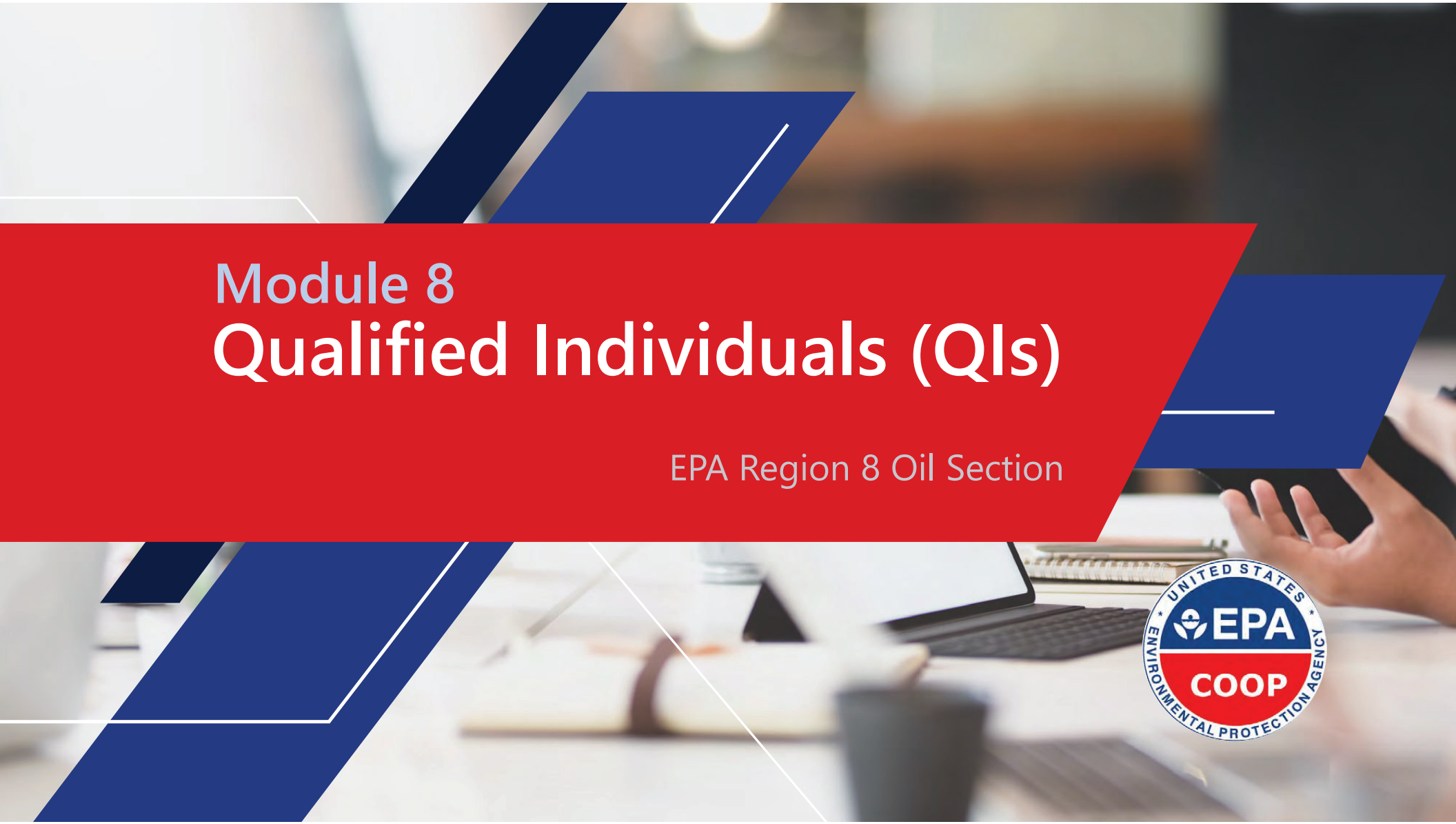
Post-Inspection/Drill Follow Up

- The inspector will debrief with the QI, facility personnel, and/or OSROs
- The facility will receive a letter documenting the inspections/drill including any findings and recommendations.
- 45 days from time of notice to apply recommendations

Recap

- ***Records Reviews:***
  - FRP/ERAP/SPCC
  - Inspection records, Exercise Logs, (Printout/electronic link)
- **Field Inspection** (Response Equipment/Facility walk through/layout verification)
- **Post-Inspection Exit Meeting**
- **Post-Inspection/Drill Letter**

QUESTIONS?



