REQUIRED COMPLIANCE ACTIONS

	Action	Required Timeframe / Recommended Frequency	Reference	Form Location
One-time Requirements	➢ Sign Management Approval	Upon SPCC plan implementation	Management Approval	Page xi
	➢ Professional Engineer's Certification	Upon SPCC plan implementation	P.E.'s Certification	Attachment B
	➢ Complete and Certify the Substantial Harm Criteria checklist	Upon plan implementation	Table of Contents	Page x
	➢ Document proof of arrangements made with local emergency response organizations	Upon RCRA Compliance Program implementation	Attachment L	Attachment L
Periodic and Ongoing Requirements	➢ Conduct non-destructive shell integrity testing on large and field fabricated oil storage tanks	In accordance with *Bulk Oil Integrity Testing Program* (API 653)	Section 9.6.4	On-site Files
	➢ Retain on-site all completed forms pertaining to implementation of this plan	For at least 5 years	Sections 7.0, 8.4 & 9.6	Attachments E, F, G & L
	➢ Amend the SPCC portions of this plan to include more effective prevention and control technology if applicable	Within 6 months of completing the 5-year review	Section 8.2	Attachment J
	➢ Conduct Comprehensive Table Top Drill	Once every 3 years	Section 7.2.2	Attachment F
	➢ Participate in Area Exercises	At least once every 3 yrs	Sections 7.2.4 & 7.2.5	Attachment F
	➢ **In case of a spill, follow response and notification procedures outlined in the plan**	**Per incident**	**Section 2.0, Att. L**	**Att. C & Att. L**
	➢ **Submit incident follow-up report**	**Per incident**	**Section 4.1**	**N/A**
	➢ **In case of a discharge greater than 1,000 gallons or 2 discharges of more than 42 gallons of oil each within a 12-month period (amend the SPCC plan if necessary)**	**Per incident submit report to EPA Regional Office & TGLO**	**Section 6.2**	**Attachment C**
	➢ Prepare manifest prior to shipping hazardous and Class 1 waste to an off-site TSDF location	Per each shipment	Attachment L	Attachment L
	➢ Have amendments to the SPCC portions of plan (except administrative changes) certified by a P.E.	Upon implementation of the change	Section 8.2	Attachment J
	➢ Amend the ICP plan whenever there is a change in facility design, construction, operation, or maintenance which materially affects the facility's potential for a release or discharge	Within 6 months after such change	Section 8.2, Att. L	Att. J & Att. L
	➢ Update the Notice of Registration (NOR)	Within 90 days of change	Attachment L	Attachment L
	➢ Conduct visual inspection of stormwater accumulated in secondary containment(s)	As needed	Section 9.6.5	Attachment K
	➢ Prepare and submit a hazardous and Class 1 waste management unit closure notification	As needed	Attachment L	Attachment L
	➢ Update waste determination records	Upon generation of new waste stream	Attachment L	Attachment L
	➢ Facility Emergency Procedures Drill	Quarterly	Section 7.2.6	Attachment F
	➢ Conduct SPCC/RCRA employee training	Annually (w/in 6 mo. of Employment)	Section 7.3.1, Att. L	Att. G; Att. L
	➢ Review, revise & submit changes to Distribution List	Annually	Section 8.2, Att. L	Att. J & Att. L
	➢ Conduct Table Top Drill	Annually	Section 7.2.2	Attachment F
	➢ Conduct Announced and/or Unannounced Drills	Annually	Section 7.2.4	Attachment F
	➢ Prepare and Submit Hazardous and Class 1 Waste Summary Report	Annually	Attachment L	Attachment L

	Action	Required Timeframe / Recommended Frequency	Reference	Form Location
Periodic and Ongoing Requirements (cont'd)	➢ Submit Hazardous and Class 1 waste fees	Invoiced annually	Attachment L	Attachment L
	➢ Inspect & test response equipment and maintain documented inventory	Per Facility Testing Schedule	Sections 5.5.5 & 7.1, Att. L	Attachment D
	➢ Conduct Equipment Deployment Drill	Semi-Annually	Section 7.2.3	Attachment E
	➢ Facility and PIC/QI notification drills	Monthly	Section 7.2.1	Attachment F
	➢ Conduct facility-wide visual inspections of SPCC regulated activities including visual integrity evaluation of small and medium size bulk oil storage containers (tanks, drums, etc.)	Monthly	Section 9.6	Attachment D
	➢ Conduct visual examination of hazardous and Class 1 waste storage containment areas	Weekly	Attachment L	Attachment D of RCRA Plan

INTEGRATED CONTINGENCY PLAN

Prepared for
OILTANKING HOUSTON, L.P.
Houston, Texas

Prepared by
THE WCM GROUP, INC.
Humble, Texas

June 2005
Revised: December 2005
Revised: March 2006
Revised: April 2006
Revised: January 2007
Revised: March 2007
Revised: May 2008
Revised: May 2009
Revised: May 2011
Revised: May 2012
Revised: July 2013
Revised: October 2013

Oiltanking

Health, Safety, Security & Environmental Policy

Oiltanking Houston is committed to the safe and efficient operation of its facilities. Our goal is to prevent all accidents, injuries and occupational illness and to protect the environment. In order to achieve this, we will:

1. Promote Health, Safety, Security & Environment (HSSE) in all companies and manage it in the same way as any other critical business activity.
2. Comply with all applicable laws and regulations and apply appropriate standards where respective legislation does not exist.
3. Have a sound HSSE Management System, in which competencies, responsibilities and communication channels are clearly defined.
4. Provide a safe and healthy work environment for all employees and contractors with adequate facilities and appropriate protective equipment.
5. Identify and analyse potential hazards and security threats and implement measures to avoid, prevent, control and restrict the associated risks.
6. Be prepared for a quick and efficient response to emergency situations to minimise the potential impact of incidents should they occur.
7. Design, build and maintain facilities and utilize services in a manner to avoid risk to people and the environment.
8. Provide training and job-specific education to all employees supported by internal standards, procedures and instructions.
9. Use energy and natural resources efficiently, prevent pollution and raise employee's awareness to minimise adverse impacts on the environment.
10. Set targets and benchmark our performance to achieve continuous improvement and ensure compliance with all applicable standards.

The management will visibly and rigorously support the implementation of this policy. We expect the support of all employees, contractors and others working for us in order to make our HSSE performance one which will earn us the continuing confidence of our customers, neighbours and the community at large.

Hamburg, December 2012

Carlin Conner
Managing Director - Oiltanking GmbH

Houston, December 2012

Anne-Marie Ainsworth
President - Oiltanking Houston, L.P.

TABLE OF CONTENTS

LIST OF DIAGRAMS

This Integrated Contingency Plan (ICP) has been prepared to address procedures and resources for responding to releases of oil and non-radiological hazardous substances as required by the following regulations:

- EPA's Oil Pollution Prevention Regulations (SPCC and FRP Requirements) 40 CFR 112.7(d) and 112.20-.21;
- USCG's FRP Regulation – 33 CFR 154, Subpart F;
- PHMSA's Pipeline Response Plan Regulation – 49 CFR 194;
- TGLO's Discharge Prevention and Response Certification Regulations – 31 TAC Part 1 Chapter 19; and
- RCRA Regulations - 40 CFR 262, 265, Subparts C & D;

  30 TAC 101; and 30 TAC 335, Subparts C, E & Q.

This ICP replaces the previously issued and approved plans as follows:

	Plan Title	Regulatory Agency	Document Number	Previous Approval Dates
1	SPCC Plan	EPA	272005.spcc.doc	12/2002 11/18/04
2	FRP (OPA-90) Site Specific Complex Plan (MTR & N-MTR)	EPA & USCG	FRP-06-TX00728 2720014.rpt.doc	1993-2004
3	FRP (OPA-90) for Onshore Pipeline Operations	DOT, PHMSA	1210 272012.pip.doc	10/1999 – 10/2004
4	RCRA Compliance Document	EPA & TCEQ	N/A	Circa 1992

FIGURES

ATTACHMENTS

APPENDICES

DISTRIBUTION LIST

LOCATION	DOCUMENT NUMBER
Safety Coordinator	1
Operations Manager	2
EVP & COO	3
Houston Terminal Control Room	4
Emergency Control Room	5
Environmental Manager	6
USCG COTP MSO Houston-Galveston P.O. Box 446 Galena Park, TX 77547-0446	7 and 8
U.S. EPA Region VI (Tracking No. FRP-06-TX-00728) Response and Prevention Branch P.O. Box 303 Dallas, TX 75313-0303	9
U.S. DOT, PHMSA (Tracking No. 1210) PHMSA-(PHP-80) 400 7th Street, S.W., Room 2103 Washington, D.C. 20590	10 and 11
The WCM Group, Inc.	12

Attachment L of the ICP (RCRA Compliance Program) has also been forwarded to the following local response agencies as required by 40 CFR 265.53:

- Harris County Sheriff's Office
- Channelview Volunteer Fire Department
- Bayshore Medical Center (Hospital)
- North Channel Local Emergency Planning Committee (LEPC)

CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

Oiltanking Houston, L.P. Facility
15602 Jacintoport Boulevard
Houston, Texas

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

   Yes __X__ No _____

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

   Yes _____ No __X__

3. ***Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to Appendix F of 40 CFR 112 or a comparable formula) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments?***

   Yes __X__ No _____

4. ***Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to Appendix F of 40 CFR 112 or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake?***

   Yes _____ No __X__

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

   Yes _____ No __X__

CERTIFICATION

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

Signature: Kevin Campbell
Kevin Campbell, Vice President, Operations - Oiltanking Houston, L.P.

Date: July 19, 2013

MANAGEMENT APPROVAL

I certify that the National Contingency Plan (NCP) and applicable Area Contingency Plans (ACPs) for this facility have been reviewed and that this Integrated Contingency Plan (ICP) has management approval. This ICP will be implemented as herein described in accordance with the applicable federal, state, and local regulations 40 CFR Part 112.7 - *Guidelines for the Preparation and Implementation of a Spill Prevention Control and Countermeasure Plan.*

In addition, I hereby certify that the necessary personnel and equipment to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge has been obtained through contract and other approved means.

Kevin Campbell,
Vice President, Operations - Oiltanking Houston, L.P

July 19, 2013
Date

ACRONYMS

ACP	Area Contingency Plan
API	American Petroleum Institute
bpd	barrels per day
bph	barrels per hour
CFR	Code of Federal Regulations
CHRIS	Chemical Hazard Response Information System
CIMA	Channel Industries Mutual Aid organizations
COTP	Captain of the Port
CWA	Clean Water Act
DAF	Dissolved Air Flotation
DOT	Department of Transportation
EPA	Environmental Protection Agency
FOSC	Federal On-Scene Coordinator
FRP	Facility Response Plan
gpm	gallons per minute
ICP	Integrated Contingency Plan
IC	Incident Commander
ICS	Incident Command System
LEPC	Local Emergency Planning Committee
MAWP	Maximum Allowable Working Pressure
MMS	Mineral Management Services
MSDS	Material Safety Data Sheet
MSO	Marine Safety Office
MTR	Marine Transportation-Related
NCP	National Contingency Plan
NIIMS	National Interagency Incident Management System
N-MTR	Non-Marine Transportation-Related
NRC	National Response Center
NRT	National Response Team
NSCC	National Scheduling Coordinating Committee
OD	Outside Diameter
OPA	Oil Pollution Act
OSHA	Occupational Safety Health Act
OSPR	Oil Spill Prevention and Response
OSPRA	Oil Spill Prevention and Response Act
OSRO	Oil Spill Response Organization
OTH	Oiltanking Houston, L.P.
PHMSA	Pipeline and Hazardous Materials Safety Administration
PIC/QI	Person-In-Charge/Qualified Individual
PPE	Personal Protective Equipment
PREP	Preparedness for Response Exercise Program
QI	Qualified Individual
RCRA	Resource Conservation and Recovery Act
RMS	Response Management System
RRC	Railroad Commission of Texas
RTM	Response Team Member
SCADA	Supervisory Control and Data Acquisition
SERC	State Emergency Response Commission
SOSC	State On-Scene Coordinator

SPCC	Spill Prevention, Control and Countermeasure
TAC	Texas Administrative Code
TGLO	Texas General Land Office
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System
UHF	Ultra High Frequency
USCG	United States Coast Guard
VHF	Voice High Frequency

1.0 INTRODUCTION

1.1 ICP PHILOSOPHY AND ORGANIZATIONAL CONCEPT

The philosophy behind preparing an Integrated Contingency Plan (ICP) is to minimize duplication in the preparation and use of emergency response plans at the same facility and to improve economic efficiency for both the regulated and regulating communities. The use of a single emergency response plan per facility will eliminate confusion for facility first responders who often must decide which of their plans is applicable to a particular emergency. The organization of an ICP should be designed with high functionality in mind for use in varied emergency situations while providing a mechanism for complying with multiple agency requirements. Use of a single integrated plan should also improve coordination between facility response personnel and local, state, and federal emergency response personnel. The ICP concept also allows for coordination of facility plans with plans that are maintained by LEPCs, Area Committees, co-operatives, and mutual aid organizations. The scope of an ICP is to address facility hazards in a comprehensive and coordinated manner. Facility hazards include both physical and chemical hazards associated with events such as chemical releases, oil discharges, fires, explosions, and natural disasters.

This ICP is organized into three main sections:

- Introduction;
- Core Plan; and
- Supporting Annexes.

The Introduction Section of the plan is designed to provide facility response personnel, outside responders, and regulatory officials with basic information about the plan and the entity it covers.

The Core Plan and Annexes are based on the structure of the NIIMS ICS. NIIMS ICS is a nationally recognized system currently in use by numerous federal, state, and local organizations. NIIMS ICS provides a commonly understood framework that allows for effective interaction among response personnel. Organizing the ICP along the lines of the NIIMS ICS will allow the plan to dovetail with established response management practices, thus facilitating its ease of use during an emergency.

1.2 TABLE OF CONTENTS

Table of Contents (page 1) for the ICP clearly identifies the structure of this document and is designed to facilitate rapid use of the plan in case of an emergency.

1.3 CURRENT REVISION DATE

The document issuance date is indicated at the bottom of each page. More detailed information on plan update history is maintained in Attachment J. All modifications and amendments made to this plan are in accordance with the provisions as outlined in Section 8.0 of the ICP.

1.4 GENERAL FACILITY IDENTIFICATION INFORMATION

GENERAL FACILITY IDENTIFICATION INFORMATION		
Facility Name:		Oiltanking Houston, L.P.
Facility Mailing Address:		15631 Jacintoport Blvd. Houston, Texas 77015
Facility Street Address:		15602 Jacintoport Blvd. Houston, Texas 77015
Facility Telephone and Fax Numbers:		(281) 457-7900 – normal business hours (281) 457-7979 – 24 hour (713) 457-7975 – operations fax (281) 457-7991 – administration fax
Description of Geographic Location:		Along the Houston Ship Channel on the north side of the channel approximately seven (7) miles east of downtown Houston and 7.5 miles west of Baytown. Across the Houston Ship Channel from Boggy Bayou Basin. The geographic location relative to other facilities is identified on Figure 1.
Directions to the Facility:		Off Interstate-10, take Sheldon Road exit; go south on Sheldon Road two (2) miles, then turn right onto and travel Jacintoport Boulevard for less than one mile to the site.
Owner/Operator/Agent Mailing Address:		Oiltanking Houston, L.P. 15631 Jacintoport Blvd. Houston, Texas 77015
Date of Oil Storage Start-up:		1977
Current Operation:		Bulk liquid crude oil storage and refined petroleum products storage and transfer via water, rail, truck and pipeline.
Date(s) and type(s) of substantial expansion(s):		
1.	1977-1979	Construction of North, South, 21, and 22 Dike Areas (including tanks).
2.	1982-1983	Construction of B and C Dike Areas (including tanks).
3.	1990-1991	Construction of six stack tanks in South Dike Area.
4.	1992	Construction of D Dike Area (including tanks), No. 4/5 Ship Dock and “D” Dock.
5.	1995	Construction of 500 Dike Area (including tanks).
6.	1999-2000	Construction of 300 Dike Area (including tanks) and No. 8 Ship Dock.
7.	2001-2002	Construction of No. 6/7 Dock.
8.	2003	Construction of 5 tanks and two manifolds (400 Manifold and 200 Manifold)
9.	2006	Construction of 5 new tanks in (400 Tankfarm)
10.	2007-2008	Construction of 10 new tanks in (200 Tank Farm)
11.	2011-2012	Construction of 3 new tanks in (200 Tank Farm)
12.	2012-2013	Construction of 4 new tanks (600 Manifold)

GENERAL FACILITY IDENTIFICATION INFORMATION	
Key Contact for plan development and maintenance:	Randy Condra Safety Coordinator 281-247-7254 - office
Latitude (Degrees: North):	(b) (7)(F), (b) (3)
Longitude (Degrees: West):	
Standard Industrial Classification (SIC) and NAIC Codes[1]:	SIC: 4226 NAIC: 493190
Largest Aboveground Oil Storage Tank Capacity:	(b) (7)(F), (b) (3)
Number of Aboveground Oil Storage Tanks:	77
Maximum Oil Storage Capacity:	(b) (7)(F), (b) (3)
Crude Oil & Refined Petroleum Products Transfer Pipeline Length:	10” diameter x 7.2 miles 12” diameter x 0.9 miles 16” diameter x 8.46 miles 24” diameter x 32.3 miles 30” diameter x 9.2 miles 36” diameter x 4.5
Worst-Case Oil Discharge Amount – Non-MTR portion:	(b) (7)(F), (b) (3)
Worst-Case Oil Discharge Amount – MTR portion:	
Worst-Case Group V Oil Discharge Amount:	
Worst-Case Oil Discharge Amount – Pipeline operations:	
Facility Distance to Navigable Water (mark the appropriate box):	
0-1/4 mile ■ 1/4 - 1/2 mile ☐ ½ to 1 mile ☐ 1 mile ☐	
Wellhead Protection Area:	The facility is not located in a wellhead Protection Area nor does the facility have a potential to discharge into a wellhead Protection Area.

1.5 FACILITY OPERATIONAL INFORMATION

Detailed descriptions of the marine transportation related (MTR) and non-marine transportation related (N-MTR) portions of the Oiltanking Houston, L.P. (OTH) facility are provided below. Figure 2, *Site Plot Plan*, shows the facility mooring areas, transfer locations, control stations, storage tank farms, secondary containment walls, and locations of safety equipment.

1.5.1. MTR Portion Of The Facility

Marine activities including the loading or unloading of marine vessels occur at the facility's ship and barge docks. Marine vessels include barges, seagoing barges, and ships. In the unlikely event of a release, oil from marine activities would flow directly into the Houston Ship Channel, if not isolated in the facility drip and containment systems, as described in the USCG Operations, Maintenance and Emergency Procedures Manual found under separate cover. The breasting and mooring structures are equipped with hooks.

Ship Dock No. 1

One ship can transfer oil or hazardous material to or from the facility at Ship Dock No. 1. Each ship is restricted to a total length of 860 feet, a width of 160 feet and a draft of 40 feet at Ship Dock No. 1.

When ships are not transferring oil or hazardous material, then either one barge, two barges that are on either end of the dock, three barges (i.e., two barges that are manifolded on one end of the dock and one barge on the opposite end) or four barges (i.e., two that are manifolded on either end of the dock) can simultaneously transfer oil or hazardous material to or from the facility at Ship Dock No. 1. Barges are restricted to a maximum of 300 feet long by 60 feet wide and a draft of 40 feet.

Ship Dock No. 4

One ship can transfer oil or hazardous material to or from the facility at Ship Dock No. 4. Each ship is restricted to a total length of 900 feet, a width of 160 feet, and a draft of 40 feet at Ship Dock No. 4.

When ships are not transferring oil or hazardous material, then either one barge, two barges that are on either end of the dock, three barges (i.e., two barges that are manifolded on one of the dock and one barge on the opposite end) or four barges (i.e., two that are manifolded on either end of the dock) can simultaneously transfer oil or hazardous material to or from the facility at Ship Dock No. 4. Barges are restricted to a maximum of 300 feet long by 60 feet wide with a draft of 40 feet.

Ship Dock No. 5

One ship can transfer oil or hazardous material to or from the facility at Ship Dock No. 5. Each ship is restricted to a total length of 950 feet, a width of 175 feet, and a draft of 45 feet at Ship Dock No. 5.

When ships are not transferring oil or hazardous material, then either one barge, two barges that are on either end of the dock, three barges (i.e., two barges that are manifolded on one of the dock and one barge on the opposite end) or four barges (i.e., two that are manifolded on either end of the dock) can simultaneously transfer oil or hazardous material to or from the facility at Ship Dock No. 5. Barges are restricted to a maximum of 300 feet long by 60 feet wide with a draft of 45 feet.

Ship Dock No. 6

One ship can transfer oil or hazardous material to or from the facility at Ship Dock No. 6. Each ship is restricted to a total length of 950 feet, a width of 175 feet, and a draft of 45 feet at Ship Dock No. 6. When ships are not transferring oil or hazardous material, then either one barge, two barges that are on either end of the dock, three barges (i.e., two barges that are manifolded on one of the dock and one barge on the opposite end) or four barges (i.e., two that are manifolded on either end of the dock) can simultaneously transfer oil or hazardous material to or from the facility at Ship Dock No. 6. Barges are restricted to a maximum of 300 feet long by 60 feet wide with a draft of 45 feet.

Ship Dock No. 7

One ship can transfer oil or hazardous material to or from the facility at Ship Dock No. 7. Each ship is restricted to a total length of 950 feet, a width of 160 feet, and a draft of 40 feet at Ship Dock No. 7.

When ships are not transferring oil or hazardous material, then either one barge, two barges that are on either end of the dock, three barges (i.e., two barges that are manifolded on one of the dock and one barge on the opposite end) or four barges (i.e., two that are manifolded on either end of the dock) can simultaneously transfer oil or hazardous material to or from the facility at Ship Dock No. 7. Barges are restricted to a maximum of 300 feet long by 60 feet wide with a draft of 40 feet.

Ship Dock No. 8

One ship can transfer oil or hazardous material to or from the facility at Ship Dock No. 8. Each ship is restricted to a total length of 750 feet, a width of 120 feet, and a draft of 36 feet at Ship Dock No. 8.

When ships are not transferring oil or hazardous material, then either one barge, two barges that are on either end of the dock, three barges (i.e., two barges that are manifolded on one of the dock and one barge on the opposite end) or four barges (i.e., two that are manifolded on either end of the dock) can simultaneously transfer oil or hazardous material to or from the facility at Ship Dock No. 8. Barges are restricted to a maximum of 300 feet long by 60 feet wide with a draft of 36 feet.

