

# Oil Spill Contingency Plans Under 40 CFR Part 112 and the APSA

Geoff Knight, Principal Scientist  
W-G3                      March 20-23, 2023



Yorke Engineering, LLC

[www.YorkeEngr.com](http://www.YorkeEngr.com)

Office Locations: Los Angeles, Orange County, Riverside,  
Ventura, San Diego, Fresno, Merced, Bakersfield, Berkeley, San  
Francisco

Tel: (949) 248-8490 ▼ Fax: (949) 248-8499

# Outline

---

- Review of SPCC/APSA Key Concepts
- Use of a Contingency Plan – Secondary Containment Exemptions Under SPCC
- Contingency Plan Components
- Summary/Key Takeaways

# SPCC and APSA Review

- 40 CFR Part 112, Subparts A, B, and C
- Because APSA excludes most oil production facilities and all non-petroleum oils, much of Subpart B and all of Subpart C is not applicable to our discussions
- Subpart A (40 CFR 112.1 through 112.7) contains Applicability, Definitions and General Requirements for All Facilities
- Subpart B contains Parts 112.8 through 112.11
  - Under APSA, our focus is 112.8, which addresses requirements for onshore facilities, excluding oil production facilities



# SPCC and APSA Review

---

- 40 CFR Part 112, Subpart D contains requirements for Facility Response Plans (FRPs)
- Required at facilities with potential to cause “substantial harm” to waters of the U.S. or shorelines
  - e.g., large facilities like tank farms, refineries and marine terminals, or facilities that move oil over water
  - All SPCC facilities must specifically certify whether or not they are not subject to FRP requirements using the “Certification of the Applicability of the Substantial Harm Criteria” form

# SPCC and APSA Review

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

Facility Name:

Facility Address:

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?  
Yes  No
2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground 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 §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 §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.

Signature \_\_\_\_\_

Name (Please Type or Print)

Title

Date \_\_\_\_\_

- 40 CFR 112.20, Appendix C, Attachment C-II
- SPCC facilities that do not meet the substantial harm criteria must complete the form and maintain it at their facility

# SPCC and APSA Review



- Oil Spill Contingency Plans (CPs) are quite similar – in fact largely duplicative of - FRPs
- Both types of plans focus on responding to oil spills
- Preventing oil spills is the job of the SPCC Plan
- This is a key point:
  - SPCC focuses on preventing oils spills and **keeping them confined to the SPCC facility.**
  - An FRP and a CP address the situation of oil being discharged from the SPCC facility and impacting a water of the U.S./water of the State

# SPCC and APSA Review

---

- However, unlike FRP (112.20), the CP requirement is found in Part 112 Subpart A – the basic requirement referenced by APSA when it states “prepare an SPCC Plan”
- Per 112.7(d) and (k), to obtain oil containment exemptions (discussed in a minute) you must either have submitted (to U.S. EPA) an FRP or “**provide in your Plan**” a CP
- So...while a facility’s FRP is not reviewable by a UPA\*, a CP is

*\*Maintaining the Certification of the Applicability of the Substantial Harm Criteria form is considered enforceable by the Unified Program Agency (UPA)*

# More SPCC and APSA Review: Oil Containment Requirements

- Two distinct types of containment called for in 40 CFR Part 112
- *General containment* requirements are found in 112.7(h) and apply to all oil-filled equipment and all oil handling operations
  - Do not directly depend on the size of any container
  - Based on the container's *typical failure mode* and the *most likely quantity of oil* that would be discharged





# Containment Requirements

---

- For example, the *typical failure mode* for a hydraulic system (e.g., elevator) is not a complete failure of the reservoir, but a relatively slow leak in a seal or a pressurized line
- Therefore, the *most likely quantity of oil that would be discharged* would be the size of the leak multiplied by the time until shutdown, e.g., until the leak is discovered and stopped. or the equipment automatically shuts down
- Result: containment for oil-filled operational equipment is a lower standard than for bulk storage

# More SPCC and APSA Review

- (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.