Module 8
Qualified Individuals (QIs)

EPA Region 8 Oil Section

ERAP and FRPs – Identify QIs

QI must have:

- Full/Delegated Incident Management Authorities (Direct People)
- Contracting/Procurement Authorities (OSROs)
- Oil Removal/Cleanup Authorities (EHS Compliance)
- Waste Disposal Authorities (Manifests)

QI Duties and Responsibilities

Notifications

Activate Alarms

Spill Size-Up

Recall Response Team

Assess Human Health Risks

Cleanup

Waste Disposal

Firefighting and Rescue

Spend Resources

Wildlife & Cultural Resources

[40 CFR Part 112.20(h)(3)(ix)]

QI Interview

- Can the QI respond within the required time?
- Does the QI know the plan?
  - Discharge scenarios
  - Spill pathway and planning distance
  - Response procedures
  - Notifications
- Can the QI commit resources? Access to company funds?
- Is there a Regional QI structure? If Yes, please provide details on the “passing of the baton” from the on-site QI.

QI Interview

- Discharge discovery and assessment
- Flow path and planning distance
- Notifications and mitigation measures
- Temporary storage of recovered product and contaminated materials
- Treatment and disposal of contaminated materials
- Roles and responsibilities of response team and other facility or contractor employees
- Incident command and control
- Training, exercise, and evaluation

Breakout Groups: Mock QI Interviews

Instructions

- See Handout 8-1
- Answer as though you are the Qualified Individual
- Use your knowledge of your FRP to answer interview questions

Module 9

Reconsideration Requests

40 CFR § 112.20(i)(2) - Formal Request for FRP Reconsideration (Not for SPCC)

- "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."

FRP Reconsideration Request Reasons

- Facility Reduces Aggregate Oil Storage Capacity to less than 1,000,000 Gallons (e.g., tank re-rating)
- Modified Facility Configuration (piping, tanks removed or permanently closed, loading racks, etc.)
- Substantial Harm Criteria Change (Spill history expires, water intake removed, etc.)
- WOTUS

How to Submit FRP Reconsideration Requests in Region 8

- Send signed letter R8_FRP@epa.gov
- Provide supporting documentation or work with us to schedule an inspection to verify
- Request for Information or a Decision (~45 days)
- Maintain FRP until decision is made

Examples – Facility Modifications

- The Station no longer has any truck loading racks and associated tanks. The tanks located at the Station are "breakout tanks" and exclusively "transportation related" by definition from 40 CFR 112, appendix A section ii, and as such, meet the exemption from EPA FRP jurisdiction, as outlined in the MOU between the Secretary of Transportation and Administrator of the EPA.
- Facility is requesting a formal reconsideration of the FRP status as the overall storage capacity has decreased from 31 storage tanks with a capacity of 1,432,200 gallons to 21 storage tanks with a capacity of 970,200 gallons. Six (6)-1,100 bbl tanks have been removed from the facility and are utilized at a well production pad. Four (4)-1,100 bbl tanks are permanently out of service and remain onsite. A total of 10 storage tanks were removed from the facility or permanently removed from service. The following notates which tanks were removed from location and which are permanently out of service. The permanently out of service tanks are blind flanged and labeled at permanently out of service.
- **Attachment A includes photos/videos of the disconnected tanks.**

Often Need Videos/Photos, Engineering Analysis and Surveys, or On-Site Inspection

- WOTUS Jurisdiction Changes
- Flow Pathway Changes
- Engineering Controls
- Out-of-Service Tanks/Truck Racks

- Include ample supporting evidence to expedite complete review and approval

Example Reconsideration Requests

- Letter signed by facility management
- Explain what's changing and cite rationale by regulation
- Provide supporting documentation

[redacted]

July 10, 2024

Michael Porter – FRP Coordinator
Angie Villa – FRP Coordinator
EPA Region 8

RE: Formal Request for FRP Reconsideration, [redacted] Central Tank Battery [redacted]

Dear Michael and Angie:

[redacted] formally submits a request for EPA to reclassify its Central Tank Battery [redacted], located at [redacted] believes that a change in the facility's classification status is warranted due to a change in the facility's characteristics, mainly the reduction in Aggregate Oil Storage Capacity on site below the 1,000,000-gallon threshold.