Barge Dock B

Either one barge, two barges that are on either end of the dock, three barges (i.e., two barges that are manifolded on one of the dock and one barge on the opposite end) or four barges (i.e., two that are manifolded on either end of the dock) can simultaneously transfer oil or hazardous material to or from the facility at Barge Dock B. Barges are restricted to a maximum of 300 feet long by 60 feet wide with a draft of 15 feet.

Barge Dock D

Either one barge, two barges that are moored on either side of the dock, three barges (i.e., two that are manifolded on one side and one moored on the other side), or four

barges (i.e., two that are manifolded on either side) can simultaneously transfer oil or hazardous material to or from the facility at Barge Dock D. Each barge is restricted to a maximum of 300 feet long by 60 feet wide with a draft of 15 feet.

Containment

Each dock is curbed so that all oil discharges on the dock area will be pumped directly to the on-shore API-approved oil/water separator.

Pipelines

(b) (3), (b) (7)(F)

1.5.2. N-MTR Portion Of The Facility

(b) (3), (b) (7)(F)

The SPCC planning requirements of 40 CFR 112 apply to any owner or operator of a N-MTR facility engaged in storing and transferring oil and oil products which due to its location could reasonably be expected to discharge oil in quantities that my be harmful as defined in 40 CFR 110 into or upon the navigable waters of the United States or adjoining shorelines. The SPCC Planning requirements of 40 CFR 112 are addressed in this ICP.

Any facility that has an aggregate aboveground oil storage capacity of 1,320 gallons or greater must comply with the provisions as outlined in 40 CFR 112 Subparts A, B, and C which establish requirements for the preparation and implementation of SPCC Plans. SPCC Plans are designed to complement existing laws, regulations, rules, standards, policies, and procedures pertaining to safety standards, fire prevention, and pollution prevention rules.

Tanks and Related Piping Systems

OTH utilizes aboveground welded steel storage tanks to store refined petroleum products and crude oil at atmospheric pressure. Process equipment including pumps, valves and piping is utilized for transferring oil and petroleum products within the facility. These tanks and related piping are equipped with secondary containment systems that are designed to contain a minimum volume of 100% of the largest

contained tank plus sufficient freeboard to allow for collection of precipitation. In the unlikely event of a release, oil that escapes secondary containment would flow through the facility drainage system and oil/water separator system, toward the on-site stormwater outfalls and into the Houston Ship Channel, if it is not isolated in the containment and/or drainage systems prior to reaching the Channel.

Tank Truck Activities

Tank truck activities, such as the loading and unloading, occur at the tank truck rack in the western portion of the facility. In the unlikely event of a release from these activities, oil that escapes the tank truck loading and unloading areas would flow through the facility drainage system and oil/water separator system, toward the on-site stormwater outfalls and into the Houston Ship Channel, if it is not isolated in the loading and unloading areas and/or drainage systems prior to reaching the Channel. An interlocked warning light or physical barrier system, warning signs, wheel chocks, or vehicle break interlock system is provided in loading/unloading areas to prevent vehicular departure before complete disconnect of flexible or fixed oil transfer lines in accordance with 40 CFR Part 112.7(h)(2).

Tank Car Activities

Tank car activities, such as loading and unloading, occur near the center portion of the facility, between the C/D and 300/400 areas. In the unlikely event of a release, oil that escapes from the tank car loading and unloading areas would flow through the facility drainage system and oil/water separator system, toward the on-site stormwater outfalls and into the Houston Ship Channel, if it is not isolated in the tank car loading and unloading areas and/or drainage systems prior to reaching the Channel. An interlocked warning light or physical barrier system, warning signs, wheel chocks, or vehicle break interlock system is provided in loading/unloading areas to prevent vehicular departure before complete disconnect of flexible or fixed oil transfer lines in accordance with 40 CFR Part 112.7(h)(2).

Transport Vessel Inspection

Prior to filling and departure of any transport vessel, the lowermost drain and all outlets of the vessel are closely examined for leakage and, if necessary, tightened, adjusted, or replaced to prevent leakage while in transport in accordance with 40 CFR Part 112.7(h)(3).

1.5.3. Pipeline Information Summary

OTH operates a pipeline network in eastern Harris County. The network consists of pipelines and breakout tanks (located at the Appelt Terminal 2500 Appelt Drive, Houston, Texas 77015) that transfer crude oil and refined petroleum products from the OTH Houston terminal on Jacintoport Drive to other facilities.

In accordance with 49 CFR 194.101(a), OTH submitted a response plan to DOT-PHMSA as provided in 49 CFR 194.119. The plan was later revised to address comments by USDOT, PHMSA, dated January 3, 1996. This ICP supersedes and incorporates all components of the previous plan. The OPS Sequence Number for USDOT, PHMSA reference is 1210.

The pipeline network can be expected to cause significant and substantial harm to the environment in the event of a discharge of oil into or on the navigable waters or adjoining shorelines, as noted in 49 CFR 194.103(a). Specifically, line sections are located within a one-mile radius of potentially affected environmentally sensitive areas in the vicinity of the Houston Ship Channel and Galveston Bay, and a discharge could reasonably be expected to reach those areas, as noted in 49 CFR 194.103(c)(5).

This response plan (ICP) is written in English. No other language is applicable.

As required in 49 CFR 194.107(c), this response plan contains certification of consistency with the NCP and ACP (see page xi). Due to the bulk of the NCP and ACPs, only one copy of each plan is maintained in the facility administrative office.

OTH will not utilize dispersants or burning unless specifically requested to employ these methods by the FOSC. Any usage of dispersants or burning will be performed only in accordance with the ACPs and NCP and with prior approval of the FOSC. Sinking agents that are prohibited by the NCP will not be utilized.

Figure 7, *Pipeline Location Map* shows the entire pipeline system is located in one response zone: Galveston Bay Area.

Table 1-1: OTH Pipeline Segments

Pipeline Segment	Pipeline Designation	Diameter (Inches)	Length (Miles)	Capacity (Barrels)	Liquid Transported
1	Oiltanking Houston to Moore Rd.	(b) (7)(F), (b) (3)	6.2	(b) (7)(F), (b) (3)	Crude Oil
2	Oiltanking Houston to PRSI Petrochemical		8.3		Crude Oil
3	Hess Junction to Galena Park		1.3		Crude Oil
4	PRSI Petrochemical to Houston Refinery		2.8		Crude Oil
5	Oiltanking Houston to Exxon Chemical		7.2		Refined Petroleum Products
6	Oiltanking Houston to Magellan/Shell Tie In		2.1		Crude Oil
8	Oiltanking Houston to Equistar		6.4		Refined Petroleum Products
10	Oiltanking Houston to Shell Colex Tie In		1.03		Refined Petroleum Products
11	Oiltanking Houston to Magellan/Shell Tie In		2.3		Crude Oil
12	Magellan/Shell to PRSI Petrochemical		3.9		Crude Oil
13	PRSI Petrochemical to Houston Refinery		3.0		Crude Oil

14	**Houston Refinery Junction to Farmers Value Site**	(b) (7)(F), (b) (3)	**6.5**	(b) (7)(F), (b) (3)	**Crude Oil**
15	**Farmers Value Site to Echo Terminal**		**3.6**		**Crude Oil**
18	**Oiltanking Houston to Shell Colex Tie In**		**1.03**		**Refined Petroleum Products**
25	**Oiltanking Houston to Oiltanking Appelt**		**1.5**		**Crude Oil**
26	**Oiltanking Houston to Oiltanking Appelt**		**1.5**		**Crude Oil**
27	**Oiltanking Houston to Oiltanking Appelt**		**1.5**		**Crude Oil**
28	**Oiltanking Houston to Oiltanking Appelt**		**1.1**		**Firewater**
29	**Oiltanking Houston to Oiltanking Appelt**		**0.4**		**TBD**

1.6 CONSISTENCY WITH OTHER APPLICABLE PLANS AND STATE REQUIREMENTS

1.6.1. National Contingency Plan

The OTH ICP is consistent with the National Contingency Plan (NCP). OTH certifies that the response plan has been reviewed and is consistent with the existing NCP as required in 40 CFR 112.20(g)(2) and 49 CFR 194.107(c). The most current publication of the NCP is found at: http://www.epa.gov/oilspill/ncpover.htm.

1.6.2. Area Contingency Plan

The OTH ICP is consistent with the applicable ACPs, which are the Houston/Galveston Bay ACP and the EPA Region VI ACP. OTH certifies that the response plan has been reviewed and is consistent with the existing ACPs as required in 40 CFR 112.20(g)(2) and 49 CFR 194.107(c). The most current publication of the ACP can be retrieved from the following URL:

http://www.glo.state.tx.us/oilspill/Atlas/atlas/acp/houston/msohoustongalvestongrp.pdf

1.6.3. Conformance with State Requirements

Since the facility is located within 100 yards of coastal waters, it meets the definition of a “waterfront” facility as found in the Texas General Land Office (TGLO) regulations [31 TAC 19.2, (a)(23)], and since the facility’s total oil storage or daily transfer capacity is greater than 1,320 gallons, the facility is subject to the certification requirements found in 31 TAC 19.12. A copy of the applicable regulations is found in Appendix IV of the ICP. The facility has applied for and received a discharge prevention and response certification, a copy of which is found in Attachment H.

2.0 CORE PLAN

2.1 INDIVIDUAL DISCOVERY

OTH conducts regular facility inspections in accordance with the applicable regulations. Additionally, tanks are routinely inspected after cleaning and repairs are made.

The facility gauges tanks, tank cars, and tank trucks prior, during, and after each movement to prevent product loss (discharge). If the transfer results in a discharge of oil, then personnel are responsible to immediately shutdown the process and notify the next in command as shown on the following diagram.

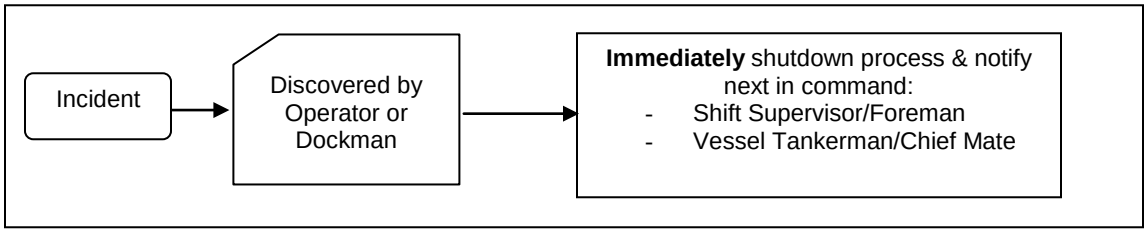


Diagram 2-1: Initial Discovery

2.1.1. Initial Discharge Detection

Methods of initial discharge detection include the following:

- Tank/pipeline inspections;
- Response to other operator reports;
- Monitoring of operating parameters, such as tank gauges, that indicate a discharge (SCADA).

Equipment utilized in initial discharge detection includes the following:

- Tank/pipeline monitoring system (SCADA);
- Automatic tank gauges;
- Radios or telephones to facilitate communication; and
- Spill boats, trucks, helicopters, airplanes, and other response equipment, as necessary.

2.1.2. Discharge Mitigation Procedures

According to PHMSA's interpretation of the "substantial threat" term in 49 CFR 194.115(a) as equivalent to the "abnormal operations" term under 49 CFR 195.402(d), the facility's procedures to identify events that pose a substantial threat of a worst-case discharge are found in the *Pipeline Operations Manual* under separate cover. Descriptions of the procedures implemented at the facility to eliminate or mitigate a substantial threat of a discharge (*abnormal operations of the pipeline*) are also addressed in the *Pipeline Operations Manual*.

The multi-agencies definition of a "*discharge*" is found in Section 4.1 of this plan. The intention of the facility is to monitor its operations in order to be able to detect an oil discharge as promptly as possible. If a discharge occurs, the facility's planned response strategy is to:

(1) Shut down as promptly as possible the operation responsible for the discharge and immediately notify the PIC/QI (see Diagram 2-1 above). The PIC/QI will initiate the facility response management system (see Diagram 2-4 below) and notify the members of the OTH Spill Response Team as promptly as possible.

The PIC/QI and the OTH RTMs will take steps necessary to isolate the leak and to stop the spread of spilled materials, if it is safe to do so (see

(2) Diagram 2-2 below).

(3) Upon initial assessment of the incident, the Safety Coordinator will notify OSROs as promptly as possible but not later than 30 minutes after discovery of discharge or substantial threat of discharge so that response organization(s) may arrive on the scene within their planned response times (see Section 4.3 for notification phone numbers).

(4) Secure area as promptly as possible and evacuate personnel if necessary in the event of a threat of fire, explosion, or hazardous or noxious emissions.

(5) Restrict access at the facility gates to authorized personnel only.

(6) In a secure situation, deploy the appropriate containment boom as promptly as possible in order to conduct sustained action as shown on Diagram 2-3 below. Utilize incident specific information and Figure 4, *Site Drainage Maps*, to determine appropriate placement of the boom based upon the potential directions of spill flow.

(7) The Safety Coordinator will provide spill notification to the federal, state, and local agencies not later that within 24-hours after discovery of the release (see Section 4.3 for notification phone numbers). For reporting purposes utilize Discharge Information Sheet and Phone Notification Log form found in Attachment C.

(8) Provide temporary storage for any recovered product and product-covered debris.

(9) Utilize pre-arranged plans for transporting recovered product and product-covered debris to a disposal site.

(10) Utilize pre-arranged plans with a disposal site to accept any recovered product waste and product-covered debris that may be offered for disposal.

2.2 INITIAL RESPONSE

Under no circumstances should the response actions shown on Diagram 2-2 be delayed. Collectively, the actions described in this plan represent those, which will be implemented to stop the source of the oil discharge, to notify the appropriate personnel, and to initiate procedures to prevent or minimize the discharge of oil.

Sixteen telephone lines are available at the facility, any of which may be reached on a 24-hour basis by dialing the emergency line at **281-457-7979**. Telephones are located at the Main Gate and Operations Building. The caller should request to speak with the HSSE Coordinator during working hours (Monday through Friday, 08:00 to 17:00, except holidays). At all other times, the caller should request to speak with the Shift Supervisor. For a list of telephone numbers and contact names for internal and external notification purposes, see ANNEX 2 – NOTIFICATION.

The primary radio band used at the facility is UHF-FM. The frequency goes through the repeater and is to be guarded. The radio is used to establish contact and has the ability to shift to other frequencies as needed. Many facilities use the UHF-FM band in their operations and can reprogram the equipment to these frequencies. The facility system utilizes a base station with paging system at the Main gate and two-way portables for individuals in the Control Room.

A marine radio and CIMA station radio are provided in the Operations Office. The station is monitored 24 hours per day and responds to daily drills.

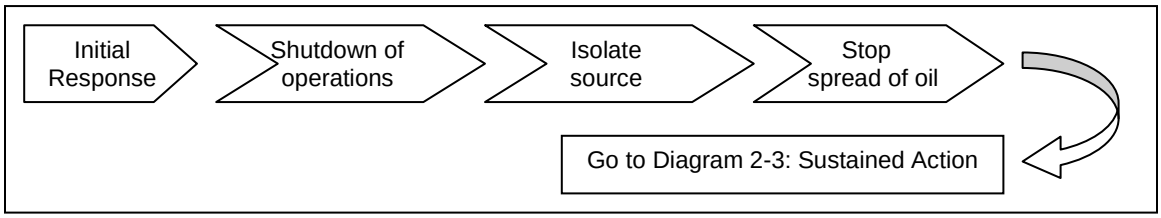


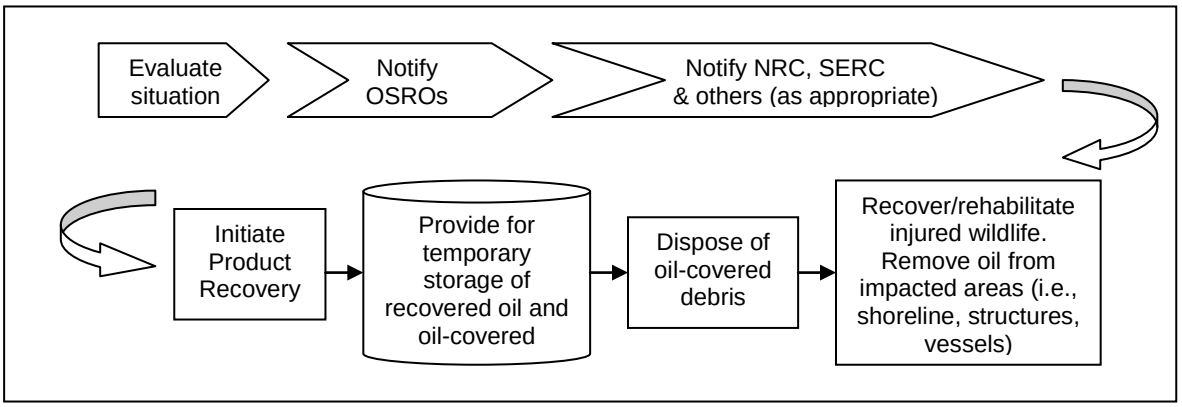
Diagram 2-2: Initial Response

The PIC/IQ is responsible for coordinating facility response efforts and must activate the facility response management system (RMS) as shown on Diagram 2-4 below. The narrative description of the steps to be taken by each member of the RMS is provided in ANNEX 3 – RESPONSE MANAGEMENT SYSTEM. The same annex includes procedures for preliminary assessment of the situation, including an identification of incident type, hazards involved, magnitude of the problem, and resources threatened.

All facility personnel who might be involved in an oil spill response have been informed that detergents or other surfactants are prohibited from being used on an oil spill in the water, and that dispersants can only be used with the approval of the TGLO Regional Response Team (for contact numbers, see Section 4.3), the interagency group composed of federal and state agency representatives that coordinates oil spill responses [31 TAC 19.13(c)(10)].

2.3 SUSTAINED ACTIONS

Prolonged mitigation and recovery actions will be conducted under the response management structure as outlined on Diagram 2-3 below and discussed in greater detail in ANNEX 3 – RESPONSE MANAGEMENT SYSTEM.



2.4 TERMINATION AND FOLLOW-UP ACTIONS

The QI/IC, in coordination with the FOSCs and SOSCs, will terminate the response once the "emergency" is declared over. Follow-up actions associated with termination of a response (e.g., accident investigation, response critique, plan review, and written follow-up reports) will be conducted as outlined in ANNEX 4 – INCIDENT DOCUMENTATION and ANNEX 6 – RESPONSE CRITIQUE AND PLAN REVIEW AND MODIFICATIONS. Diagram 2-4 (presented on the following page) provides an outline of the Response Management System (RMS) implemented at OTH in order to respond to a spill promptly and effectively. Narrative descriptions of responsibilities and duties assigned to response personnel under the RMS are provided in ANNEX 3 – RESPONSE MANAGEMENT SYSTEM. The same annex includes procedures for preliminary assessment of the situation, including an identification of incident type, hazards involved, magnitude of the problem, and resources threatened.

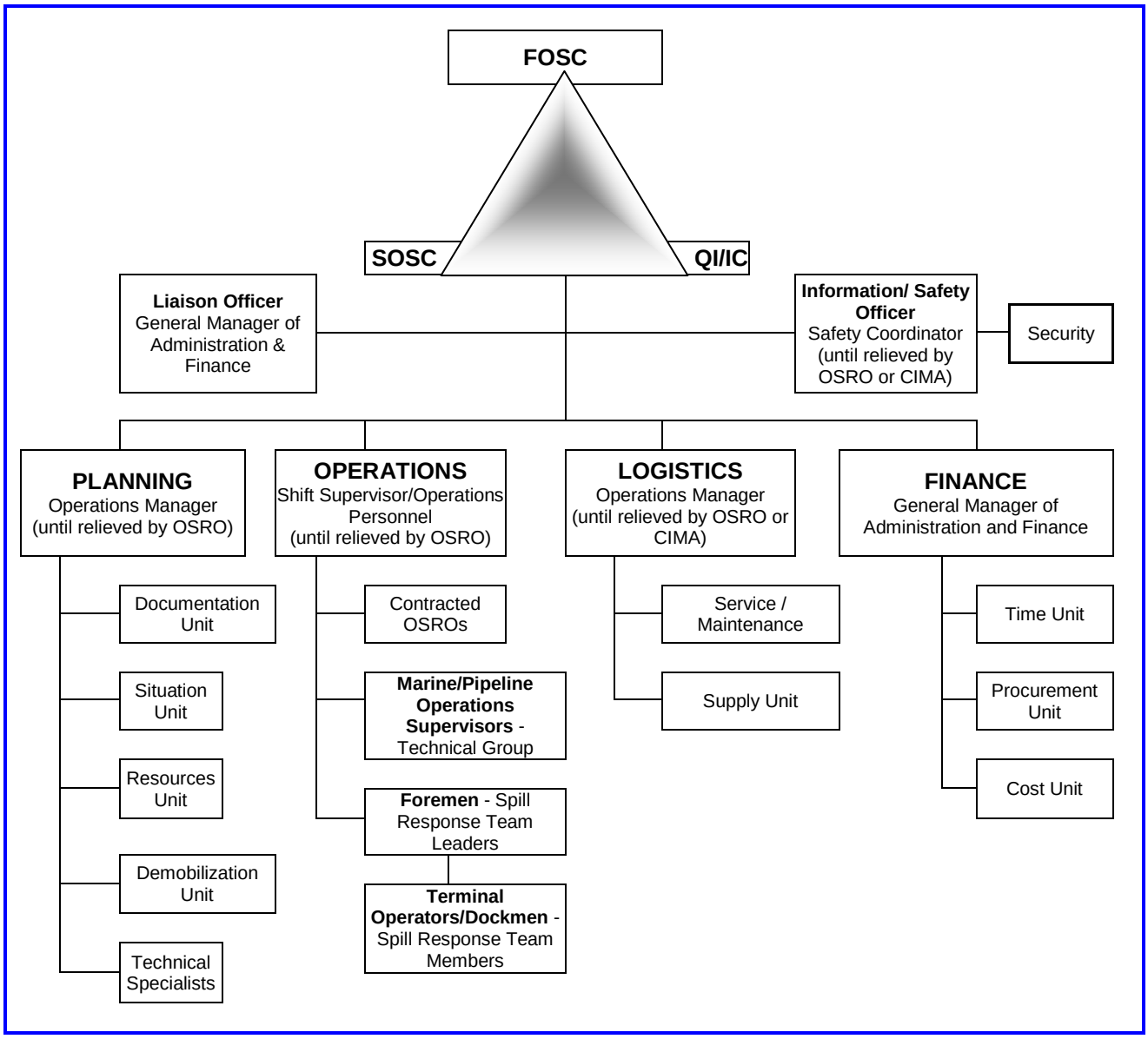


Diagram 2-4: OTH Response Management System (per NIIMS ICS)

2.5 WORST-CASE SCENARIO NARRATIVE

The following is a worst-case scenario involving a pipeline failure that potentially could occur at the facility:

Discharge Information

a. Time of discharge: 1400

b. Date of discharge: September 1, 2005

c. Discharge source: Pipeline Segment No. 2 at channel crossing

d. Quantity discharged: (b) (7)(F), (b)

e. Product type: Crude oil

f. Discharge Cause: Pipeline failure from bulldozer accident

Incident Description

At 1200, Pipeline Segment No. 2 is utilized to transfer crude oil, with Hurricane Georgia approaching Galveston Bay. At 1730, the eye of Hurricane Georgia passes over the area. At 1800, the Pipeline Segment No. 2 fails at the channel crossing.