- General containment must use one of these systems “or its equivalent”
- General containment requirements extend to all oil handling activities

# More SPCC and APSA Review

- Part 112.8(c)(2) requires the use of specific (“sized”) secondary containment
- In contrast to general secondary containment, sized secondary containment:
  - Only applies to bulk storage containers (oil storage vs. oil use)
  - Directly depends on the container size (entire container volume plus adequate allowance for precipitation)



# Use of a Contingency Plan

---

- A CP is a way for an SPCC facility to:
  - Obtain an exemption from the general secondary containment requirements of Part 112.7 for certain types of equipment, or
  - Gain an exemption from the sized secondary containment requirements for bulk storage containers under Part 112.8
- The conditions for obtaining these exemptions are quite different
- But they are the **ONLY** reason an SPCC facility would need a CP – most facilities will not make use of these exemptions

# The General Containment Exemption Criteria

- Part 112.7(c) – the general containment section of Subpart A – states:

*“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...**”*

- What is oil-filled operational equipment and why do you care about it?



# The General Containment Exemption Criteria

- Under Part 112.1 (Definitions), oil-filled operational equipment is defined as containers in which oil is present solely to support the function of the apparatus or device
  - Oil-filled operational equipment is not considered a bulk storage container
- Examples include, but are not limited to:
  - Hydraulic systems, lubricating systems, gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable operation

# The General Containment Exemption Criteria

---

- Oil-filled operational equipment is widespread
- Containment requirement was formerly sized containment; U.S. EPA changed the regulation
  - Industry contended that it was inherently better to monitor for performance (leaks) compared to bulk storage containers
- Even under the more limited “most probable release” scenario, some facilities cannot meet the general containment requirements

# The General Containment Exemption Criteria

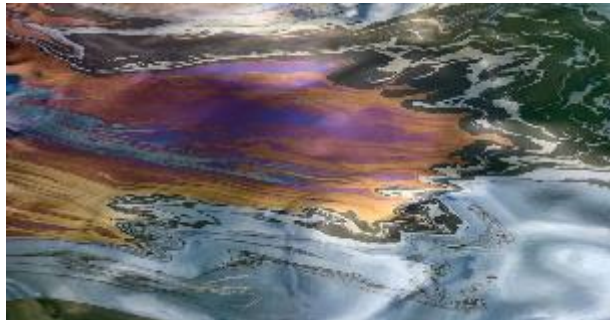
- Part 112.7(k) – the general containment section of Subpart A – states:

*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.*



# The General Containment Exemption Criteria

- Part 112.7(k) qualification criteria:
  - Reportable Discharge History: no single discharge of 1,000 gallons, no two discharges of 42 gallons to a water body within 12 months in the past 3 years
- Since SPCC is a federal regulation, the reportable discharge history is keyed to the federal reporting criteria, not any state reporting criteria



# The General Containment Exemption Criteria

---

- Alternative requirements are:
  - Inspection procedures or a monitoring program to detect equipment failure and/or discharge
  - (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

# Now: the Sized Secondary Containment Exemption Criteria

---

112.7(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,**

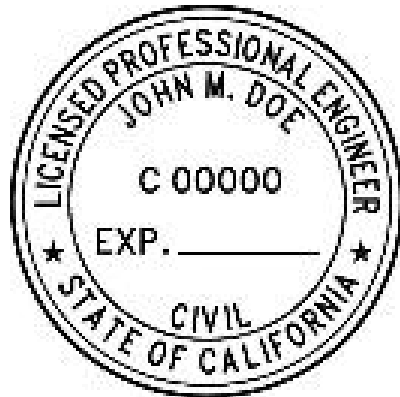
# Sized Secondary Containment Exemption Criteria

---

- Part 112.7(d) allows deviation from the sized secondary containment requirements for several key types of oil storage:
  - Fixed bulk storage containers under Part 112.8
  - Mobile containers under Part 112.8
  - Loading/unloading racks under Part 112.7
  - Others related to oil production facilities and non-petroleum oils that are not covered under the APSA

# Sized Secondary Containment Exemption Criteria

- Only P.E.-certified plans, or Tier I/Tier II Qualified Plans that are at least partially P.E.-certified, can obtain the secondary containment exemption for bulk storage tanks
  - Not found in the general containment exemption
- U.S. EPA concluded that an engineer's judgement was necessary for these exemptions due to the more profound risks of bulk container failure



