

**REVISION OF INFORMATION COLLECTION REQUEST (ICR)
FOR THE OIL POLLUTION PREVENTION REGULATION FOR CERTAIN FACILITIES TO
PREPARE AND MAINTAIN AN OIL SPILL PREVENTION, CONTROL, AND
COUNTERMEASURE (SPCC) PLAN (FINAL RULE)
(EPA No. 0328.15, OMB No. 2050-0021)**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

Revision of Information Collection Request (ICR) for the Oil Pollution Prevention Regulation for Certain Facilities to Prepare and Maintain an Oil Spill Prevention, Control, and Countermeasure (SPCC) Plan (40 CFR Part 112)(Final Rule). EPA ICR No. 0328.15, OMB No. 2050-0021.

1(b) Short Characterization

The Oil Pollution Prevention regulation, 40 CFR part 112, requires and establishes procedures for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans help minimize the potential for oil discharges by non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines or from affecting certain natural resources.

Owners and operators of regulated facilities must prepare SPCC Plans in accordance with good engineering practices and have them certified by a Professional Engineer (PE) or self-certified in the case of qualified facilities and approved by a person with the authority to commit the resources necessary to implement the SPCC Plan. SPCC Plans address the following three areas: (1) operating procedures that prevent oil spills; (2) control measures installed to prevent a spill from reaching navigable waters or adjoining shorelines; and (3) countermeasures to contain, clean up, and mitigate the effects of an oil discharge that could reach navigable waters. Each SPCC Plan, while unique to the facility it covers, must include certain standard elements to ensure compliance with the regulations.

This ICR revision covers all provisions of part 112 relating to SPCC Plans as amended by the rule published in November 2009 that will take effect in January 2010. This supporting statement estimates paperwork-related burden for the ICR period, which covers three years: 2010, 2011, and 2012. The U.S. Environmental Protection Agency (EPA) estimates that approximately 640,000 facilities are covered by the SPCC regulations and may incur paperwork-related burden in the first year of this ICR in response to existing and amended requirements.¹ EPA estimates a total reporting and recordkeeping burden for these regulated facilities at approximately 8.0 million hours in each year of this ICR, i.e., after the November 2009 amendments. The Agency estimates that due to the final amendments to clarify, tailor and streamline certain SPCC requirements that take effect in January 2010, the reporting and recordkeeping burden will decrease by 1.3 million hours each year of the ICR period. However,

¹ While new facilities will incur significant paperwork-related burden by taking certain actions in the first year of the ICR (e.g., new facilities will prepare an SPCC Plan), existing facilities may not need to take any action except for maintaining records.

EPA estimated an increase in total burden hours of 7.1 million due to two adjustments²: a larger number of facilities expected to incur paperwork-related costs³ and the revisions made to the estimates for burden hours used in the analysis.⁴

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Section 311(j)(1)(C) of the Federal Water Pollution Control Act, or Clean Water Act (CWA), authorizes the President to issue regulations establishing procedures, methods, equipment, and other requirements to prevent discharges of oil from vessels and facilities and to contain such discharges.⁵ The President delegated the authority to regulate non-transportation-related onshore facilities under §311(j)(1)(C) of the Act to EPA under Executive Order (E.O.) 12777, §2(b)(1).⁶ By this same Executive Order, the President delegated authority over transportation-related onshore facilities, deepwater ports, and vessels to the U.S. Department of Transportation (DOT) and authority over other offshore facilities, including associated pipelines, to the U.S. Department of the Interior (DOI). A Memorandum of Understanding (MOU), dated February 3, 1994, among EPA, DOT, and DOI, reallocated the responsibility for non-transportation-related offshore facilities that are landward of the coastline to EPA. An earlier MOU between the Secretary of Transportation and the EPA Administrator, dated November 24, 1971 (36 FR 24080), established the definitions of non-transportation-related facilities and transportation-related facilities.

The Oil Pollution Prevention regulation, 40 CFR part 112, outlines requirements for preventing, preparing, and responding to oil spills. The prevention part of this regulation at §112.1 through §112.15 is also known as the SPCC rule. It was originally promulgated on December 11, 1973, at 38 FR 34164, under the authority of §311(j)(1)(C) of the CWA. The regulation established spill prevention procedures, methods, and equipment requirements for non-transportation-related onshore and offshore facilities with aboveground oil storage capacity or completely buried underground oil storage capacity greater than certain thresholds and meeting other criteria (see §112.1). Regulated facilities are limited to those that, because of their location, could reasonably be expected to discharge oil in quantities that may be harmful into the navigable waters of the United States or adjoining shorelines.

On July 17, 2002, at 67 FR 47042, EPA published amendments to the SPCC rule. These amendments included new subparts outlining the requirements for different classes of oil, revised the applicability of the regulation, amended the requirements for completing SPCC Plans, and made other modifications. The amendments also contained a number of provisions designed to decrease the regulatory burden on facility owners and operators subject to the rule while preserving environmental protection. The rule was effective August 16, 2002, with

² See Exhibit 19 for details.

³ Under this final rule, facilities of all SPCC-regulated industries would be affected by the paperwork-related requirements, whereas under the final 2006 rule, farms were issued an indefinite compliance date extension and were not included in the estimate of the regulated universe affected by the paperwork-related requirements.

⁴ Estimates developed by SCS Engineers, a professional engineering firm with experience across a broad spectrum of industries that serves the 48 contiguous states of the United States. For detail, see Section 6(a) of this report.

⁵ 33 U.S.C. 1321(j)(1)(C).

⁶ 56 FR 54757 (October 22, 1991), superseding Executive Order 11735, 38 FR 21243.

compliance dates outlined in §112.3(a) and (b). However, the original compliance dates were amended on January 9, 2003, for 60 days (68 FR 1348) and then extended for an additional 18 months on April 7, 2003 (68 FR 18890). On August 11, 2004, EPA extended the compliance dates in §112.3(a) and (b) by an additional 18 months and amended the compliance deadline in §112.3(c) (69 FR 48794). On February 17, 2006, EPA published an additional extension of the compliance dates in §112.3(a), (b), and (c) until October 31, 2007 for owners and operators to prepare, amend, and implement SPCC Plans (71 FR 8462). On May 16, 2007, EPA extended the compliance dates to July 1, 2009 (72 FR 27444). On May 19, 2009, EPA further extended the compliance dates for facility owners and operators to November 10, 2010 (74 FR 29136).

On December 26, 2006, EPA published a [final rule to amend 40 CFR part 112](#) (71 FR 77266). EPA amended the SPCC rule to address a number of issues raised by the regulated community about the 2002 amendments, including those pertaining to facilities with smaller oil storage capacities, qualified oil-filled operational equipment, motive power containers, and mobile refuelers. EPA also removed sections of the rule that were not appropriate for facilities with animal fats and vegetable oils. The Agency also issued an indefinite compliance date extension for farms.

On December 5, 2008, EPA published amendments to clarify, streamline and tailor the rule requirements to sectors of the regulated industries (e.g., oil production, farms).

However, the effective date of the December 2008 rulemaking was delayed for 60 days from February 3, 2009 to April 4, 2009, in accordance with the January 20, 2009, White House memorandum entitled, "Regulatory Review," and the memorandum from the Office of Management and Budget entitled "Implementation of Memorandum Concerning Regulatory Review" (M-09-08, January 21, 2009 OMB memorandum). The Agency took this action to ensure that the rule properly reflects consideration of all relevant facts. EPA requested public comment on the delay of the effective date and its duration, and on the regulatory amendments contained in the final rule (74 FR 5900, February 3, 2009) and specifically on the requirements for produced water containers and qualified oil production facilities.

On April 1, 2009, the Agency further delayed the effective date of the December 2008 rulemaking until January 14, 2010 (74 FR 14736). The Agency took this action to allow sufficient time to address the comments received on the February 3, 2009 notice.

In the November 2009 amendments, EPA confirms that the following provisions finalized in the December 2008 final rule will become effective on January 14, 2010, without further modification:

- Exemption for hot-mix asphalt;
- Exemption for pesticide application equipment and related mix containers;
- Exemption for residential heating oil containers;
- Amended definition of "facility" to clarify that contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines may be considered separate facilities;
- Amended facility diagram requirement at §112.7(a)(3);

- Definition for the term “loading/unloading rack,” and clarification that this definition governs the applicability of the provisions for facility tank car and tank truck loading/unloading racks at §112.7(h);
- Amended general secondary containment requirements at §112.7(c);
- Extension of the exemption from the sized secondary containment requirement for mobile refuelers provided in the December 2006 SPCC rule amendments (71 FR 77266, December 26, 2006) to non-transportation-related tank trucks at a facility subject to the SPCC rule;
- Amended facility security requirements at §112.7(g);
- Amended integrity testing requirements at §§112.8(c)(6) and 112.12(c)(6) to allow greater flexibility in the use of industry standards;
- Amended integrity testing requirements at §112.12(c)(6) for containers that store animal fats and vegetable oils (AFVOs) and meet certain criteria;
- Amended definition of “production facility” to be consistent with the amended definition of “facility”;
- Clarification that drilling and workover activities are not subject to the provisions at §112.9;
- Alternative compliance option for flow-through process vessels at oil production facilities to comply with only the general secondary containment requirements and additional oil spill prevention measures in lieu of the sized secondary containment requirements;
- Definition for the term “produced water container”, and alternative compliance measures for these containers which require general secondary containment, a process or procedure certified by a PE designed to remove free-phase oil on the surface of the produced water in these containers and compliance with additional oil spill prevention measures in lieu of sized secondary containment requirements;
- Exemption for certain intra-facility gathering lines subject to requirements of the U.S. Department of Transportation’s (DOT’s) pipeline regulations from the SPCC requirements;
- More prescriptive requirements for a flowline/intra-facility gathering line maintenance program and an alternative compliance option of contingency planning for flowlines and intra-facility gathering lines in lieu of all secondary containment; and
- Clarifying the definition of “permanently closed” as it applies to oil production facilities and containers present at an oil production facility.

In the November 2009 amendments, EPA also makes the following technical corrections to the following provisions that were finalized in the December 2008 final rule:

- Language related to the exemption of underground oil storage tanks that supply emergency diesel generators at nuclear power generation facilities;
- Clarifications and corrections of typographical and formatting errors related to the designation of a subset of qualified facilities (“Tier I qualified facilities”) with a set of streamlined SPCC rule requirements; and
- Amendment of the compliance date provision for new oil production facilities, so that it applies to new oil production facilities that begin operations after November 10, 2010. In the November 2009 rule, EPA is also removing the paragraphs in §112.3 specific to farms because on June 19, 2009 EPA established the same compliance dates for farms as for all other facilities (74 FR 29136); such differentiated provisions are no longer necessary.

Based on comments received and consideration of all relevant facts, in the November 2009 amendments, EPA is removing the following provisions:

- The exclusion of oil production facilities and farms from the loading/unloading rack requirements at §112.7(h);
- The exemption for produced water containers at an oil production facility;
- The alternative qualified facility eligibility criteria for an oil production facility.

Finally, EPA commits to continue inter-Agency discussions with DOT to clarify jurisdiction over facilities as described in the joint memorandum “Jurisdiction over Breakout Tanks/Bulk Storage Tanks (Containers) at Transportation-Related and Non-Transportation-Related Facilities” (February 4, 2000).

This supporting statement presents the paperwork-related burden of SPCC Plans as amended by the 2009 final amendments. The 2009 amendments include the key amendments to the SPCC rule finalized in 2008 after accounting for the removed provisions.

2(b) Practical Utility/Users of the Data

EPA does not routinely collect SPCC Plans or related records from SPCC regulated facilities. Preparation, implementation, and maintenance of the SPCC Plan by the facility owner or operator helps prevent oil discharges and mitigate the environmental damage caused by such discharges. Therefore, the primary user of the data is the facility owner or operator. For example:

- Accumulating the necessary data requires that the facility staff analyze the facility measures and procedures for preventing oil discharges, facilitating safety awareness, and promoting appropriate modifications to facility design and operations;
- Having the required information in a single document promotes efficient response in the event of a discharge;
- Implementing the Plan according to the specifications of 40 CFR part 112 requires meeting certain design and operational standards that reduce the likelihood of an oil discharge;
- Keeping inspection records promotes important maintenance, facilitates leak detection, and demonstrates compliance with the SPCC requirements; and
- Reviewing the Plan periodically ensures the implementation of more effective spill prevention control technology as it becomes available and is demonstrated to be effective.

Although facility personnel are the primary users of the data, EPA may use the data in certain situations. EPA's primary use of the data contained in an SPCC Plan is through inspection to ensure that a facility is in full compliance with all elements of the SPCC rule, including design and operation specifications and inspection requirements. For example, EPA reviews SPCC Plans as part of EPA's inspection program. However, inspection-related activities are not covered by this ICR. A Regional Administrator may require a facility owner or

operator to amend an SPCC Plan if he/she finds that the facility has not met the requirements of the regulation, has an oil spill or if amendment of the Plan is necessary to prevent and contain discharges of oil.

State and local governments are also users of the data. The information provided in SPCC Plans (e.g., facility configuration and potential risks) is not necessarily available elsewhere and assists local emergency preparedness planning efforts. The Plan should be compatible and coordinated with local emergency plans, including those developed under Title III of the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499). Coordination with state governments is facilitated by the provision in §112.4(c) requiring that, after certain discharges, information on the discharge be sent to the relevant state and local agencies. The flexibility with respect to Plan formatting promotes greater coordination with state planning efforts by encouraging the use of plans prepared pursuant to state regulations.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

For some facilities, certain requirements of the Oil Pollution Prevention regulation could be the same or substantially similar to regulations addressing underground storage tanks (USTs). The SPCC rule addresses this overlap by exempting completely buried tanks subject to all of the technical requirements of EPA's UST program (40 CFR part 280) or a state program approved under 40 CFR part 281.

The regulation allows considerable flexibility in Plan preparation and recordkeeping. The regulation allows the use of alternative, appropriately cross-referenced formats based on other state or other federal requirements. Greater flexibility is also provided for facility recordkeeping practices, as records required pursuant to the National Pollutant Discharge Elimination System (NPDES) program and API Standards may satisfy certain SPCC recordkeeping requirements. Records kept under usual and customary business practices are also accepted for inspections, tests, and records.

3(b) Public Notice Required Prior to ICR Submission to OMB

EPA has taken public comment on the final rule changes. Pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency delayed the effective date of the 2008 final rule and requested public comment through FR notices published on February 3, 2009 (74 FR 5900) and April 1, 2009 (74 FR 14736). As part of this process, EPA solicited public comment concerning the burden estimates for respondents. EPA specifically requested comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques.

3(c) Consultations

In 2007, as part of the effort to estimate the per-facility compliance cost with the SPCC paperwork requirements, EPA asked a contractor to contact up to nine affected facilities

regarding EPA's SPCC burden assumptions and estimates. Five interviews were conducted, which provided insight into the reasonableness of EPA's estimates of the paperwork burden facilities may incur when complying with the SPCC rule. The names, companies, and telephone numbers of the representatives of those facilities are given below.

Hector Cavazos, Chevron, (281) 561-3664;
John Koris, Pike Industries, (207) 854-2561;
Kirk Saunders, White Mountain Oil & Propane, (603) 356-6386;
Mike Chow, Rhodia Inc., (281) 361-7612;
Scott Baker, Sunoco, Inc., (215) 339-2074.

The contacted facilities were from the following industries: bulk oil storage, asphalt paving mixture and block manufacturing, oil production, petroleum refining, and chemical manufacturing. Those facilities represented various facility sizes. Estimates of the costs of compliance with paperwork requirements provided by all five contacts fell within the same range as that developed by EPA. The findings suggested the EPA hour and cost burden estimates to prepare and maintain an SPCC Plan used in the current ICR were reasonable.

3(d) Effects of Less Frequent Collection

The SPCC rule requires the development and maintenance of SPCC Plans. The Agency does not require the owners and operators of facilities to submit these Plans to EPA except under special circumstances such as an oil spill. The Plan must be available to the RA (or inspector) for onsite review during normal business hours. Section 112.4(a) requires that owners and operators submit certain critical information to EPA regarding a discharge and corrective actions. In order to conduct proper follow-up actions, as necessary, Agency personnel may request the Plan itself or access a copy of the entire SPCC Plan by visiting the facility. Because collection is not periodic, less frequent collection is not possible.