[redacted] has recently decommissioned tank ABJ1060 and disconnected it from the remaining storage and process equipment on location. This work has reduced the Aggregate Oil Storage Capcity at CTB 1 to 908,594 gallons, below the 1,000,000-gallon threshold set by EPA for FRP program membership. Tank ABJ1060 has had all its sellable inventory removed and is completely disconnected from the other tankage and piping on location to prevent the Aggregate Oil Storage Capacity at CTB 1 from ever eclipsing 1 million gallons in the future. ABJ1060 will be cleaned and will remain on location but will be locked out and not used for oil storage in the future.

[redacted] CTB 1 facility does not meet any of the other requirements laid out in EPA's Certification of the Applicability of the Substantial Harm Criteria, as shown by the updated questionnaire filled out below. Operations at the facility do not include over water transfers and the facility has now has less than 1,000,000 gallons of oil storage, which precludes it from membership in the EPA FRP Program.

If you have any follow up questions about this request for reclassification, need more information to aid your decision, or to request a site visit to confirm details on location, please contact me at (713) 918-9111.

Sincerely,

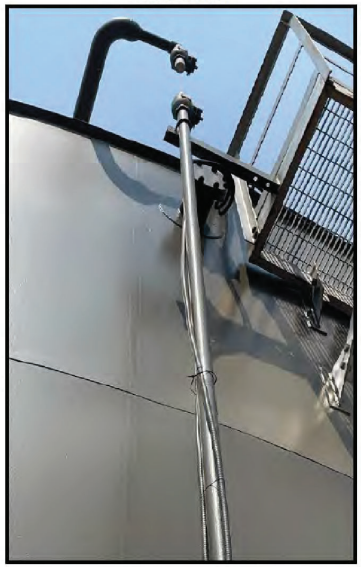
[redacted]

Supporting Documentation

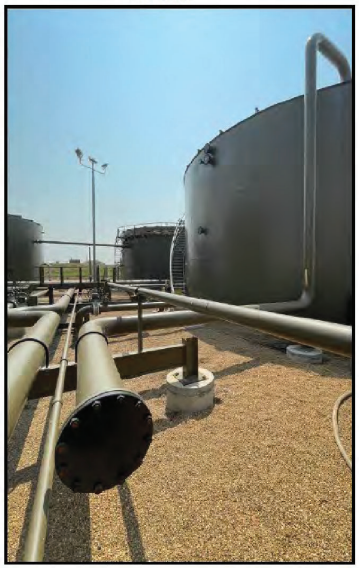
#7 - Disconnected/Isolated Lines & "Out Of Service"
South View