Pre-Deployment Activities

Emergency Response Action

1400: The control room operator notices a pressure drop and shuts in the pipeline, stopping the transfer.

1402: The Shift Supervisor shall contact the facility PIC/QI or alternate (for complete list, see Section 4.1).

1406: The facility PIC/QI or alternate shall activate and implement the ICP. The PIC/QI shall contact the OSRO and make a request for assistance. Finally, the PIC/QI shall contact the local USCG COTP MSO and make requests for restriction of access in the Houston Ship Channel.

Notification and Callout

1410: Safety Coordinator or alternate shall notify appropriate agencies (for complete list, see Section 4.2).

Safety Procedures

1412: No attempts to deploy spill boat and boom shall be made until Hurricane Georgia subsides and conditions allow for safe working conditions.

Equipment and Personnel Locations

1415: As conditions allow, the Shift Supervisor and Dockman shall assist the OSRO (as necessary) deploying boom at the outfalls and any other points of release. The OSRO and/or Operator shall monitor the oil movement and release.

Deployment Activities

1. Procedures to Stop Discharge at the Source

1430: At that point, the facility PIC/QI shall meet with the ship agent, FOSC, and SOSC to determine if the discharge can be stopped. All reasonable methods shall be evaluated.

2. Methods to Control or Prevent Potential Fire

1445: The PIC/QI shall contact the OTH Response Team and/or CIMA specialist to stand by in case of fire. The OTH Response Team shall report to the terminal as soon as the hurricane and flooding subside enough to allow for safe driving conditions.

3. Surveillance and Tracking of Oil Movement

The Operator shall be responsible for tracking the movement of oil and for notifying the Shift Supervisor to coordinate response efforts. Only when conditions change to allow for safe use of the spill equipment shall the OSRO and/or Operator deploy spill equipment to track the movement of oil in the Channel.

4. Protection of Environmentally Sensitive Areas

1515: Spill boom is deployed to protect environmentally sensitive areas that were identified in Attachment A.

5. Description of Control and Contaminated Actions

1600: OSRO personnel arrive on-site and meet with the facility PIC/QI.

1815: OSRO personnel begin to deploy outer boom enclosing barge dock, terminal spill boom, and affected waterways to serve as protective outer layer during response activities.

September 2, 2005

2015: OSRO personnel complete outer boom deployment. Then the OSRO and the Operator inspect environmentally sensitive areas and initiate containment activities (boom, etc.) to protect those areas.

6. Description of Mechanical Recovery Operations

2215: OSRO personnel deploy vacuum trucks, skimmers, and absorbent as required to remove oil and clean up the affected area. Cleanup operations are estimated to be complete from 72 to144 hours (estimated date: 09/08/96).

7. Description of Non-Mechanical Recovery Operations

Not applicable.

8. Describe the Storage of Recovered Product

As recovered oil and water is accumulated, the OSRO personnel shall transfer the recovered oil and water to the terminal. The facility PIC/QI shall designate storage tanks to serve as influent tanks. Additional storage for the recovered oil (i.e., after treatment) shall be made available.

9. Describe the Shoreline Cleanup Strategy

Response personnel shall position booms to prevent oil from impacting the shoreline. The OSRO personnel will use mechanical means to remove oil from any impacted shoreline in accordance with Attachment H.

10. Describe the Recycling of Recovered Oil and Disposal of All Response Materials

7 Days After Spill: Cleanup efforts are complete. Booms are removed. After receiving clearance from FOSC and SOSC, operations will start up at the ship dock.

1. Recovered Oil and Water

Recovered oil and water are processed in the oil/water separator. Recovered oil is transferred to an on-site tank for recycling and/or disposal. Wastewater in the oil/water separator is tested and is discharged in accordance with the current TPDES wastewater discharge permit.

2. Contaminated Absorbents

Contaminated absorbents shall be accumulated on-site in a watertight 20 or 30 cubic yard disposal bin. Provisions shall be made for stormwater control and spill containment. Contaminated absorbents shall be disposed of in accordance with applicable regulations.

3. Contaminated Debris (Including Soils)

Contaminated debris shall be accumulated on-site in a watertight 20 to 30 cubic yard disposal bin. Provisions shall be made for stormwater control and spill containment. Contaminated debris shall be disposed of in accordance with applicable regulations.

4. Contaminated PPE

Contaminated PPE shall be accumulated on-site in a watertight 20 or 30 cubic yard disposal bin. Provisions shall be made for stormwater control and spill containment. Contaminated PPE shall be disposed of in accordance with applicable regulations.

3.0 ANNEX 1 – FIGURES

3.1 SITE LOCATION TOPOGRAPHIC MAP

See Figure 1

3.2 SITE PLOT PLAN

See Figure 2

3.3 TRANSFORMER LOCATION MAP

See Figure 3

3.4 SITE DRAINAGE MAPS

See Figure 4

3.5 EMERGENCY EVACUATION ROUTES

See Figure 5

3.6 EMERGENCY RESPONSE EQUIPMENT LOCATION MAP

See Figure 6

3.7 PIPELINE LOCATION MAP

See Figure 7

4.0 ANNEX 2 – NOTIFICATION

4.1 MULTI-AGENCY DEFINITION OF "DISCHARGE" AND NOTIFICATION REQUIREMENTS

Regulatory Agency	Area of the Facility Covered	Regulated Discharge	RQ*		Notification**	Reference
			Land	Water		
EPA	N-MTR portion of the facility	Discharge of oil in such quantities as "may be harmful" pursuant to Section 311(b)(4) of the Clean Water Act.	Quantity harmful to the public health or welfare or the environment	Quantity sufficient to cause a visible film or sheen upon or discoloration of the surface of the water or a shoreline or cause a sludge or emulsion to be deposited beneath the surface of the water or on a shoreline	Immediately upon discovery	Appendix I
TCEQ	N-MTR portion of the facility located beyond the 100-yard waterfront line	An act by which oil is spilled, leaked, pumped, poured, emitted, entered, or dumped either directly onto or into waters of the State or it may drain, seep, run, or otherwise enter waters of the State.	210 gallons ***		As soon as possible but no later than 24 hours after the discovery	Appendix V
TGLO	N-MTR waterfront portion of the facility located within 100 yards of coastal waters	Unauthorized discharge of a harmful quantity of oil from a vessel or facility located within the coastal zone.	Quantity sufficient to cause at least substantial harm to the environment or cause a threat to enter coastal waters	Quantity sufficient to cause a visible film or sheen upon or discoloration of the surface of the water or a shoreline or cause a sludge or emulsion to be deposited beneath the surface of the water or on a shoreline	As soon as possible but no later than ***one hour*** after the discovery	Appendix IV
USCG	**MTR** – from the facility oil transfer system's connection with the vessel to the first valve inside the secondary containment surround tanks in N-MTR portion of the facility.	Any incident or condition involving a facility that may create a risk of discharge of oil including, but not limited to, from AST or piping failures, aboveground or underground leaks, fires, explosions, flooding, spills contained within the facility, or other similar occurrences.	Quantity sufficient to cause at least substantial harm to the environment or cause a threat to enter coastal waters	Quantity sufficient to cause a visible film or sheen upon or discoloration of the surface of the water or a shoreline or cause a sludge or emulsion to be deposited beneath the surface of the water or on a shoreline	Immediately upon discovery	Appendix II

Regulatory Agency	Area of the Facility Covered	Regulated Discharge	RQ*		Notification**	Reference
			Land	Water		
DOT PHMSA	Onshore crude oil transfer pipeline	Discharge of oil that, because of its location, could cause substantial harm, or significant and substantial harm to the environment if discharged into or on the navigable waters or adjoining shorelines.	Quantity sufficient to cause a significant and substantial harm	Quantity sufficient to cause a visible film or sheen upon or discoloration of the surface of the water or a shoreline or cause a sludge or emulsion to be deposited beneath the surface of the water or on a shoreline	Immediately upon discovery	Appendix III
RRCT			210 gallons		As soon as possible but no later than ***two hours*** after discovery of the discharge	Appendix VII

* The reportable quantity (RQ) for oil, petroleum product, and used oil in the State of Texas is defined in 30 TAC 327.4.
** When a spill of 5 gallons or more occurs from a piece of equipment regulated under RRCT (ie: tank or piping), Form PHMSA F 7000-1 must be submitted to both the RRCT and DOT within 30 days. Also consult pipeline manual.
*** 1) the reportable quantity (RQ) for MTBE and Methanol is:

	Onto Land	Into Water
Methanol	5,000 lbs (754 gallons)	100 lbs (15 gallons)
MTBE	1,000 lbs (161 gallons)	100 lbs (16 gallons)

2) Crude oils and Chemical Feedstocks (ex., Reformate, Raffinate, Pet Naphtha) and Jet Naphtha, Jet Kerosene; The RQ is 210 gallons onto land.
3) Petroleum products obtained from distilling and processing of crude oil, capable of being used as fuel propulsion of motor vehicle and aircraft; the RQ is 25 gallons onto land.

4.2 INTERNAL NOTIFICATIONS

FACILITY EMERGENCY PERSONNEL CONTACT PHONE NUMBERS

FACILITY MAIN NUMBER: 281-457-7900 FACILITY 24-HOUR NUMBER: 281-457-7979

Name, Title	Assigned RMS Role	Response Time	Home Address	Contact Numbers
Randy Condra, **Safety Coordinator**	**Designated Qualified Individual** (**QI**) / Person in Charge (**PIC**) / Incident Commander (**IC**) / Responsible person – Spill Prevention **Alternate Information Safety Officer**	45 minutes	(b) (6)	Work: (281) 247-7254 Mobile: (b) (6) Home:
Bart Bundy, **Safety Manager**	**Designated Qualified Individual** (**QI**) / Person in Charge (**PIC**) / Incident Commander (**IC**) / Responsible person – Spill Prevention **Alternate Information Safety Officer**	60 minutes		Work: (281) 457-7914 Mobile: (b) (6) Home:
Tyson McMahon, **Operations Manager**	**Chief of Planning Section** (until relieved by OSRO), Alternate QI/PIC **Chief of Logistics Section** (until relieved by OSRO or CIMA), Alternate QI/PIC	60 minutes		Work: (281) 457-7928 Mobile: (b) (6) Home:
Kevin Campbell, **Vice President of Operations**	**Chief of Planning Section** (until relieved by OSRO), Alternate QI/PIC **Chief of Logistics Section** (until relieved by OSRO or CIMA), Alternate QI/PIC	60 minutes		Work: (281) 457-7950 Mobile: (b) (6) Home:
Clayton Curtis, **Manager of Regulatory Affairs**	Regulatory	60 minutes		Work: (281) 457-7910 Home: (b) (6) Mobile
Guillermo Triana, **Environmental Manager**	RCRA Program Administrator	45 minutes		Work: (281) 457-7905 Mobile: (b) (6) Home:
Anne-Marie Ainsworth, **President & COO**	Liaison Officer	60 minutes		Work: (281) 457-7904 Mobile: (b) (6)
Jonathan Z. Ackerman, **Chief Financial Officer**	Chief of Finance	30 minutes		Mobile (b) (6)
Kenneth Owen, **Terminal Manager**	Assist with Planning and Finance	60 minutes		Work: (281) 457-7974 Mobile: (b) (6)
Steve Thompson, **Pipeline Manager**	Spill Response Team	35 minutes		Work: (281) 457-7996 Mobile: (b) (6) Home:

4.2.1. Insurance Representative or Surveyor

The insurance representatives or surveyors for the facility include the following:

- Insurance Agent- McGriff, Seibels & Williams of Texas, Inc.
  10375 Richmond Ave., Suite 1700
  Houston, Texas 77042-4143
  713-877-8975

- Property & Liability Underwriters- Lloyd & Partners Limited
  One America Square
  London EC3N 2JL
  011 20 7466 6500

4.3 FEDERAL, STATE, AND LOCAL AGENCIES NOTIFICATIONS

Federal and State Agencies	24-hour Notification Numbers
NRC (requires immediate notification)	**800-424-8802**
Department of Public Safety (DPS – will forward notifications to TGLO, TCEQ, or TRRC as jurisdiction requires) Chemtel	**800-832-8224**
USCG COTP / Officer of the Day	713-671-5100
TGLO	800-832-8224
TRRC	512-463-6788
DOT, PHMSA – Houston	713-272-5100
EPA, Region VI	866-372-7745
TCEQ Upset or Maintenance Notification (email to: upset12@tceq.state.tx.us)	713-767-3563
Fire or Other Releases (TCEQ Region12)	Fax: 713-767-3799
Texas Wildlife Rehab & Education (Sharon Schmalz- Oiled Wildlife Response)	Cell: (b) (6) Pager: 713-279-1417 Home: (b) (6)
Local Authorities	**24-hour Notification Numbers**
Harris County Sheriff Non-emergency: 713-221-6000	911 or 281-847-3362
Jacinto City Police Dept.	713-672-2455 Fax-713-672-2404
Harris County Pollution Control Division	713-920-2831
Channelview VFD Non-emergency: 281-452-5782	911
Houston Fire Boat	713-670-2647 713-672-8221
LEPC – North Channel Non-emergency: 713-455-5372	911

Fire and Oil Pollution Contractors/Organizations	24-hour Notification Numbers
Garner Environmental Services *(60-minute response time) (Contracted OSRO)* 1717 W 13th Street, Deer Park, Texas 77536	800-424-1716 281-930-1200
CIMA	713-473-9191
Williams Fire and Hazard (Emergency)	281-999-0276 409-727-2347
Port Terminal Railroad Association (PTRA)	713-393-6700
CHEMTREC	800-424-9300
Oil Spill Response Limited (London Agency) Pager Numbers: (44) 8700 555500 or (44) 7623 523523 then "Oil 39" and your telephone number	(44) 23 8033 1551
The WCM Group, Inc. – Environmental Coordinator	281-446-7070

Accident or Injury	24-hour Notification Numbers
Hospital- Bayshore Medical Center	713-359-2000
Sunbelt East Emergency	281-452-1511
East Houston Med. Ctr. (Emergency Room)	713-393-2000
Life Flight Helicopter Non-emergency: 713-704-4014	713-797-4357
Utilities	**24-hour Notification Numbers**
Industrial Gas Supply [business hours-1-(800) 400-1348]	713-207-4965
Reliant Energy	713-207-7777
Aqua Source, Inc. (water and sewer service, 24-hr)	713-983-3000
A T & T	800-286-8313
Miscellaneous	**Notification Numbers**
Stolt-Nielsen Terminal- Bill Pfister, Superintendent of Safety Emergency Response Unit	Cell: (b) (6) Pager: 713-990-8712 Home: (b) (6)
R & D (vacuum truck)	281-860-0035
Dacon Corporation (high voltage electrical)	281-479-7409 713-935-7360
Riddle Power (high voltage electric)	281-344-0558
Linsey Electric (high voltage)	713-688-5105
Rodgers Electrical Services	409-252-4452
Allied Waste- BFI Gulf West Landfill (Class I)	409-267-6666 281-850-2633

Allied Waste- BFI McCarty Road Landfill (Class II)	713-675-6101
Gulf Coast Helicopters	281-636-2041
Weather Information and Emergency Evacuation	**Number**
KPRC Local 2 Weather Line	713-630-0222
City of Houston Office of Emergency Management	713-881-3100

5.0 ANNEX 3 – RESPONSE MANAGEMENT SYSTEM

5.1 GENERAL

OTH uses a response management system that follows the fundamental principles of NIIMS ICS. A description of the facility's organizational structure is provided in the following paragraphs of this section of the ICP.

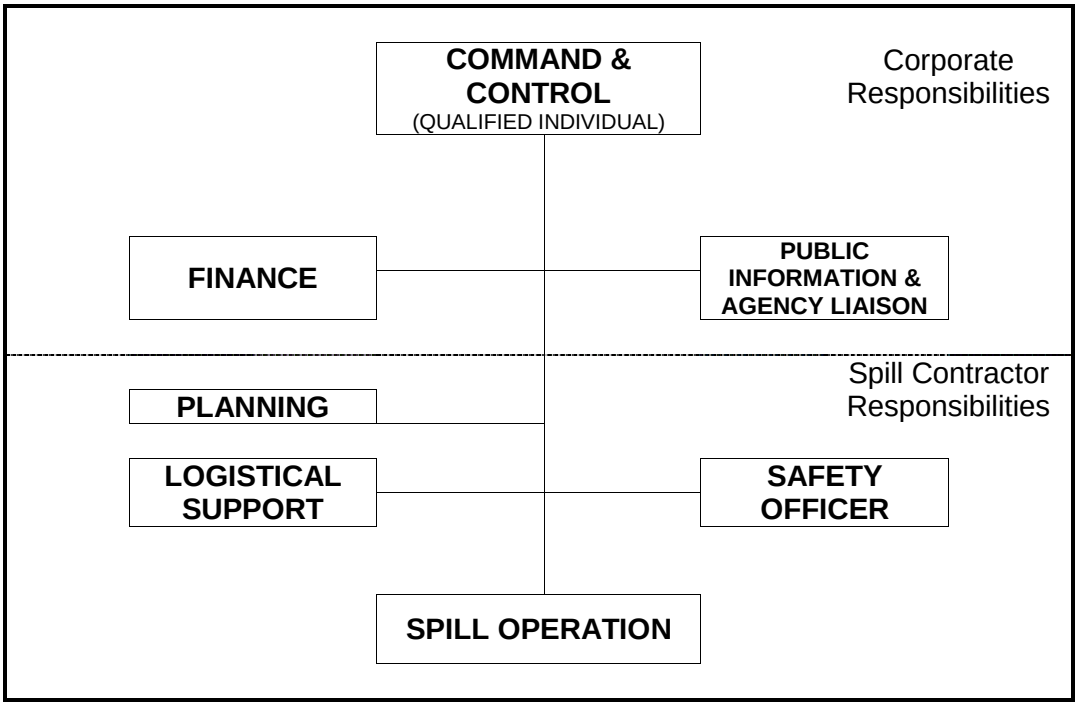


Diagram 5-1: OTH Organizational Chart

5.1.1. Job Descriptions

Spill Contractor Responsibilities

The contracted OSRO shall be notified in the event of an oil release at the facility. The OSRO's roles within OTH's Incident Command System appear below the dotted line in Diagram 5-1 above.

Corporate Responsibilities

Because of limited manpower and equipment on-site, OTH has elected not to have operators respond to a spill incident directly. Under the OSHA regulatory option in 29 CFR 1910.38, the facility has prepared an *Emergency Action Plan* (EAP), maintained under separate cover, that instructs employees on critical shutdown operations and basic emergency and evacuation procedures. The roles and responsibilities assumed by the terminal during an oil spill response effort appear

above the dotted line in the Diagram 5-1 above and are described in detail in the following paragraphs of this section.

OTH personnel responsible for spill response actions include the following:

- Operators/Dockmen are responsible for conducting product transfer operations and for monitoring of operating parameters, such as tank gauges, line pressure, flow meter readings, etc.
- The Shift Supervisors/Terminal Foremen are designated alternate PIC and are responsible for providing oversight of the Operators/Dockmen and for shutting down the transfer operations if a discharge is detected.
- The Operations Manager is responsible for providing oversight of the Shift Supervisors/Terminal Foremen and for all marine/pipeline operations matters.
- The Operations Manager is responsible for pipeline and tank inspections and maintenance to prevent damage by corrosion or other factors.
- The General Manager of Administration and Finance is responsible for ensuring corporate support necessary to carry out the facility response efforts during a spill.
- The **Safety Coordinator is a designated PIC/QI/IC** and is responsible for development and implementation of safety and environmental compliance programs at the facility and for ensuring that each employee at the terminal receives adequate training corresponding to his/her position; is also responsible for supervision of security personnel and coordinating efforts in establishing a secure area during a spill. (for additional responsibilities, see Section 5.1.1.a below).

5.1.1.a. PIC/QI Duties

The duties of a designated PIC/QI include, but are not limited to, the following:

- Activate internal alarms and hazard communication systems to notify all facility personnel;
- Direct incident activities including the development and implementation of strategic decisions and approves the ordering and release of resources;
- Notify all response personnel, as needed (for notification phone numbers, see Section 4.2);
- Identify the character, exact source, amount, and extent of the release, as well as the other items needed for notification (utilize form found in Attachment CCI);
- Maintain constant line of communication with the FOSC or SOSC, as appropriate;
- Activate and engage in contracting with OSROs;
- Manage the oil spill response organizations (OSROs and the OTH spill response team) and coordinate the oil spill response activities;

- Assess the interaction of the discharged substance with water and/or other substances stored at the facility, and notify response personnel at the scene of the assessment (consult MSDS);
- Assess the possible hazards to human health and the environment due to the release (consult MSDS). This assessment must consider both the direct and indirect effects of the release (i.e., the effects of any toxic, irritating, or asphyxiating gases that may be generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosion);
- Assess and implement prompt removal actions to contain and remove the substance released;
- Coordinate rescue and response actions as previously arranged with all response personnel;
- Obtain authority to immediately access company funding to initiate cleanup activities;
- Direct cleanup activities until properly relieved of this responsibility;
- Oversee proper demobilization of response resources once the emergency is declared over;
- Ensure timely submittals of initial notification and follow-up reports as required by regulatory agencies;
- Conduct accident investigation, response critique, plan review and modifications as required; and
- Ensure prolonged mitigation and recovery actions as circumstances may require.

5.1.1.b. PIC/QI Qualifications

The facility personnel designated as PIC/QI and Alternate QIs possess the following characteristics:

- Speak fluent English;
- Available on a 24-hour basis and should be able to arrive at the facility in a reasonable time;
- Familiar with the implementation of the facility ICP;
- Trained in the responsibilities of the QI under the ICP.

Additionally, OTH will provide each primary and alternate QI identified in the plan with a document designating them as a QI and specifying their full authority to perform the duties as outlined in this section.

5.2 COMMAND

OTH incident command is comprised of the Command Staff and General Staff. The Command Staff includes the Liaison Officer and Information/Safety Officer who report directly to the QI/IC. Persons currently designated to carry out the assigned responsibilities under the RMS (see Diagram 2-4) are identified in Section 4.2 of this ICP.