The owner or operator of a facility is required to review and evaluate the facility Plan every five years. EPA's experience in administering the SPCC Program indicates that updating Plans to reflect currently available and proven technology and techniques for preventing and controlling oil discharges every five years is sufficient given the degree to which such technologies and techniques evolve over time.

3(e) General Guidelines

The information collection activities discussed in this ICR comply with the general Paperwork Reduction Act guidelines at 5 CFR 1320.5(d)(2).

3(f) Confidentiality

The nature of the data being gathered as part of this ICR is not confidential.

3(g) Sensitive Questions

The information gathering activities discussed in this ICR do not involve sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

The industries that are likely to be covered by the SPCC rule fall into many North American Industrial Classification System (NAICS) categories, including those associated with petroleum production, non-petroleum oil storage, processing (refining), distribution, storage, and consumption. The majority of regulated facilities fall under the industry sectors listed in Exhibit 1.

Exhibit 1
Primary Industry Sectors and NAICS Codes Covered by the SPCC Rule

Industry Category	NAICS Code(s)
Oil and Gas Extraction	211
Farms	111, 112
Electric Utility Plants	2211
Petroleum Refining and Related Industries	324
Chemical Manufacturing	325
Food Manufacturing	311, 312
Metal Manufacturing	331, 332
Other Manufacturing	31-33
Real Estate Rental and Leasing	531-533
Retail Trade	441-446, 448, 451-454
Contract Construction	23
Wholesale Trade	42
Other Commercial	492, 541, 551, 561-562
Transportation	481-488
Arts Entertainment & Recreation	711-713
Other Services (Except Public Administration)	811-813
Education	611
Petroleum Bulk Stations and Terminals	4247
Hospitals & Other Health Care	621-624
Accommodation and Food Services	721, 722
Fuel Oil Dealers	45431
Gasoline Stations	4471
Information Finance and Insurance	51, 52
Mining	212, 213
Warehousing and Storage	493
Pipelines	4861, 4869
Government	92

4(b) Information Requested

(i) Data Items, Including Recordkeeping Requirements

The primary data collection activities required by the SPCC rule are the preparation and maintenance of the SPCC Plan along with preparing records of inspections and tests. In preparing a Plan, a facility owner or operator must follow the provisions outlined in the regulation and include a discussion of the measures taken to meet the SPCC requirements, some of which are listed below. For more detailed requirements, please refer to the Oil Pollution Prevention regulation itself and to the final rule amendments that were published in November 2009. For the reader's reference, the SPCC FR notices of February, April, and rule text from the November 2009 FR notice in 40 CFR part 112 are provided as an appendix to this

document. Key provisions are summarized below. The entire rule may be found in the Code of Federal regulations (CFR).

- Potential equipment failure. Where experience indicates a reasonable potential for equipment failure (e.g., tank overflow, rupture, or leakage), the Plan must include a prediction of the direction, rate of flow, and total quantity of oil that could be discharged from the facility as a result of each major type of equipment failure (§112.7(b)).
- Containment/diversion or contingency planning. Appropriate containment and/or diversion structures or equipment must be provided to prevent a discharge (§§112.7(c), 112.7(h)(1), 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), and/or 112.12(c)(11), as applicable according to facility type). For onshore facilities, the owner or operator must use one of the following preventive systems: dikes, berms, or retaining walls sufficiently impervious to contain oil; curbing; culverting, gutters, or other drainage systems; weirs, booms, or other barriers; spill diversion ponds; retention ponds; or sorbent materials. The owner or operator of an offshore facility is subject to slightly different requirements due to the facility's unique configuration. While §112.7(c) generally requires secondary containment to be appropriately sized (i.e., to address the most likely discharge so that the oil will not escape containment before cleanup occurs), the additional provisions listed above specify a required minimum size for secondary containment at particular areas of a facility (i.e., sized to contain the largest single oil compartment or container plus sufficient freeboard to contain precipitation). Where installation of these structures or equipment is determined by the owner or operator to be impracticable, a facility owner or operator must explain why, provide a contingency plan following 40 CFR part 109 (or a Facility Response Plan), conduct periodic integrity testing of the containers and periodic integrity and leak testing of valves and piping, and provide a written commitment of the manpower, equipment, and materials required to expeditiously control and remove any harmful quantity of oil discharged (§112.7(d)).

In its 2006 amendments, EPA provided owners and operators of facilities with certain types of oil-filled operational equipment the option of preparing an oil spill contingency plan and a written commitment of manpower, equipment, and materials in lieu of providing secondary containment for qualified oil-filled operational equipment, without making an individual impracticability determination as required in §112.7(d). Owners or operators who pursue this alternative are required to establish and document an inspection or monitoring program for this qualified oil-filled operational equipment to detect equipment failure and/or a discharge, in lieu of providing secondary containment. An owner or operator cannot pursue the option if that facility has had a single discharge as described in §112.1(b) from any oil-filled operational equipment exceeding 1,000 U.S. gallons or two discharges as described in §112.1(b) from any oil-filled operational equipment each exceeding 42 U.S. gallons within any 12-month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been operating for less than three years.

- Detailed requirements. In addition to secondary containment requirements, the Plan must include a discussion of the facility's conformance with more detailed and specific requirements, as applicable according to facility type. These specific requirements

concern facility diagrams and discharge reporting information and procedures (§112.7(a)); personnel, training, and discharge prevention procedures (§112.7(f)); security (§112.6(c)(3) or §112.7(g)); facility tank car and tank truck loading/unloading rack (excluding offshore facilities) (§112.7(h)); brittle fracture issues related to certain field-constructed aboveground containers (§112.7(i)); other applicable federal, state, and local requirements (§112.7(j)), integrity testing and/or visual inspection (§112.6(c)(4), §112.8(c)(6), §112.9(c)(3) or §112.12(c)(6)); and flowline maintenance programs (§112.9(d)(3)).

- Specific recordkeeping requirements. Every facility owner or operator must conduct inspections and tests required by 40 CFR part 112 in accordance with written procedures in the Plan and keep a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years (§112.7(e)). Records of inspections and tests may be kept under usual and customary business practices.
- Specific reporting requirements. As the result of an oil discharge, in accordance with §112.4 the following information must be provided to the Regional Administrator:
 - (1) Name of the facility;
 - (2) Name of the owner or operator;
 - (3) Location of the facility;
 - (4) Maximum storage or handling capacity of the facility and its normal daily throughput;
 - (5) The corrective action or countermeasures taken, including an adequate description of equipment repairs and/or replacements;
 - (6) Description of the facility including maps, flow diagrams, and topographic maps;
 - (7) Cause(s) of the spill, including a failure analysis of the system or subsystem in which the failure occurred;
 - (8) Additional preventive measures taken or contemplated to minimize the possibility of recurrence; and
 - (9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or to the spill event.

In addition, a facility owner or operator must update his or her Plan as necessary, following a modification in the facility's design or operations that materially affects its potential for a discharge and following the five-year review.

(ii) Respondent Activities

The Oil Pollution Prevention regulation requires an owner or operator to conduct the following compliance activities:

- Prepare and implement an SPCC Plan (§§112.3(b) and 112.7);
- Maintain the SPCC Plan and keep records (§§112.3 and 112.7(e));
- Revise the SPCC Plan following a material modification of the facility (§112.5(a)); and

- Conduct periodic reviews of the SPCC Plan (§112.5(b)).

Each of these compliance activities is summarized in more detail below:

Prepare and implement an SPCC Plan

The owner or operator of a new non-production facility must amend or prepare, and implement, an SPCC Plan in accordance with the guidelines set forth in 40 CFR part 112 by November 10, 2010 or before beginning operations, whichever is later.⁷ The new compliance date is set forth in a separate compliance date extension rule. The actual preparation of the Plan may involve several separate tasks, which could be conducted by the facility's technical personnel or PEs. These tasks may include:

- Field investigations, which are conducted to fully understand the design of the facility and to accurately predict the areas or equipment most likely to discharge oil (this involves predicting the flow paths of spilled oil);
- A regulatory review conducted by management personnel, such that the technical personnel in charge of actually preparing the Plan are fully aware of all requirements in 40 CFR part 112;
- A review of existing procedures conducted to determine the effectiveness of the current spill prevention and control practices employed by the facility;
- Preparation of the Plan, which involves both technical and clerical time, as well as a final review by facility management personnel prior to completion (could also be performed by an engineering firm).

In the November 2009 rule, EPA is streamlining SPCC requirements for Tier I qualified facilities - a subset of qualified facilities having no oil storage containers with a capacity greater than 5,000 gallons. Under the final amendments, owners or operators of these Tier I qualified facilities are allowed to complete an SPCC Plan template (Appendix G to the 40 CFR part 112) (2009) in lieu of a full SPCC Plan. By completing the SPCC Plan template, an owner or operator of a Tier I qualified facility would self-certify that the facility complies with a set of streamlined SPCC rule requirements. The owner or operator is responsible for ensuring that the facility is in compliance with all SPCC rule requirements.

EPA is also amending §112.7(a)(3) to clarify how containers, fixed and mobile, are identified on the facility diagram. Under the final amendment, the facility owner or operator only has to mark the area on the diagram where the mobile containers are stored, and can choose to indicate in the facility's Plan the average number of mobile or portable containers maintained at the facility and the anticipated contents and capacities of those containers, rather than on the diagram itself. The revision to the rule language

⁷ In the November 2009 amendments, EPA allowed owners and operators of new oil production facilities a period of six months to prepare and implement an SPCC Plan.

simplifies the process for developing a facility diagram by allowing for a general indication of the location and contents of numerous mobile or portable oil storage containers (e.g., drums and totes) on the diagram, rather than a specific representation of each container.

- Certification of the Plan, which must be conducted for each new Plan. For facilities that do not meet the “qualified facility” criteria set forth in §112.3(g), SPCC Plans and technical amendments to Plans must be certified by a licensed PE.

In its 2006 amendments, EPA provided streamlined requirements for facilities that meet a set of specified qualifying criteria. Owners and operators of “qualified” facilities have the option to self-certify that their SPCC Plan complies with 40 CFR part 112, in lieu of having a PE review and certify their Plan. According to §112.3(g), the self-certification option is available to the owners and operators of those facilities that store 10,000 gallons of oil or less and that have had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons or no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any 12-month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years. Owners and operators of qualified facilities choosing this option may deviate from certain requirements of the SPCC rule as specified under §112.7(a)(2) and make impracticability determinations as described under §112.7(d) only if these portions of the Plan are certified by a licensed PE (see §112.6(d)).⁸

Maintain the SPCC Plan and keep records

Section 112.3 requires the owner or operator to maintain a copy of the SPCC Plan at the facility, if the facility is normally attended for at least four hours per day or, if not, at the nearest field office. The Plan must be available to the Regional Administrator for review during normal working hours (§112.3(e)). In addition, as described in section 4(b)(i) of this document, a facility owner or operator is required to maintain (and update) Plan-specific records as outlined under §112.7(e). Plan maintenance and recordkeeping activities are estimated to involve almost entirely technical personnel time, although a small amount of clerical personnel time may also be required for these activities.

Submit information in the event of certain discharges of oil

In the event of certain discharges of oil into navigable waters, a facility owner or operator must submit information described in §112.4(a) to the Regional Administrator within 60 days. A discharge of oil occurring within any 12-month period that triggers the §112.4 reporting requirements is:

- (1) A single discharge as described in §112.1(b) of more than 1,000 U.S. gallons into or upon navigable waters; or
- (2) Two or more discharges as described in §112.1(b), each of which is over 42 U.S. gallons, into or upon navigable waters.

⁸ For the purposes of this ICR, EPA assumes that no facilities will require section-specific certification by a PE.

Submission of information after a discharge of oil is estimated to require both technical personnel and management expertise/time for collecting the required information. Section 112.4(c) also requires that the facility owner or operator submit a copy of this information to the state agency with regulatory authority over the facility. The Regional Administrator may require the owner or operator of the facility to amend the SPCC Plan to prevent and contain discharges from the facility. Such amendments, if uncontested by the facility owner or operator, must become part of the Plan 30 days after the Regional Administrator responds to the facility owner or operator concerning the final amendments. The amended Plan must then be certified prior to implementation by a licensed PE, or self-certified in the case of qualified facilities. As required by §112.4(e), amendments to the Plan must be implemented as soon as possible, but no later than six months after the amendments become part of the Plan. Section 112.4(f) allows a facility owner or operator to appeal a decision made by the Regional Administrator requiring a Plan amendment.

Revise the SPCC Plan following modification of the facility

Section 112.5(a) requires the facility owner or operator to amend his Plan in accordance with §112.7 whenever there is a change in the facility's design, construction, operation, and maintenance that materially affects the facility's potential to discharge oil into navigable waters. Such facility changes may include the addition of a new or rebuilt container; a change in the service of a container; any physical changes or improvements to the facility; or, the construction of a new well and associated piping. The activities to amend the SPCC Plan as a result of these facility changes are estimated to involve facility technical personnel time, as well as some clerical time. The amended Plan must then be certified prior to implementation by a licensed PE, or self-certified in the case of qualified facilities. Such amendments to the SPCC Plan must be implemented as soon as possible, but not later than six months after the change occurs.

Review the SPCC Plan

An owner or operator of an SPCC-regulated facility is required to review and evaluate his Plan at least once every five years. This review is expected to involve mostly technical personnel time to review spill prevention and control procedures being implemented under the current Plan, as well as a regulatory review involving management personnel time. Clerical personnel time is also involved to complete necessary paperwork. An owner or operator is required to amend his SPCC Plan within six months of the review to include more effective prevention and control technology if: (1) such technology will significantly reduce the likelihood of a discharge as described in §112.1(b) from the facility; and (2) such technology has been field-proven at the time of the review. Any technical amendments to the Plan must be certified prior to implementation by a licensed PE or, for qualified facilities, self-certified in accordance with §112.6(b). SPCC Plan review cost estimates are generated in this ICR for an existing facility only, since a new facility that becomes operational after the beginning of the ICR-approval period will not be required to conduct its review until after the three-year period covered by this ICR.

5. INFORMATION COLLECTED - AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

In the event that an SPCC-regulated facility discharges more than 1,000 gallons of oil into or upon the navigable waters of the United States in a single discharge as described in §112.1(b), or discharges more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any 12-month period, EPA's review of the information submitted by the facility under 40 CFR 112.4(a), may include the necessity to:

- Review facility characteristics;
- Review the cause of the discharge;
- Require any necessary amendments to the Plan to prevent and contain discharges from the facility; and
- Adjudicate any appeal of a final decision requiring an amendment.

In addition, EPA also conducts routine inspection, enforcement, and outreach activities as part of administering this program. Inspections may occur either after a discharge as part of the review of the submitted spill notification report or on a periodic basis. These inspections are not covered by this ICR.

5(b) Collection Methodology and Management

Plans may be tailored to the unique characteristics of the facility. Due to the wide range of types and sizes of facilities subject to the regulation, EPA does not prescribe any specific information management technique or technology in preparing and maintaining SPCC Plans or records. The regulation allows flexibility and a performance based approach in Plan preparation and recordkeeping in a way that allows the use of additional, appropriately cross-referenced formats (§112.7). Greater flexibility is also provided for facility recordkeeping practices, as records kept under normal business practices, such as those required pursuant to the NPDES program and API Standards, may satisfy certain SPCC recordkeeping requirements.

EPA provides flexibility and a performance based approach in the development and use of user-friendly means of writing and maintaining SPCC Plans, such as electronic programs, provided the Plans continue to provide the required information and meet the administrative requirements listed in the SPCC rule. Whatever medium is used, the Plan should also be readily accessible to response personnel in an emergency.

EPA maintains the information submitted to regional offices by facilities following certain oil discharges to support ongoing program activities such as targeting inspections as well as to support response operations during spills, which are not covered by this ICR. However, EPA does not collect SPCC Plans or related records from facilities on a routine basis.