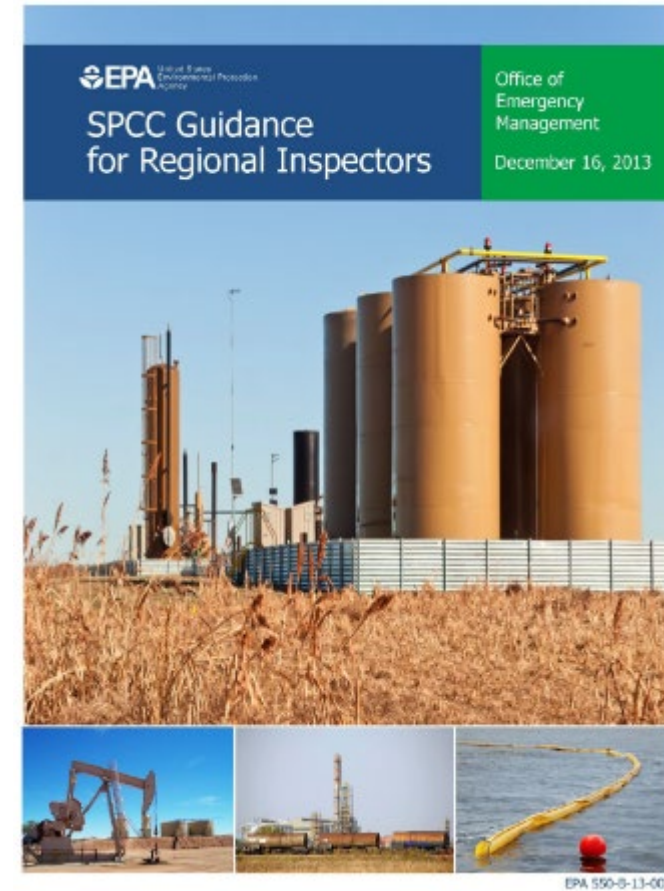
# Sized Secondary Containment Exemption Criteria

---

- P.E. has to:
  - Certify any SPCC Plan (or Plan section) which uses the sized containment, AND
  - Demonstrate why providing full sized containment (container capacity plus precipitation) is **impracticable**
- Unfortunately, this term is not defined under the Part 112.1 definitions
- So, we turn to the document which everyone in this room must certainly have a copy of...

# Impracticability – U.S. EPA’s SGfRI

- Chapter 4: Secondary Containment and Impracticability Determination
- Defines what EPA means by “not practicable” – see 4.5.1
- Economic cost “...may not be the only determining factor in claiming impracticability.”