5.2.1. Unified Command

Unified Command includes the Safety Coordinator who is an Incident Commander (IC) and/or Federal On-scene Coordinator (FOSC) and State On-scene Coordinator (SOSC).

5.2.1.a. IC

The Safety Coordinator is a designated OTH Incident Commander (IC). Current contact information for the IC is provided in Section 4.2.

5.2.1.b. FOSC

The FOSC, generally a representative of the COTP from the USCG MSO in Houston-Galveston, enforces federal requirements for the response efforts.

5.2.1.c. SOSC

The SOSC, generally a representative of the TGLO or, alternatively, the TCEQ, enforces the state requirements for the response efforts.

5.2.1.d. Liaison – Staff Mobilization

The Operations Manager will assume the responsibility of a liaison between the various response groups, especially where safety of the general public is concerned.

5.2.1.e. Information/Safety Officer

The Safety Coordinator will assume responsibility of the Information / Safety Officer (until relieved by the designated OSRO) and as such will be responsible for providing the initial and follow-up notifications to the outside response agencies and for ensuring safety of responders. Also, the Safety Coordinator is responsible for supervision of security personnel and to assist them in establishing a secure area.

5.3 OPERATIONS

Specific operation procedures to respond to an incident are described in this section of the plan. An organizational structure that will be used to manage the response actions is shown on Diagram 2-4: OTH Response Management System.

OTH handles hazardous substances in a liquid form only. Physical and chemical properties of each substance handled on-site can be identified on a corresponding MSDS, current copies of which are found in the Control Room and in the Safety Office.

5.3.1. Chief of Operations Section

The on-site Shift Supervisor,or alternate QI, is the designated Chief of Operations Section whose duties include, but are not limited to, the following:

- Initiate and supervise actions of the OTH spill response team;
- Coordinate with OSROs personnel regarding response efforts;
- Supervise the OTH Foremen, Dockmen, and other Operators during the spill response; and
- Coordinate response actions with the Unified Command.

5.3.1.a. Marine/Pipeline Operations Supervisors

Alternate QI or Head of Operations, reports to the Chief of Operations Sections.

5.3.1.b. Spill Response Team

The Spill Response Team is comprised of the Terminal Operators and Dockmen. The team responds to emergency spills and deploys spill containing equipment to contain materials prior to being relieved by the contracted OSRO. Each shift has an assigned Leader of the team who reports to the Chief of Operations Section.

5.3.1.c. Terminal Foremen

Terminal Foremen supervise terminal operations personnel and are designated Spill Response Team Leaders during the spill response efforts; report to the Chief of Operations Section.

5.3.1.d. Terminal Operators/Dockmen

Terminal operators/dockmen are response team members (RTM) and act as a primary on-site responder; report to Terminal Foremen.

5.3.1.e. OSROs

Contracted OSRO responsibilities include, but are not limited to, the following:

- Deployment of booms;
- Recovery of oil and water;
- Use of absorbents;
- Any other response activity as instructed by the IC;
- Relieving the Information/Safety Officer of duties upon arrival;
- Relieving the Planning Section of duties upon arrival;
- Relieving the Logistical Section of duties upon arrival; and
- Relieving the Spill Operations Section of duties upon arrival.

5.3.2. Operational Response Objectives

The potential for an oil discharge exists at the docks, in a tank farm, in a pipeline, at a transfer station, and at other on-site locations. Potential sources of an oil discharge associated with the non-transportation related portion of the facility are summarized in Attachment B. A history of oil discharges that have previously occurred at the facility is found in Section 6.1.

5.3.2.a. Small/Average Most Probable Discharge

Per 40 CFR 112, a small discharge is defined as any discharge volume less than or equal to 2,100 gallons, but not exceeding the calculated worst-case discharge. Since the OTH facility is a complex, the planning of the response resources needed is based on the greater quantity of the small discharge, which is 2,100 gallons.

Per 33 CFR 154.1035(b)(2)(iii), an average most probable discharge is equal to 50 barrels (2,100 gallons). The volumes of both persistent and non-persistent oils that would be discharged in an average most probable discharge are summarized in Table 5-1 below. Since the discharges of one percent of the volume of the worst-case discharges exceed 50 barrels, then 50 barrels is the average most-probable discharge for all three groups of petroleum oil at the facility in accordance with the definition.

OTH has evaluated the following facility operations and components and has identified the details of a small/average most probable discharge from this facility. The details are identified in Table 5-1.

- Loading and unloading operations;
- Facility maintenance operations;
- Facility piping;
- Pumping stations and sumps;
- Oil storage tanks;
- Vehicle refueling operations; and
- Age and condition of facility and components.

Table 5-1: Volume of Oil Discharged Average Most Probable Discharge

[33 CFR 154.1035(b)(2)(iii)]

TYPE	GROUP	VOLUME (barrels)
Non-Persistent	I	50
Persistent	II	N/A
Persistent	III	50
Persistent	IV	50
Persistent	V	N/A

5.3.2.b. Medium/Maximum Most Probable Discharge

Per 40 CFR 112, a medium discharge is defined as the discharge of 36,000 gallons of oil or 10% of the worst-case discharge whichever is less. Since 10% of the

worst-case discharge is (b) (7)(F), (b) (3) the medium discharge is 36,000 gallons.

Per 33 CFR 154, the maximum most probable discharge is equal to 1,200 barrels (50,400 gallons) or 10% of the worst-case discharge, whichever is less. The volumes of oil both persistent and non-persistent that would be discharged in a maximum most-probable discharge are summarized in Table 5-2 below. Since the discharge of 10% of the volume of the worst-case discharges exceeds 1,200 barrels, then 1,200 barrels is the maximum most-probable discharge for all three groups of petroleum oil in accordance with the definition.

Since the OTH facility is a complex, the planning of the response resources needed is based on the greater quantity of the medium/maximum most probable discharge, which is 1,200 barrels (50,400 gallons). OTH has evaluated the following facility operations and components and has identified the details of a medium/maximum most probable discharge from this facility. The details are identified in Table 5-2.

- Loading and unloading operations;
- Facility maintenance operations;
- Facility piping;
- Pumping stations and sumps;
- Oil storage tanks;
- Vehicle refueling operations; and
- Age and condition of facility and components.

Table 5-2: Volume of Oil Discharged Maximum Most Probable Discharge for N-MTR Portion

TYPE	GROUP	VOLUME (barrels)
Non-Persistent	I	1,200
Persistent	II	N/A
Persistent	III	1,200
Persistent	IV	1,200
Persistent	V	N/A

5.3.2.c. Worst-Case Discharge For N-MTR Portion

Since it was determined that the facility could cause substantial harm to the environment (see page x), a worst-case discharge for N-MTR portion of the facility has been calculated for emergency planning purposes in accordance with the EPA Worksheet Part A found in 40 CFR 112.20. The secondary containment capacities available at the facility are taken into consideration in the calculations as presented in Table 5-3 below. OTH has evaluated the following facility operations and components and has identified the details of a worst-case discharge from this facility. The details are identified in Table 5-3.

- Loading and unloading operations;
- Facility maintenance operations;
- Facility piping;
- Pumping stations and sumps;
- Oil storage tanks;

- Vehicle refueling operations; and
- Age and condition of facility and components.

For onshore storage facilities, permanently manifolded tanks are defined as tanks that are designed, installed and/or operated in such a manner that the multiple tanks function as one storage unit. In a worst-case discharge scenario, a single failure could cause the release of the contents of more than one tank. The owner or operator must provide evidence in the response plan that tanks with common piping or piping systems are not operated as one unit. If such evidence is provided and is acceptable to the EPA Regional Office, the worst-case discharge volume would be based on the capacity of the largest tank within a common secondary containment area or the largest tank within a single secondary containment area, whichever is greater.

For permanently manifolded tanks that function as one storage unit, the worst-case discharge would be based on the combined storage capacity of all manifolded tanks or the capacity of the largest single tank within a secondary containment area, whichever is greater. For purposes of this determination, permanently manifolded tanks that are separated by internal divisions for each tank are considered to be single tanks, and individual manifolded tank volumes are not combined.

Table 5-3: EPA Worksheet A, Worst-Case Discharge Calculation for N-MTR Portion

(b) (7)(F), (b) (3)

[redacted]

(b) (7)(F), (b) (3)

The volumes of oil, both persistent and non-persistent, that would be discharged in a worst-case discharge are summarized in Table 5-5 below. The worst-case discharge for non-persistent, persistent, and Group V oils is (b) (7)(F), (b) (3)

Table 5-5: Volume of Oils Discharged Worst-Case Discharge MTR Portion

(b) (7)(F), (b) (3)

*MTR transfer facilities that contain fixed aboveground onshore structures used for bulk oil storage are jointly regulated by EPA and the USCG and are termed "*complexes*." All complexes must compare both calculations for worst-case discharge derived by EPA and USCG and plan for whichever volume is greater.*

(b) (7)(F), (b) (3)

5.3.2.e. Worst-Case Discharge From Pipeline Operations

(b) (7)(F), (b) (3)

5.3.3. Discharge Control

Figure 2 depicts the site plot plan indicating the locations of the tank farms, secondary containment systems, and the waterfront transloading facilities. The OTH spill response equipment inventory list is found in Attachment D. Attachment I

contains information pertaining to the response equipment inventory available by contract.

5.3.3.a. Response Resources For Small/Average Most Probable Discharge

OTH employees responsible for mitigating a small/average most probable discharge of 2,100 gallons (50 barrels) or less of petroleum oil are identified in the facility organizational chart found in Section 5.1 of this ICP.

The facility will utilize equipment to respond to a small/average most probable discharge of 2,100 gallons or less as described in Attachment D. In addition to the on-site personnel and equipment mobilized, the facility will utilize the OSROs to respond to the small/average most-probable discharge of oil as identified in Attachment I.

5.3.3.b. Response Resources For Medium/Maximum Most Probable Discharge

OTH employees responsible for mitigating a medium/ maximum most probable discharge of 36,000 gallons or less of petroleum oil are identified in the facility organizational chart found in Section 5.1.

The facility will utilize the contracted OSROs and equipment to respond to a medium/maximum most probable discharge of 36,000 gallons or less as identified in Attachment I.

5.3.3.c. Response Resources For Worst-Case Discharge

Worksheet to Plan Volume of Response Resources for Worst-Case Discharge (per 40 CFR 112, Appendix E):

(b) (7)(F), (b) (3)

(b) (7)(F), (b) (3)

b - Additional storage capacity not less than 250,000 barrels will be available at the facility within six (6) hours of the notice of a worst-case discharge (i.e., Tier 1). Additional storage could be available from tanks in residual or crude oil storage. The possible tanks and capacities are described in Attachment B.

The guidelines in Appendix E of 40 CFR 112 were used to calculate the quantity of response resources that are anticipated to respond to the worst-case discharge to the maximum extent practicable.

The following table summarizes the calculation of the on-water recovery resources necessary to respond to the worst-case discharge. As noted previously, the facility has contracted for response resources well in excess of these values.

Table 5-7: On-Water Recovery Resources - Worst-Case Discharge

(b) (7)(F), (b) (3)

[redacted]

5.3.3.d. Response Resources For Group V Oils

At this time, the facility does not handle Group V oils - persistent petroleum oils that exhibit a specific gravity equal to or greater than 1.0.

The response resource is however, available by contract to respond to discharges of Group V oils if OTH ever handles these oils in the future. The contract OSRO information is identified in Attachment I. Resources that would be required for Group V oil clean-up include the following:

- Equipment to locate the oil on the bottom or suspended in the water column;
- Equipment to contain the floating oil or reduce the spreading on the bottom;
- Equipment necessary to recover oil from the bottom and shoreline;
- Equipment necessary to assess the impact of a discharge of Group V oil; and
- Other equipment to respond to a discharge of Group V oil.

If OTH handles Group V oils in the future, adequate response equipment utilized to respond to a discharge of Group V oil will be capable of being deployed at OTH within 24 hours of discovery of a discharge at the facility. For additional information on types of oils stored at the facility and response equipment, refer to Attachments B and D.

If Group V oils are handled at OTH in the future, OTH employees responsible for mitigating a discharge of Group V oil will be adequately trained and identified in the facility organizational chart found in Section 5.1 of this ICP.

If needed in the future, the facility will utilize equipment to respond to any discharge of Group V oil listed in Attachment D. In addition to the on-site personnel and equipment mobilized, the facility will utilize the contracted OSROs to respond to a discharge of Group V oil as identified in Attachment I.

5.3.4. Response Resources For Pipeline Failure

Catastrophic worst-case discharge scenario - failure of the pipeline Section 2 before, during, or after a Class 5 hurricane - considers the following factors that affect the response efforts by the facility. Facility response activities to mitigate the worst-case discharge would be performed in accordance with the ACPs and NCP.

5.3.4.a. Size Of The Discharge

The size of a worst-case discharge has been determined to be (b) (7)(F), (b) (see Section 5.3.2.e above). This scenario is based on a pipeline failure of Section 2 at the Channel crossing.

5.3.4.b. Proximity To Downgradient Wells, Waterways, And Drinking Water Intakes

Pipeline Section 2 at the Channel crossing is not in proximity to any downgradient wells or drinking water intakes; however, a release from the pipeline could

potentially enter the Houston Ship Channel (Buffalo Bayou) that is a navigable tidal waterway.

5.3.4.c. Proximity To Fish And Wildlife And Sensitive Environment

Pipeline Section 2 at the Channel crossing is in proximity to fish, wildlife and sensitive environments due to the facility location being adjacent to the Houston Ship Channel (Buffalo Bayou). These fish, wildlife and sensitive environments are identified in Attachment A, as well as measures to mitigate the potential discharge.

5.3.4.d. Likelihood That The Discharge Will Travel Off-Site

The pipeline location is identified on Figure 7. Due to minimal topographic relief in the area, a discharge from the pipeline will travel off-site (see topographic map, Figure 1) but in a very localized manner.

5.3.4.e. Location Of Discharge

Most likely, the potential failure of Pipeline Section 2 during an adverse weather condition at the Channel crossing (see Figure 7) would produce soil and water contamination.

The contaminated soil and crude oil mixture would be an industrial solid waste and would be managed as noted in Section 5.4.5. The contaminated water will be treated in the on-site oil/water separator system and discharged in accordance with a current TPDES wastewater discharge permit. The recovered oil will be shipped off-site for recycling.

5.3.4.f. Material Discharged

The worst-case pipeline failure scenario assumes a crude oil discharge.

5.3.4.g. Weather Or Aquatic Conditions

The worst-case discharge of Pipeline Section 2 at the Channel crossing would be prior to, during, or after a Class 5 hurricane, with sustained winds above 150 mph. This type of storm could potentially bring an accompanying tidal rise of 10-15 feet in the Houston Ship Channel. Such a tidal storm surge could transport the released crude oil to areas upstream of the facility, and the subsequent outgoing tide could potentially deliver released crude oil to areas downstream of the facility. All response efforts will be coordinated with the federal, state, and local response agencies in a safe manner as the top priority and will be initiated only after the dangers of the hurricane have subsided in the Houston area.

5.3.4.h. Available Remediation Equipment

Remediation equipment available on-site and by contract is summarized in Attachments D and I. All equipment available by contract meets the criteria as noted in 49 CFR 194.

5.3.4.i. Probability Of A Chain Reaction Of Failures

A failure of Pipeline Section 2 is not likely to cause a chain reaction of failures.

5.3.4.j. Direction Of Discharge Pathway

The discharged crude oil should proceed in all directions from the pipeline but in a localized manner. Remedial efforts will be centered on keeping the released material within the immediate area and recovering as much crude oil as possible.

5.3.5. Assessment/Monitoring

The following procedures provide actions to be taken by facility operations personnel in the event of a discharge, potential discharge, or emergency involving facility equipment and scenarios:

5.3.5.a. Failure Of Manifold

(1) Operator/Dockman shall shut down the oil transfer operation and notify Shift Supervisor/Foreman, Dockman/Operator, and Vessel Tankerman/ Chief Mate by radio to initiate Emergency Shutdown of oil transfer operation as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Operator/Dockman will close manifold valves and isolate leaking equipment components from oil transfer.

(3) Operator/Dockman will shut down oil transfer operation for outbound oil product movements, or Tankerman will shut down oil transfer operation for inbound oil product movements and notify Shift Supervisor/Foreman.

(4) Shift Supervisor/Foreman will evaluate situation and determine if a discharge occurred and initiate PIC/QI notification and containment measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(5) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(6) The oil transfer shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the “emergency” has been declared over.

5.3.5.b. Failure Of Mechanical Loading Arm

(1) Operator/Dockman shall shut down the oil transfer operation and notify Shift Supervisor/Foreman, Dockman/Operator, and Vessel Tankerman/ Chief Mate by radio to initiate Emergency Shutdown of oil transfer operation as provided in 33 CFR 154.550, *Emergency Shutdown*.,

(2) Operator/Dockman will close manifold valves and isolate leaking equipment components from oil transfer.

(3) Operator/Dockman will shut down oil transfer operation for outbound oil product movements, or Tankerman will shut down oil transfer operation for inbound oil product movements and notify Shift Supervisor/Foreman.

(4) Shift Supervisor/Foreman will evaluate situation and determine if a discharge occurred and initiate PIC/QI notification and containment measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(5) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(6) The oil transfer shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the "emergency" has been declared over.

5.3.5.c. Failure Of A Hose Or Other Transfer Equipment

(1) Operator/Dockman shall shut down the oil transfer operation and notify Shift Supervisor/Foreman, Dockman/Operator, and Vessel Tankerman/ Chief Mate by radio to initiate Emergency Shutdown of oil transfer operation as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Operator/Dockman will close manifold valves and isolate leaking equipment components from oil transfer.

(3) Operator/Dockman will shut down oil transfer operation for outbound oil product movements, or Tankerman will shut down oil transfer operation for inbound oil product movements and notify Shift Supervisor/Foreman.

(4) Shift Supervisor/Foreman will evaluate situation and determine if a discharge occurred and initiate PIC/QI notification and containment measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(5) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(6) The oil transfer shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the "emergency" has been declared over.

5.3.5.d. Facility Maintenance

(1) Upon discovery of a discharge, maintenance personnel shall notify the Shift Supervisor/Foreman and shut down as promptly as possible the operation responsible for the discharge.

(2) Shift Supervisor/Foreman will evaluate situation and determine if a discharge occurred and initiate PIC/QI notification and containment measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(3) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(4) Normal operations shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the "emergency" has been declared over.

5.3.5.e. Piping Rupture Within Secondary Containment System

(1) Immediately after detecting the piping rupture, the Operator/Dockman will notify the Dockman/Operator, the Shift Supervisor/Foreman, and Vessel Tankerman/Chief Mate by radio to initiate Emergency Shutdown of the oil transfer operation, as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Operator/Dockman will isolate the failed piping from the oil transfer by closing the EPA valve (first valve from dock within the secondary containment system).

(3) Tankerman will shut down oil transfer operation for the inbound oil product movement, or Dockman will shut down the transfer operation for the outbound oil product movement and notify Shift Supervisor/Foreman.

(4) Shift Supervisor/Foreman will evaluate situation and determine if a discharge occurred and initiate PIC/QI notification and containment measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(5) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(6) Normal operations shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the "emergency" has been declared over.

5.3.5.f. Piping Rupture Outside Secondary Containment System

(1) Immediately after detecting the piping rupture, the Dockman/Operator will notify the Shift Supervisor/Foreman, Operator/Dockman, and Vessel Tankerman/Chief Mate by radio to initiate Emergency Shutdown of the oil transfer operation, as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Tankerman will shut down oil transfer operation for the inbound oil product movement or the Dockman/Operator will shut down the transfer operation for the outbound oil product movement.

(3) Tankerman/Dockman/Operator will notify Shift Supervisor/Foreman.

(4) Shift Supervisor/Foreman will evaluate situation and determine if a discharge occurred and initiate PIC/QI notification and containment measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(5) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(6) Normal operations shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the "emergency" has been declared over.

5.3.5.g. Piping Leak Under Pressure

(1) Dockman/Operator shall notify the Shift Supervisor/Foreman, the Operator/Dockman, and Vessel Tankerman/Chief Mate by radio to initiate Emergency Shutdown of oil transfer operation, as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Dockman will isolate leaking piping from the oil transfer.

(3) Dockman/Operator will shut down oil transfer operation for outbound oil product movements, or Tankerman will shut down oil transfer operation for inbound oil product movements and notify Shift Supervisor/Foreman.

(4) Shift Supervisor/Foreman will evaluate situation and determine if a discharge occurred and initiate PIC/QI notification and containment measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(5) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(6) Normal operations shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the "emergency" has been declared over.

5.3.5.h. Piping Leak Not Under Pressure

(1) Dockman/Operator will shut down oil transfer operation for outbound oil product movements, or Tankerman will shut down oil transfer operation for inbound oil product movements and notify Shift Supervisor/Foreman.

(2) Shift Supervisor/Foreman will evaluate situation and determine if a discharge occurred and initiate PIC/QI notification and containment measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(3) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(4) Normal operations shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the "emergency" has been declared over.

5.3.5.i. Pumping System Failure

(1) Operator/Dockman shall notify the Shift Supervisor/Foreman by radio to initiate Emergency Shutdown of oil transfer operation, as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Operator/Dockman shall deactivate the pumping system and isolate the failed pumping system by closing block valves on the pump suction and pump discharge and notify Shit Supervisor/Foreman.

(3) Shift Supervisor/Foreman will evaluate the situation and determine if discharge occurred and initiate PIC/QI notification and mitigation measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(4) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(5) Normal operations shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the “emergency” has been declared over.

5.3.5.j. Relief Valve Failure

(1) Operator/Dockman shall notify the Shift Supervisor/Foreman, Dockman/Operator and Vessel Tankerman/Chief Mate by radio to initiate emergency shutdown of oil transfer operation, as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Operator/Dockman shall isolate the failed relief valve and notify Shift Supervisor/Foreman.

(3) Shift Supervisor/Foreman will evaluate the situation and determine if discharge occurred and initiate PIC/QI notification and mitigation measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(4) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(5) Normal operations shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the “emergency” has been declared over.

5.3.5.k. Tank Overfill

(1) Immediately after detecting the overfill, the Operator will notify Shift Supervisor/Foreman, Dockman, Vessel Tankerman/Chief Mate by radio to initiate Emergency Shutdown, as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Operator will isolate the tank from the oil transfer by closing the EPA valve (first valve from dock within the secondary containment system).

(3) Tankerman will shut down oil transfer operation for the inbound oil products movement, or Dockman will shut down the transfer operation for the outbound oil product movement.

(4) Shift Supervisor/Foreman will evaluate the situation and determine if discharge occurred and initiate PIC/QI notification and mitigation measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(5) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(6) Normal operations shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the "emergency" has been declared over.