5(c) Small Entity Flexibility

In 2002, EPA promulgated revisions to the SPCC rule that provided flexibility for small entities in several ways. First, EPA no longer regulates, under 40 CFR part 112, a facility having a single container with an aboveground storage capacity greater than 660 gallons, and aggregate aboveground capacity of 1,320 gallons or less of oil. Second, EPA no longer regulates, under 40 CFR part 112, a completely buried container that is subject to all of the technical requirements of 40 CFR part 280 or a state program approved under 40 CFR part 281. Third, the 2002 rule includes a *de minimis* container size of less than 55 gallons. As a result, containers less than 55 gallons are no longer included in a facility's aboveground total storage or use-capacity calculation and no longer need to be discussed in the SPCC Plan. Fourth, EPA no longer regulates, under 40 CFR part 112, wastewater treatment facilities or parts thereof (except at oil production, oil recovery, and oil recycling facilities) used exclusively for wastewater treatment and not used to meet any other requirement of the rule. Fifth, the rule was modified to allow the use of additional, appropriately cross-referenced formats that would encourage all regulated facilities, including smaller facilities, to take advantage of similar planning efforts conducted pursuant to state or other federal standards. The revisions, targeted towards reducing the recordkeeping burden to facilities, also decreased the burden to smaller facilities.

The 2006 rule amendments further reduced the burden of the SPCC regulation, with expected flexibility for small entities. Specifically, the rule amendments reduced the regulatory burden on qualified facilities and facilities with qualified oil-filled operational equipment. Qualified facilities with 10,000 gallons or less of aggregate aboveground storage no longer need a licensed PE to certify their Plans. The amendments also allow greater use of contingency plans without requiring an impracticability determination for facilities with qualified oil-filled operational equipment, a cost reduction measure. Facilities that store oil solely in motive power containers are no longer regulated, while other facilities with oil storage in addition to motive power containers may incur lower compliance costs. The rule also allows mobile refuelers to fall under the rule's general containment requirement, which does not require specifically sized secondary containment.

The final amendments to the SPCC rule would reduce the burden on small businesses to the extent that these businesses are eligible for amended regulatory requirements offered to hot-mix asphalt facilities, production facilities, facilities that produce or process animal fats and vegetable oil, Tier I qualified facilities, and others.

5(d) Collection Schedule

The SPCC rule does not require a specific information collection schedule. However, a facility owner or operator must prepare, amend, and implement an SPCC Plan according to the compliance deadlines in §112.3(a), (b), and (c). As amended on May 16, 2007 (72 FR 27443), the SPCC rule requires an owner or operator of a regulated onshore or offshore facility that:

- (1) Was in operation on or before August 16, 2002, and could reasonably be expected to have a discharge as described in §112.1(b), maintain a Plan, but amend it, if necessary to ensure compliance by November 10, 2010, and implement the amended Plan by November 10, 2010;
- (2) Becomes operational after August 16, 2002, through November 10, 2010, and could be expected to have a discharge as described in §112.1(b), must prepare and implement a Plan by

November 10, 2010. In the November 2009 rule, EPA finalized an amendment to allow a new oil production facility a period of six months after the start of operations to prepare and implement an SPCC Plan; or

(3) Becomes operational after November 10, 2010, and could reasonably be expected to have a discharge as described in §112.1(b), must prepare and implement a Plan before it begins operations. New oil production facilities are allowed six months after the start of operations to prepare and implement an SPCC Plan.

A regulated onshore or offshore mobile facility owner or operator must amend his Plan, if necessary, and implement such amendments by November 10, 2010.

The owner or operator must review the SPCC Plan once every five years. A periodic review is necessary to ensure that SPCC Plans reflect currently available and proven technology and techniques for preventing and controlling oil discharges.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

Facility Characteristics

For the purpose of this analysis, EPA divided regulated facilities into four size categories based on their aggregate oil storage capacity (see Exhibit 2). These size categories help to (1) account for differences in the potential compliance time burden and costs experienced by facilities of different sizes and (2) determine the number of facilities affected by each of the changes based on facility's storage capacity.

Exhibit 2

SPCC-Regulated Facility Size Categories

Size Category	Aggregate Capacity
I	1,321 to 10,000 gallons
II	10,001 to 42,000 gallons
III	42,001 to 1 million gallons
IV	greater than 1 million gallons

For the purposes of this ICR, facilities are also grouped into two categories: production facilities (facilities whose operations primarily involve oil production) and storage facilities (all other industry groups). This categorization of facilities reflects differences in the estimated burden of compliance activities depending on the nature of the facility's operations.

Additionally, facilities are divided into existing and new facilities, to reflect the differences in compliance activities between these two groups. Existing facilities include facilities that initiated operations prior to this ICR. All facilities in operation at the start of this ICR period are assumed to have prepared their SPCC Plans. Consequently, existing facilities are assumed to have incurred all costs associated with initially preparing and implementing their SPCC Plans, but some are expected to incur costs to perform a technical five-year review, revise their SPCC

Plan, submit information in the event of certain oil discharges, and maintain the Plan and keep records. New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities become existing facilities after the first year of operation.

Estimating Burden of SPCC Plan

For its Regulatory Impact Analysis (RIA), EPA developed a unit cost inventory with cost estimates for each of the 2002 SPCC rule requirements. The Agency also assessed paperwork-related changes resulting from the 2006, 2008, and 2009 final amendments. EPA relied on the most recent cost estimates from the unit cost inventory. To complete the unit cost inventory, the Agency developed a detailed list of the SPCC requirements that are expected to have a labor burden and cost impact, and obtained unit cost estimates for each of these requirements from a professional engineering firm with experience across a broad spectrum of industries, that serves the 48 contiguous states of the United States.⁹ In addition, EPA also conducted interviews of five regulated entities to obtain data on compliance measures at facilities and their associated costs to crosscheck the estimates and develop a better understanding of the ranges of cost estimates.¹⁰

Estimating Facility Labor Costs

To determine the per-facility costs to develop the SPCC Plan and comply with other paperwork-related requirements for typical new and existing respondents in each facility size category, unit labor estimates for management, technical, and clerical personnel were multiplied by the hourly wage rate for each labor category and were then added to paperwork-related capital and operating and maintenance (O&M) costs.

The labor wage rates for private industry were derived from the June 2009 U.S. Department of Labor's Employment Cost Indexes and Levels.¹¹ The 2009 wage rates include wages and salaries; benefit costs, including paid leave, supplemental pay, insurance, retirement and savings, legally required benefits, severance pay, and supplemental unemployment benefits. These wage rates reflect private industry averages estimated by the Bureau of Labor Statistics (BLS) based on a survey of 35,600 occupations within 8,200 establishments in the private sector. These wage rates reflect industry averages, which may underestimate the actual wages received by some SPCC regulated facility personnel but overestimate the actual wages received by other facility personnel. EPA further adjusted these rates to reflect overhead costs of 17 percent.¹² Following are the estimated loaded wage rates used in the analysis:

⁹ SCS Engineers.

¹⁰ See Appendix H in Volume II of the Regulatory Impact Analysis for the 2009 final amendments of the SPCC rule for details on comparison of the unit cost estimates from this inventory with other estimates from DOE and STI.

¹¹ United States Department of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation, September 2009. BLS wage rates reported for June 2009 are final.

¹² Overhead costs were computed separately from BLS data and were assumed to be an additional 17 percent of the total wage rate, which is composed of direct wages and salaries and employee benefits, as reported by BLS.

- Management: \$66/hour;
- Technical: \$55/hour; and
- Clerical: \$28/hour.

EPA assumed the above labor rates would apply to all scenarios when facilities use in-house personnel to satisfy requirements involving labor burden such as preparing the SPCC Plan. When required or needed, a facility owner/operator would contract a PE to develop and/or certify his Plans, however, not all facility owners and operators are expected to contract a PE for activities that can be conducted by in-house personnel. On the one hand, a small facility is more likely to hire outside engineers because it may not have the in-house expertise to comply with the SPCC requirements. On the other hand, a small facility may not have the resources to hire outside engineers and may be in a better position to use in-house labor because the owner may be closely involved with all the operations. A similar two-sided argument can also be made for larger facilities. Therefore, EPA assumed that 50 percent of the facilities of all size categories use in-house labor and the remaining 50 percent use outside professional labor.

Overhead rates for SPCC paperwork-related activities can be calculated using various formulas. To see how overall costs might change under different overhead loading rate assumptions, EPA calculated alternative overhead rates based on recommendations in *Estimating Costs for the Economic Benefits of RCRA Noncompliance* (September 1997). This document suggests that labor overhead and profit can be estimated at 50 to 100 percent of the base salary and fringe benefit costs. EPA estimated that raising the overhead rate to 50 percent would increase the wages listed above by 28 percent. If a 100-percent overhead rate were used, these wages would increase by 71 percent. The 50-percent and 100-percent alternatives may be high because the rates include profit as well as overhead. The appropriate overhead loading rate is highly dependent on not only the industry in question, but also individual businesses. The alternative rates are explored in the discussion of total respondent costs in Section 6(e) of this document.

Estimating Capital and Operating and Maintenance (O&M) Costs

EPA expects that facilities will incur paperwork-related capital and operating and maintenance (O&M) costs in complying with the SPCC requirements to maintain the Plan and keep records (40 CFR 112.3 and 112.7(e)) and to submit required information in the event of certain discharges of oil (40 CFR 112.4). EPA estimates that to maintain files, new facilities will purchase file cabinets at a cost of \$300. In the event of certain discharges, the owner or operator is required to submit information to the Regional Administrator and the state agency in charge of oil pollution control activities for the area in which it is located. Consequently, the owner or operator will incur costs for photocopying and postage. For costing purposes, EPA assumes that facilities will submit no more than 10 pages for a small facility; 20 pages for a medium facility; and 40 pages for a large facility. Assuming the cost of photocopying to be \$0.11 per page, photocopying costs are estimated to be \$2.20 for a small facility; \$4.40 for a medium facility; and \$8.80 for a large facility, respectively. EPA estimates that the cost to submit the information through the Post Office is approximately \$17.00, based on the cost to mail a two-pound package to two different recipients. Because only 0.15 percent of facilities are expected to incur oil discharges that trigger an information submission, the annual costs associated with submitting information to EPA are not measurable for the average facility.

EPA assumed that the cost to a facility owner or operator to retain an outside PE to certify the SPCC Plan varies by the size, complexity and location of the facility. EPA used this assumption because a larger facility likely has a more complex SPCC Plan, and more complex Plan amendments, than a smaller facility. Unless facilities meet the “qualified facility” criteria, the burden associated with certifying SPCC Plans and their amendments requires a PE. The estimated wages for PE labor used in this analysis are as follows¹³:

- Management: \$150/hour;
- Technical: \$120/hour
- Drafter: \$75/hour; and
- Clerical: \$55/hour.

Some facilities are expected to incur O&M costs associated with retaining a PE to certify their SPCC Plans, along with any subsequent technical amendments that are made to the Plan. In certifying the Plan, the engineer attests to have examined the facility and that the Plan has been prepared in accordance with good engineering practices that satisfy the SPCC requirements in 40 CFR part 112. Furthermore, a PE must certify any technical amendment to an SPCC Plan.

Exhibit 3 summarizes the expected costs for facilities of different sizes for PE certification of a new Plan as well as any subsequent amendments.

Exhibit 3

Cost of PE Certification for the SPCC Plan (2009\$)¹

Size Category	Facility Type	New Plan	Amendments
I	Storage	\$1,500	\$2,010
	Production	\$748	\$1,010
II	Storage	\$2,990	\$4,030
	Production	\$1,500	\$2,010
III	Storage	\$4,490	\$6,040
	Production	\$2,990	\$4,030
IV	Storage	\$6,730	\$9,140
	Production	\$4,490	\$6,040

Source: SCS Engineers.

¹One time costs.

6(b) Burden and Costs per Facility

This section discusses the potential paperwork-related burden and costs to facilities regulated by the SPCC rule. Plan preparation and PE certification costs affect new facilities that become subject to the SPCC rule unless they meet the “qualified facility” criteria. New facilities

¹³ Source: SCS Engineers, a professional engineering firm.

include those facilities that will initiate operations during the ICR period. Owners or operators of new facilities are assumed to incur the total cost of preparing a Plan and PE certification in their first year. In addition to preparing or reviewing SPCC Plans, owners or operators of all new and existing facilities will incur costs to prepare and maintain records.

EPA assumes that the formal five-year review of SPCC Plans will affect one-fifth of all existing facilities annually – i.e., owners or operators of one-fifth of all existing facilities will undergo their formal five-year review of their Plans in each year of the ICR period.

Owners or operators of some new and existing facilities will submit information as a result of discharging oil and others will need to revise their Plan during the ICR period. For the 2002 rule ICR, based on spill data obtained from the Emergency Response Notification System database, EPA estimated that approximately 0.15 percent of all facilities would incur costs each year due to reporting requirements related to an oil discharge (see §112.4(a)).¹⁴ In addition, based on conversations with EPA regional personnel involved with the SPCC program, EPA estimated that approximately 10 percent of all facilities would revise their Plan each year to address §112.5(a) or (c) or §112.4(d).

Exhibit 4 through Exhibit 8 provides average burden and cost estimates for existing and new facilities. For existing facilities, the following activities are included: five-year review - §112.5(b); information submission in the event of certain oil discharges - §112.4(c); Plan modification - §112.5(a) and PE certifications of any technical amendment - §112.5(c); and recordkeeping. For newly regulated facilities, paperwork-related activities include SPCC Plan preparation - §112.3(a); oil spill contingency plan preparation - §112.7(d); information submission in the event of certain oil discharges - §112.4(c); Plan modification - §112.5(a) and PE certifications of any technical amendment - §112.5(c); and recordkeeping §112.7(e).

The option to self-certify a facility-specific SPCC Plan according to the requirements in §112.6(b) is available to any qualified facility having 10,000 gallons or less in storage capacity. EPA assumed that all new qualified facilities with storage capacity of 10,000 gallons or less would self-certify the Plan instead of having it certified by a PE. The Agency also assumed that under these requirements, owners and operators of all existing qualified facilities would not use a PE to certify a technical amendment to their Plan.

In its amendments to the SPCC rule, EPA is offering additional flexibility for facilities with capacity of 10,000 gallons or less and no single containers greater than 5,000 gallons. A qualified facility would be a facility subject to the SPCC rule that, as described in 112.3(g), meets the storage capacity threshold and discharge history criteria. This option allows an owner/operator to complete the Tier 1 SPCC Plan template to serve as the SPCC Plan.

The Agency assumed that owners and operators of existing facilities would not use the provided option because they are expected to have an SPCC Plan in place and preparing a template would present an additional expense for those facilities. Correspondingly, EPA assumed that owners and operators of *all* new qualified facilities with no single containers

¹⁴ Information Collection Request for the final rule to amend the oil pollution prevention regulation (40 CFR part 112), May 2002.

greater than 5,000 gallons would take advantage of the reduced requirements and develop a Tier 1 template.

The costs presented in Exhibit 4 through Exhibit 8 represent the average costs for facilities of different sizes, accounting for the probability that certain facilities will incur those costs (e.g., five-year reviews affect one-fifth of existing facilities) and for the estimated overlap between federal and state requirements. Low probability costs (e.g., complying with §112.4(c)) distributed across many facilities yield only nominal per-facility average costs, particularly when state overlap is taken into consideration.

The state overlap assumptions are based on research conducted for the 2002 SPCC rule¹⁵ and are described in the regulatory impact analysis for the SPCC final rule. Each state has its own regulations regarding the storage, handling, and containment of oil. In some cases, the effort required by these state regulations may be the same as what is required by SPCC. Overall, in 2002 EPA found that about 5.9 percent of facilities are in states with complete overlap; about 5.6 percent of facilities in states with substantial overlap; and about 5.7 percent of facilities in states with partial overlap. To develop the burden estimates, EPA multiplied the hours burden by both the percentage of facilities in each overlap category and the degree of overlap (i.e., 100 percent for complete overlap, 75 percent for substantial overlap, and 50 percent for partial overlap). As part of the regulatory analysis for the 2009 final SPCC amendments, EPA analyzed the overlap of state regulations to determine whether an adjustment of the estimate would more accurately account for recent changes in state requirements and/or refine the previously generated estimates. As a result of this review, the Agency concluded that there was no compelling evidence to adjust the overlap estimate between the SPCC rule and state regulations. When estimating paperwork-related burden resulting from the SPCC requirements, EPA takes into account the estimated degree of overlap to avoid double counting. The reduced burden due to state overlap was estimated by applying the overlap percentages to the total burden associated with each paperwork compliance activity.