# Impracticability Standard – 112.7

- “...is 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



# Why Is An Oil Spill Contingency Plan Needed?

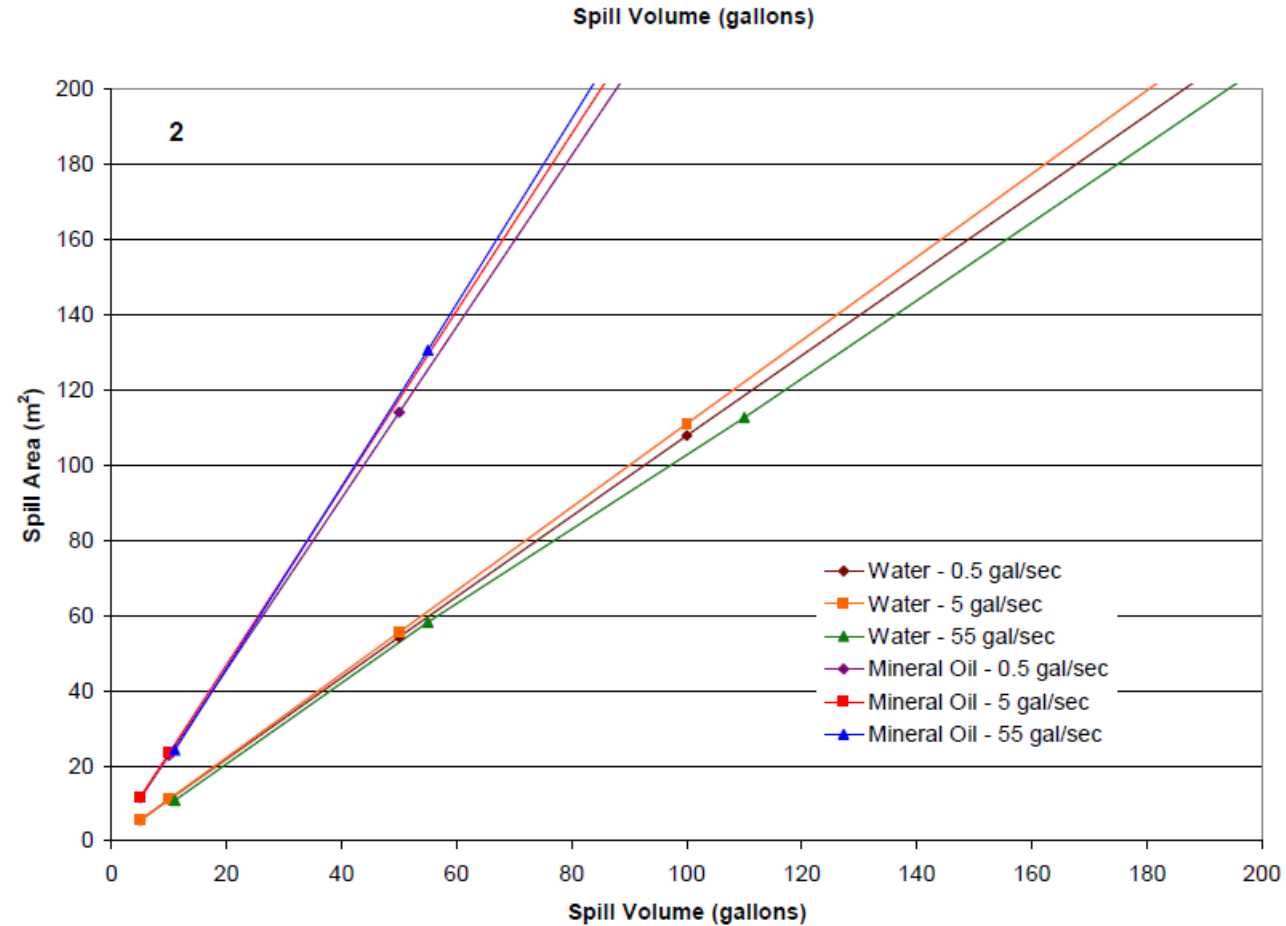


Figure 4.3. Spill Area as a Function of Total Spill Volume for 1) an Asphalt Surface at a One-Degree Slope and 2) a Concrete Surface at a One-Degree Slope

# Why Is An Oil Spill Contingency Plan Needed?

---

- The “Sheen Rule” at 40 CFR Part 112:
  - Standard for all oil spill prevention is a release of an amount of oil that may be visible into a water of the U.S.
- Given how rapidly oil spills spread, violating the Sheen Rule is relatively easy
- Any exemptions to containment require development of an oil removal plan

# What Is An Oil Spill Contingency Plan?

---

- Per the SPCC regulation: a plan that “[follows] the provisions of part 109 of this chapter”
- 40 CFR Part 109 describes an “Oil Removal Contingency Plan”
  - Substitution of “removal” for “spill” is an important concept, but U.S. EPA often uses the term interchangeably (<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/what-oil-spill-contingency-plan>)

# What Is Contingency Planning?

- Defined under Part 109 as oil **removal** planning
- An SPCC Plan is to prevent release of oil
  - Addresses prevention (inspections, testing, etc.) and measures to keep any oil release within the confines of a facility (i.e., active or passive secondary containment)
- A CP addresses the situation when oil leaves the facility and gets to a water body
  - Oil must be removed from water surfaces, shorelines
  - Measures taken to prevent spread to sensitive areas – drinking water intakes, bird habitats, etc.

# Tools: U.S. EPA's Tier I SPCC Plan CP Checklist

VER. 1-L-000-5-16-10

**ATTACHMENT 2 – Oil Spill Contingency Plan and Checklist**

An oil spill contingency plan and written commitment of resources is required for:

- Flowlines and intra-facility gathering lines at oil production facilities and
- Qualified oil-filled operational equipment which has no secondary containment.

An oil spill contingency plan meeting the provisions of 40 CFR part 109, as described below, and a written commitment of manpower, equipment and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful is attached to this Plan.

Complete the checklist below to verify that the necessary operations outlined in 40 CFR part 109 - Criteria for State, Local and Regional Oil Removal Contingency Plans - have been included.