5.3.5.l. Tank Rupture/Failure

(1) Immediately after detecting the tank failure, the Operator will notify Shift Supervisor/Foreman, by radio to initiate containment measures, as required. If the oil is being transferred in or out of the failed tank, then the Operator will notify the Tankerman and Vessel Tankerman/Chief Mate by radio to initiate Emergency Shutdown, as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) If the oil is being transferred in or out of the failed tank, then the Operator will isolate the tank from the oil transfer by closing the EPA valve (first valve from a dock within the secondary containment system).

(3) Tankerman will shut down oil transfer operation for the inbound oil product movement, or the Dockman will shut down the transfer operation for the outbound oil product movement.

(4) Shift Supervisor/Foreman will evaluate the situation and determine if discharge occurred and initiate PIC/QI notification and mitigation measures as described in the Discharge Mitigation Procedures, Section 2.1.2.

(5) Upon arrival, PIC/QI will assume the Incident Commander responsibility and proceed with the Discharge Mitigation Procedures as outlined in Section 2.1.2.

(6) Normal operations shall not be restarted until all containment measures and response actions, including repair or replacement of the failed components, have been completed and the "emergency" has been declared over.

5.3.5.m. Explosion

(1) Dockman/Operator shall notify the Foreman/Shift Supervisor, Operator/Dockman, and Vessel Tankerman/Chief Mate by radio to initiate Emergency Shutdown of oil transfer operation, as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Operator/Dockman will shut down oil transfer operation for outbound oil product movements, or Tankerman will shut down oil transfer operation for inbound oil product movements.

(3) In case of an explosion, PIC/QI will evaluate situation and activate response actions in accordance with the facility emergency procedures found on-site under separate cover.

5.3.5.n. Fire

(1) Dockman/Operator shall notify the Foreman/Shift Supervisor, Operator/Dockman, and Vessel Tankerman/Chief Mate by radio to initiate Emergency Shutdown of oil transfer operation, as provided in 33 CFR 154.550, *Emergency Shutdown*.

(2) Operator/Dockman will shut down oil transfer operation for outbound oil product movements, or Tankerman will shutdown oil transfer operation for inbound oil product movements.

(3) In case of a fire, PIC/QI will evaluate situation and activate response actions in accordance with the facility emergency procedures found on-site under separate cover.

5.3.6. Containment And Drainage Planning

5.3.6.a. Storage Tanks

Available secondary containment systems are described in Attachment B. If a discharge of oil occurs due to a leak or tank failure, the secondary containment system shall contain it. If the containment area contains water that is found, via visual inspection and analysis, to be contaminated, the fluids are discharged at a predetermined rate not to exceed 125 gpm to the oil/water separator. If the fluid in the containment area is spilled product and/or any other liquid waste (i.e., stormwater), the fluid is also discharged at a predetermined rate not to exceed 4,400 gpm to the oil/water separator. A series of valves and pipes, opened and closed by an operator, are utilized to convey liquids to the separator. Water from the separator then flows through an open ditch to the Houston Ship Channel. Free product that is recovered is will be placed back into the operations whenever possible.

5.3.6.b. Tank Truck Areas

Available secondary containment systems are described in Attachment B. If an oil discharge occurs due to a leak or tank truck rupture, then the concrete loading/unloading areas feed by gravity to a collection drain. The drainage system transfers all collected liquids to the oil/water separator. Loading/Unloading operations are continuously monitored. If there is an equipment failure, the spill is immediately contained by portable barriers, directed to the collection drain, and transferred to the oil/water separator.

Pipe clamps are stocked for all sizes of lines used at the facility. They can be used to temporarily repair a line and stop the leak condition.

5.3.6.c. Tank Car Area

The available secondary containment is described in Attachment B. If an oil discharge occurs due to a leak or tank car failure, then the concrete tank car loading/unloading area feeds by gravity to a collection drain. The drainage system transfers all collected liquids to the oil/water separator. Loading/Unloading operations are continuously monitored. If there is an equipment failure, the spill is immediately contained by portable barriers, directed to the collection drain, and transferred to the oil/water separator.

5.3.6.d. Onshore Transfer Manifolds

Transfer manifolds are provided with concrete lined secondary containment. If an oil discharge occurs due to a leak, then the concrete transfer manifold areas feed by gravity to a collection drain. The drainage system transfers all collected liquids to the oil/water separator. Loading/Unloading operations are continuously monitored. If there is an equipment failure, the spill is immediately contained by portable barriers, directed to the collection drain, and transferred to the oil/water separator.

5.3.6.e. Pump Slabs

Pump slabs are provided with concrete lined secondary containment. If an oil discharge occurs due to a leak, then the concrete pump slab areas feed by gravity to a collection drain. The drainage system transfers all collected liquids to the oil/water separator. Pumping operations are continuously monitored. If there is an equipment failure, the spill is immediately contained by portable barriers, directed to the collection drain, and transferred to the oil/water separator.

5.3.7. Recovery and Decontamination

The facility intends to recover as much oil as the situation permits to reduce waste disposal. Only responsible carriers and disposal sites will be considered for use. The facility will recover, reuse, decontaminate or dispose of materials after a discharge has taken place, as appropriate. Waste materials may include, but are not limited to, the following:

(1) Recovered product;

(2) Contaminated soil;

(3) PPE;

(4) Decontaminated solutions;

(5) Absorbents;

(6) Spent chemicals; and

(7) Contaminated equipment and materials, including drums, tank parts, valves and shovels.

The facility recovery plans are summarized in

Table 5-8 below:

Table 5-8: Product Recovery and Waste Disposal Plans

Material	Disposal Facility	Location	RCRA Permit/Manifest
Recovered Product	Recycled or Off-site Disposal	On-site Recycling or Off-site Disposal	N/A or Class I Manifest
Contaminated Soil	Class 1 non-hazardous landfill	Off-site	Class I Manifest
Contaminated Equipment	Class 1 non-hazardous landfill	Off-site	Class I Manifest
PPE	Class 1 non-hazardous landfill	Off-site	Class I Manifest
Decon Solution	Off-site Disposal	Off-site	Class I Manifest
Absorbents	Class 1 non-hazardous landfill	Off-site	Class I Manifest
Spent Chemicals	Not utilized	N/A	N/A - Not utilized

The facility's federal and/or state waste codes (including generator identification numbers) which will be utilized for the proper management of waste material(s) include:

Federal RCRA Generator Identification Number: TXD074189549
State TCEQ Solid Waste Registration Number: 31952

5.3.8. Non-Responder Medical Needs

Section 4.2 provides information on ambulances and hospitals to be contacted in case of non-responder medical needs.

5.4 PLANNING

Specific operation procedures to respond to an incident are described in this section of the plan. An organizational structure that will be used to manage the response actions is shown on Diagram 2-4: OTH Response Management System.

5.4.1. Chief of Planning Section

Operations Manager, or alternate QI, is the designated Chief of Planning Section whose duties include, but are not limited to, the following:

- Notify and provide necessary information to the appropriate federal, state, and local authorities with designated response roles (for notification phone numbers, see Section 4.3). All calls made to the regulatory response agencies must be logged on the form found in Attachment C;
- Coordinate efforts of the documentation unit in maintaining the proper records in accordance with NIIMS format;

- Responsible for execution of the pre-arranged recovered product and debris storage and disposal plans;
- Function as the safety coordinator for the response effort, provide oversight of contractor and company personnel in safety matters;
- Prepare and implement the Health and Safety Plan in accordance with applicable federal and state regulations; and
- Coordinate response actions with the Unified Command.

5.4.1.a. Documentation Unit

The Documentation Unit includes administrative support personnel, clerks, and secretaries who are a part of the planning section and are responsible for the following, but not limited to, duties:

- Report to the Chief of Planning Section;
- Manage documentation during the oil spill response;
- Document the response decisions, activities, and costs consistent with the documentation procedures under the Incident Command System;
- Utilizes the National Interagency Incident Management Systems (NIIMS) forms; and
- Provide any other support as requested by the Unified Command.

5.4.2. Hazard Identification

Attachment B includes a summary of the potential spill sources from the MTR portion of the facility where the vessel transloading activities take place and the N-MTR portion of the facility where the onshore loading/unloading and storage activities take place. Section 5.3.2 provides information on the range of incident types that may occur at the facility. The average daily throughput for the facility is approximately 17,000,000 gallons. Changes in the throughput would not be expected to have any effect on potential release values.

Product information including the chemical name and cargo information for each product that is transferred and stored at the facility can be found on a MSDS. The MSDSs for each product handled at the facility are maintained in the Control Room and in the Safety Office.

The facility has developed a *Standard Operating Procedures Manual* (maintained on-site separate to this document by the Safety Coordinator) that contains instructions for safe handling of the cargo at the facility. The fire fighting procedures and extinguishing agents effective with fires involving the type of cargos handled at the facility are described in the facility *Emergency Action Plan* maintained on-site. Each new employee receives a substantial initial training in the procedures implemented at the facility that are addressed in the referenced manuals. Current employees complete refresher training in the procedures on a regular basis. The

Safety Coordinator is responsible for keeping records for each employee who receives training in the facility operating and emergency response procedures.

5.4.3. Vulnerability Analysis

The vulnerability analysis includes the following items:

- Calculation of the planning distance;
- Identification of all economic and environmentally sensitive areas, including drinking water intakes, that are located within the calculated planning distance; and
- Response actions that the facility will employ to protect those identified areas from the effects of release of non-petroleum oil.

5.4.3.a. Calculation of the Planning Distance

The facility is located on the upper end of the Houston Ship Channel. The flow of the Channel and the original waterway, Buffalo Bayou, is tidally influenced. Therefore, the facility cannot utilize the Chezy-Maning equation to calculate the velocity component of the planning distance equation as found in Appendix C-III of 40 CFR 112. Furthermore, unlike releases calculated by the distance component of the planning distance equation, releases from the facility could go both downstream or upstream dependent upon the currents (tidal movements). The calculation of the planning distance is as follows:

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

d = planning distance both downstream and upstream from a facility which an environmentally sensitive area could be injured or drinking water intake would be shutdown by a non-petroleum oil discharge (in miles)

v = velocity of the Houston Ship Channel
t = time specified in Table 3, Appendix C-III, 40 CFR 112
c = constant conversion factor 0.68 sec. mile per hour-feet

And, the variables are assigned the following numerical values:

v = 1.0 mph - average velocity of the Channel at the facility

t = 15 hours. Table 3 indicates that (t) should be 15 hours. However, since the Channel has at least two tides a day and sometimes as many as four tides a day, the real value of t may be as much as twelve but as few as six.

c = 0.68; therefore

$d = (1.0) \times (15) \times (0.68)$

d = 10.2 miles.

However, as noted in 40 CFR 112, Appendix C, since the facility is located in the tidally-influenced area, the actual facility planning is a total of 30 miles, 15 miles downstream of the facility (outgoing tide) and 15 miles upstream of the facility (incoming tide).

Attachment A includes Texas Coastal Oil Spill Planning and Response maps, which depict the area within a 15-mile radius from the facility center.

5.4.3.b. Identification Of Environmentally Sensitive Areas

The facility has summarized all environmentally sensitive areas within the planning distance of the facility in Attachment A. There are numerous environmentally sensitive areas including flora and fauna that are located within the 15 mile planning distance. These areas could be adversely affected by an oil spill from this facility if it is not contained within the immediate vicinity.

5.4.4. Protection

The response actions to protect environmental sensitive areas within the planning distance are as follows:

- Enclose the source of the discharge in two rings of boom; an inner boom for collection and an outer boom for containment;
- Monitor the course of the oil movement;
- If necessary, install booms across the shore of Boggy Basin Bayou where it intersects Buffalo Bayou, and initiate oil recovery operations to prevent oil from contaminating environmentally sensitive areas;
- If necessary, install booms across Patrick Bayou at the point Patrick Bayou intersects the Houston Ship Channel, and initiate oil recovery operations to prevent oil from contaminating the exposed tidal flats in Patrick Bayou;
- If necessary, install booms across the partially exposed bay margins in the Houston Ship Channel, and initiate oil recovery operations to prevent oil from contaminating the exposed tidal flats in the Houston Ship Channel;
- If necessary install booms across the Houston Ship Channel at the point Greens Bayou enters the Ship Channel recovery operations to prevent oil from contaminating the environmentally sensitive areas;
- If necessary, install booms across the Houston Ship Channel at the point where the Carpenter's Bayou intersects the Houston Ship Channel, and initiate oil recovery operations to prevent oil from contaminating the environmentally sensitive areas;
- If necessary, install booms to contain the discharge, and initiate oil recovery operations to prevent oil from contaminating the bulkhead and Battleship Texas in the Houston Ship Channel;
- If necessary, install booms across Tucker Bayou at the point Tucker Bayou intersects the Houston Ship Channel, and initiate oil recovery operations to prevent oil from contaminating the Erosion Scarps in Tucker Bayou;

- If necessary, install booms to protect industrial water intakes, and initiate oil recovery operations to prevent oil from contaminating those intakes;
- If necessary, install booms across the Houston Ship Channel at the point Greens Bayou intersects the Houston Ship Channel, and initiate oil recovery operations to prevent oil from contaminating the recreational areas;
- If necessary, install booms across the Houston Ship Channel at the point two-mile upstream of the facility, and initiate oil recovery operations to prevent oil from contaminating downtown Houston;
- If necessary, install booms across the Houston Ship Channel at the point Sims Bayou intersects the Houston Ship Channel, and initiate oil recovery operations to prevent oil from contaminating the other sensitive areas.

5.4.4.a. Response Resources Available to Protect Environmentally Sensitive Areas

This plan identifies the equipment and personnel available by contract, or other approved means, to protect areas of environmental sensitivity and economic importance as follows:

1. For persistent oils discharged into tidal waters, 15 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 15 miles, whichever is less, during flood tide.

Discharges of persistent oils from the facility into tidal waters would be expected to travel 15 miles from the facility during ebb tide without containment actions. The approximate location of this point is Upper Galveston Bay. This point is designated on a map found in Attachment A.

Discharges of persistent oils from the facility into tidal waters would be expected to travel 15 miles from the facility during flood tide without containment actions. The approximate location of these points is downtown Houston on Buffalo Bayou and White Oak Bayou. These points are designated on a map found in Attachment A.

However, response actions will block the oil from moving as far as 15 miles from the facility.

Attachment D contains an inventory of the equipment to be utilized to protect all areas of environment sensitivity and economic importance. Additionally, Attachment I contains additional inventory of equipment and personnel available under contract that may be utilized to protect areas of environmental sensitivity and economic importance.

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

Discharges of non-persistent oils from the facility into tidal waters would be expected to travel five miles from the facility during ebb tide without containment

actions. The approximate location of this point is Old San Jacinto River Basin near I-10. This area is designated on a map found in Attachment A.

Discharges of non-persistent oils from the facility into tidal waters would be expected to travel five miles from the facility during the flood tide without containment actions. The approximate location of these points on Buffalo Bayou near Hunting Bayou is designated on a map found in Attachment A. However, response actions will block the oil from moving as far as five miles.

Attachment D contains an inventory of the equipment to be utilized to protect all areas of environmental sensitivity and economic importance. Additionally, Attachment I contains additional inventory of equipment and personnel available under contract that may be utilized to protect areas of environmental sensitivity and economic importance.

5.4.4.b. Shoreline Cleanup Resources

Response resources are available by contract to effect shoreline cleanup operations commensurate with the quantity of emulsified oil to be planned for in-shore-line cleanup operations.

A summary of equipment and personnel available for response discharges from the facility is found in Attachment D. This equipment is equal to at least twice the recovery capacity as specified in the applicable regulations. Additional information on the response equipment available from the contracted OSROs is provided in Attachment I.

5.4.5. Waste Management

The facility waste management plan complies with RCRA as administered by the TCEQ and promulgated in 30 TAC Chapter 335 - *Industrial Solid Waste and Municipal Hazardous Waste*. The RCRA Compliance Program for the facility is included in this Plan [ICP] as Attachment L.

In particular, the wastes generated in the response activity will be classified in accordance with 30 TAC 335 Subchapter R - *Waste Classification*. If the waste is classified hazardous waste, then waste management activities will be in compliance with appropriate state and federal regulations. If the waste is classified non-hazardous waste including Class 1 or Class 2 waste in accordance with 30 TAC 335 Subchapter R, then the waste management activities will be in compliance with state-applicable regulations.

Finally, oil discharges shall be managed in accordance with the OSPRA of 1991 administered by the TGLO (for a copy of regulations, see Appendix IV).

In accordance with 30 TAC Chapter 335 Subchapter R, the recovered oil and debris as well as all other solid wastes from the response efforts will be classified and managed as one or more of the four types of solid wastes indicated on the *TCEQ Waste Classification Procedure* flowchart found in Appendix VI.

5.5 LOGISTICS

Section 4.2 provides information on the individual responsible for emergency response logistics: his/her name, job title, and contact numbers. Figure 2, *Site Plot Plan*, provides information on the facility layout, locations of tank farms, transfer stations, and vessel mooring areas. The location of the transfer pipeline is identified on Figure 7.

5.5.1. Chief of Logistics Section

The Operations Manager, or alternate QI, is the designated Chief of Logistics Section (until relieved by OSRO) whose duties include, but are not limited to, the following:

- Supervise the terminal maintenance employees and assist in the logistical support of the response efforts;
- Manage the logistics staff including maintenance and other personnel during the spill response;
- Coordinate the moving of personnel and equipment to the designated locations as needed; and
- Coordinate response actions with the Unified Command.

5.5.1.a. Terminal Maintenance Employees

The Terminal Maintenance Employees support the spill response team in responding to emergency spills, report to Maintenance Supervisor.

5.5.1.b. Supply Unit

Responsible for ensuring that response operations are adequately supplied with necessary equipment and PPE, report to the Maintenance Supervisor.

5.5.2. Fire Prevention and Fighting Plans

Figure 6, *Emergency Response Equipment Location Map*, depicts the type and location of the fire fighting equipment located throughout the facility.

The facility has adequate fire fighting resources through on-site equipment and CIMA membership to respond to an oil (Group I through V) fire. The PIC/QI shall verify that sufficient well-trained fire fighting resources are available within a reasonable response time for a worst-case discharge. On-site fire fighting resources are described in the *Emergency Action Plan* found on-site.

Figure 5, *Emergency Evacuation Routes*, shows the primary and secondary evacuation routes, staging areas, muster sites, and response equipment available

to the facility personnel. In addition, the emergency evacuation map is located throughout the facility for informative purposes.

Primary
Should an incident occur that requires immediate evacuation of the facility, personnel and site visitors should immediately proceed to the Primary Emergency Evacuation Assembly Area located under Beltway 8 off of Jacintoport Boulevard.

Secondary
If access to the Primary Evacuation Assembly Area is blocked or if any of the Primary Routes are blocked due to emergency conditions (i.e. fire, discharged product etc.) or due to any other conditions (i.e. construction equipment detours, etc.), site personnel and visitors should evacuate to the Secondary Evacuation Assembly Area located at Jacintoport Boulevard east of the facility.

All electrical service and equipment is designed to be explosion-proof in accordance with 33 CFR 154.375 - Safety Requirements.

A fire water pump is located on the approach to Barge Dock A and another is located near the tank farms along Jacintoport Boulevard.

To notify TCEQ Region 12 of an air upset due to fire, use the form provided in Attachment C.

Should community evacuation be necessary, this will be coordinated through the LEPC.

5.5.3. Site Safety and Health Plan

The facility has developed and implemented a site-specific safety and health plan in accordance with the requirements of 29 CFR 1910.120 which is maintained on-site by the Safety Coordinator separate from to this document. The *Site-Specific Safety and Health Plan* provides detail information on the following logistics:

- Medical needs of responders;
- Site security;
- Communications (internal and external resources);
- Transportation (air, land, water);
- Personnel support (e.g., meals, housing, equipment); and
- Equipment maintenance and support.

5.5.4. Site Security

(b) (7)(F), (b) (3)

[redacted]

(b) (7)(F), (b) (3)

[redacted]

5.6 FINANCE/PROCUREMENT/ADMINISTRATION

Attachment D contains the facility response equipment inventory table that lists the equipment available on-site at all time. Certification by the facility PIC/QI stating that personnel and equipment required under this plan are owned, operated, or under the direct control of the facility and are available within stipulated response times in the specified geographic area is found in the same attachment. Attachment I contains documentation ensuring the availability of response resources by contract and other approved means.

All response efforts taken at the facility will be in accordance with organizational structure as shown on the flowchart in Section 2.2 of this plan. The duties, responsibilities, and authorities of qualified and alternate QIs are described in Section 5.1 of this plan.

5.6.1. Chief of Finance Section

The General Manager of Administration and Finance, or alternate QI, is the designated Chief of Finance and Public Relations Section whose duties include, but are not limited to, the following:

- Provide corporate and finance support to the IC to ensure that adequate resources are available for the response efforts;
- Manage the financial staff including the controller and staff during the spill response;
- Coordinate with financial institutions as needed during the oil spill response;
- Function as company representative to the media; and
- Function as Alternate Qualified Individual.

The Finance Section includes support staff of the Time Unit, Procurement Unit, and Cost Unit.