Total Annual Burden per Average Respondent

Once the unit per-facility burden hours were determined for each compliance activity undertaken by the average facility in each size category, EPA calculated the total annual burden by summing the unit estimates for all compliance activities. The annual burden for an average facility differs for each size category based on the assumed differences in the oil storage capacity and complexity of the facility and its operations. The estimated annual burden hours for an average respondent in each size category for existing and new facilities are presented in Exhibit 4 through Exhibit 8.

Total Annual Cost per Average Respondent

In estimating the per-respondent costs for existing and new facilities in each size category, EPA calculated the unit cost for each compliance activity performed by the average facility. These average per-facility costs are shown in the right-hand column of Exhibit 4 through Exhibit 8. To estimate the cost for each compliance activity performed by the average

¹⁵ U.S. Environmental Protection Agency, "Economic Analysis for the Final Revisions to the Oil Pollution Prevention Regulation (40 CFR part 112)," May 2002.

respondent facility in each size category under the rule, EPA multiplied the unit time estimates for management, technical, and clerical personnel by the hourly wage rate for each labor category and then added the result to the paperwork-related capital and O&M (PE) costs.

Existing facilities include those facilities that have been in operation for longer than a year. Costs for existing facilities include activities that incur continuously such as recordkeeping or once every several years such as SPCC Plan review.¹⁶ For the average existing SPCC-regulated facility, following are the estimated total annual costs for all information collection activities required by the final rule:

- Category I (Tier I): \$938 per facility;
- Category I: \$938 per facility;
- Category II: \$1,250 per facility;
- Category III: \$2,170 per facility; and
- Category IV: \$4,060 per facility.

New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities become existing facilities after the first year of operation. Therefore, each year a new set of facilities would incur the costs listed below. A typical SPCC-regulated facility would incur the costs for new facilities in Year 1 and incur the costs for existing facilities presented above in each subsequent year. For the average new SPCC-regulated facility, following are the estimated total annual costs for all information collection activities required by the final rule:

- Category I (Tier I): \$901 per facility;
- Category I: \$4,260 per facility;
- Category II: \$7,650 per facility;
- Category III: \$13,700 per facility; and
- Category IV: \$23,400 per facility.

Estimated annual costs for new facilities are higher than those for existing facilities because of the greater expenses associated with preparing a new SPCC Plan, including PE certification when necessary, and oil spill contingency plan.

¹⁶ The cost estimates shown in the tables present average annual costs, e.g., the annual cost estimate for Plan review represents the total cost for Plan review divided by five.

Exhibit 4
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category I Facility (Tier I)

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.4	2.9	0.0	0.4	3.6	\$0	\$0	\$309
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.3	1.9	0.0	0.2	2.4	\$0	\$0	\$483
Maintain the SPCC Plan and Keep Records	0.0	2.6	0.0	0.0	2.6	\$0	\$0	\$145
TOTAL	0.7	7.4	0.0	0.6	8.7	\$0	\$0	\$938
New Facilities³								
Prepare an SPCC Plan	0.0	3.0	0.0	0.0	3.0	\$0	\$0	\$159
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ⁴	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$6
Maintain the SPCC Plan and Keep Records	0.0	3.8	0.0	0.0	3.8	\$100	\$0	\$510
TOTAL	0.7	10.2	0.0	1.0	11.9	\$100	\$0	\$901

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.

⁴ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$139. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 5
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category I Facility

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.4	2.9	0.0	0.4	3.6	\$0	\$0	\$309
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.3	1.9	0.0	0.2	2.4	\$0	\$0	\$483
Maintain the SPCC Plan and Keep Records	0.0	2.6	0.0	0.0	2.6	\$0	\$0	\$145
TOTAL	0.7	7.4	0.0	0.6	8.7	\$0	\$0	\$938
New Facilities³								
Prepare an SPCC Plan	1.8	27.4	10.1	3.7	43.0	\$0	\$0	\$3,520
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ⁴	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$6
Maintain the SPCC Plan and Keep Records	0.0	3.8	0.0	0.0	3.8	\$100	\$0	\$510
TOTAL	2.5	34.6	10.1	4.6	51.9	\$100	\$0	\$4,260

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.

⁴ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$139. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 6
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category II Facility

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost (2009\$) ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.3	4.1	0.0	0.3	4.6	\$0	\$0	\$396
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.4	2.6	0.0	0.4	3.4	\$0	\$363	\$656
Maintain the SPCC Plan and Keep Records	0.0	3.6	0.0	0.0	3.6	\$0	\$0	\$202
TOTAL	0.7	10.3	0.0	0.6	11.7	\$0	\$363	\$1,250
New Facilities³								
Prepare an SPCC Plan	2.8	38.9	15.1	5.1	61.9	\$0	\$1,960	\$7,040
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ⁴	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.0	0.0	0.0	0.0	0.0	\$0	\$4	\$7
Maintain the SPCC Plan and Keep Records	0.0	1.4	0.0	0.0	1.4	\$100	\$0	\$376
TOTAL	3.5	43.7	15.1	6.1	68.4	\$100	\$1,970	\$7,650

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.

⁴ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$139. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 7
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category III Facility

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost (2009\$) ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.5	7.4	0.0	0.5	8.4	\$0	\$0	\$726
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.8	4.8	0.0	0.6	6.3	\$0	\$661	\$1,200
Maintain the SPCC Plan and Keep Records	0.0	4.5	0.0	0.0	4.5	\$0	\$0	\$249
TOTAL	1.3	16.7	0.0	1.1	19.2	\$0	\$661	\$2,170
New Facilities³								
Prepare an SPCC Plan	5.5	72.7	30.0	6.0	114	\$0	\$3,650	\$13,000
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ⁴	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.0	0.1	0.0	0.0	0.1	\$0	\$0	\$0
Maintain the SPCC Plan and Keep Records	0.0	1.9	0.0	0.0	1.9	\$126	\$0	\$486
TOTAL	6.2	78.1	30.0	6.9	121	\$126	\$3,650	\$13,700

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.

⁴ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$139. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 8
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category IV Facility

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost (2009\$) ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.9	13.1	0.0	0.9	14.8	\$0	\$0	\$1,280
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	1.4	8.5	0.0	1.1	11.0	\$0	\$1,170	\$2,110
Maintain the SPCC Plan and Keep Records	0.3	11.5	0.0	0.7	12.5	\$0	\$0	\$670
TOTAL	2.6	33.1	0.0	2.7	38.4	\$0	\$1,170	\$4,060
New Facilities								
Prepare an SPCC Plan	10.9	126	40.8	13.6	192	\$0	\$6,520	\$22,300
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ⁴	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.0	0.1	0.0	0.0	0.1	\$0	\$13	\$24
Maintain the SPCC Plan and Keep Records	0.0	7.1	0.0	0.0	7.1	\$155	\$0	\$859
TOTAL	11.6	137	40.8	14.5	204	\$155	\$6,530	\$23,400

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.

⁴ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$139. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

6(c) Estimating Agency Burden and Costs

EPA incurs costs associated with the evaluation of information submitted in accordance with §112.4 as well as consideration of appeals. This section summarizes the estimated burden and cost of these activities to EPA. Burden estimates are based on input from EPA regional staff involved directly with the implementation of 40 CFR part 112. Exhibit 9 shows the total burden and labor cost to EPA. As described in Section 6(b), EPA assumed that 0.15 percent of regulated facilities would submit information to EPA for review. The costs to EPA are not included in the calculation of total cost and burden hours for regulated entities, because EPA is not considered a “person” as the term applies to regulated entities.

EPA labor costs are based on the January 2009 General Schedule (GS) pay schedule. EPA estimates an average hourly labor cost (labor plus overhead) of \$62.5 for managerial staff (GS-13, Step-5), and \$43.8 for technical staff (GS-11, Step-5). To derive hourly estimates, EPA divided annual compensation estimates by 2,080, which represents the number of hours in the federal work year. EPA then multiplied hourly rates by the standard government overhead factor of 1.6. Unit costs were calculated as unit time estimates multiplied by the hourly labor rates for EPA personnel.

Exhibit 9

Estimated Annual Burden and Cost to EPA

Activity	Burden Hours				Total Cost (2009\$)
	Managerial (\$62)	Technical (\$44)	Clerical	Total	
Plans Evaluation	978	9,780	0	10,800	\$490,000
Review of Comments	489	489	0	978	\$52,000
Consideration of Appeals	782	0	0	782	\$49,000
Total	2,250	10,300	0	12,500	\$591,000

6(d) Estimating the Respondent Universe

This section describes the universe of facilities subject to SPCC regulations. Estimating the number of regulated entities is not straightforward. The SPCC rule does not include a notification requirement and, with certain exceptions, owners and operators do not submit their SPCC Plans to EPA.

Previously Developed Estimates

In 1991, EPA published the “Spill Prevention, Control, and Countermeasures Facilities Study,” which summarized information on small, medium, and large facilities in 16 industry sectors that store oil aboveground and underground. For each of these sectors, EPA collected and evaluated data from ten states on medium and large facilities. Information on small

facilities came from New York. In the end, the 1991 study estimated the number of facilities based on extrapolation of data from four state databases (Illinois, California, Maryland, and New York) to the nation.

In 1995, EPA conducted a statistically based, random sample survey of approximately 30,000 facilities in the industries covered by the 1991 study. The 1995 survey yielded detailed information about the oil storage characteristics of the surveyed facilities, and was designed to allow statistical extrapolation to a broader universe. EPA compared the results of the 1995 survey to the 1991 facility study and to a 1989 American Petroleum Institute report and calculated a 1996 Adjusted National Estimate, which has been the basis of EPA's approximation of the number of facilities regulated by the SPCC Program.¹⁷

Current Estimation Methodology

EPA has updated its estimates of the number of facilities regulated by the SPCC rule, based on recent federal, state, and proprietary data on facilities that store or handle oil.¹⁸ The estimates of the SPCC universe were developed for 30 industry sectors, including (but not limited to) those listed in Exhibit 1. For sectors without reliable national-level data, the basic estimation procedure involved extrapolating from eight state databases using information from the U.S. Census Bureau.¹⁹

Estimates based on state-level data

For many industry sectors affected by the SPCC rule, the basic estimation procedure used to update the regulated universe was similar to that used in the 1991 facilities study. EPA used eight primary state databases (Florida, Kansas, Maryland, Minnesota, New York, Oklahoma, Virginia, and Wisconsin) to determine the number of SPCC-regulated facilities in the state for each industry sector.

The information in state databases was matched with the Dun & Bradstreet (D&B) Market Spectrum database to assign industry sectors.²⁰ To extrapolate the estimates to the entire country, these values were multiplied by a facility ratio. The facility ratio was estimated as the number of SPCC-regulated facilities in the eight states for an industry sector divided by the total number of facilities reported for that industry sector in those states.²¹

¹⁷ Analysis of the Number of Facilities Regulated by EPA's SPCC Program
http://www.epa.gov/oilspill/pdfs/pap_tpop.pdf.

¹⁸ For details, see the regulatory impact analysis for the 2006 final rule ("Regulatory Impact Analysis of Revisions to the Oil Pollution Prevention Regulation (40 CFR 112) to Implement the Facility Response Planning Requirements of the Oil Pollution Act of 1990")

¹⁹ Oil storage data are not available for all states.

²⁰ In the matching process, the following facilities and tanks were dropped from the estimation: facilities with less than 1,320 gallons of aggregate storage, tanks with less than 55 gallons of storage, underground tanks subject to EPA UST requirements, inactive tanks, and tanks that do not store oil substances.

²¹ The facility ratio is calculated using the eight state databases for all capacity categories except Category I. Because the Maryland database does not include information on Category I facilities, the ratio for Category I facilities is calculated using seven state databases (excluding Maryland).

Estimates based on national-level data

Because of the availability of federal and proprietary data, EPA used a different estimation approach for the following industry sectors: petroleum bulk stations and terminals; fuel oil dealers; pipelines; petroleum refinery and related industries; oil and gas production; farms; electric utilities; and manufacturing facilities handling or storing animal fats and vegetable oils. These sectors represent 70 percent of the facilities affected by the SPCC rule.

The 2002 Economic Census was used to estimate the number of regulated facilities for the petroleum bulk stations and terminals, fuel oil dealers, pipelines, and petroleum refinery and related industries. As in previous analyses, all facilities in these industries were assumed to be regulated under the SPCC rule.

EPA assumed all oil production facilities are regulated under the SPCC rule. Certain gas production facilities may also be regulated, given that some gas wells have tanks for storing condensate oil generated during the gas-production process. EPA used Energy Information Administration (EIA) data to estimate the total number of oil-production wells as well as gas wells that produce condensate oil. All active wells that were producing in 2004 are considered in the analysis. The EIA database contains historical data on oil and gas wells, including marginal wells, compiled from government and commercial sources.²² EIA provides data on oil and oil-condensate produced at oil and gas production wells according to various production-rate classes. Gas wells that do not produce oil condensate are not included. To convert the number of wells that produce oil and oil condensate to the total number of SPCC-regulated production facilities, EPA assumed four wells per facility based on personal communication with industry experts.²³ Under this assumption, EPA estimated that approximately 166,000 oil production facilities are SPCC-regulated.

The number of farms was calculated based on Census of Agriculture data on production expenses related to petroleum-related purchases from 2002 and 1997 and on diesel storage data from 1982. In the 2002 Census of Agriculture, expenditure data are available only in aggregate for all fuels. To arrive at the expenditure on diesel (gasoline) in 2002, EPA multiplied the total expenditure on fuels in 2002 by the ratio of diesel (gasoline) expenditure to total expenditure from the 1997 data. The Agency assumed that the percentage of diesel (gasoline) expenditure remained the same from 1997 through 2002. Finally, the total quantity of diesel (gasoline) purchased in 2002 was calculated by dividing the expenditure on diesel (gasoline) by diesel (gasoline) prices. Using 1982 data on fuel storage and expenditures on farms, the ratio of diesel (gasoline) storage with respect to the annual quantity of diesel (gasoline) purchased was calculated. On average approximately one-fifth of the annual quantity of diesel purchased and about one fourth of the annual quantity of gasoline purchased is stored on farms. Since no data were available on the type of storage (i.e., aboveground or underground) EPA assumed that the entire storage is aboveground. The expenditure ranges were converted to capacity ranges and assigned to a percentage of farms that are regulated within the capacity ranges.

²² U.S. Energy Information Administration, Distribution and Production of Oil and Gas Wells by State, data available from http://www.eia.doe.gov/pub/oil_gas/petrosystem/petrosysog.html.

²³ Personal communication with a Federal On-Scene Coordinator for EPA Region 6 and Mark England, Texas Railroad Commission, 2005.

EPA calculated the number of SPCC-regulated electric utility plants as a combination of the number of substations and the number of power plants in the United States. All electricity generation facilities and substations are assumed to contain enough oil to be subject to SPCC requirements. The number of electric utility plants was estimated based on data reported by the Energy Information Administration (EIA). The number of substations was estimated based on the number of substations listed by each major utility reporting to the Federal Energy Regulatory Commission (FERC).²⁴ A national estimate was extrapolated from these data using the ratio of the megawatt hours sold by utilities to the estimated total retail megawatt hours of electricity sold nationwide according to the EIA.

Facilities handling or storing non-petroleum oil are also subject to SPCC regulations. Non-petroleum oils include, but are not limited to, animal fats and oils and greases, or fish and marine mammal oils; and, oils of vegetable origin, including oils from seeds, nuts, fruits, and kernels. To estimate the number of facilities that could produce or store animal fat or vegetable oil, EPA used data on the number of manufacturing establishments from the 2005 U.S. Census of Manufacturing. Four possible types of AFVO facilities were considered: (1) industries that produce AFVO; (2) industries that use AFVO as a primary input; (3) industries that use AFVO in moderate amounts; and (4) industries that use AFVO as a minor component of their input. EPA assumed that all facilities that produce AFVO (group 1) are SPCC-regulated. Then, low, medium, and high estimates were developed using professional judgment for industries in the remaining three groups regarding the percentage of each industry group assumed to be regulated by the SPCC rule. EPA also identified a category of “other” facility types that may produce or use AFVO. For these facilities, specific information on the number of regulated facilities was available and was used instead of the assumed percentages. This methodology yielded estimates of the number of facilities that may be regulated based only on their storage of AFVO. Some of these facilities are probably regulated because they also store petroleum oils.