#8 - Disconnected/Isolated & "Out Of Service"
North View

#1 - Disconnected/Isolated Gas Line
South Top View



#2 - Disconnected/Isolated Vent Line
East View



Workshop Objective

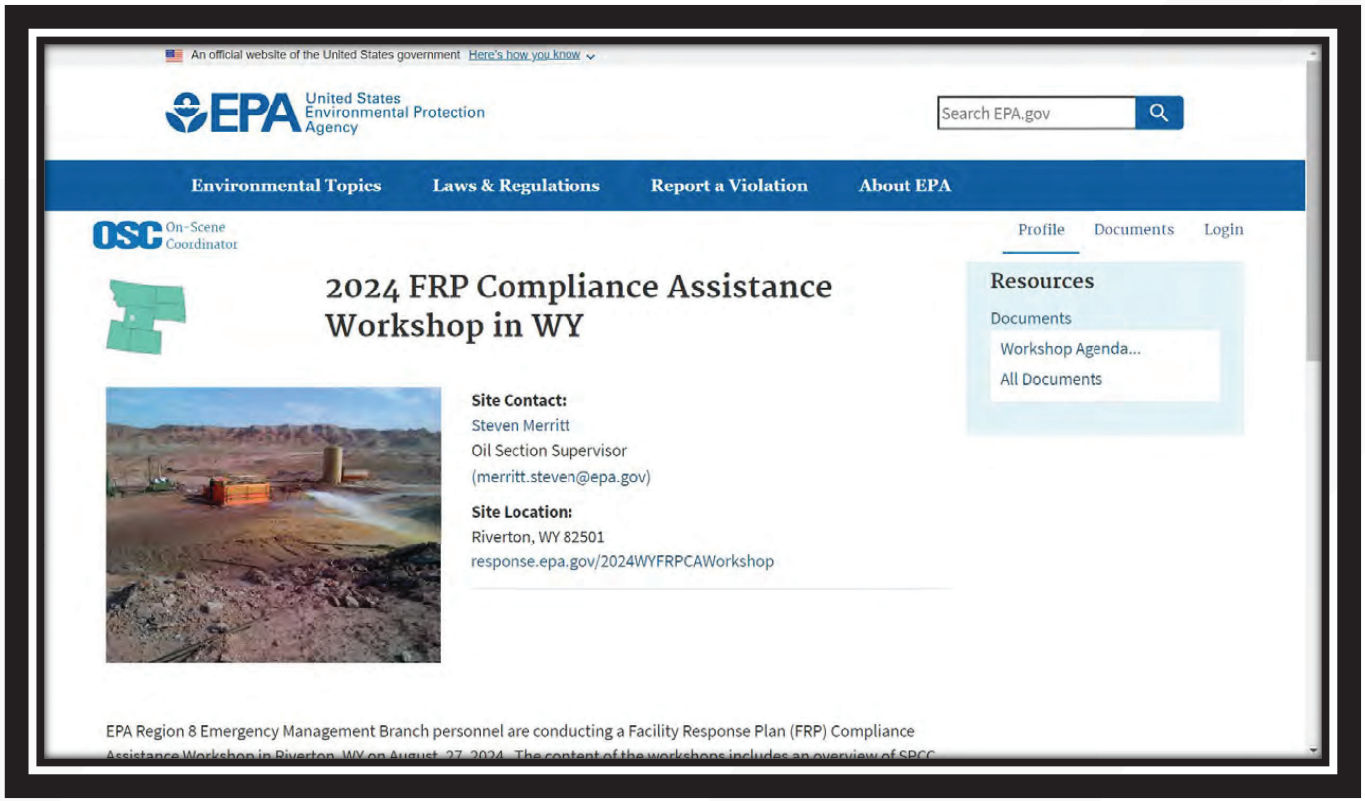
To provide compliance assistance to oil facilities subject to the regulations in 40 CFR 112.20, so they may develop approvable Facility Response Plans (FRPs), successfully pass FRP Inspections, and successfully complete Government-Initiated Unannounced Exercises (GIUEs).

Questions?

Oil Team Contacts

- Steven Merritt – Oil Section Supervisor (303)775-7226 merritt.steven@epa.gov
- Michael Porter – FRP Coordinator (720)-610-5194 porter.michael@epa.gov
- Angie Villa – FRP Coordinator (303)818-6154 villa.angie@epa.gov
- Joyel Dhieux – OSC, Team Lead (720)441-9961 dhieux.joyel@epa.gov
- Brian Croft – OSC (720)879-1720 croft.brian@epa.gov
- FRP Submittals – R8_FRP@epa.gov

Resources


An official website of the United States government Here's how you know
EPA United States Environmental Protection Agency
Search EPA.gov
Environmental Topics
Laws & Regulations
Report a Violation
About EPA
OSC On-Scene Coordinator
Profile
Documents
Login
2024 FRP Compliance Assistance Workshop in WY
Resources
Documents
Workshop Agenda...
All Documents
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response.epa.gov/2024WYFRPCAWorkshop
EPA Region 8 Emergency Management Branch personnel are conducting a Facility Response Plan (FRP) Compliance