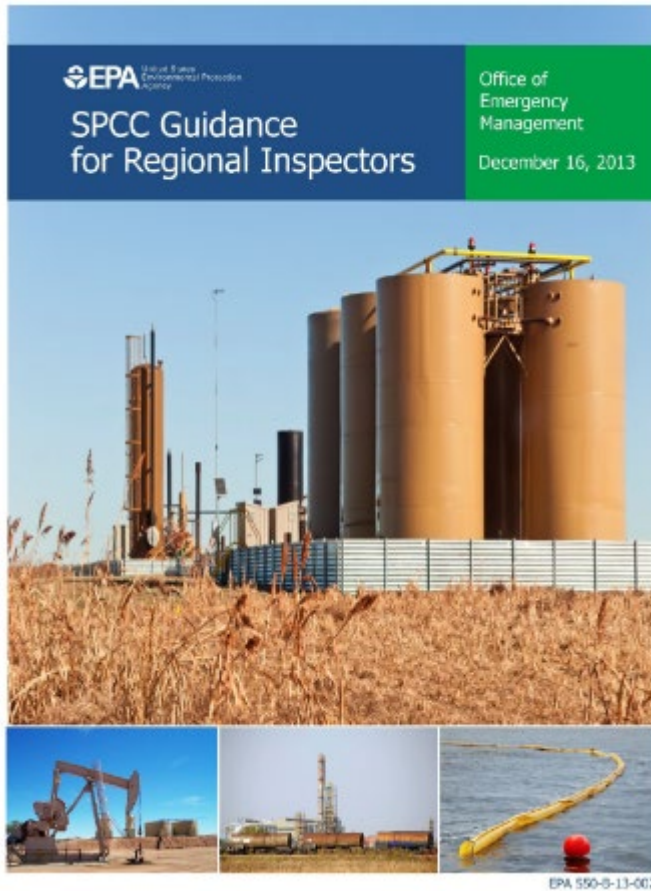
**Table G-15 Checklist of Development and Implementation Criteria for State, Local and Regional Oil Removal Contingency Plans (§109.5)\***

(a) Definition of the authorities, responsibilities and duties of all persons, organizations or agencies which are to be involved in planning or directing oil removal operations.	<input type="checkbox"/>
(b) Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including: <ul style="list-style-type: none"> <li>(1) The identification of critical water use areas to facilitate the reporting of and response to oil discharges.</li> <li>(2) A current list of names, telephone numbers and addresses of the responsible persons (with alternates) and organizations to be notified when an oil discharge is discovered.</li> <li>(3) Provisions for access to a reliable communications system for timely notification of an oil discharge, and the capability of interconnection with the communications systems established under related oil removal contingency plans, particularly State and National plans (e.g., NCP).</li> <li>(4) An established, prearranged procedure for requesting assistance during a major disaster or when the situation exceeds the response capability of the State, local or regional authority.</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
(c) Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including: <ul style="list-style-type: none"> <li>(1) The identification and inventory of applicable equipment, materials and supplies which are available locally and regionally.</li> <li>(2) An estimate of the equipment, materials and supplies which would be required to remove the maximum oil discharge to be anticipated.</li> <li>(3) Development of agreements and arrangements in advance of an oil discharge for the acquisition of equipment, materials and supplies to be used in responding to such a discharge.</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
(d) Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including: <ul style="list-style-type: none"> <li>(1) Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.</li> <li>(2) Predesignation of a properly qualified oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations and who knows how to request assistance from Federal authorities operating under existing national and regional contingency plans.</li> <li>(3) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.</li> <li>(4) Provisions for varying degrees of response effort depending on the severity of the oil discharge.</li> <li>(5) Specification of the order of priority in which the various water uses are to be protected where more than one water use may be adversely affected as a result of an oil discharge and where response operations may not be adequate to protect all uses.</li> <li>(6) Specific and well defined procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinances.</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

\* The contingency plan must be consistent with all applicable state and local plans, Area Contingency Plans, and the National Contingency Plan (NCP)

- Repeats the elements of 40 CFR Part 109 in a checklist form
- Generally hard to imagine many Tier I facilities writing a CP; but a public example is on the web for Cal State Dominguez Hills

# Tools: The SGfRI



- Contains the most specific tool out there for facility-level CPs
- Other resources tend to be focused on the original purpose of Part 109 – i.e., Area Contingency Plans developed by federal, state, and local emergency planning committees

# SGfRI Appendix F

---

- Appendix F provides a sample Oil Spill Contingency Plan
- Although it is set up for an oil production operation, the organization and general content are appropriate to any type of facility
- There does not appear to be many examples of Part 109 facility-specific contingency plans out there in the public view.