Industry Growth Rates

To project the number of existing and new facilities regulated under the SPCC rule over the ICR period, EPA used industry-specific growth rates for new and existing facilities. EPA’s previous approach was to apply a uniform one-percent growth rate across all sectors, which did not account for significant variations (including negative growth rates) among the sectors.

To estimate industry-specific growth rates for existing facilities of all SPCC-related industry categories except farms and oil production, EPA used 1992, 1997, and 2002 U.S. Economic Census data on the number of establishments in each industry. The use of an extended time period to estimate industry-specific growth rates attempted to account for diverse economic conditions under which SPCC-regulated industries operate. To estimate annual growth rates for agricultural establishments, EPA used data reported by the USDA National Agricultural Statistics Service on the number of farms in the United States over the past 10 years (1996 through 2005). The data for the past 10 years were expected to be more representative of the latest developments in the agricultural business than data for years prior to 1996.

²⁴ Major regulated utilities must file FERC Form No. 1, on which utilities report information on their substations and electrical equipment. “Major” is defined as having (1) one million megawatt hours or more; (2) 100 megawatt hours of annual sales for resale; (3) 500 megawatt hours of annual power exchange delivered; or (4) 500 megawatt hours of annual wheeling for others (deliveries plus losses).

EPA estimated the growth rates for new facilities only using commercially available data obtained on the number of businesses (by NAICS code) in 2005 from the D&B Market Spectrum database. These data allowed for an estimation of the fraction of businesses that became operational in 2005 relative to the total number of businesses in that year. This analysis assumed that industry growth rates would be constant over the 10-year analytical period for all industries except oil production, which may or may not adequately represent the trends for individual sectors.

Because oil production facilities account for the largest fraction of SPCC-regulated facilities across all industry categories and represent a dynamic industry, an alternative approach was used for estimating future oil production industry growth rates. EPA relied on industry-specific forecasting information, which was expected to reflect growth rates better than an approach based on historical trends. EPA estimated annual growth rates for the oil production facilities relying on historical and forecasted U.S. oil production data and historical number of oil wells. The approach used to estimate the growth rates for oil production facilities is described in the regulatory impact analysis for the SPCC II final rule.

In total, EPA estimated that 640,000 facilities would be regulated by the SPCC rule in 2010. Oil production facilities (34 percent), farms (23 percent), and electric utilities (10 percent) account for the majority of SPCC-regulated facilities.

Facilities Affected by November 2009 Final Rule Amendments

- *Tier I Facilities:* EPA is streamlining and tailoring the SPCC requirements for a subset of qualified facilities. Qualified facilities were addressed in a recent amendment to the SPCC rule (71 FR 77266, December 26, 2006). The owner or operator of such a facility was provided an option to self-certify his SPCC Plan and comply with other streamlined requirements.

The Agency estimated that 77 percent of the facilities with total storage capacity of 10,000 gallons or less have no storage containers greater than 5,000 gallons in volume and meet the additional qualifying criteria. The projected average annual number of new Tier I qualified facilities is 5,780. EPA assumed that facility owners and operators would likely choose the alternative requirements if their facility meets the qualifying criteria because it would be less costly than following the requirements that apply to all other facilities. Therefore, the Agency assumed that owners and operators of all new facilities that meet the Tier I qualified facilities criteria would take advantage of the relief provided by the final amendment.

- *Facility Diagram:* EPA is revising the facility diagram requirement at §112.7(a)(3) to clarify how containers, fixed and mobile, are identified on the facility diagram. EPA also clarified that where facility diagrams become complicated due to the presence of multiple fixed oil storage containers or complex piping/transfer areas at a facility, the owner or operator can include that information separately in the SPCC Plan in an accompanying table or key. For any mobile or portable containers located in a certain area of the facility, an owner or operator can mark the area on the diagram, as well as indicate the

potential range in number of containers and the anticipated contents and capacities of the mobile or portable containers.

Existing facilities would not be affected by this amendment since they are assumed to already have SPCC Plans in place. Potentially all new facilities with mobile or portable containers would be affected by this amendment. The projected average annual number of affected new facilities is estimated at 19,300. The estimates for preparing and reviewing the facility diagram are based on the unit cost inventory estimates developed by a PE firm whose personnel that routinely prepare and review SPCC Plans for a wide range of industries in the 48 contiguous states of United States.²⁵ The Agency assumes that the amendment would result in approximately 80 percent reduction of the labor burden in preparing and reviewing the mobile/portable containers component of the SPCC Plan. Based on input a PE firm, EPA assumed that the 10 percent of the cost related to preparing and reviewing facility diagram can be attributed to the mobile/portable containers component.

- *Hot-Mix Asphalt:* EPA is exempting hot-mix asphalt (HMA) from the SPCC requirements. This material is unlikely to flow as a result of the entrained aggregate, such that there would be very few circumstances in which a discharge of HMA would have the potential to reach navigable waters or adjoining shorelines. EPA will continue to regulate asphalt cement (AC), asphalt emulsions, and cutbacks, which are not HMA (i.e., entrained with aggregate).

Facilities within three NAICS industry sectors are expected to store hot-mix asphalt: “Asphalt Paving Mixture and Block Manufacturing”, “Asphalt Shingle and Coating Materials Manufacturing”, and “Petroleum Refineries”. EPA estimated a universe of approximately 3,800 active asphalt plants that store hot-mix asphalt in the United States. EPA assumed that cost savings from the final amendment to exempt hot-mix asphalt containers from SPCC requirements would consist of the following two components: (1) cost savings for facilities moving down a capacity category that would imply lower cost of compliance and for facilities that would be no longer subject to SPCC requirements that would imply no cost of compliance and (2) cost savings for facilities that do not move down a size category but incur lower costs from not having the hot-mix asphalt containers to comply with SPCC requirements. EPA estimated that 30 percent of Category I facilities would drop out of the SPCC universe, 30 percent of Category II facilities would move one size category down and become Category I, 30 percent of Category III facilities would move one size category down and become Category II, and 60 percent of Category IV facilities would move one size category down and become Category III.

- *Security:* EPA is amending the facility security requirements at §112.7(g) to allow an owner or operator of a facility to tailor his/her security measures to the facility’s specific characteristics and location. A facility owner or operator is required to describe in the SPCC Plan how he/she secures and controls access to the oil handling, processing, and storage areas; secures master flow and drain valves; prevents unauthorized access to starter controls on oil pumps; secures out-of-service and loading/unloading connections

²⁵ SCS Engineers.

of oil pipelines; and addresses the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.

Because the security requirements, at §112.7(g), are currently subject to environmental equivalence under §112.7(a)(2), a facility owner/operator does currently have flexibility to provide tailored security measures, if he or she can demonstrate how the measures are environmentally equivalent to the required measures in §112.7(g). Therefore, the affected facilities would save costs from not having to determine environmental equivalence. The Agency estimated that all new storage facilities would potentially be affected by this change. EPA does not have data to determine the exact number of facilities but expects that facilities in all industry categories would use the flexibility in tailoring the security measures. In the absence of data, EPA developed cost estimates for low (50%), medium (75%) and high (100%) percentage of facilities. EPA estimated that approximately 7,570 facilities would be affected annually under the mid-point scenario.

- *Integrity Testing:* EPA is amending integrity testing requirements at §112.12(c)(6) for an owner or operator of a facility that handles certain types of animal fats and vegetable oils (AFVOs) so as to provide the PE or an owner or operator self-certifying an SPCC Plan with the flexibility to determine the scope of integrity testing that is appropriate for containers that store AFVOs, based on compliance with certain FDA regulations and other criteria relating to container construction and configuration.

Since the integrity-testing requirement applies only to storage facilities (and not production facilities), EPA estimates that all new storage facilities would be affected by this amendment. Only containers with storage capacity of less than 5,000 gallons that are portable or shop built would be affected. The projected average annual number of new storage facilities is 10,100. EPA assumed that all facilities would use the STI SP-001 standard and perform external inspections only for portable containers and for small shop-built tanks up to 5,000-gallons, instead of visual inspection, plus a form of non-destructive shell testing as required under the integrity-testing provision. This implies that facilities would save the cost incurred for preparing an environmental equivalence statement and having a PE certify environmental equivalence statements in SPCC Plans.

- *Six-Month Delay of Plan Preparation and Implementation:* EPA finalized an amendment to allow a new oil production facility a period of six months after the start of operations to prepare and implement an SPCC Plan. Production facilities have unique characteristics during the start-up period of their operations, which lead to variability in the amount and type of oil handled. This would imply that production facilities must continually amend Plans until operations stabilize, and have a licensed PE certify each amendment.

EPA assumed that 75 percent of production facilities would be affected by the rule change and would save the cost to amend the Plan and the PE certification cost. The projected average annual number of new production facilities is 6,900. As a result of the final rule change, the main cost savings for a facility would result from not having to amend the Plan and have it certified by a PE after operations have stabilized. EPA

assumed that there would be no cost savings related to Plan preparation and implementation because there would be no change in the cost in the first year.

Exhibit 10 and Exhibit 11 present the estimated number of existing and new SPCC-regulated facilities that are expected to incur paperwork-related burden associated with the final amendments to the SPCC rule. Exhibit 10 presents the number of facilities by facility type - storage and production facilities - for the first year of the ICR, 2010. Exhibit 11 presents the number of facilities for the entire analysis period, 2010-2012.

Exhibit 10

**Number of Existing and New Facilities
(First Year of ICR: 2010)**

Facility Type		Category I (1,320- 10,000 gallons)	Category II (10,001- 42,000 gallons)	Category III (42,001 to 1 million gallons)	Category IV (>1 million gallons)	Total
Existing	Storage	302,000	77,200	34,300	2,980	416,000
	Production	26,400	142,400	37,400	367	207,000
	Total	328,000	220,000	71,800	3,340	623,000
New	Storage	5,700	2,200	971	74	8,960
	Production	1,080	5,800	1,530	15	8,400
	Total	6,790	8,000	2,500	89	17,400
Total		335,000	228,000	74,300	3,430	640,000

Exhibit 11

**Number of Existing and New Facilities
(ICR Period: 2010-2012)**

Facility Type/ Year		Category I (1,320- 10,000 gallons)	Category II (10,001- 42,000 gallons)	Category III (42,001 to 1 million gallons)	Category IV (>1 million gallons)	Total
Existing	Year 1 - 2010	328,000	220,000	71,800	3,340	623,000
	Year 2 - 2011	332,000	227,000	73,800	3,360	636,000
	Year 3 - 2012	335,000	233,000	75,400	3,380	646,000
New	Year 1 - 2010	6,790	8,000	2,500	89	17,400
	Year 2 - 2011	6,630	6,600	2,140	87	15,500
	Year 3 - 2012	7,110	8,570	2,670	94	18,500
Total	Year 1 - 2010	335,000	228,000	74,300	3,430	640,000
	Year 2 - 2011	338,000	234,000	75,900	3,440	651,000
	Year 3 - 2012	342,000	241,000	78,000	3,480	665,000

6(e) Estimated Total Annual Burden for All Respondents

The total hour burden is estimated as the average per-facility burden multiplied by the number of affected facilities. Similarly, the total cost burden for all respondents is estimated by multiplying the number of facilities in each size category by the unit costs for each compliance activity. The total annual burden and costs for all respondents in each category are presented in Exhibit 13 through Exhibit 17 for each facility size. The annual average total burden is estimated at 8.0 million hours; the annual average total cost is estimated at \$874 million.

Alternative Estimates

EPA also calculated alternative cost estimates based on higher overhead rates for labor costs, which are presented in Exhibit 12. The primary estimates are based on a 17 percent overhead rate and the alternatives are calculated assuming a 50 percent overhead rate and a 100 percent overhead rate. The discussion of facility labor costs in section 6(a) describes how the overhead rates affect wage rates. Under the primary assumption, the estimated total annualized burden of the information collection is \$874 million. Under the alternative assumptions, the estimated total burden ranges from \$1,070 to \$1,380 million.

Exhibit 12
Sensitivity Analysis for Total Cost
Varying Overhead Rates
(2009\$, Millions)

Assumption	Labor	Capital	O&M	Total
	Baseline Burden			
17% Overhead	\$713	\$2.1	\$159	\$874
50% Overhead	\$913	\$2.1	\$159	\$1,070
100% Overhead	\$1,220	\$2.1	\$159	\$1,380

Exhibit 13

**Total Annual Burden and Costs for All Facilities
Average Category I Facilities (Tier I)**

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost (2009\$) ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	95,900	735,000	0	95,900	927,000	\$0	\$0	\$78,800,000
Submit Information in the Event of Certain Discharges of Oil	383	383	0	0	765	\$7,680	\$0	\$54,000
Revise the SPCC Plan	79,600	478,000	0	63,700	621,000	\$0	\$0	\$123,000,000
Maintain the SPCC Plan and Keep Records	0	669,000	0	0	669,000	\$0	\$0	\$37,100,000
TOTAL	176,000	1,880,000	0	160,000	2,220,000	\$7,680	\$0	\$239,000,000
New Facilities								
Prepare an SPCC Plan	0	15,600	0	0	15,600	\$0	\$0	\$837,000
Prepare a Contingency Plan	3,440	18,200	0	5,050	26,700	\$0	\$0	\$1,190,000
Submit Information in the Event of Certain Discharges of Oil	8	8	0	0	16	\$159	\$0	\$1,120
Revise the SPCC Plan	19	114	0	15	148	\$0	\$0	\$29,400
Maintain the SPCC Plan and Keep Records	0	20,000	0	0	20,000	\$602,000	\$0	\$2,760,000
TOTAL	3,460	53,900	0	5,060	62,500	\$603,000	\$0	\$4,820,000

¹ Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the three significant figures.

Exhibit 14

**Total Annual Burden and Costs for All Facilities
Average Category I Facilities**

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost (2009\$) ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	28,800	221,000	0	28,800	278,000	\$0	\$0	\$23,700,000
Submit Information in the Event of Certain Discharges of Oil	115	115	0	0	230	\$2,310	\$0	\$16,200
Revise the SPCC Plan	23,900	143,000	0	19,100	186,000	\$0	\$0	\$37,000,000
Maintain the SPCC Plan and Keep Records	0	201,000	0	0	201,000	\$0	\$0	\$11,100,000
TOTAL	52,800	565,000	0	47,900	666,000	\$2,310	\$0	\$71,800,000
New Facilities								
Prepare an SPCC Plan	2,890	43,400	16,000	5,850	68,200	\$0	\$0	\$5,590,000
Prepare a Contingency Plan	1,040	5,500	0	1,520	8,050	\$0	\$0	\$360,000
Submit Information in the Event of Certain Discharges of Oil	2	2	0	0	5	\$48	\$0	\$336
Revise the SPCC Plan	6	34	0	5	45	\$0	\$0	\$8,800
Maintain the SPCC Plan and Keep Records	0	6,010	0	0	6,010	\$182,000	\$0	\$833,000
TOTAL	3,940	55,000	16,000	7,370	82,300	\$182,000	\$0	\$6,790,000

¹ Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the three significant figures.

Exhibit 15

Total Annual Burden and Costs for All Facilities

Average Category II Facilities

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost (2009\$) ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	61,100	917,000	0	61,100	1,040,000	\$0	\$0	\$89,600,000
Submit Information in the Event of Certain Discharges of Oil	339	339	0	0	678	\$6,800	\$0	\$47,800
Revise the SPCC Plan	99,300	596,000	0	79,500	775,000	\$0	\$82,000,000	\$148,000,000
Maintain the SPCC Plan and Keep Records	0	825,000	0	0	825,000	\$0	\$0	\$45,800,000
TOTAL	161,000	2,340,000	0	141,000	2,640,000	\$6,800	\$82,000,000	\$284,000,000
New Facilities								
Prepare an SPCC Plan	21,500	300,000	117,000	39,400	477,000	\$0	\$15,100,000	\$54,300,000
Prepare a Contingency Plan	5,030	26,700	0	7,390	39,100	\$0	\$0	\$1,750,000
Submit Information in the Event of Certain Discharges of Oil	12	12	0	0	23	\$232	\$0	\$1,630
Revise the SPCC Plan	37	221	0	29	288	\$0	\$30,300	\$54,900
Maintain the SPCC Plan and Keep Records	0	10,600	0	0	10,600	\$882,000	\$0	\$3,010,000
TOTAL	26,600	337,000	117,000	46,800	527,000	\$882,000	\$15,200,000	\$59,100,000

¹ Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the three significant figures.