6.0 ANNEX 4 – INCIDENT DOCUMENTATION

6.1 DISCHARGE HISTORY REPORTS

Date	Amount (gallons)	Substance	Impact	Enforcement Actions
July 10, 1992	(b) (7)(F), (b) (3)	Crude Oil	Water	N/A
October 30, 1992		Gasoline	Water	N/A
January 14, 1993		Crude Oil	Water	N/A
January 17, 1993		Gasoline	Water	N/A
March 11, 1993		Crude Oil	Water	N/A
October 8, 1993		Crude Oil	Water	N/A
1995		Crude Oil	Land	USCG
1995		#2 Oil	Water	USCG
1996		Condensate	Water	TNRCC
1999		Oily Water	Water	TNRCC
1999		Oily Water	Water	TNRCC
2000		Oily Water	Water	TGLO
2000		Oily Water	Water	USCG
2000		Crude Oil	Water	N/A
2000		Hydraulic Fluid	Water	N/A
2000		Condensate	Water	N/A
2000		Crude Oil	Land	N/A
2000		Crude Oil	Land	N/A
2000		Hydraulic Fluid	Water	N/A
2000		Crude Oil	Land	N/A
2000		#6 Oil	Land	N/A
2000		Crude Oil	Water	N/A
2000		Oily Water	Water	TGLO
2002		Condensate	Land	N/A
2003		Crude Oil	Land	N/A
2003		Crude Oil	Land	N/A
2003		Marine Diesel Oil	Water	N/A
June 8, 2005		Crude Oil	Land	N/A
August 20, 2005		Crude Oil	Land	N/A
August 30,2006		Crude Oil	Land	N/A
September 14, 2006		Foam Concentrate	Water	USCG
October 31, 2006		Foam Concentrate	Water	USCG
May 18, 2007		#6 Oil	Water	USCG
November 27, 2007		Crude Oil	Water	TRRC & USCG
February 22, 2008		Slop Oil	Water	USCG
March 26, 2008		Crude Oil	Land	TRRC
December 27, 2008		#6 Oil	Land & Water	USCG & TGLO
April 20, 2010		MTBE	Land	

December 28, 2010	(b) (7)(F), (b) (3)	Crude oil	Land	
March 15, 2011		ULSD	Water	USCG &TGLO
May 9, 2011		LCO	Water	TGLO
July 11, 2011		Crude Oil	Water	USCG & TGLO
November 29, 2011		Diesel Oil	Land	
March 4, 2012		#6-Oil	Land	
May 24, 2012		Hydraulic Oil	Land & Water	USCG & TGLO
September 5, 2012		Diesel Oil	Land & Water	TGLO

6.2 ADDITIONAL REPORTING REQUIREMENTS

In accordance with 40 CFR 112.4, if the facility experiences a spill of more than 1,000 gallons (or has two (2) 42 gallons each oil spills within a 12-month period) of oil into navigable waters or onto adjoining shorelines in a single incident, the facility will submit the following information to the appropriate EPA Regional Office within 60 days of such spill:

- Facility name and location;
- Facility owner or operator names;
- Facility maximum storage or handling capacity and normal daily oil throughput;
- Adequate facility description, including (as necessary):
  1. Maps;
  2. Flow Diagrams; and
  3. Topographic Maps.
- The cause(s) of the spill, including a failure analysis of system or subsystem in which the failure occurred;
- The corrective actions and/or countermeasures taken, including a description of equipment repairs and/or replacement;
- Any other preventive measures taken or planned to minimize the possibility of recurrence; and
- Other information the EPA Regional Office may require.

A copy of all information provided to the EPA Regional Office under these circumstances is also required to be sent at the same time to the TGLO office. The addresses for the information to be sent to are as follows:

SPCC/FRP Coordinator U.S. EPA Region 6 (6SF-RP) 1445 Ross Avenue Dallas, Texas 75202-2733	TGLO 1700 North Congress Ave. Austin, Texas 78701

7.0 ANNEX 5 – TRAINING AND EXERCISES/DRILLS

7.1 RESPONSE EQUIPMENT TESTING/DEPLOYMENT

The facility maintains adequate equipment on-site (see Attachment D) in a state of readiness to effectively respond to an oil discharge. The response equipment is inspected on a monthly basis and results of these inspections are recorded on forms found in the same attachment. OTH conducts regularly-scheduled response equipment deployment and drills in accordance with PREP and the regulations as promulgated in 33 CFR 154, 49 CFR 194.115, and 40 CFR 112. Additionally, OTH deploys boom for barge or vessel discharges, regardless of fault. Attachment E contains forms used to record the results of the drills. The completed inspection records and deployment forms are maintained in the on-site files.

The facility has secured additional response resources from an USCG-certified OSRO that has a rating of Level E-River Canal and Level E-Inland/Nearshore. A copy of the OSRO's Certification is located in Attachment H. The OSRO conducts drills and tests in accordance with PREP and the regulations as promulgated in 33 CFR 154 and 40 CFR 112.

7.1.1. Equipment Testing Schedule

The equipment is tested according to the following schedule:

Daily

- Visually inspect ready spill boat on ramp near Barge Dock B to verify it is useable;
- Visually inspect spill response trailer/boat to verify trailer/boat is useable;
- Verify radios and phones are operable; and
- Repair as necessary.

Weekly

- Verify ready spill boat on ramp near Barge Dock B is equipped with safety equipment and boom and is useable;
- Verify spill response trailer/boat is useable and ready to deploy on highway (i.e., tires, lights, etc.); and
- Repair as necessary.

Monthly

- Test run the ready spill boat on ramp near Barge Dock B to verify it is operable;
- Hook up spill response trailer/boat and tow around the facility;

- Verify inventory in spill containers (i.e., pads, boom, etc.); and
- Repair or re-supply as necessary.

Quarterly

- Test run the ready spill boat on ramp near Barge Dock B and deploy spill boom;
- Deploy trailer boat and operate;
- Check inventory in spill containers; and
- Repair as necessary.

Semi Annually

- Deploy boom from the ready spill boat;
- Utilize mobile spill response trailer to test-run the skimmer; and
- Repair as necessary.

Annually

- Inspect and inventory all equipment;
- Tune up motors if necessary; and
- Repair and re-supply as necessary.

The Maintenance Supervisor is responsible for maintaining the equipment in a state of readiness. The Safety Coordinator is responsible for evaluating the performance during drills, spills, and/or audits.

7.2 FACILITY DRILLS/EXERCISES

7.2.1. QI Notification Drill Logs

OTH conducts the facility response drills/exercises, including evaluation procedures in accordance with PREP guidelines. In addition, it conducts internal and external drills/exercises including area exercises. The facility maintains records for response to actual discharges to earn credit for exercises. OTH describes the drill/exercise programs and logs to record the training on the forms provided in Attachment F. The completed inspection records are retained at the facility in accordance with usual and customary practices as described in Section 8.4.

Facility and PIC/QI notification drills shall be conducted ***Quarterly***. Personnel involved in this drill should review the facility notification list provided in Section 4.0 of this plan and should become familiar with it.

Personnel should determine the best procedures to use to implement this notification. Personnel should determine what obstacles may hinder notification.

Personnel may randomly test selected telephone numbers on the notification list found in Section 4.0. Personnel should contact the facility PIC/QI, including the Alternative QIs, and IC, even if they are on the premises.

7.2.2. Spill Management Team Tabletop Exercise Logs

OTH conducts facility spill management team tabletop exercises, including evaluation procedures in accordance with PREP guidelines. In addition, it conducts internal and external drills/exercises including area exercises. OTH describes the exercise program and logs to record the training on the forms provided in Attachment F. The completed inspection records are retained at the facility in accordance with usual and customary practices as described in Section 8.4.

Spill management team tabletop drills shall be conducted ***annually*** by the PIC/QI. This training will be formally scheduled with records retained for at least three years. The following persons (by title) should participate in the annual tabletop drill:

- Safety Coordinator;
- Operations Manager;
- Executive Vice President and Chief Financial Officer;
- General Manager of Administration and Finance; and
- Maintenance Supervisor.

The following items constitute a common agenda for the drill at the facility (every three years a comprehensive table top drill is conducted):

- Worst-case discharge;
- Evacuation incidents (such as fire, explosion, etc.);
- Maximum most probable discharge;
- Average discharge (transfer discharge);
- Other potential discharge incidents as the management team deems advisable to review;
- Temporary storage requirements;
- Recovery and waste disposal;
- On-site equipment deployment in case of oil discharge during transfer;
- On-site equipment maintenance; and
- OSROs - update and review of status of capability to respond.

The facility tabletop drill may include additional items as they may fit the purpose of the drill.

7.2.3. Equipment Deployment Drills

OTH conducts the semi-annual and annual equipment deployment drills in accordance with PREP guidelines. OTH records the drill on the forms provided in Attachment E. The completed inspection records are retained at the facility in accordance with usual and customary practices as described in Section 8.4.

In conducting this drill, facility personnel participants should practice deployment of any facility spill containment and response equipment that facility personnel would normally deploy in the event of a discharge.

The following persons (by title) should participate in these drills (at least once every six months):

- Operators;
- Members of Response Team;
- Safety Coordinator;
- Operations Manager;
- Maintenance Supervisor; and
- Dockmen.

The drill should consist of the following procedures:

(1) Spill boom deployment;
(2) Radio Checkout;
(3) Pump Operation;
(4) Wastewater System Operation;
(5) Utilization of Absorbent Materials;
(6) Fire Extinguisher Checkout;
(7) Fire System Checkout; and
(8) Facility Warning System Checkout.

Facility equipment deployment drills shall be conducted ***semi-annually***. The unannounced annual drill may be credited toward one of the two semi-annual facility equipment deployment drills.

7.2.4. Unannounced And Announced Drills

The facility shall conduct ***annual*** unannounced drills. During these drills, the contracted OSROs shall be activated. The PIC/QI shall conduct the annual unannounced drill in accordance with the format provided on a form found in Attachment F.

Attention terminal personnel:
The USCG COTP may request the facility to participate in an unannounced drill.

However, if the facility has participated in an unannounced drill conducted by a federal or a state agency within the last 24 months, the facility may decline the COTP's invitation. In declining the request to participate, the facility must immediately provide a copy of the documentation to the COTP that it has previously participated in a qualified unannounced drill within the last 24 months.

Preparation for these drills should be achieved by facility personnel through required training and participating in notification, equipment deployment, and tabletop drills discussed above.

The facility shall participate in any announced drill conducted by the COTP of the MSO Houston-Galveston.

The response resources identified in this plan shall participate in the ***annual*** deployment drills.

Drills are designed by the facility to exercise either components of or the entire Response Plan. The facility will conduct a drill that exercises the entire plan at least once every three years.

The facility shall document drills for facility personnel and the RMTs and maintain records of such drills for a period not less than three years following the completion of drills.

The PIC/QI shall document drills utilizing the provided format and maintain these records in the facility operating files.

Drills of the oil spill response organization(s) and response resources that were identified in this plan shall be maintained for a period of at least five (5) years following the completion of drills.

7.2.5. Area Exercises

Applicability:	Area response community.
Frequency:	Triennially for each area.
Initiating Authority:	USCG, EPA and industry.
Participating Elements:	Federal, state and local government, and industry.
Scope:	Area exercises will exercise the Area Response System.
Objective:	Exercise the ACP, along with selected industry response plans. Exercise the unified command with the appropriate participants. Exercise the area and industry spill management teams. Deploy adequate response equipment for the exercise scenario.

Format:	Total annual exercises would consist of the following: > 6 government-led exercises; and > 14 industry-led Total = 20 Area Exercises Per Year. Area exercises should be *approximately* 8 - 12 hours in duration. Exercise scenario to be developed by the exercise design team. To stimulate realism, the exercise should be conducted in the command post that would be utilized for an oil discharge response, whenever possible. Exercise may be in real or limited compressed time and may start at any point during an incident, as determined by the Exercise Design Team. Flexibility should be allowed to ensure the exercise objectives are met. Lessons learned from the exercise should be incorporated into the PREP Lessons Learned System, whenever possible.
Location:	The On-Scene Coordinator will certify completion of the area exercise. In certifying the area exercise, the On-Scene Coordinator will consider the following: The area exercise was conducted. The area exercise met the objectives outlined in the PREP guidelines. The area response community was exercised for oil discharge response preparedness. Industry plan holders should take credit for all of the exercises completed during the area exercise. These exercises shall be self-certified by the plan holder.
Verification:	Verification to be done by the National Scheduling Coordinating Committee.
Records Retention:	5 years
Records Location:	On-Scene Coordinator
Evaluation:	Joint evaluation team to be comprised of the federal government (USCG, EPA, PHMSA or MMS) state and industry.
Scheduling:	Scheduling of area exercises will be done by the NSCC, utilizing input from the On-Scene Coordinator, Area Committee and Regional Response Team, in consultation with the industry. Annual PREP scheduling workshops will be held to provide a national public forum for government and industry input to the scheduling process.

7.2.6. Facility Emergency Procedure

Applicability:	Facility.
Frequency:	Quarterly. At least once per year will be announced.
Initiating Authority:	Facility owner or operator.
Participating Elements:	Facility personnel.
Scope:	Exercise the emergency procedures for the facility to mitigate or prevent any discharge or a substantial threat of such discharge of oil resulting from facility operational activities associated with oil transfers.

Objectives:	Conduct an exercise of the facility's emergency procedures to ensure personnel have knowledge of actions to be taken to mitigate an oil discharge. This exercise may be a walk-through of the emergency procedures. Exercise should involve one or more of the sections of the emergency procedures for oil discharge mitigation. For example, the exercise may involve a simulation of a response to an oil discharge. The facility should ensure that discharge mitigation procedures for all contingencies at the facility are addressed at some time.
Certification:	Self-certification.
Verification:	EPA; PHMSA; and USCG
Records Retention:	5 years
Records Location:	At each facility.
Evaluation:	The facility emergency procedures are not only evaluated after exercises but also on an annual basis to assure that all potential emergencies have been planned for. After any unexpected incident or emergency, appropriate personnel evaluate and rewrite procedures, as appropriate.

7.3 EMPLOYEE RESPONSE PERSONNEL TRAINING

OTH personnel are provided with an adequate training to fulfill their responsibilities under this plan summarized in the table below and described in Attachment L of this Plan.

The OTH spill response personnel with key responsibilities designated under this plan, their names and 24-hour contact information, are identified in Section 4.2.

OTH employees who might be involved in an oil spill response are informed that detergents or other surfactants are prohibited from being used on oil spills in the water. Use of any dispersants can only be authorized by the Regional Response Team (see Section 4.3), the interagency group composed of federal and state agency representatives that coordinates oil spill responses [31 TAC 19.13(c)(10)].

OTH Position	Number of OTH Employees	ICP Roles and Responsibilties	Level of Training
Safety Coordinator	**1**	**QI/PIC/IC**	24-hr Hazwoper Training 29 CFR 1910.120(q) command Annual Refresher Training 29 CFR 1910.120(q) Person-In-Charge Training 33 CFR 154.130(a)(21)
Safety Manager	**1**	**QI/PIC/IC**	24-hr Hazwoper Training 29 CFR 1910.120(q) command Annual Refresher Training 29 CFR 1910.120(q) Person-In-Charge Training 33 CFR 154.130(a)(21)
Operations Manager	**1**	PIC; **Chief of Planning** and **Chief of Logistics** (until relieved by OSRO)	24-hr Hazwoper Training 29 CFR 1910.120(q) command Annual Refresher Training 29 CFR 1910.120(q) Person-In-Charge Training 33 CFR 154.130(a)(21)

OTH Position	Number of OTH Employees	ICP Roles and Responsibilties	Level of Training
Day Foreman	**1**	PIC	24-hr Hazwoper Training 29 CFR 1910.120(q) command Annual Refresher Training 29 CFR 1910.120(q) Person-In-Charge Training 33 CFR 154.130(a)(21)
Chief Financial Officer	**1**	**Chief of Finance and Public Relations**	24-hr Hazwoper Training 29 CFR 1910.120(q) command Annual Refresher Training 29 CFR 1910.120(q) Person-In-Charge Training 33 CFR 154.130(a)(21)
Shift Supervisors	**9**	PIC; **Chief of Operations**; Spill Response Team Leaders	24-hr Hazwoper Training 29 CFR 1910.120(q) command Annual Refresher Training 29 CFR 1910.120(q) Person-In-Charge Training 33 CFR 154.130(a)(21)
Operators / Dockmen	**22**	Spill Operations	24-hr Hazwoper Training 29 CFR 1910.120(q) command Annual Refresher 29 CFR 1910.120(q) Person-in-Charge Training 33 CFR 154.310(a)21 and the Operations Manual
Oil-Handling Employees	**(Varies)**	Spill Prevention Awareness	Annual discharge prevention briefings 40 CFR 112.7(f)(3).

Contractor Personnel

The contractor will provide management and response personnel with appropriate OSHA HAZWOPER training, spill management training, and training on equipment used by the contractor. The primary and secondary contractors that furnish laborers will provide the laborers with the adequate spill response training.

Volunteers

Only persons who are members of an oil spill cooperative, neighboring facility, or other group who are known to have the minimum required response training to perform a response task or who can show certificated proof of having received such training will be permitted to assist with response to a discharge.

7.3.1. Personnel Response Training Logs

The Personnel Training Log form is provided in Attachment G. The completed personnel training log records are retained in the facility records separate from this document. The records are retained for a period as long as personnel have duties in the response plan and are made available for inspection as required.

7.3.2. Discharge Prevention Meeting Logs

Discharge Prevention Meeting Log form is provided in Attachment G. The completed inspection records are retained at the facility in accordance with usual and customary practices as described in Section 8.4.

8.0 ANNEX 6 – RESPONSE CRITIQUE AND PLAN REVIEW AND MODIFICATIONS

8.1 ANNUAL REVIEW

This plan will be reviewed annually by the OTH qualified personnel. The review will incorporate any changes in the listings of economically important or environmentally sensitive areas, as noted in the ACP that is in effect six (6) months prior to the plan review.

- The annual review shall be performed within one month of the anniversary date of the USCG approval of the plan;
- OTH will submit any amendments of the plan in accordance with the Distribution List, page ix for information or approval. If no changes are required, OTH shall send a letter to the USCG indicating that the ICP remains valid with no changes. A copy of this letter shall be included in the front of each copy of the plan and any amendments indicated in the Record of Changes; and
- Any required changes will be entered in the ICP and recorded in the Record of Changes section of this plan.

8.2 REVISIONS AND MODIFICATIONS

Revisions or amendments to either a previously submitted and/or approved ICP shall be submitted within thirty (30) days to the regulatory agencies as indicated on the Distribution List, page ix, for inclusion in the existing plan or for approval, whichever is appropriate, whenever there is:

- A change in the facility's configuration that significantly affects the information included in the ICP;
- A change in the type of oil (oil group) handled, stored, or transported that affects the required resources;
- A change in the name(s) and/or capabilities of the OSROs required by 33 CFR 154.1045 - Response Plan Development and Evaluation Criteria for Facilities that Handle, Store, or Transport Group I through Group IV Petroleum Oils;
- A change in the facility's emergency response procedures;
- A change in the facility's operating area that includes ports or geographic area(s) not covered by the previously approved plan. A facility may not operate in an area not covered in a previously approved plan unless the revised plan is approved or interim operating approval is received under 33 CFR 154.1025 - Operating Restrictions and Interim Operating Authorization;
- Or as a result of inadequacies noted in the ICP during an actual pollution incident at the facility;
- Or whenever there is a change in design, construction, operation or maintenance, which materially affects the facility's potential for an oil discharge into the U.S. navigable waters;

- Or whenever there is change in response personnel, response times, and contact numbers;
- Any other changes that significantly affect the implementation of the plan; or
- Five (5) years from the date of the ICP approval.

The SPCC portion of the Plan (Regulatory Cross Reference Section 10) will be reviewed and evaluated at least once every five (5) years. As a result of this review and evaluation, the facility will amend the Plan, or the appropriate portions of thereof, within six (6) months of that review to incorporate more effective prevention and control technology if [40 CFR 112.5(b)]:

- Such technology will significantly reduce the likelihood of a discharge from the facility; and
- If such technology has been field-proven at the time of the review.

Any technical amendments made to the SPCC-related portion of the Plan must be certified by a Professional Engineer [40 CFR 112.5(c)].

Per requirements of 40 CFR 112.4(a), whenever an oil spill of over 1,000 gallons occurs or if two (2) oil spills of more than 42 gallons each occur in any twelve (12) month period, a written report must be submitted within 60 days to the EPA Regional Office, with a copy sent to the State Authority in charge of oil pollution control activities as outlined in Section 6.2 of this Plan. The Plan must be amended if necessary or if required by the EPA and/or State authority within 30 days from receipt of such proposed amendment [40 CFR 112.4(d) and (e)].

8.3 RECORD OF CHANGES

For record of changes made to this plan, see Attachment J.

8.4 RECORD RETENTION

All records required by this Plan (i.e., reports, personnel training records, inspection forms, test result records, notifications, etc.) are signed by a qualified facility individual and maintained at the facility separately from this Plan. The records are retained for a period of not less than five (5) years and are made available for inspection as required.

9.0 ANNEX 7 – PREVENTION

This Section of the Plan identifies the potential spill sources for oils, which are summarized in Attachment B [40 CFR 112.7(b)], as well as the following information:

- Identification of reasonable potential of equipment failure (such as loading and unloading equipment, tank overflow, rupture, or leakage, etc.); and
- Prediction of the direction, rate of flow, and total quantity of oil that could be discharged from the facility as a result of each type of major equipment failure.

The term "***discharge***" includes, but is not limited to, any unauthorized spilling, leaking, pumping, pouring, releasing, emitting, emptying, or dumping of oil [40 CFR 112.2] and/or hazardous substances in a harmful quantity and for ease of reference are all referred to in this Plan as "***spills***".

The term "***container***" as used in this plan refers to the following potential spill sources that are utilized for storage of oil:

- Aboveground storage tanks or containers;
- Completely buried tanks;
- Containers used for standby, seasonal, temporary, or not otherwise "permanently closed" storage;
- Bunkered tanks or partially buried tanks;
- Mobile or portable tanks or containers; and
- Oil-containing equipment (reservoirs).

The term "**bulk oil storage *containers***" as used in this Plan includes all oil storage except oil-filled electrical, operating, or manufacturing equipment.

9.1 FACILITY DRAINAGE

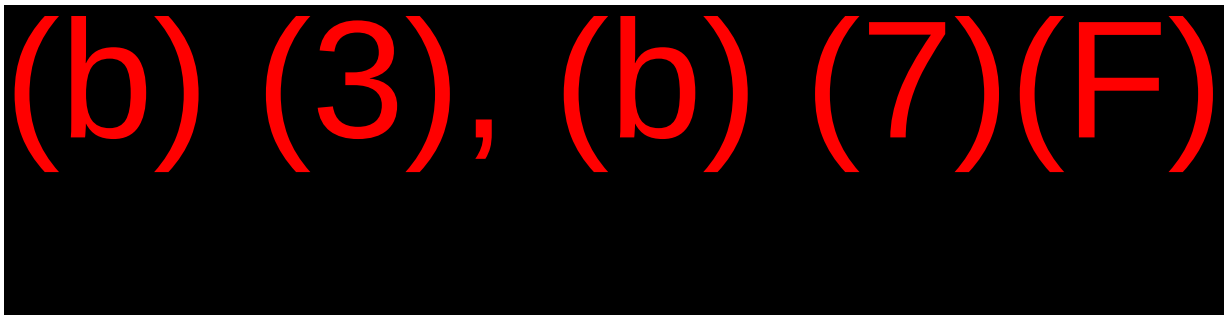
In general, surface run-off at the facility enters the Houston Ship Channel as shown on the *Site Drainage Maps*, Figure 4 of the ICP, which also depicts the stormwater release valves and discharge points for the facility.

The facility's drainage systems from uncontained areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) is designed to follow the on-site drainage system and into the oil/water separator designed to retain oil at the facility. There are no catchment basins in areas of the facility subject to periodic flooding [40 CFR 112.8(b)(3)].

9.1.1. Effluent Treatment Facility

The facility operates an oil/water separator on-site for management of contaminated stormwater from within secondary containment areas as shown on Figure 4. The system is gravity drained; therefore, facility drainage waters are not treated in more than one continuous treatment unit and pump transfer is not needed [40 CFR 112.8(b)(5)].