# Contingency Plan Elements – 40 CFR Part 109.5

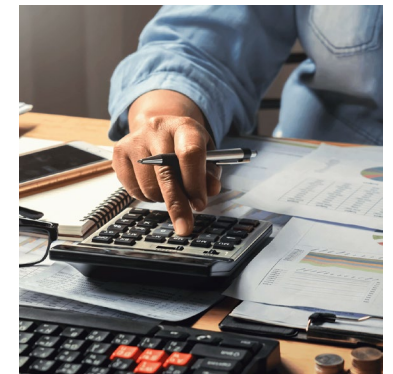
---

- The SPCC regulation probably should have said develop a CP in accordance with 40 CFR 109.5 instead of the entirety of 109
- While 109.5 makes sense for an area/regional response plan, the organization of its elements does not always make sense for a facility-specific CP
- SGfRI's Appendix F – EPA's sample CP - makes this point in the way it is organized – it jumps back and forth within the 109.5 elements



# CP Elements – Resources at Risk and Risk Assessment

- 109.5(b)(1) requires “identification of critical water use areas to facilitate reporting and response to oil discharges”
  - Where could a spill end up and what environmental/ human receptors would be impacted?
- To evaluate risk, must determine:
  - Likely and worst-case spill volumes
  - Discharge locations from facility and into water body
  - Estimated travel times and distances to downstream receptors
- Can quickly become complicated!



# CP Elements – Resources at Risk and Risk Assessment

---

- “Where would a spill go?” may not be a simple question when the destination is a municipal storm water system
- Downstream travel can be highly influenced by weather conditions and other factors
- Part 109.5(c)(2) requires spill planning volume for maximum oil discharge anticipated
- Can vary widely based on zero to partial containment and may not be limited to the “typical failure mode and most likely quantity of oil released”

# CP Elements – Resources at Risk and Risk Assessment

---

- California Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR) website:

<https://wildlife.ca.gov/OSPR/Contingency>

Provides links to various plans that can be examined for information on water resources that could be affected:

- U.S. EPA Region 9 Contingency Plan
- California State Oil Spill Contingency Plan
- Area Contingency Plans for port areas (SF, LA/LB, SD)
- Geographic Response Plans for inland waters

# CP Elements – Spill Incident Responsibilities

- Part 109.5 (a), (b)(2), (d)(1), and (d)(2) all focus on identifying authorities and responsibilities for directing spill operations
- For a facility-level CP, this can be limited to the organization's personnel and its spill contractors
- While governmental personnel – environmental agencies, hazmat response teams, etc. – may become involved in a major release, a facility-level CP should assume the agency authorities/responsibilities are established in the local area contingency plan



# CP Elements – Spill Incident Responsibilities

---

- Part 109.5(d)(1) requires the response team to be trained and prepared
- Facility/organization personnel responsible for any oil spill response need training and rehearsal of their roles:
  - Trained on spill removal concepts
  - Trained on the specifics of the CP
  - Familiar with specific locations where removal could occur, access routes, and other logistical considerations
- Spill contractors will have the first, but not facility-specific knowledge