Exhibit 16

**Total Annual Burden and Costs for All Facilities
Average Category III Facilities**

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost (2009\$) ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	36,400	547,000	0	36,400	620,000	\$0	\$0	\$53,400,000
Submit Information in the Event of Certain Discharges of Oil	110	110	0	0	220	\$2,220	\$0	\$15,600
Revise the SPCC Plan	59,200	355,000	0	47,400	462,000	\$0	\$48,600,000	\$88,100,000
Maintain the SPCC Plan and Keep Records	0	329,000	0	0	329,000	\$0	\$0	\$18,300,000
TOTAL	95,800	1,230,000	0	83,800	1,410,000	\$2,220	\$48,600,000	\$160,000,000
New Facilities								
Prepare an SPCC Plan	13,400	176,000	72,800	14,500	277,000	\$0	\$8,860,000	\$31,600,000
Prepare a Contingency Plan	1,580	8,400	0	2,320	12,300	\$0	\$0	\$550,000
Submit Information in the Event of Certain Discharges of Oil	4	4	0	0	7	\$73	\$0	\$513
Revise the SPCC Plan	22	130	0	17	170	\$0	\$0	\$0
Maintain the SPCC Plan and Keep Records	0	4,720	0	0	4,720	\$350,000	\$0	\$1,220,000
TOTAL	15,100	190,000	72,800	16,800	294,000	\$350,000	\$8,860,000	\$33,400,000

¹ Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the three significant figures.

Exhibit 17

**Total Annual Burden and Costs for All Facilities
Average Category IV Facilities**

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost (2009\$) ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	2,780	42,000	0	2,780	47,600	\$0	\$0	\$4,100,000
Submit Information in the Event of Certain Discharges of Oil	5	5	0	0	10	\$97	\$0	\$679
Revise the SPCC Plan	4,620	27,100	0	3,620	35,400	\$0	\$3,740,000	\$6,770,000
Maintain the SPCC Plan and Keep Records	1,060	37,000	0	2,120	40,200	\$0	\$0	\$2,100,000
TOTAL	8,460	106,000	0	8,520	123,000	\$97	\$3,740,000	\$13,000,000
New Facilities								
Prepare an SPCC Plan	947	11,000	3,560	1,180	16,700	\$0	\$567,000	\$1,940,000
Prepare a Contingency Plan	57	301	0	83	441	\$0	\$0	\$19,700
Submit Information in the Event of Certain Discharges of Oil	0	0	0	0	0	\$3	\$0	\$18
Revise the SPCC Plan	1	8	0	1	11	\$0	\$1,150	\$2,070
Maintain the SPCC Plan and Keep Records	0	616	0	0	616	\$15,500	\$0	\$76,700
TOTAL	1,010	11,900	3,560	1,270	17,700	\$15,500	\$568,000	\$2,040,000

¹ Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the three significant figures.

6(f) Bottom Line Burden and Cost Tables

The total estimated burden hours and costs incurred by all new and existing facilities are summarized in Exhibit 18. The exhibit shows the burden and cost components for each year of this ICR, along with total and annualized costs.

Exhibit 18

Estimated Total Burden and Costs for Facilities

Year	Total Burden (million hours)	Total Cost (2009\$, millions)			
		Labor	Capital	O&M	Total
First	7.9	\$703	\$1.8	\$156	\$861
Second	7.9	\$704	\$1.6	\$156	\$861
Third	8.3	\$732	\$1.9	\$165	\$899
TOTAL	24.1	\$2,140	\$5.4	\$477	\$2,620
ANNUALIZED	8.0	\$713	\$2.1	\$159	\$874

6(g) Reasons for the Change in Burden

Differences in burden and costs from the previous ICR are attributed to both adjustments and program changes. Adjustments capture updates to the number of affected facilities, wages, and unit costs in the absence of the final amendments. Program changes reflect the final revisions to the SPCC rule, which affect both per-facility costs and the number of affected facilities. Changes in the paperwork burden attributed to SPCC rule revisions include the following elements of the final amendments:

- To streamline SPCC requirements for Tier I qualified facilities. Under the final amendments, owners or operators of these Tier I qualified facilities are allowed to complete an SPCC Plan template in lieu of a full SPCC Plan. Therefore, Tier I qualified facilities are expected to save the difference between the cost of preparing a full SPCC Plan and a template. EPA estimates that approximately 5,780 Tier I qualified facilities would take advantage of the final amendment, on average.
- To amend §112.7(a)(3) to clarify how containers, fixed and mobile, are identified on the facility diagram. The final revision to the rule language simplifies the process for developing a facility diagram by allowing for a general indication of the location and contents of numerous mobile or portable oil storage containers (e.g., drums and totes) on the diagram, rather than a specific representation of each container. The projected average annual number of affected new facilities is estimated at 19,300. The Agency assumes that the amendment would result in approximately 80 percent reduction of the labor burden in preparing and reviewing the mobile/portable containers component of the SPCC Plan. EPA assumed that the 10 percent of the

cost related to preparing and reviewing facility diagram can be attributed to the mobile/portable containers component, leading to the savings of 8 percent of the total cost for preparing a facility diagram.

- To exempt hot-mix asphalt containers from SPCC requirements, so that the capacity of storage containers containing only hot-mix asphalt is not counted toward the facility's aggregate oil storage capacity. EPA estimated a universe of approximately 3,800 active asphalt plants that store hot-mix asphalt in the United States. EPA assumed that cost savings from the final amendment would come from the facilities moving down a capacity category (resulting in lower cost of compliance) and facilities that would be no longer subject to SPCC requirements (resulting in no cost of compliance).
- To allow an owner or operator of a facility to tailor his security measures to the facility's specific characteristics and location, rather than comply with the current, more prescriptive set of requirements. EPA estimated that approximately 7,570 facilities would be affected by the final amendment. Since a facility owner/operator does currently have flexibility to provide tailored security measures, if he or she can demonstrate how the measures are environmentally equivalent to the required measures in §112.7(g), the affected facilities would save costs from not having to determine environmental equivalence.
- To amend the integrity testing requirements at §112.12(c)(6) for an owner or operator of a facility that handles certain types of animal fats and vegetable oils (AFVOs) so as to provide the PE or an owner or operator self-certifying an SPCC Plan with the flexibility to determine the scope of integrity testing that is appropriate for containers that store AFVOs. The projected average annual number of affected facilities is 10,100. EPA assumed that facilities would save the cost incurred for preparing an environmental equivalence statement and having a PE certify environmental equivalence statements in SPCC Plans.
- To allow a new oil production facility a period of six months after the start of operations to prepare and implement an SPCC Plan. The projected average annual number of new production facilities is 6,900. As a result of the final rule change, the main cost savings for a facility would result from not having to amend the Plan and have it certified by a PE after operations have stabilized.
- To provide an option to the owner or operator of a Tier I qualified facility to complete a self-certified SPCC Plan template (found in Appendix G to 40 CFR part 112) in lieu of a full SPCC Plan. In §112.6 and the Appendix G SPCC Plan template, technical corrections include clarifications and corrections of typographical and formatting errors.

Exhibit 19 presents program changes attributed to the final SPCC rule amendments. The Agency estimates that as a result of the final amendments to clarify and streamline certain SPCC requirements, the reporting and recordkeeping burden would decrease by 1.3 million

hours. An estimated increase in total burden hours of 7.1 million is primarily attributed to two major factors: a larger number of facilities expected to incur paperwork-related costs²⁶ and the revisions made to the estimates for burden hours used in the analysis.²⁷ In total, the burden hours presented in this ICR have increased relative to the current OMB inventory. The new burden estimate shows a net annual increase of approximately 5.8 million hours. The Agency estimates that the final amendments would reduce capital and O&M costs by approximately \$11.2 million. The net effect on annualized capital and O&M costs to regulated facilities is estimated at \$125 million, mainly due to a larger number of facilities expected to incur paperwork-related costs and the revisions made to the estimates of the per-facility capital and O&M costs.

Exhibit 19

Total Estimated Annual Burden Hours and Annualized Costs Comparison

	Annual Burden Hours	Annualized Capital and O&M Costs (2009\$, Thousands)
Current OMB Inventory Burden	2,190,000	\$35,800
Change in Burden	5,850,000	\$125,000
Adjustment	7,120,000	\$136,000
Program Change	-1,270,000	- \$11,200
SPCC Final Rule Collection Burden	8,040,000	\$161,000

The exhibits below present the change in burden (hours and costs) as compared to the burden estimates currently approved by OMB.²⁸ The exhibits show change in burden separately for Private facilities (Exhibit 21) and State and Local Government facilities (Exhibit 22).

²⁶ Under this final rule, facilities of all SPCC-regulated industries would be affected by the paperwork-related requirements, whereas under the final 2006 rule, farms were issued an indefinite extension and were not included in the estimate of the regulated universe affected by the paperwork-related requirements.

²⁷ Estimates developed by SCS Engineers, a professional engineering firm with experience across a broad spectrum of industries that serves the 48 contiguous states of the United States. For detail, see Section 6(a) of this report.

²⁸ OMB's currently approved burden was estimated for the 2006 SPCC Final rule amendments.

Exhibit 20

Total Estimated Annual Burden and Costs Comparison: All Facilities

	Total Requested	Change Due to Agency Discretion	Due to Agency Estimate	Currently Approved
Annual Responses	652,000	148,000	57,600	446,000
Annual Hour Burden	8,040,000	-1,270,000	7,120,000	2,190,000
Annual Cost Burden (Capital/StartUp and O&M costs)	\$161,000,000	-\$11,200,000	\$136,000,000	\$35,800,000

Exhibit 21

Total Estimated Annual Burden and Costs Comparison: Private Facilities

	Total Requested	Change Due to Agency Discretion	Due to Agency Estimate	Currently Approved
Annual Responses	651,000	148,000	58,000	446,000
Annual Hour Burden	8,030,000	-1,270,000	7,120,000	2,190,000
Annual Cost Burden (Capital/StartUp and O&M costs)	\$161,000,000	-\$11,200,000	\$136,000,000	\$35,800,000

Exhibit 22

Total Estimated Annual Burden and Costs Comparison: State and Local Government Facilities

	Total Requested	Change Due to Agency Discretion	Due to Agency Estimate	Currently Approved
Annual Responses	606	-16	53	569
Annual Hour Burden	7,470	-1,480	6,620	2,330
Annual Cost Burden (Capital/StartUp and O&M costs)	\$150,000	\$22,100	\$127,000	\$761

6(h) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information for newly regulated facilities is estimated to range from 11.9 to 203.9 hours per facility, with an average burden of approximately 58 hours per response. The net annual public reporting and recordkeeping burden for facilities already regulated by the rule is estimated to range from 8.7 to 38.4 hours, with an average burden of approximately 11 hours.

Burden means the total time, effort, or financial resources expended by persons to

generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and chapter 15 of 48 CFR.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number [EPA-HQ-OPA-2007-0584], which is available for online viewing at www.regulations.gov, or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Superfund Docket is (202) 566-0276. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, comments can be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number [EPA-HQ-OPA-2007-0584] and OMB Control Number 2050-0021 in any correspondence.

APPENDIX A

From the Federal Water Pollution Control Act (i.e., Clean Water Act):

Sec. 311(j) National Response System --

- (1) In General -- Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil and hazardous substances, (B) establishing criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, (C) establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges, and (D) governing the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from vessels in violation of this section.

APPENDIX B

40 CFR Part 112

[74 FR 5900] February 3, 2009

The Environmental Protection Agency (EPA) is delaying by sixty days the effective date of the final rule that amends the Spill Prevention, Control, and Countermeasure (SPCC) regulations published in the Federal Register on December 5, 2008. Thus, the amendments will become effective on April 4, 2009. EPA additionally is requesting public comment on the extension of the effective date and its duration, and on the regulatory amendments contained in the final rule.

APPENDIX C

40 CFR Part 112

[74 FR 14736] April 1, 2009

The Environmental Protection Agency (EPA) is delaying the effective date of the final rule that amends the Spill Prevention, Control, and Countermeasure (SPCC) regulations promulgated in the Federal Register on December 5, 2008. The amendments will become effective on January 14, 2010. EPA additionally is requesting public comment on whether a further extension of the effective date may be warranted.

APPENDIX D

For the rule text, see 40 CFR Part 112.

The rule text for the 2009 SPCC rule amendments as of November, 2009 is as follows.

PART 112 – OIL POLLUTION PREVENTION

1. The authority citation for part 112 continues to read as follows:

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

Subpart A - [Amended]

2. Amend §112.1 as follows:

- a. By revising paragraph (d)(2)(i);
- b. By removing paragraph (d)(2)(ii)(F);
- c. By revising paragraph (d)(4); and
- d. By removing paragraph (d)(12)

§112.1 General applicability.

* * * * *

(d) * * *

(2)(i) The completely buried storage capacity of the facility is 42,000 U.S. gallons or less of oil. For purposes of this exemption, the completely buried storage capacity of a facility excludes the capacity of a completely buried tank, as defined in § 112.2, and connected underground piping, underground ancillary equipment, and containment systems, that is currently subject to all of the technical requirements of part 280 of this chapter or all of the technical requirements of a State program approved under part 281 of this chapter, or the capacity of any underground oil storage tanks deferred under 40 CFR part 280 that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission and subject to any Nuclear Regulatory Commission provision regarding

design and quality criteria, including, but not limited to, 10 CFR part 50. The completely buried storage capacity of a facility also excludes the capacity of a container that is “permanently closed,” as defined in §112.2 and the capacity of intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195.

* * * * *

(4) Any completely buried storage tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, at any facility, that is subject to all of the technical requirements of part 280 of this chapter or a State program approved under part 281 of this chapter, or any underground oil storage tanks including below-grade vaulted tanks, deferred under 40 CFR part 280, as originally promulgated, that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission, provided that such a tank is subject to any Nuclear Regulatory Commission provision regarding design and quality criteria, including, but not limited to, 10 CFR part 50. Such emergency generator tanks must be marked on the facility diagram as provided in §112.7(a)(3), if the facility is otherwise subject to this part.

* * * * *

3. Amend §112.3 as follows:

- a. By designating paragraph (a)(1) as paragraph (a), and removing paragraph (a)(2);
- b. By revising the newly designated paragraph (a);
- c. By removing paragraph (b)(2), and designating paragraph (b)(3) as (b)(2);
- d. By revising paragraph (b)(1) and the newly designated paragraph (b)(2);
- e. By removing paragraph (d)(1)(vi), and designating paragraph (d)(1)(vii) as (d)(1)(vi);
- f. By revising the newly designated paragraph (d)(1)(vi);
- g. By revising paragraph (g)(2).

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

* * * * *

(a) If your onshore or offshore facility was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, and implement the Plan no later than November 10, 2010. If your onshore or offshore facility becomes operational after August 16, 2002, through November 10, 2010, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan on or before November 10, 2010.

(b)(1) If you are the owner or operator of an onshore or offshore facility (excluding oil production facilities) that becomes operational after November 10, 2010, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan before you begin operations.

(2) If you are the owner or operator of an oil production facility that becomes operational after November 10, 2010, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan within six months after you begin operations.

* * * * *

(d) * * *

(1) * * *

(vi) That, if applicable, for a produced water container subject to §112.9(c)(6), any procedure to minimize the amount of free-phase oil is designed to reduce the accumulation of free-phase oil and the procedures and frequency for required inspections, maintenance and testing have been established and are described in the Plan.