Drainage from each of the oil storage containment areas is connected through piping to the oil/water separators and subsequent facility drainage systems. Stormwater drainage piping from each diked area is equipped with a shutoff valve which remains closed under normal operating conditions.



Periodic inspections of the accumulated stormwater are discussed in Section 9.6.5 below.

9.2 BULK STORAGE *CONTAINERS*

Site Plot Plan, Figure 2 identifies the locations of the bulk storage tanks/containers utilized at the facility for storage of oil.

9.2.1. Spill Prevention

Bulk Storage *Container* Construction & Design

Bulk storage tanks/containers are designed and constructed in accordance with accepted industry practices. Construction design, as applicable to each bulk storage tank utilized at the facility, is identified in the tables found in Attachment B of the ICP.

In an effort to prevent discharges from bulk oil storage *containers*, each installation is provided with at least one of the following devices:

- High liquid level alarm with an audible or visual signal at a constantly attended operation station; or
- High liquid level pump cutoff devices set to stop flow at a predetermined container content level; or
- Direct audible or code signal communication between the container gauger and the pumping station; or

- A fast response system such as digital computers, telepulse, or direct vision gauges for determining the liquid level of each tank. (If this alternative is used, a person must be present to monitor gauges and the overall filling.)

Product Compatibility

No tank is used for the storage of any oil until the compatibility of the oil and tank materials of construction have been evaluated. Tanks in oil services are compatible with the oil that is being utilized.

Cathodic Protection

All metallic tanks used for the storage of oil are protected against corrosion by coatings or cathodic protection compatible with local soil conditions.

Internal Heating Coils

OTH operates internal heating coils within some tanks at the Houston facility. The system utilizes hard piping to the tank and monthly visual inspections of the tank and ancillary equipment are conducted to aid in spill prevention.

9.2.2. Spill Control

The facility has installed secondary containment systems (i.e., berms, dikes, collection pans, etc.) to control and contain accidental spills in bulk oil storage areas. The containment volume is designed to retain at least 100% of the largest *container* within the contained area and allow for sufficient freeboard to contain precipitation (see Attachment B for details). These containment/diversionary systems, including walls and floors, are capable of containing oil and are constructed so that any discharge from bulk oil storage *containers* will not escape the containment system before cleanup occurs [40 CFR 112.8(c)].

All mobile or portable oil storage containers located on-site are positioned such as to prevent an uncontained spill of oil. A secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container and sufficient freeboard to contain precipitation is also provided [40 CFR 112.8(c)(11)].

Attachment B summarizes the on-site bulk oil storage areas and associated containment capacities including the following:

- Identification of the largest contained *container*;
- Storage capacity of the largest *container*;
- Type of worst case failure;
- Type of containment system;
- Total containment volume available;
- Inches of freeboard available for accumulation of precipitation; and

- Direction and rate of spill flow in case of an uncontained release.

9.3 OIL-CONTAINING EQUIPMENT

Transformer Location Map, Figure 3 identifies the locations of the oil-containing equipment (i.e., electrical transformers) utilized at the facility.

9.3.1. Spill Prevention

Container Construction

Oil-containing reservoirs within the electrical transformers on-site are designed and constructed in accordance with accepted industry practices.

Product Compatibility

No reservoir is used for the storage of oil until the compatibility of the oil and reservoir materials of construction have been evaluated. Reservoirs in oil service are compatible with the oil that is being utilized.

9.3.2. Spill Control

A table summarizing the on-site oil-containing equipment and associated containment capacities including the following, is located in Attachment B of the ICP:

- Identification of the largest reservoir;
- Storage capacity of the largest reservoir;
- Type of worst case failure accounted for;
- Type of containment system;
- Total containment volume available;
- Inches of freeboard available for accumulation of precipitation; and
- Direction and rate of spill flow in the case of an uncontained release.

9.4 TRANSFER OPERATIONS, PUMPING, AND PROCESS

9.4.1. Spill Prevention

Spill prevention measures implemented to address on-site oil transfer operations and pumping related to SPCC regulated operations and processes include the following:

- Any buried oil transfer line that is installed or replaced on or after August 16, 2002, is provided with a protective wrapping and coating. Such buried piping installations are cathodically protected or otherwise satisfy the corrosion protection standards for piping as specified in 40 CFR 280;

- Any buried oil transfer line that becomes exposed for any reason is carefully inspected for deterioration. If any signs of corrosion are noted, additional examination will be conducted, and necessary corrective action will be taken as indicated by the magnitude of the damage [40 CFR 112.8(d)(1)];
- The starter control on each oil pump is locked in the "off" position and is accessible only to authorized personnel when the pump is in a non-operating or standby status [40 CFR 112.7(g)(3)];
- As applicable, all terminal connections at the transfer point are marked as to origin and are capped or blank-flanged when piping is not in service or is in standby service for an extended time;
- All pipe supports have been designed to minimize abrasion and corrosion, to allow for expansion and contraction, and to adequately support thrust loadings at bends;
- *Container* system installations have been fail-safe engineered to avoid spills by incorporating devices such as high liquid level alarms at constantly manned surveillance points, high liquid level pump cutoff devices, direct audible or code communication between the tank gauger and the pumping station, or fast response systems such as a digital computer, telepulse, or direct vision gauges;
- Loading and unloading connects of oil pipelines and facility piping that is not in service or when in standby service for an extended time are securely capped or blank-flanged, as appropriate [40 CFR 112.7(g)(4)]; and
- Implemented an adequate warning system to ensure that no vehicle entering the facility will endanger aboveground piping or other oil transfer operations [40 CFR 112.8(d)(5)].

9.4.2. Spill Control

All aboveground valves, piping, and appurtenances are periodically inspected and tested as discussed in Section 9.6 of this Plan. Routine inspections are designed to ensure that any spills or leaks in the transfer operations, pumping, or process areas are most expeditiously detected and controlled. Diversionary systems in place, including walls and floors, are capable of containing oil and are constructed so that any discharge from the transfer operations, pumping, and process areas conducted on-site will not escape the containment system before cleanup occurs.

9.5 LOADING/UNLOADING ACTIVITIES

As identified in Attachment B, the facility operates tank car and tank truck loading/unloading "racks". Facility tank car and tank truck loading/unloading "racks" drain into catchment basins or treatment facilities designed to handle discharges or are provided with a quick drainage system. The secondary containment system in place is capable of holding at least the maximum capacity of any single compartment of an oil containing tank car or tank truck loaded/unloaded at the facility racks [40 CFR 112.7(h)].

9.5.1. Spill Prevention

Spill prevention measures implemented to address on-site loading/unloading activities include the following:

- All loading/unloading activities are constantly supervised by a qualified employee;
- An interlocking warning light, physical barrier system, or warning signs are provided at loading/unloading "racks" to prevent vehicular departure before complete disconnect of flexible or fixed transfer lines [40 CFR 112.7(h)(2)]; and
- Prior to filling and departure of any oil containing railcar or tank truck at the loading/unloading "rack", the lowermost drain and all outlets of such vehicles are closely examined for leakage and, if necessary, tightened, adjusted, or replaced to prevent liquid leakage while in transit [40 CFR 112.7(h)(3)].

9.5.2. Spill Control

Secondary Containment Systems

Attachment B summarizes the on-site oil loading/unloading activities and associated containment capacities, including the following:

- Identification of the type of vessels loading;
- Storage capacity of the largest compartment of all vessels loaded;
- Type of worst case failure;
- Total containment volume available; and
- Direction and rate of spill flow in the case of an uncontained release.

The facility tank car and tank truck loading/unloading connection areas are provided with appropriate containment and/or diversionary structures/equipment to prevent an oil discharge (see Attachment B for details). The containment/diversionary systems, including walls and floors, provided for loading/unloading activities are capable of containing oil and are constructed so that any discharge from loading/unloading activities will not escape the containment system before cleanup occurs [40 CFR 112.7(c)].

9.6 INSPECTIONS AND TESTING

Written inspection and testing procedures developed for the facility are in accordance with acceptable industry standards and comply with the requirements of 40 CFR 112.7(e), 112.8(c)(6), and 112.8(d).

9.6.1. Transfer Operations, Pumping, and Process Inspections

Qualified facility personnel conduct periodic visual inspections of aboveground valves, piping, and appurtenances for the presence of leaks and signs of deterioration or malfunction. These inspections are conducted to assess the general condition of items such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking valves, and metal surfaces. Leaks and/or equipment malfunction is promptly reported and repaired. Results of such inspections are recorded on a form provided in Attachment D. The completed inspection records are retained at the facility in accordance with usual and customary practices as described in Section 8.4.

9.6.2. Loading/Unloading "Rack" Inspections

As identified in Attachment B, the facility operates tank car and tank truck loading/unloading "racks". Qualified facility personnel conduct visual inspections of the lowermost drain and all outlets of oil transport vehicles (tank cars and tank trucks) at the "rack" for leakage, tightness, needed adjustment, or replacement prior to loading/unloading and/or departure of the vehicle [40 CFR 112.7(h)(3)].

9.6.3. Visual *Container* Inspections

Small and medium shop-built storage *containers* (#30,000 gallons in capacity), their foundations, supports, and secondary containment systems are visually inspected for leaks and signs of deterioration, discharges, or accumulation of oil at least quarterly. These routine in-service visual inspections include an evaluation of associated aboveground valves, piping, and appurtenances to identify any evidence of leaks and signs of deterioration or malfunction. Leaks and/or equipment malfunctions are promptly reported and repaired. Facility personnel also regularly test all liquid level sensing devices to ensure proper operations. Any problems noted and subsequent corrective actions taken will be logged on the inspection form provided in Attachment D.

Per requirements of 40 CFR 112.7(i), if:

- a field-constructed aboveground storage tank undergoes a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe; or
- has discharged oil; or
- failed due to brittle fracture failure or other catastrophe;

then facility personnel will evaluate the tank for risk of discharge or failure due to brittle fracture or other catastrophe, and appropriate corrective action will be taken as necessary. At a minimum, such evaluations will be conducted by a technically qualified individual familiar with fracture mechanics and will include visual inspections for flaws and/or defects in the materials of tank construction focusing on, but not limited to, those areas where stresses concentrate. All such evaluations will be documented in the operating records.

9.6.4. Integrity Testing

Integrity and leak testing of all non-transportation related buried piping is conducted at the time of installation, modification, construction, relocation, or replacement.

Standard Operating Procedures implemented at the facility provide for integrity testing of the bulk oil storage *containers* on a regular basis and whenever a material repair, alteration, reconstruction, or change in service is done on a *container*. The frequency and type of testing takes into account size and design of the *container* being tested. As indicated in Attachment B all of the bulk oil storage tanks have been constructed in accordance with API Standard 650; therefore, the facility has established appropriate testing and inspection procedures for these tanks in accordance with API Standard 653. Records documenting the actual frequency and type of integrity testing conducted are maintained on-site.

9.6.4.a. Large and Field Fabricated Containers

For all large (>30,000 gallons in capacity) and field fabricated containers on-site, formal visual external *container* inspections are conducted in addition to at least one other method of non-destructive shell testing. *Container* inspections and tests are conducted by a qualified tank inspector at appropriate frequencies as specified in the *Bulk Oil Storage Tank Integrity Testing Program*, which is based on applicable industry standards. Testing techniques include, but are not limited to, hydrostatic, radiographic, ultrasonic, acoustic emissions, or another system of non-destructive shell testing as may be required by applicable industry standards.

Records documenting the actual frequency and type of integrity testing conducted will be maintained in on-site files.

9.6.4.b. Small and Medium Containers

Integrity testing of small and medium sized shop-built oil storage containers (i.e.: drums, totes, and tanks #30,000 gallons in capacity) will be met by complying with the monthly inspections outlined in Section 9.6.3. These containers are elevated from the ground surface and are not stored in contact with the soil or standing water, thereby minimizing the potential for corrosion and allowing for inspection from all sides. In addition, a barrier is in place between the container and the soil and is designed to ensure detection of any container failure before it becomes significant. Furthermore, the facility only uses oil storage containers that are in good operational condition and that have been determined to be compatible with the material to be stored. Therefore, internal corrosion poses minimal risk of failure for small and medium sized bulk oil storage containers at this facility and visual inspection alone is sufficient to provide equivalent environmental protection to that which would be observed by implementation of additional integrity testing methods.

9.6.5. Accumulated Stormwater Inspections

Qualified facility personnel conduct visual inspections of the stormwater accumulated inside the secondary containment systems to ensure the releases of un-contaminated stormwater only. Facility personnel will make a record every time an evaluation of the accumulated stormwater is conducted and whether or not its discharge was authorized. Such events will be recorded on a form provided in Attachment K. The same form will record name and title of a person who authorized the discharge. The completed inspection records are retained at the facility in accordance with usual and customary practices as described in Section 8.4.

10.0 ANNEX 8 – REGULATORY COMPLIANCE AND CROSS-REFERENCE MATRICES

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
Section I – Plan Introduction Elements	1.0					
1. Purpose and scope of plan coverage	1.1					265.51, 265.52(a)
2. Table of contents	1.2	112.20(h) Appendix F	1035(a)(4) 1030(b)	Appendix A		
3. Current revision date	1.3	F1.2	1035(a)(6)			
4. General facility identification information	1.4	F1.2 F1.9		194.107(c)(1)(i) 194.113 194.113(b)(1)	19.14(1)	
a. Facility name	1.4	F1.2	1035(a)(1)		19.14(1)	
b. Owner/operator/agent		112.20(h)(2) F1.2 F2.0	1035(a)(3)	194.113(a)(1) A-1	19.14(1)	
c. Physical address and directions	1.4	112.20(h)(2) F1.2 F2.0	1035(a)(1) 1035(a)(2)	194.113(a)(2) 194.113(b)(3),(4) A-1	19.14(1)	
d. Mailing address	1.4	112.20(h)(2)	1035(a)(1)	194.113(a)(1)	19.14(1)	
h. Facility phone number	1.4	F1.2 F2.1	1035(a)(1)		19.14(1)	
i. Facility fax number	1.4		1035(a)(1)		19.14(1)	
5. Facility Operational Information	1.5 & 1.5.2	112.7(a)(1) 112.7(h) 112.7(h)(1) 112.7(h)(2) 112.7(h)(3)			19.14(2)(D)	265.31 265.35 265.37

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
a. Contingency Planning	1.6.2	112.7(d)				265.51
b. Conformance with State Requirements	1.6.3	112.7(j)				
Section II – Core Plan Elements	2.0	112.7(a)(5)				
1. Discovery	2.1	112.20(h)(6) F1.6.1, F1.6.2 112.7(a)(3)(4)	1035(b)(3)(i)	194.107(c)(1)(iii) A-3	19.16	
2. Initial response	2.2	112.20(h)(7)(i) F1.1.8 F1.3.6 & F1.7 112.7(a)(3)(iv)	1035(b)(3)(i) 1035(b)(3)(ii)	A-2	19.13(c)(10) 19.33	
a. Procedures for internal and external notifications	4.2 & 4.3	112.7(a)(3)(iv) 112.20(h)(1)(iii) 112.20(h)(3)(iii) 112.20(h)(3)(iii) 112.20(h)(3)(iv) F1.1.2 F1.3.1	1026 1035(b)(1)(i) 1035(e)(2)	194.107(c)(1)(ii) 194.113(b)(2) A-1, A-1(b)(2) A-2 A-5	19.32	265.34 265.52(d) 265.55 265.56(a)(1), (2) 265.56(d)(1), (2)
b. Establishment of a response management structure	5.0	112.7(a)(3)(iv) 112.20(h)(1)(v) 112.20(h)(3)(v) F1.1.6 F1.3.4	1035(b)(3)(iii)	194.107(c)(1)(v) A-4 A-9	19.32 19.33	265.37 265.52(c)
c. Preliminary assessment	2.1.2	112.7(a)(3)(iv) 112.20(h)(3)(ix) 112.20(h)(4) F1.4, F1.4.2	1035(b)(3) 1035(b)(4)(i)	194.107(c)(1) (ii-vi)	19.32 19.33	265.56(b),(c)

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
d. Establishment of objectives and priorities for response, including: (1) Immediate goals/ tactical planning (2) Mitigating actions (3) Response resources	5.3.2	112.7(a)(3)(iv) 112.20(h)(1)(iv) 112.20(h)(1)(vii) 112.20(h)(3)(vi) 112.20(h)(3)(ix) 112.20(h)(7) F1.3.2 F1.7.1, F1.7.3	1035(b)(2)(i) 1035(b)(3)(iv), (v)	194.107(c)(1)(iii) 194.107(c)(1)(v)	19.32 19.33	265.52(e)
e. Implementation of tactical plan	5.3.6	112.7(a)(3)(iv) 112.20(h)(3)(ix) 112.20(h)(7)	1035(b)(3) 1035(b)(4)(iii)	194.107(c)(1)(v) A-3	19.32 19.33	265.52(e)
f. Mobilization of resources	5.4	112.7(a)(3)(iv) 112.20(h)(7) F1.7.1	1035(b)(3) 1035(b)(4)(iii)	194.115 194.107(c)(1)(v) A-1 A-3	19.32 19.33	265.31 265.52(e)
3. Sustained actions	2.3, 5.4, & 5.6	112.7(a)(3)(iv) 112.7(i) 112.20(h)(7)	1035(b)(3)	194.107(c)(1)(v) A-9	19.37	
4. Termination and follow-up actions	2.4, 6.1, & 8.0	112.7(a)(3)(iv) 112.20(h)(7)	1035(b)(3)		19.37	265.56(i)
Section III - Annexes						
1. Facility and locality information	5.3	112.20(h)(2) F1.2 F2.0	1035(a) 1035(e)(1)(iv)	194.107(c)(1)(i) 194.113 194.113(b)(1)	19.14	
a. Facility maps	Figs. 1 -7	112.20(h)(1)(viii) F1.1.7 & F1.3.5 F1.1.9 F1.9		194.113(b)(3 & 4) A-9	19.14(2)(D)	
b. Facility drawings	3.0, Figs. 1 - 7	112.20(h)(1)(viii) 112.20(h)(9) F1.9	1035(e)(1)(i)& (iii)	A-9	19.14(2)(D)	

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
c. Facility description/ layout	Fig. 2	F1.9 112.7(a)(3)	1035(b)(4)	194.113(b)(3) A-9	19.14(2)(D)	
2. Notification	4.0	112.7(a)(3)(vi) 112.20(h)(1)(ii)		194.107(c)(1)(ii) A-2	19.14(6)	265.52(d) 265.56(a)(1), (2) 265.56(d)(1), (2)
a. Internal	4.1	112.7(a)(3)(vi) 112.20(h)(3)(iii) F1.3.1		194.107(c)(1)(iv)	19.14(4)	
b. Community	4.1 & 4.2.1	112.7(a)(3)(vi) 112.20(h)(3)(iii) 112.20(h)(3)(ix) F1.3.1				
c. Federal and state agency	4.3	112.7(a)(3)(vi) 112.20(h)(3)(iii) 112.20(h)(3)(ix) F1.1.2 F1.3.1		194.107(c)(1)(vi)	19.32	
3. Response management structure	2.2 & 5.0	112.20(h)(1)(v) 112.20(h)(3)(v) F1.3.4	1035(b)(3)(iii)	194.107(c)(1)(v) A-9	19.14(6) 19.33	
a. General	5.1	112.7(f)(2)	1035(b)(3)(iii)		19.14(6)	265.52(c)
b. Command	5.2	112.20(h)(3)(iv)			19.14(4)	
(1) Facility incident commander and QI	5.2.1.a 5.1.1	112.20(h)(1)(i) F1.1.1 F1.2.5	1026	A-4	19.34	265.55
(2) Information	5.2.1.e	112.20(h)(3)(iii)	1035(b)(3)(iii) 1035(e)(4)	194.107(c)(1)(v) A-2	19.14	265.56(a)(1), (2)
(3) Safety	5.2.1.e	112.7(g)(1) 112.7(g)(2) 112.7(g)(3)	1035(b)(3)(iii) 1035(e)(5)		19.14	265.52(f)

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
		112.7(g)(4) 112.7(g)(5) 112.7(g)(5)(i) 112.7(g)(5)(ii) 112.20(h)(1)(vi) 112.20(h)(3)(vii) 112.20(h)(3)(viii) F1.3.5				
(4) Liaison	5.2.1.d		1035(b)(3)(iii)		19.34	
c. Operations	5.3		1035(b)(3)(iii)	194.107(c)(1)(v)	19.14(6)	
(1) Response objectives	5.3.2		1035(b)(2)(iii) 1035(b)(4)(iii)			
(2) Discharge or release control	5.3.3, 5.1, Att.D, Att. I	112.20(h)(3)(i) 112.20(h)(7)(iv) 112.20(h)(1)(vii) 112.8(c)(10)	1035(b)(2)(iii) 1035(b)(4)(iii) 1035(e)(3)	194.107(c)(1)(v) A-3		265.56(e)
(3) Assessment/ monitoring	5.3.5	112.20(h)(3)(ix) F1.7.1	1035(b)(2)(ii) 1035(b)(3) 1035(b)(4)(iii)			265.56(b),(c), (d),(f)
(4) Containment	5.3.6	112.20(h)(1)(vii) 112.20(h)(3)(i) 112.20(h)(7)(iv) F1.7.3	1035(b)(3)(iv) 1035(b)(4)(iii)	194.107(c)(1)(v)		265.56(e)
(5) Recovery	5.3.7	112.20(h)(3)(i) 112.20(h)(7)(iii) F1.7.2	1035(b)(3)(iv) 1035(b)(4)(iii)	194.107(c)(1)(v)		
(6) Decontamination	5.3.7	112.20(h)(7)(iii) F1.7.2		194.107(c)(1)(v)		265.56(h)(2)
(7) Non-responder medical needs	5.3.8		1035(e)(5)			
(8) Salvage plans	5.3.7			194.107(c)(1)(v)		

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
d. Planning	5.4 & Att. A & I			194.107(a) 194.115	19.4(6)	
(1) Hazard assessment	5.4.2 & 5.4.3	112.20(h)(3)(ix) 112.20(h)(4) 112.20(h)(5) 112.20(h)(7)(ii) F1.4.1-F1.4.3 F1.5.1, F1.5.2	1029 1035(b)(4)(ii)	194.105 194.113(b)(6)	19.14	
(2) Protection	5.4.4 & 5.4.4.a	112.20(h)(7)(i) 112.20(h)(7)(iv) F1.7.1, F1.7.3	1035(b)(4)			
(3) Coordination with natural resource trustees	5.4.4	112.20(g)	1030(f)	194.107(b)	19.51	
(4) Waste management	5.4.5 & App. VI	112.7(a)(3)(v) 112.20(h)(7)(iv) F1.7.2	1035(b)(5)	194.107(c)(1)(v)	19.36	265.56(h)(1) 265.56(g)
e. Logistics	5.5		1035(b)(3)(iii)		19.14(6)	
(1) Medical needs	5.3.8 & 5.5.3		1035(e)(5)			
(2) Site security	5.5.4	112.20(h)(10) F1.10				
(3) Communications	2.2 & Att.D	112.20(h)(1)(iv) 112.20(h)(3)(vi) F1.3.2	1035(e)(4)	194.107(c)(1)(ii) 194.107(c)(1)(v) A-2		265.32(a),(b)
(5) Personnel support	5.3.2	112.20(h)(1)(v) 112.20(h)(1)(vi) 112.20(h)(3)(i-ii) 112.20(h)(3)(v) 112.20(h)(3)(vii) F1.3.5				