# CP Elements – Spill Incident Responsibilities

- An org chart is typical for presentation

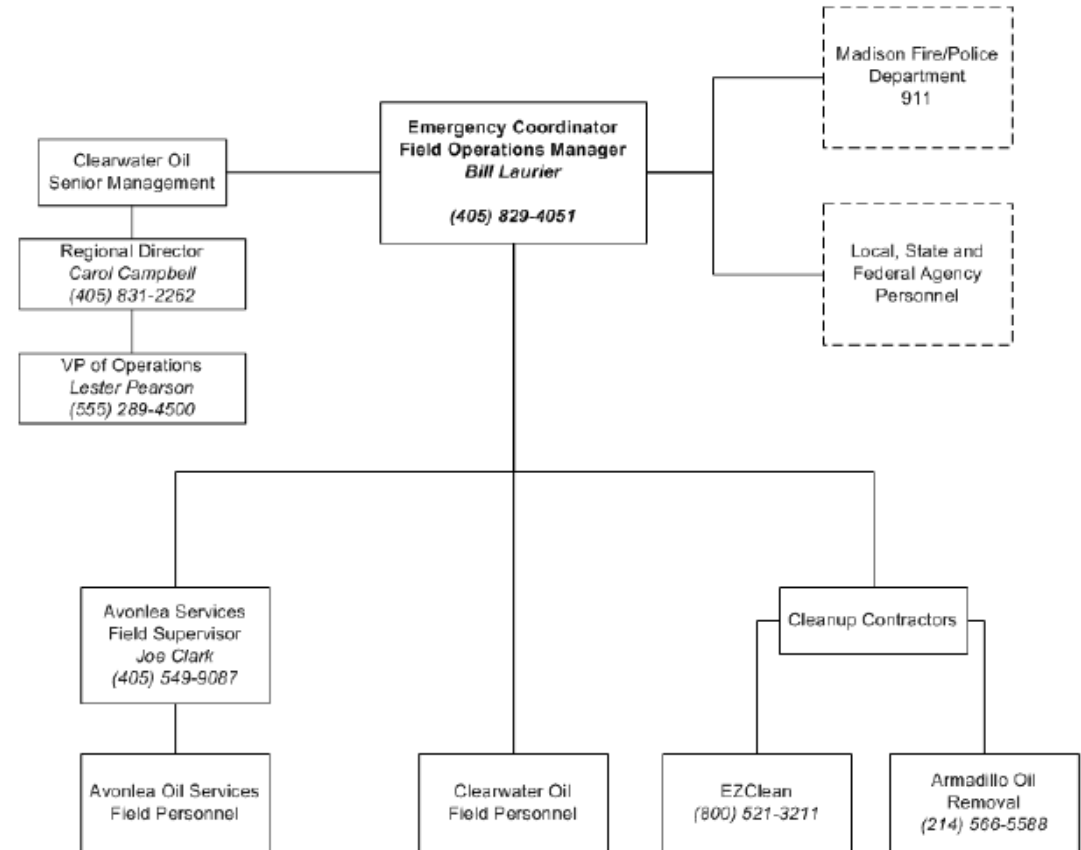


Figure 2-1. Distribution of response authority and communication.

# CP Elements – Reporting and Other Contacts

---

- Part 109.5(b)(2) and (d)(1) require current contact information for spill reporting and key personnel on the defined spill team, including outside contractors
  - Standard table format is probably the most reasonable approach
  - Must be maintained up to date! (at least an annual, if not a quarterly, review is likely to be needed)
- Also consider access to downstream properties and access points – City Public Works, Flood Control District, etc. – and incorporate contact information for them

# CP Elements – Action Plan

- Part 109.5(d) requires “..well defined and specific actions to be taken after discovery and notification of an oil discharge”
- Makes sense to address different scenarios – minor and major and perhaps points in between [105.9(d)(4)]
- Use risk assessment results to examine different response actions based on threats to different receptors
- For non-spill professionals, will be useful to work closely with identified spill response contractor(s)





# CP Elements – Action Plan

---

- Also makes sense to talk to UPA/OSPR to address 105.9(d)(5) requirement: “specification of the order of priority in which various water uses are to be protected”
- For a facility-specific CP, can assume that once the required notifications are made, the local/regional response teams will marshal additional resources if needed
  - However, that means a potential loss of cost control
  - Working in advance to set up with the major regional spill contractors make sense

# CP Elements – Action Plan

If the oil has reached water:

Completed	Actions
	Contact cleanup contractor(s).
	Deploy floating booms immediately downstream from the release point. Big Bear Creek is narrow and shallow. Floating boom deployment does not require the use of a boat.
	Control oil flow on the ground by placing absorbent socks and other sorbent material or physical barriers (e.g., “kitty litter,” sandbags, earthen berm, trenches) across the oil flow path.
	Deploy additional floating booms across the whole width of the Creek at the next access point downstream from the release point. Access points and staging areas along the shoreline are identified on Figure C-1 of this Contingency Plan.
	Deploy protective booming measures for downstream receptors that may be impacted by the spill.

The SFfRI example action plan narrative is not very detailed. These are general actions – the team would develop a more detailed plan in an actual spill event.

# CP Elements – Action Plan

---

- Part 112.7(d)(2) and (k)(2)(ii)(B) require a “written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful”
- Generally interpreted as requiring establishment of formal pre-arranged spill response contracts with appropriate response resources (i.e., contractors)
- The “any quantity of oil” language puts onus on facility to adequately perform its risk assessment and base commitment on this

# CP Elements – Action Plan

- Another SGfRI example
- BUT the contractor agreements are the key and are auditable by EPA/UPA

## APPENDIX H: Written Commitment of Manpower, Equipment, and Materials

In addition to implementing the preventive measures described in this Plan, Clearwater will also specifically:

- In the event of a discharge:
  - Make available all trained field personnel (three employees) to perform response actions
  - Obtain assistance from an additional three full-time employees from its main operations contractor (Avonlea Services)
  - Collaborate fully with local, state, and federal authorities on response and cleanup operations
- Maintain all on-site oil spill control equipment described in this Plan and in the attached Oil Spill Contingency Plan. The equipment is estimated to contain oil spills of up to 500 gallons.
- Maintain all communications equipment in operating condition at all times.
- Ensure that staging areas to be used in the event of a discharge to Big Bear Creek are accessible by field vehicles.
- Review the adequacy of on-site and third-party response capacity with pre-established response/cleanup contractors on an annual basis and update response/cleanup contractor list as necessary.
- Maintain formal agreements/contracts with response and cleanup contractors who will provide assistance in responding to an oil discharge and/or completing cleanup (see contract agreements maintained separately at the Ridgeview field office and lists of associated equipment and response contractor personnel capabilities).