* * * * *

(g) * * *

(2) A Tier II qualified facility is one that has had no single discharge as described in

§112.1(b) exceeding 1,000 U.S. gallons or no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to this part if the facility has been in operation for less than three years (other than discharges as described in §112.1(b) that are the result of natural disasters, acts of war, or terrorism), and has an aggregate aboveground oil storage capacity of 10,000 U.S. gallons or less.

4. Amend §112.5 as follows:

- a. By removing paragraphs (b) and (c) and designating paragraph (d) as paragraph (b)
- b. By revising the newly designated paragraph (b); and
- c. By designating paragraph (e) as paragraph (c).

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

* * * * *

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

at the beginning or end of the Plan or in a log or an appendix to the Plan. The following words will suffice, "I have completed review and evaluation of the SPCC Plan for (name of facility) on (date), and will (will not) amend the Plan as a result."

* * * * *

5. Revise §112.6 as follows:

- a. By revising paragraph (a)(1)(vii);
- b. By revising paragraph (b)(1)(vii);
- c. By revising paragraph (b)(3)(iii); and
- d. By revising paragraph (b)(4)(ii);

§112.6 Qualified Facilities Plan Requirements.

* * * * *

(a) * * *

(1) * * *

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

* * * * *

(b) * * *

(1) * * *

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

* * * * *

(3) * * *

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

(4) * * *

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

* * * * *

6. Amend §112.7 as follows:

- a. By revising paragraph (a)(3) introductory text; and
- b. By revising paragraph (h) introductory text.

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

* * * * *

(a) * * *

(3) Describe in your Plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each fixed oil storage container and the storage area where mobile or portable containers are located. The facility diagram must identify the location of and mark as “exempt” underground tanks that are otherwise exempted from the requirements of this part under §112.1(d)(4). The facility diagram must also include all transfer stations and connecting pipes, including intra-facility gathering lines that are otherwise exempted from the requirements of this part under §112.1(d)(11). You must also address in your Plan:

* * * * *

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

* * *

* * * * *

Subpart B - [Amended]

7. Amend §112.9 by revising paragraph (c)(6) to read as follows:

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

* * * * *

(c) * * *

1 (6) *Produced water containers.* For each produced water container, comply with §112.9(c)(1) and (c)(4); and §112.9(c)(2) and (c)(3), or comply with all of the following:

(i) Implement, on a regular schedule, a procedure for each produced water container that is designed to separate the free-phase oil that accumulates on the surface of the produced water. Include in the Plan a description of the procedures, frequency, amount of free-phase oil expected to be maintained inside the container, and a Professional Engineer certification in accordance with §112.3(d)(1)(vi). Maintain records of such events in accordance with §112.7(e). Records kept under usual and customary business practices will suffice for purposes of this paragraph. If this procedure is not implemented as described in the Plan or no records are maintained, then you must comply with §112.9(c)(2) and (c)(3).

(ii) On a regular schedule, visually inspect and/or test the produced water container and associated piping for leaks, corrosion, or other conditions that could lead to a discharge as described in §112.1(b) in accordance with good engineering practice.

(iii) Take corrective action or make repairs to the produced water container and any associated piping as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge.

(iv) Promptly remove or initiate actions to stabilize and remediate any accumulations of oil discharges associated with the produced water container.

(v) If your facility discharges more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or discharges more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any twelve month period from a produced water container subject to this subpart (excluding discharges that are the result of natural disasters, acts of war, or terrorism) then you must, within six months from the time the facility becomes subject to this paragraph, ensure that all produced water containers subject to this subpart comply with §112.9(c)(2) and (c)(3).

* * * * *

8. Revise Appendix G to Part 112 to read as follows:

Tier I Qualified Facility SPCC Plan

This template constitutes the SPCC Plan for the facility, when completed and signed by the owner or operator of a facility that meets the applicability criteria in §112.3(g)(1). This template addresses the requirements of 40 CFR part 112. Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or for a facility attended fewer than four hours per day, at the nearest field office. When making operational changes at a facility that are necessary to comply with the rule requirements, the owner/operator should follow state and local requirements (such as for permitting, design and construction) and obtain professional assistance, as appropriate.

Facility Description

Facility Name _____
Facility Address _____
City _____ State _____ ZIP _____
County _____ Tel. Number _____ () - _____

Owner or operator Name _____
Owner or operator Address _____
City _____ State _____ ZIP _____
County _____ Tel. Number _____ () - _____

I. Self-Certification Statement (§112.6(a)(1))

The owner or operator of a facility certifies that each of the following is true in order to utilize this template to comply with the SPCC requirements:

I _____, certify that the following is accurate:

1. I am familiar with the applicable requirements of 40 CFR part 112;
2. I have visited and examined the facility;
3. This Plan was prepared in accordance with accepted and sound industry practices and standards;
4. Procedures for required inspections and testing have been established in accordance with industry inspection and testing standards or recommended practices;
5. I will fully implement the Plan;
6. This facility meets the following qualification criteria (under §112.3(g)(1)):
 - a. The aggregate aboveground oil storage capacity of the facility is 10,000 U.S. gallons or less; and
 - b. The facility has had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons and no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years (not including oil discharges as described in §112.1(b) that are the result of natural disasters, acts of war, or terrorism); and
 - c. There is no individual oil storage container at the facility with an aboveground capacity greater than 5,000 U.S. gallons.

7. This Plan does not deviate from any requirement of 40 CFR part 112 as allowed by §112.7(a)(2) (environmental equivalence) and §112.7(d) (impracticability of secondary containment) or include an measures pursuant to §112.9(c)(6) for produced water containers and any associated piping;
8. This Plan and individual(s) responsible for implementing this Plan have the full approval of management and I have committed the necessary resources to fully implement this Plan.

I also understand my other obligations relating to the storage of oil at this facility, including, among others:

1. To report any oil discharge to navigable waters or adjoining shorelines to the appropriate authorities. Notification information is included in this Plan.
2. To review and amend this Plan whenever there is a material change at the facility that affects the potential for an oil discharge, and at least once every five years. Reviews and amendments are recorded in an attached log [See Five Year Review Log and Technical Amendment Log in Attachments 1.1 and 1.2.]
3. Optional use of a contingency plan. A contingency plan:
 - a. May be used in lieu of secondary containment for qualified oil-filled operational equipment, in accordance with the requirements under §112.7(k), and;
 - b. Must be prepared for flowlines and/or intra-facility gathering lines which do not have secondary containment at an oil production facility, and;
 - c. Must include an established and documented inspection or monitoring program; must follow the provisions of 40 CFR part 109; and must include a written commitment of manpower, equipment and materials to expeditiously remove any quantity of oil discharged that may be harmful. If applicable, a copy of the contingency plan and any additional documentation will be attached to this Plan as Attachment 2.

I certify that I have satisfied the requirement to prepare and implement a Plan under §112.3 and all of the requirements under §112.6(a). I certify that the information contained in this Plan is true.

Signature _____

Title: _____

Name _____

Date: _____ / _____ /20____

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II. Record of Plan Review and Amendments

Five Year Review (§112.5(b)):

Complete a review and evaluation of this SPCC Plan at least once every five years. As a result of the review, amend this Plan within six months to include more effective prevention and control measures for the facility, if applicable. Implement any SPCC Plan amendment as soon as possible, but no later than six months following Plan amendment. Document completion of the review and evaluation, and complete the Five Year Review Log in Attachment 1.1. If the facility no longer meets Tier I qualified facility eligibility, the owner or operator must revise the Plan to meet Tier II qualified facility requirements, or complete a full PE certified Plan.

Table G-1 Technical Amendments (§§112.5(a), (c) and 112.6(a)(2))	
This SPCC Plan will be amended when there is a change in the facility design, construction, operation, or maintenance that materially affects the potential for a discharge to navigable waters or adjoining shorelines. Examples include adding or removing containers, reconstruction, replacement, or installation of piping systems, changes to secondary containment systems, changes in product stored at this facility, or revisions to standard operating procedures.	<input type="checkbox"/>
Any technical amendments to this Plan will be re-certified in accordance with Section I of this Plan template. [§112.6(a)(2)] [See Technical Amendment Log in Attachment 1.2]	<input type="checkbox"/>

^b Although the criteria to determine eligibility for qualified facilities focuses on the aboveground oil storage containers at the facility, the completely buried tanks at a qualified facility are still subject to the rule requirements and must be addressed in the template; however, they are not counted toward the qualified facility applicability threshold.

^c Counts toward qualified facility applicability threshold.

2. Secondary Containment and Oil Spill Control (§§112.6(a)(3)(i) and (ii), 112.7(c) and 112.9(c)(2)):

Table G-3 Secondary Containment and Oil Spill Control	
Appropriate secondary containment and/or diversionary structures or equipment ^a is provided for all oil handling containers, equipment, and transfer areas to prevent a discharge to navigable waters or adjoining shorelines. The entire secondary containment system, including walls and floor, is capable of containing oil and is constructed so that any discharge from a primary containment system, such as a tank or pipe, will not escape the containment system before cleanup occurs.	<input type="checkbox"/>

^a Use one of the following methods of secondary containment or its equivalent: (1) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (2) Curbing; (3) Culverting, gutters, or other drainage systems; (4) Weirs, booms, or other barriers; (5) Spill diversion ponds; (6) Retention ponds; or (7) Sorbent materials.

Table G-4 below identifies the tanks and containers at the facility with the potential for an oil discharge; the mode of failure; the flow direction and potential quantity of the discharge; and the secondary containment method and containment capacity that is provided.

Table G-4 Containers with Potential for an Oil Discharge					
Area	Type of failure (discharge scenario)	Potential discharge volume (gallons)	Direction of flow for uncontained discharge	Secondary containment method ^a	Secondary containment capacity (gallons)
<i>Bulk Storage Containers and Mobile/Portable Containers^b</i>					
<i>Oil-filled Operational Equipment (e.g., hydraulic equipment, transformers)^c</i>					
<i>Piping, Valves, etc.</i>					
<i>Product Transfer Areas (location where oil is loaded to or from a container, pipe or other piece of equipment.)</i>					
<i>Other Oil-Handling Areas or Oil-Filled Equipment (e.g. flow-through process vessels at an oil production facility)</i>					

^a Use one of the following methods of secondary containment or its equivalent: (1) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (2) Curbing; (3) Culverting, gutters, or other drainage systems; (4) Weirs, booms, or other barriers; (5) Spill diversion ponds; (6) Retention ponds; or (7) Sorbent materials.

^b For storage tanks and bulk storage containers, the secondary containment capacity must be at least the capacity of the largest container plus additional capacity to contain rainfall or other precipitation.

° For oil-filled operational equipment: Document in the table above if alternative measures to secondary containment (as described in §112.7(k)) are implemented at the facility.

3. Inspections, Testing, Recordkeeping and Personnel Training (§§112.7(e) and (f), 112.8(c)(6) and (d)(4), 112.9(c)(3), 112.12(c)(6) and (d)(4)):

Table G-5 Inspections, Testing, Recordkeeping and Personnel Training	
An inspection and/or testing program is implemented for all aboveground bulk storage containers and piping at this facility. [§§112.8(c)(6) and (d)(4), 112.9(c)(3), 112.12(c)(6) and (d)(4)]	<input type="checkbox"/>
The following is a description of the inspection and/or testing program (e.g. reference to industry standard utilized, scope, frequency, method of inspection or test, and person conducting the inspection) for all aboveground bulk storage containers and piping at this facility:	
Inspections, tests, and records are conducted in accordance with written procedures developed for the facility. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph. [§112.7(e)]	<input type="checkbox"/>
A record of the inspections and tests are kept at the facility or with the SPCC Plan for a period of three years. [§112.7(e)] [See Inspection Log and Schedule in Attachment 3.1]	<input type="checkbox"/>
Inspections and tests are signed by the appropriate supervisor or inspector. [§112.7(e)]	<input type="checkbox"/>
Personnel, training, and discharge prevention procedures [§112.7(f)]	
Oil-handling personnel are trained in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility SPCC Plan. [§112.7(f)]	<input type="checkbox"/>
A person who reports to facility management is designated and accountable for discharge prevention. [§112.7(f)] Name/Title: _____	<input type="checkbox"/>
Discharge prevention briefings are conducted for oil-handling personnel annually to assure adequate understanding of the SPCC Plan for that facility. Such briefings highlight and describe past reportable discharges or failures, malfunctioning components, and any recently developed precautionary measures. [§112.7(f)] [See Oil-handling Personnel Training and Briefing Log in Attachment 3.4]	<input type="checkbox"/>

o

4. Security (excluding oil production facilities) §112.7(g):

Table G-6 Implementation and Description of Security Measures	
Security measures are implemented at this facility to prevent unauthorized access to oil handling, processing, and storage area.	<input type="checkbox"/>
The following is a description of how you secure and control access to the oil handling, processing and storage areas; secure master flow and drain valves; prevent unauthorized access to starter controls on oil pumps; secure out-of-service and loading/unloading connections of oil pipelines; address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges:	

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5. Emergency Procedures and Notifications (§112.7(a)(3)(iv) and 112.7(a)(5)):

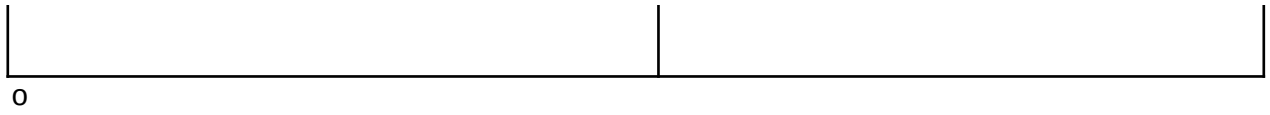
Table G-7 Description of Emergency Procedures and Notifications
The following is a description of the immediate actions to be taken by facility personnel in the event of a discharge to navigable waters or adjoining shorelines [§112.7(a)(3)(iv) and 112.7(a)(5)]:



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6. Contact List (§112.7(a)(3)(vi)):

Table G-8 Contact List	
Contact Organization / Person	Telephone Number
National Response Center (NRC)	1-800-424-8802
Cleanup Contractor(s)	
Key Facility Personnel	
Designated Person Accountable for Discharge Prevention:	Office:
	Emergency:
	Office:
	Emergency:
	Office:
	Emergency:
	Office:
	Emergency:
State Oil Pollution Control Agencies	
Other State, Federal, and Local Agencies	
Local Fire Department	
Local Police Department	
Hospital	
Other Contact References (e.g., downstream water intakes or neighboring facilities)	



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7. NRC Notification Procedure (§112.7(a)(4) and (a)(5)):

Table G-9 NRC Notification Procedure	
In the event of a discharge of oil to navigable waters or adjoining shorelines, the following information identified in Attachment 4 will be provided to the National Response Center immediately following identification of a discharge to navigable waters or adjoining shorelines [See Discharge Notification Form in Attachment 4]: <i>[§112.7(a)(4)]</i>	<input type="checkbox"/>
<ul style="list-style-type: none"> • The exact address or location and phone number of the facility; • Date and time of the discharge; • Type of material discharged; • Estimate of the total quantity discharged; • Estimate of the quantity discharged to navigable waters; • Source of the discharge; 	<ul style="list-style-type: none"> • Description of all affected media; • Cause of the discharge; • Any damages or injuries caused by the discharge; • Actions being used to stop, remove, and mitigate the effects of the discharge; • Whether an evacuation may be needed; and • Names of individuals and/or organizations who have also been contacted.

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8. SPCC Spill Reporting Requirements (Report within 60 days) (§112.4):

Submit information to the EPA Regional Administrator (RA) and the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located within 60 days from one of the following discharge events:

- A single discharge of more than 1,000 U.S. gallons of oil to navigable waters or adjoining shorelines or
- Two discharges to navigable waters or adjoining shorelines each more than 42 U.S. gallons of oil occurring within any twelve month period

You must submit the following information to the RA:

- (1) Name of the facility;
- (2) Your name;
- (3) Location of the facility;
- (4) Maximum storage or handling capacity of the facility and normal daily throughput;
- (5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;
- (6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;
- (7) The cause of the reportable discharge, including a failure analysis of the system or subsystem in which the failure occurred; and
- (8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence
- (9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge

* * * * *

NOTE: Complete one of the following sections (A, B or C)

as appropriate for the facility type.