Authorized Facility Representative:

Signature:

Title:

Bill Laurier

*Bill Laurier*

Field Operations Manager

# CP Elements – Resource Definition and Lists

---

- Part 109.5(c) requires that “full resource capability is known and can be committed during an oil discharge situation”
- “Known” also means physical location of the equipment/supplies/resources is identified and continued presence is periodically verified
  - The equipment and resource inventory are keyed to the risk assessment and action plan for each spill scenario
  - Paragraph (c)(9) requires the maximum removal effort resources be identified

# CP Elements – Resource Definition and Lists

- Because facility-level CPs often rely on outside spill contractors, “Can be committed” can come down to ensuring an availability/performance commitment in the contract
- A contract with just commercial terms (e.g., labor and equipment rates) is not necessarily sufficient – specific supply depots, response time, etc. need to be in the agreement
- Duplicate arrangements make a lot of sense
- Communication methods need to be specified – but probably less critical in the cell phone/VOIP age



# CP Elements – Broad Comments

---

- Part 109.5 is silent with respect to maps and drawings
  - Hard to see how effective resource planning or an effective action plan could be crafted without them
- Part 109.5(b) references “early detection”
  - Who is responsible for this?
  - Often may be security or other off-hours personnel who are not trained as part of the oil removal team – address via SPCC spill prevention briefings?  
Title 19 HMBP training?

# CP Elements – Broad Comments

---

- Part 112.20(h) (FRP requirements) and Appendix F to Part 112 (model FRP) are not the actual regulatory standard
  - They address the same requirements as Part 109.5
- Other appendices to Part 112.20 provide detail on how to actually perform the risk assessment and resource planning requirements of Part 109.5
- A P.E.-certified SPCC Plan/CP should strongly consider use of these resources



# CP Elements – Broad Comments

---

- Attachment C-III of Appendix C to Part 112 is a reasonable model for calculating the worst-case planning distance
- Use of Appendix D to Part 112 (Determination of a Worst Case Discharge Planning Volume) may also be appropriate, particularly for exemption from sized secondary containment
- Appendix E to Part 112 (Determination and Evaluation of Required Response Resources for Facility Response Plans) should also be considered

# Summary and Key Takeaways

---

- Although development of a Facility Response Plan is not enforceable under the APSA, the requirement to develop a Contingency Plan is enforceable.
- However, an FRP can substitute for a Contingency Plan for purposes of the containment exemptions, assuming the additional criteria for exemptions are also met (written commitment of manpower, etc.)
- At a basic level, the FRP and Contingency Plan do the same thing – they address **removal of oil that has been discharged** to a water of the U.S./water of the state. The SPCC Plan is supposed to prevent or control the initial discharge.

# Summary and Key Takeaways

---

- Facilities may simply choose to use a Contingency Plan to address the lack of containment for oil-filled operational equipment.
- But for bulk storage, the P.E. must first demonstrate that containment is impractical. If that is not done, it doesn't matter how good the Contingency Plan is.
- Part 109.5 is not very prescriptive – it leaves a lot to the writer to determine how to develop key elements, such as the risk assessment
- Part 112.20 and its Appendices/Attachments can provide some good guidance – again, the concepts are identical for the two Plan types

# Summary and Key Takeaways

---

- As an inspector – or an internal ‘auditor’ at a facility – check not only the CP itself but its implementation:
  - Are personnel being sufficiently trained?
  - Are tests and drills being conducted?
  - Are the contracts with spill control contractors current and adequate?
  - Are stated spill control/removal materials in place and complete?
- As always, use the SGfRI – it remains the best source for all things SPCC and therefore for most things CP.

# Questions?

---

Geoff Knight

Yorke Engineering, LLC

(949) 248-8490

[GKnight@YorkeEngr.com](mailto:GKnight@YorkeEngr.com)