A. Onshore Facilities (excluding production) (§§112.8(b) through (d), 112.12(b) through (d)):

The owner or operator must meet the general rule requirements as well as requirements under this section. Note that not all provisions may be applicable to all owners/operators. For example, a facility may not maintain completely buried metallic storage tanks installed after January 10, 1974, and thus would not have to abide by requirements in §§112.8(c)(4) and 112.12(c)(4), listed below. In cases where a provision is not applicable, write “N/A”.

Table G-10 General Rule Requirements for Onshore Facilities	
Drainage from diked storage areas is restrained by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. Diked areas may be emptied by pumps or ejectors that must be manually activated after inspecting the condition of the accumulation to ensure no oil will be discharged. [§§112.8(b)(1) and 112.12(b)(1)]	<input type="checkbox"/>
Valves of manual, open-and-closed design are used for the drainage of diked areas. [§§112.8(b)(2) and 112.12(b)(2)]	<input type="checkbox"/>
The containers at the facility are compatible with materials stored and conditions of storage such as pressure and temperature. [§§112.8(c)(1) and 112.12(c)(1)]	<input type="checkbox"/>
Secondary containment for the bulk storage containers (including mobile/portable oil storage containers) holds the capacity of the largest container plus additional capacity to contain precipitation. Mobile or portable oil storage containers are positioned to prevent a discharge as described in §112.1(b). [§112.6(a)(3)(ii)]	<input type="checkbox"/>
If uncontaminated rainwater from diked areas drains into a storm drain or open watercourse the following procedures will be implemented at the facility: [§§112.8(c)(3) and 112.12(c)(3)]	
<ul style="list-style-type: none"> • Bypass valve is normally sealed closed • Retained rainwater is inspected to ensure that its presence will not cause a discharge to navigable waters or adjoining shorelines • Bypass valve is opened and resealed under responsible supervision • Adequate records of drainage are kept [See Dike Drainage Log in Attachment 3.3] 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
For completely buried metallic tanks installed on or after January 10, 1974 at this facility [§§112.8(c)(4) and 112.12(c)(4)]:	
<ul style="list-style-type: none"> • Tanks have corrosion protection with coatings or cathodic protection compatible with local soil conditions. • Regular leak testing is conducted. 	<input type="checkbox"/> <input type="checkbox"/>
For partially buried or bunkered metallic tanks [§112.8(c)(5) and §112.12(c)(5)]:	
<ul style="list-style-type: none"> • Tanks have corrosion protection with coatings or cathodic protection compatible with local soil conditions. 	<input type="checkbox"/>
Each aboveground bulk container is tested or inspected for integrity on a regular schedule and whenever material repairs are made. Scope and frequency of the inspections and inspector qualifications are in accordance with industry standards. Container supports and foundations are regularly inspected. [See Inspection Log and Schedule and Bulk Storage Container Inspection Schedule in Attachments 3.1 and 3.2] [§112.8(c)(6) and §112.12(c)(6)(i)]	<input type="checkbox"/>
Outsides of bulk storage containers are frequently inspected for signs of deterioration, discharges, or accumulation of oil inside diked areas. [See Inspection Log and Schedule in Attachment 3.1] [§§112.8(c)(6) and 112.12(c)(6)]	<input type="checkbox"/>
For bulk storage containers that are subject to 21 CFR part 110 which are shop-fabricated, constructed of austenitic stainless steel, elevated and have no external insulation, formal visual inspection is conducted on a regular schedule. Appropriate qualifications for personnel	<input type="checkbox"/>

Table G-10 General Rule Requirements for Onshore Facilities	
performing tests and inspections are documented. [See Inspection Log and Schedule and Bulk Storage Container Inspection Schedule in Attachments 3.1 and 3.2] <i>[§112.12(c)(6)(ii)]</i>	<input type="checkbox"/>
Each container is provided with a system or documented procedure to prevent overfills for the container. Describe:	<input type="checkbox"/>
Liquid level sensing devices are regularly tested to ensure proper operation [See Inspection Log and Schedule in Attachment 3.1]. <i>[§112.6(a)(3)(iii)]</i>	<input type="checkbox"/>
Visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts are promptly corrected and oil in diked areas is promptly removed. <i>[§§112.8(c)(10) and 112.12(c)(10)]</i>	<input type="checkbox"/>
Aboveground valves, piping, and appurtenances such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces are inspected regularly. [See Inspection Log and Schedule in Attachment 3.1] <i>[§§112.8(d)(4) and 112.12(d)(4)]</i>	<input type="checkbox"/>
Integrity and leak testing are conducted on buried piping at the time of installation, modification, construction, relocation, or replacement. [See Inspection Log and Schedule in Attachment 3.1] <i>[§§112.8(d)(4) and 112.12(d)(4)]</i>	<input type="checkbox"/>

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B. Onshore Oil Production Facilities (excluding drilling and workover facilities) (§112.9(b), (c), and (d)):

The owner or operator must meet the general rule requirements as well as the requirements under this section. Note that not all provisions may be applicable to all owners/operators. In cases where a provision is not applicable, write "N/A".

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Table G-11 General Rule Requirements for Onshore Oil Production Facilities	
At tank batteries, separation and treating areas, drainage is closed and sealed except when draining uncontaminated rainwater. Accumulated oil on the rainwater is returned to storage or disposed of in accordance with legally approved methods. <i>[§112.9(b)(1)]</i>	<input type="checkbox"/>
Prior to drainage, diked areas are inspected and <i>[§112.9(b)(1)]</i> : <ul style="list-style-type: none"> • Retained rainwater is inspected to ensure that its presence will not cause a discharge to navigable waters • Bypass valve is opened and resealed under responsible supervision • Adequate records of drainage are kept [See Dike Drainage Log in Attachment 3.3] 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Field drainage systems and oil traps, sumps, or skimmers are inspected at regularly scheduled intervals for oil, and accumulations of oil are promptly removed [See Inspection Log and Schedule in Attachment 3.1] <i>[§112.9(b)(2)]</i>	<input type="checkbox"/>
The containers used at this facility are compatible with materials stored and conditions of storage. <i>[§112.9(c)(1)]</i>	<input type="checkbox"/>
All tank battery, separation, and treating facility installations (except for flow-through process vessels) are constructed with a capacity to hold the largest single container plus additional capacity to contain rainfall. Drainage from undiked areas is safely confined in a catchment basin or holding pond. <i>[§112.9(c)(2)]</i>	<input type="checkbox"/>
Except for flow-through process vessels, containers that are on or above the surface of the ground, including foundations and supports, are visually inspected for deterioration and maintenance needs on a regular schedule. [See Inspection Log and Schedule in Attachment 3.1] <i>[§112.9(c)(3)]</i>	<input type="checkbox"/>
New and old tank batteries at this facility are engineered/updated in accordance with good engineering practices to prevent discharges including at least one of the following: (i) adequate container capacity to prevent overflow if regular pumping/gauging is delayed; (ii) overflow equalizing lines between containers so that a full container can overflow to an adjacent container; (iii) vacuum protection to prevent container collapse; or (iv) high level sensors to generate and transmit an alarm to the computer where the facility is subject to a computer production control system. <i>[§112.9(c)(4)]</i>	<input type="checkbox"/>
Flow-through process vessels and associated components are: <ul style="list-style-type: none"> • Are constructed with a capacity to hold the largest single container plus additional capacity to contain rainfall. Drainage from undiked areas is safely confined in a catchment basin or holding pond; <i>[§112.9(c)(2)]</i> and • That are on or above the surface of the ground, including foundations and supports, are visually inspected for deterioration and maintenance needs on a regular schedule. [See Inspection Log and Schedule in Attachment 3.1] <i>[§112.9(c)(3)]</i> <p><i>Or</i></p> <ul style="list-style-type: none"> • Visually inspected and/or tested periodically and on a regular schedule for leaks, corrosion, or other conditions that could lead to a discharge to navigable waters; and • Corrective action or repairs are applied to flow-through process vessels and any associated components as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge; and • Any accumulations of oil discharges associated with flow-through process vessels are 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Table G-11 General Rule Requirements for Onshore Oil Production Facilities

promptly removed; and	
<ul style="list-style-type: none"> Flow-through process vessels are provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation within six months of a discharge from flow-through process vessels of more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or a discharge more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any twelve month period. [§112.9(c)(5)] (Leave blank until such time that this provision is applicable.) 	<input type="checkbox"/>
All aboveground valves and piping associated with transfer operations are inspected periodically and upon a regular schedule. The general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items are included in the inspection. [See Inspection Log and Schedule in Attachment 3.1] [§112.9(d)(1)]	<input type="checkbox"/>
<p>An oil spill contingency plan and written commitment of resources are provided for flowlines and intra-facility gathering lines [See Oil Spill Contingency Plan and Checklist in Attachment 2 and Inspection Log and Schedule in Attachment 3.1] [§112.9(d)(3)]</p> <p>or</p> <p>Appropriate secondary containment and/or diversionary structures or equipment is provided for flowlines and intra-facility gathering lines to prevent a discharge to navigable waters or adjoining shorelines. The entire secondary containment system, including walls and floor, is capable of containing oil and is constructed so that any discharge from the pipe, will not escape the containment system before cleanup occurs.</p>	<input type="checkbox"/> <input type="checkbox"/>
<p>A flowline/intra-facility gathering line maintenance program to prevent discharges from each flowline has been established at this facility. The maintenance program addresses each of the following:</p> <ul style="list-style-type: none"> Flowlines and intra-facility gathering lines and associated valves and equipment are compatible with the type of production fluids, their potential corrosivity, volume, and pressure, and other conditions expected in the operational environment; Flowlines, intra-facility gathering lines and associated appurtenances are visually inspected and/or tested on a periodic and regular schedule for leaks, oil discharges, corrosion, or other conditions that could lead to a discharge as described in §112.1(b). The frequency and type of testing allows for the implementation of a contingency plan as described under part 109 of this chapter. Corrective action and repairs to any flowlines and intra-facility gathering lines and associated appurtenances as indicated by regularly scheduled visual inspections, tests, or evidence of a discharge. Accumulations of oil discharges associated with flowlines, intra-facility gathering lines, and associated appurtenances are promptly removed. [§112.9(d)(4)] 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
The following is a description of the flowline/intra-facility gathering line maintenance program implemented at this facility:	

Table G-11 General Rule Requirements for Onshore Oil Production Facilities	

0 **C. Onshore Oil Drilling and Workover Facilities (§112.10(b), (c) and (d)):**

0 The **owner or operator must meet the general rule requirements as well as the requirements under this section.**

Table G-12 General Rule Requirements for Onshore Oil Drilling and Workover Facilities	
Mobile drilling or worker equipment is positioned or located to prevent discharge as described in §112.1(b). <i>[§112.10(b)]</i>	<input type="checkbox"/>
Catchment basins or diversion structures are provided to intercept and contain discharges of fuel, crude oil, or oily drilling fluids. <i>[§112.10(c)]</i>	<input type="checkbox"/>
A blowout prevention (BOP) assembly and well control system was installed before drilling below any casing string or during workover operations. <i>[§112.10(d)]</i>	<input type="checkbox"/>
The BOP assembly and well control system is capable of controlling any well-head pressure that may be encountered while the BOP assembly and well control system are on the well. <i>[§112.10(d)]</i>	<input type="checkbox"/>

ATTACHMENT 1 – Five Year Review and Technical Amendment Logs

ATTACHMENT 1.1 – Five Year Review Log

I have completed a review and evaluation of the SPCC Plan for this facility, and will/will not amend this Plan as a result.

Table G-13 Review and Evaluation of SPCC Plan for Facility			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

ATTACHMENT 2 – Oil Spill Contingency Plan and Checklist

o 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.	<input type="checkbox"/>
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o 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	
(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:	
(1) The identification of critical water use areas to facilitate the reporting of and response to oil discharges.	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(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).	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(c) Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including:	
(1) The identification and inventory of applicable equipment, materials and supplies which are available locally and regionally.	<input type="checkbox"/>
(2) An estimate of the equipment, materials and supplies which would be required to remove the maximum oil discharge to be anticipated.	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(d) Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including:	
(1) Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.	<input type="checkbox"/>

Table G-15 Checklist of Development and Implementation Criteria for State, Local and Regional Oil Removal Contingency Plans (§109.5)^a	
(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.	<input type="checkbox"/>
(3) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.	<input type="checkbox"/>
(4) Provisions for varying degrees of response effort depending on the severity of the oil discharge.	<input type="checkbox"/>
(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.	<input type="checkbox"/>
(6) Specific and well defined procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinances.	<input type="checkbox"/>

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

ATTACHMENT 3 – Inspections, Dike Drainage and Personnel Training Logs

ATTACHMENT 3.1 – Inspection Log and Schedule

Table G-16 Inspection Log and Schedule This log is intended to document compliance with §§112.6(a)(3)(iii), 112.8(c)(6), 112.8(d)(4), 112.9(b)(2), 112.9(c)(3), 112.9(d)(1), 112.9(d)(4), 112.12.(c)(6), and 112.12(d)(4), as applicable.					
Date of Inspection	Container / Piping / Equipment	Describe Scope (or cite Industry Standard)	Observations	Name/ Signature of Inspector	Records maintained separately ^a
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>

^a Indicate in the table above if records of facility inspections are maintained separately at this facility.

ATTACHMENT 3.2 – Bulk Storage Container Inspection Schedule – onshore facilities (excluding production):

To comply with integrity inspection requirement for bulk storage containers, inspect/test each shop-built aboveground bulk storage container on a regular schedule in accordance with a recognized container inspection standard based on the minimum requirements in the following table.

Table G-17 Bulk Storage Container Inspection Schedule	
Container Size and Design Specification	Inspection requirement
Portable containers (including drums, totes, and intermodal bulk containers (IBC))	Visually inspect monthly for signs of deterioration, discharges or accumulation of oil inside diked areas
55 to 1,100 gallons with sized secondary containment	Visually inspect monthly for signs of deterioration, discharges or accumulation of oil inside diked areas plus any annual inspection elements per industry inspection standards
1,101 to 5,000 gallons with sized secondary containment and a means of leak detection ^a	
1,101 to 5,000 gallons with sized secondary containment and no method of leak detection ^a	Visually inspect monthly for signs of deterioration, discharges or accumulation of oil inside diked areas, plus any annual inspection elements and other specific integrity tests that may be required per industry inspection standards

^a Examples of leak detection include, but are not limited to, double-walled tanks and elevated containers where a leak can be visually identified.

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ATTACHMENT 3.3 – Dike Drainage Log

Table G-18 Dike Drainage Log

Date	Bypass valve sealed closed	Rainwater inspected to be sure no oil (or sheen) is visible	Open bypass valve and reseal it following drainage	Drainage activity supervised	Observations	Signature of Inspector
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

ATTACHMENT 3.4 – Oil-handling Personnel Training and Briefing Log

Table G-19 Oil-Handling Personnel Training and Briefing Log		
Date	Description / Scope	Attendees

ATTACHMENT 4 – Discharge Notification Form

In the event of a discharge of oil to navigable waters or adjoining shorelines, the following information will be provided to the National Response Center [also see the notification information provided in Section 7 of the Plan]:

Table G-20 Information provided to the National Response Center in the Event of a Discharge			
Discharge/Discovery Date		Time	
Facility Name			
Facility Location (Address/Lat-Long/Section Township Range)			
Name of reporting individual		Telephone #	
Type of material discharged		Estimated total quantity discharged	Gallons/Barrels
Source of the discharge		Media affected	<input type="checkbox"/> Soil
			<input type="checkbox"/> Water (specify) _____
			<input type="checkbox"/> Other (specify) _____
Actions taken			
Damage or injuries	<input type="checkbox"/> No <input type="checkbox"/> Yes (specify)	Evacuation needed?	<input type="checkbox"/> No <input type="checkbox"/> Yes (specify)
Organizations and individuals contacted	<input type="checkbox"/> National Response Center 800-424-8802 Time _____		
	<input type="checkbox"/> Cleanup contractor (Specify) Time _____		
	<input type="checkbox"/> Facility personnel (Specify) Time _____		
	<input type="checkbox"/> State Agency (Specify) Time _____		
	<input type="checkbox"/> Other (Specify) Time _____		