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
(6) Equipment maintenance and support	5.5.5	112.7(e) 112.20(h)(1)(iv) 112.20(h)(3)(vi) 112.20(h)(8) F1.1.5 F1.3.3 F1.8.1	1035(b)(3)(iv) 1057	194.107(c)(1)(viii)		
f. Finance/procurement/ administration	5.6	112.20(h)(3)(ix)	1028 1035(b)(3)(iii)		19.18	
(1) Resource list	5.6 & Att. D & I	112.20(h)(1)(iv) 112.20(h)(3)(vi) F1.1.4 F1.1.4 F1.3.2 F1.7.1	1035(b)(3)(iv)	A-9		265.52(e)
(2) Personnel	5.6 & Att. G	112.20(h)(1)(v) 112.20(h)(3)(v) F1.3.4	1035(b)(3)(iv)	A-9		265.55
(3) Response equipment	5.6 & Att. D & I	112.20(h)(1)(iv) 112.20(h)(3)(vi) F1.1.4 F1.3.2 F1.7.1	1035(b)(4)(iii) Appendix C 1035(e)(3)	194.115 A-9		265.32(c),(d) 265.52(e)
(4) Support equipment	5.6 & Att. D & I	F1.3.2 F1.7.1				265.32(a),(b) 265.52(e)
(5) Contracting	5.6 & Att. D & I	112.20(h)(3)(ii)	1028(a)(1)	194.115	19.35	
4. Incident documentation	6.0			A-2		
a. Incident history	6.1	112.20(h)(4) F1.4.4				

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
b. Additional reporting	6.2	112.4				265.56(j)
5. Training and exercises/drills	7.0 & Att. E, F & G	112.7(f) 112.7(f)(1) 112.7(f)(3) 112.20(h)(8) 112.21 F1.1.5 F1.3.3 F1.8.2, F1.8.3	1035(c) 1050 1055 App. D	194.107(c)(1) (vii) 194.107(c)(1)(ix) 194.117 A-6 A-7	19.14(5) 19.16 19.18	265.16 265.33
6. Response critique and plan review and modification process	8.0 & 8.2 Att. F	112.20(g) 112.4 112.5	1035(a)(6) 1035(d) 1065	194.107(c)(1)(x) 194.111 194.119 194.121 A-8	19.12(g)	265.54
Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan	9.0	112.3 112.8(a)				
Facility Drainage	9.1	112.8(b) 112.8(b)(1) 112.8(b)(2) 112.8(b)(3) 112.8(b)(4) 112.8(b)(5) 112.8(c)(3)				
Management Approval	Page x	112.7				
Type of oil and storage capacity and Fault Analysis and Engineer Certificate	Att. B	112.7(a)(3)(i) 112.7(b) 112.7(c) 112.7(d)				
Bulk Storage Tanks	9.2 & Att. B	112.8(c) 112.8(c)(1) 112.8(c)(2)				

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
Discharge prevention measures	9.2, 0, & 9.6 Att. D	112.7(a)(3)(ii) 112.8(c)(6) 112.8(c)(8)(i) 112.8(c)(8)(ii) 112.8(c)(8)(iii) 112.8(c)(8)(iv) 112.8(c)(8)(v)				
Discharge Notification Report Form format	Att. C	112.7(a)(4) F1.1.3 F1.3.1	1035(b)(1)(ii)			
Facility Transfer Operations, Pumping and Facility Process	9.4 & 9.5	112.8(d) 112.8(d)(1) 112.8(d)(2) 112.8(d)(3) 112.8(d)(4) 112.8(d)(5)				

*Attachment L of this ICP includes the RCRA Compliance Program which also addresses portions of 40 CFR 262, 40 CFR 265-Subparts C & D, as well as sections of those rules promulgated by 30 TAC 101 and 30 TAC 335-Subparts C, E & Q.

FIGURE 1

SITE LOCATION TOPOGRAPHIC MAP

(b) (7)(F), (b) (3)

FIGURE 2

SITE PLOT PLAN

(b) (7)(F), (b) (3)

NOTE:

1. THIS DRAWING HAS BEEN RENAMED; PREVIOUSLY: 9015-2008.

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2	04/28/08	SLG
3	01/25/12	DWD
4	05/25/12	DWD

OILTANKING HOUSTON FACILITY AND PRODUCT LINE GENERAL LAYOUT

DRAWN BY: SLG	SCALE: N/A	ENGINEER
CHK'D	DATE: 10-15-04	DRAWING No. 1164-2-010
TRACED	APP'D	

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FIGURE 3

TRANSFORMER LOCATION MAP

(b) (7)(F), (b) (3)

FILE INFO: I:\515.000\

NO.	REVISION	DATE	BY	CH/BY	CLIENT JOB NO.
7	UP DATE PLANT LAYOUT	7/02	MAM	·	OILTANKING, INC.

DRAWN K.E.A. DATE 12/14/88
CHECKED DATE
APPROVED DATE
SCALE 1"=200' SHEET 1 OF 1
JOB NO. 515
CLIENT

OILTANKING TERMINAL
POWER DISTRIBUTION

HARRIS COUNTY, TEXAS

UNIVERSAL ENGR. CO., INC.
1811 BERING DRIVE – SUITE 400
P.O. BOX 570248
HOUSTON, TEXAS 77257-0248
(713) 977-7770

DRAWING NO. OTI-515D-5001
REV. 7

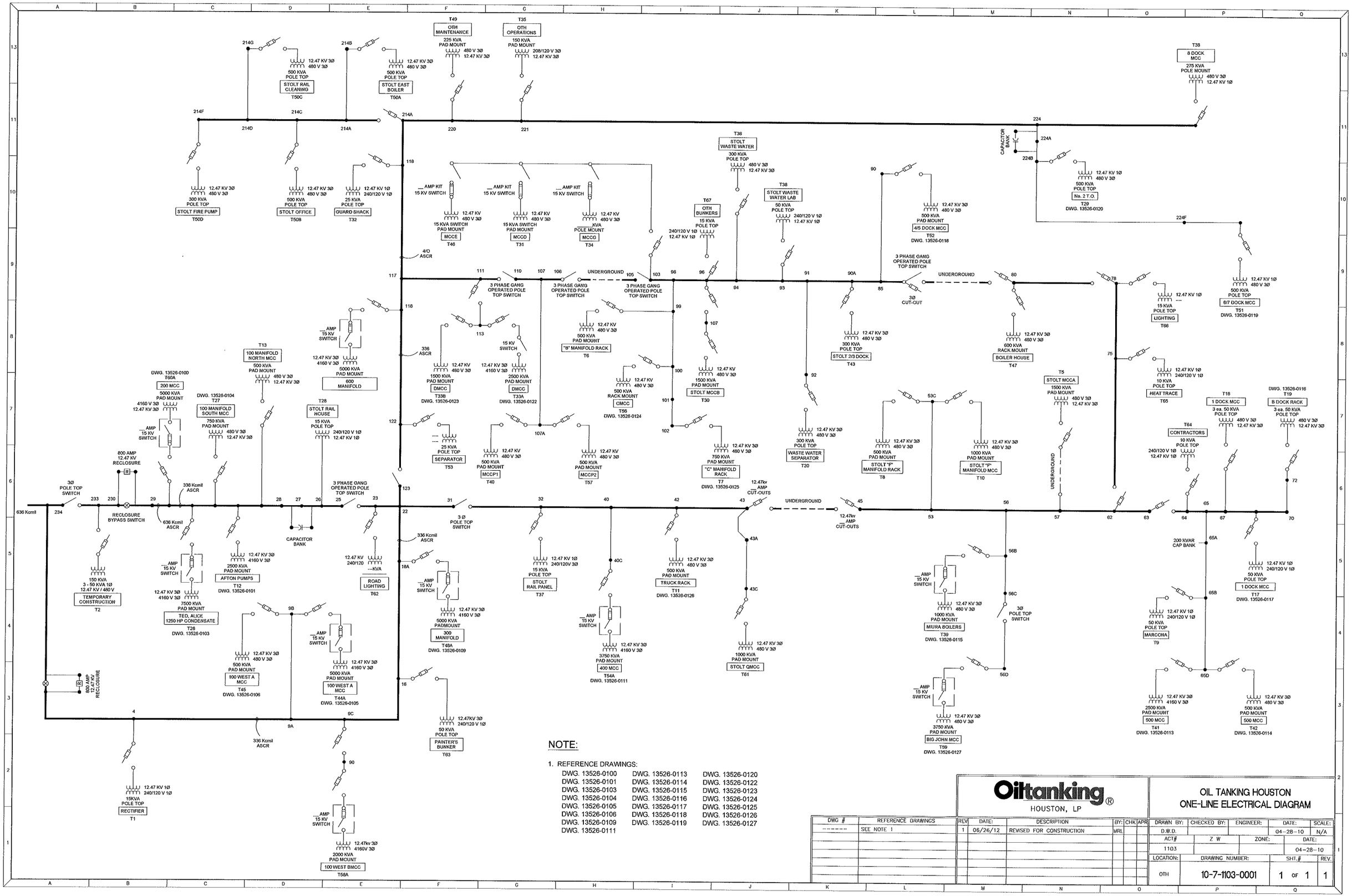

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FIGURE 4

SITE DRAINAGE MAPS

(b) (7)(F), (b) (3)

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1	05/14/12	DWD
2	03/15/13	DAP
3		
4		

TERMINAL DRAIN SYSTEM GENERAL LAYOUT

DRAWN BY: SLG	SCALE: 1"=200'	ENGINEER
CHK'D	DATE: 5/14/08	DRAWING No. 1164-2-001
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100 MANIFOLD DRAINAGE DETAIL

DWG #	REFERENCE DRAWINGS	REV	DATE	DESCRIPTION	BY	CHK	APR
		0	5/08		OTH		
		1	05/14/12	UPDATED LIFT STATION	DWD		

DRAWN BY	CHECKED BY	ENGINEER	SCALE
SLG			N/A
ACT#	AFE#	ZONE	DATE
		1	5/14/08

LOCATION	DRAWING NUMBER	SHT.#	REV.
OTH	1164-1-001	1 OF 1	1

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(b) (7)(F), (b) (3)

DWG #	REFERENCE DRAWINGS
1164-2-001	TERMINAL DRAINAGE SYSTEM GEN. LAYOUT
1164-2-003	300-400 MANIFOLD DRAINAGE LAYOUT
1164-2-004	500,B,C,D+DOCKS DRAINAGE LAYOUT
1164-1-001	100 MANIFOLD DRAINAGE SYSTEM

REV	DATE:	DESCRIPTION	BY:	CHK	APR
0	5/08	ISSUE FOR REFERENCE	OTH		
1	05/14/12	UPDATE SITE TOPO., CHG. DWG No.	DWD	LP	LP
2	03/15/13	ISSUE FOR REVIEW	DAP		

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100 - 200 MANIFOLD DRAINAGE SYSTEM GENERAL LAYOUT

DRAWN BY:	CHECKED BY:	ENGINEER:	DATE:
SLG			5/08
ACT#	AFE#	ZONE:	SCALE:
			N/A

LOCATION:	DRAWING NUMBER:	SHT.#	REV.
OTH	1164-2-002	1 OF 1	2

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(b) (7)(F), (b) (3)

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300-400-D MANIFOLD DRAINAGE SYSTEM GENERAL LAYOUT

DWG #	REFERENCE DRAWINGS
1164-2-001	TERMINAL DRAINAGE SYSTEM GEN. LAYOUT
1164-2-002	100-200 MANIFOLD DRAINAGE LAYOUT
1164-2-004	500,B,C,D+DOCKS DRAINAGE LAYOUT

REV	DATE:	DESCRIPTION	BY:	CHK	APR
0	5/08	ISSUE FOR REFERENCE	OTH		
1	05/14/12	UPDATE SITE TOPO., CHG. DWG. No.	DWD	LP	LP
2	03/15/13	ISSUE FOR REVIEW	DAP		

DRAWN BY:	CHECKED BY:	ENGINEER:	DATE:
SLG			5/08
ACT#	AFE#	ZONE:	SCALE:
			N/A

LOCATION:	DRAWING NUMBER:	SHT.#	REV.
OTH	1164-2-003	1 OF 1	2

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(b) (7)(F), (b) (3)

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500,B,C,D + DOCKS MANIFOLD DRAINAGE SYSTEM GENERAL LAYOUT

DWG #	REFERENCE DRAWINGS	REV	DATE:	DESCRIPTION	BY:	CHK	APR
1164-2-001	TERMINAL DRAINAGE SYSTEM GEN. LAYOUT	0	5/08	ISSUE FOR REFERENCE	OTH		
1164-2-002	100-200 MANIFOLD DRAINAGE LAYOUT	1	05/14/12	UPDATE SITE TOPO., CHG DWG No.	DWD		
1164-2-003	300-400 MANIFOLD DRAINAGE LAYOUT						

DRAWN BY:	CHECKED BY:	ENGINEER:	DATE:
SLG			5/08
ACT#	AFE#	ZONE:	SCALE:
			N/A

LOCATION:	DRAWING NUMBER:	SHT.#	REV.
OTH	1164-2-004	1 OF 1	1

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(b) (7)(F), (b) (3)

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2	04/30/13	DWD
3		
4		

OILTWATER SEPARATOR LOAD GENERAL LAYOUT

DRAWN BY: SLG	SCALE: N/A	ENGINEER
CHK'D	DATE: 6/20/03	DRAWING No.: 1164-2-008
TRACED	APP'D	

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(b) (7)(F), (b) (3)

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REVISIONS		
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0	5/08	SLG
1	05/14/12	DWD
2	04/30/13	DWD
3		
4		

OILYWATER SEPARATOR LOAD GENERAL LAYOUT

DRAWN BY: SLG	SCALE: N/A	ENGINEER
CHK'D	DATE: 5/14/08	DRAWING No. 1164-2-007
TRACED	APP'D	

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FIGURE 5

EMERGENCY EVACUATION ROUTES

(b) (7)(F), (b) (3)

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No.	DATE	BY
0	5/08	OTH
1	05/14/12	DWD
2		
3		
4		

EVACUATION PLAN
GENERAL LAYOUT

DRAWN BY: SLG	SCALE: N/A	ENGINEER
CHK'D	DATE: 5/14/08	DRAWING No. 1164-2-006
TRACED	APP'D	

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MAY 14, 2008

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2		
3		
4		
5		

OILTANKING HOUSTON L.P.

PLANT INGRESS AND EGRESS

GENERAL LAYOUT

DRAWN BY SLG	SCALE 1"=200'	MATERIAL	
CHK'D	DATE 5/04/08	DRAWING No. 9020-D-105	
TRACED	APP'D		

FIGURE 6

EMERGENCY RESPONSE EQUIPMENT LOCATION MAP

(b) (7)(F), (b) (3)

Oiltanking HOUSTON, LP

REVISIONS		
No.	DATE	BY
0	5/08	OTH
1	05/14/12	DWD
2	04/30/13	DWD
3		
4		

EMERGENCY COMUNICATION AND RESPONSE EQUIPMENT LAYOUT

DRAWN BY: SLG	SCALE: N/A	ENGINEER
CHK'D	DATE: 5/14/08	DRAWING No. 1164-2-005
TRACED	APP'D	

G:\Engineering\PROJECTS\ACT 1164 OTH Integrated Contingency Plan\1164-2-005_2.dwg, 4/30/2013 4:12:26 PM

FIGURE 7

PIPELINE LOCATION MAP

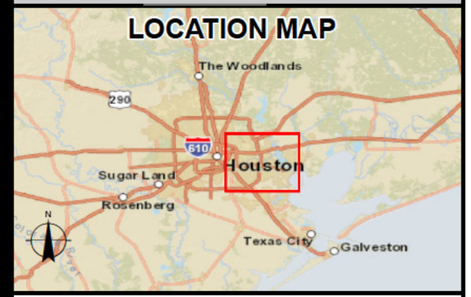
(b) (7)(F), (b) (3)

OILTANKING Houston, LP
Pipelines

LEGEND

- Pipeline 1
- Pipeline 2
- Pipeline 4
- Pipeline 5
- Pipeline 6
- Pipeline 8
- Pipeline 10
- Pipeline 11
- Pipeline 12
- Pipeline 13
- Pipeline 14
- Pipeline 15
- Pipeline_18
- Pipeline 25
- Pipeline 26
- Pipeline 27
- Pipeline 28
- Pipeline 29

LOCATION MAP



RCP Inc.
801 Louisiana, Suite 200
Houston, TX 77002
(713) 655 8080

RCP

Revisions		
No.	Description	Date
1		
Drawn By: MLH		7/2/2013

1 inch = 10,000 feet

0 0.375 0.75 1.5 2.25 3 Miles

\6135 Oiltanking IMP Update 2013\GIS\MAPS\OILTANKING HOUSTON LP PIPELINE MAP.mxd

(b) (7)(F), (b) (3)

1320 0 1320
1:24,000 1" = 2000 feet feet

ENVIRONMENTAL PROFESSIONALS

North

SITE LOCATION MAP

OILTANKING HOUSTON, LP

HOUSTON, HARRIS COUNTY, TEXAS

DRAWN BY: LLB
DATE: 7-19-2013
REV. BY:
REV. DATE:

FIGURE

7a

Reproduced from 7.5 USGS Topographic Quads:Jaciinto City, Pasadena, Highlands and LaPorte, Texas; Zone 15

n:client-OHI- topo map.geo

ATTACHMENT A

IDENTIFICATION OF AREAS OF ECONOMIC IMPORTANCE AND ENVIRONMENTAL SENSITIVITY

AREAS OF ECONOMIC IMPORTANCE AND ENVIRONMENTAL SENSITIVITY AS IDENTIFIED IN THE AREA CONTINGENCY PLAN FOR HOUSTON-GALVESTON

GEOGRAPHIC LOCATION	PROXIMITY TO FACILITY (MILES)	CLASSIFICATION CODE
Bear Lake	5.0 - 6.0	PEXBYM
Bear Lake	5.0 - 6.0	DRGSLD
White Lake	6.0	MRSHES
Burnet Bay	4.5	PEXBYM
White Lake	6.0	PEXBYM
Crystal Bay	4.5	PEXBYM
Scott Bay	5.0	PEXBYM
San Jacinto Park	4.0	STFLAT
Black Duck Bay	6.0	ETFLAT
Black Duck Bay	6.0	SSFLAT
Goose Creek	6.5	SSFLAT
Goose Creek	6.5	MRSHES
Boggy Basin Bayou	0.25	ETFLAT
Greens Bayou	2.5	MRSHES
Patrick Bayou	1.0	BRDROK
Ship Channel	1.0	WTIIND
Ship Channel	3.0	WTIIND
San Jacinto Park	4.0	ECOREC
Bear Lake	5.0 - 6.0	PEXBYM
Bear Lake	5.0 - 6.0	DRGSLD
White Lake	6.0	MRSHES
Burnet Bay	4.5	PEXBYM
White Lake	6.0	PEXBYM
Crystal Bay	4.5	PEXBYM
Scott Bay	5.0	PEXBYM
San Jacinto Park	4.0	STFLAT
Black Duck Bay	6.0	SSFLAT
Goose Creek	6.5	SSFLAT
Goose Creek	6.5	MRSHES
Patrick Bayou	1.0	BRDROK
Hunting Bayou	5.0	ERSCRP
Ship Channel	5.0	WTIIND
Ship Channel	6.0	WTIIND
San Jacinto Park	4.0	MRSHES
Ship Channel	14.0	WTIIND
Ship Channel	7.5	WTIIND
Ship Channel	9.0	WTIIND
Morgan's Point	7.0	SNDSHL
Morgan's Point	12.0	JETTYS
Morgan's Point	12.0	PEXBYM
Morgan's Point	12.0	ERSCRP
Galveston Bay	14.0 – 32.0	OTHERS*

*Galveston Bay contains numerous areas of e conomic importance and environmental sensitivity as identified on the Coastal Region Spill Response Map Series, November 2004. The appropriate portions of the map are included in this appendix for reference.

CLASSIFICATION CODE LEGEND

SSFLT	Shallow seagrass flats	WMAPRV	Wildlife management (PRIVATE)
MANGRV	Mangroves	HSTARC	Historical/Archaeological site
MRSHES	Marshes and wetlands-tidally influenced	ECONMAR	Economic Site (MARINAS)
STFLAT	Sheltered tidal flats with vegetation	ECOFSH	Economic Site (FISHING CENTERS)
RIPZON	Riparian zones along freshwater rivers	ECOPRK	Economic Site (MAJOR RECREATIONAL AREAS)
OYSRFS	Oyster reefs	ECOREC	Economic Site (PRIVATE BOAT DOCKS)
ETFLAT	Exposed tidal flats	WTIIND	Water Intake (INDUSTRIAL)
DRGSLD	Dredged soil deposits	WTIMUN	Water Intake (MUNICIPAL WATER SUPPLY)
PEXBYM	Partially exposed bay margins	WTIPRV	Water Intake (PRIVATE WATER SUPPLY)
SNDSHL	Sand-shell substrata	ERSCRP	Erosional scarps
FNGRSN	Fine-granted sand	OTHER	Other areas protected or managed for natural resource value
JETTYS	Jetties, seawall, bulkheads, revetments	EHABAM	Endangered, rare species habitat (AMPHIBIAN)
BRDROK	Bird Rookeries	EHAMAM	Endangered, rare species habitat (MAMMALS)
BRNCON	Bird Concentrations	EHAPLA	Endangered, rare species habitat (PLANT)
EHABBR	Endangered, rare species habitat (BIRDS)	FSGFIS	Prime fish and shellfish grounds (FISH)
EHABRP	Endangered, rare species habitat (REPTILES)	WMASTA	Wildlife management (STATE)
FSGCRS	Prime fish and shellfish grounds (CRUSTACEAN)	WMALOC	Wildlife manage (LOCAL)
WMAFED	Wildlife management (FEDERAL)		

GALVESTON BAY SYSTEM INDEX

Source: Texas Coastal Oil Spill Planning and Response Toolkit, November 2004
Published by the Texas General Land Office and located at:

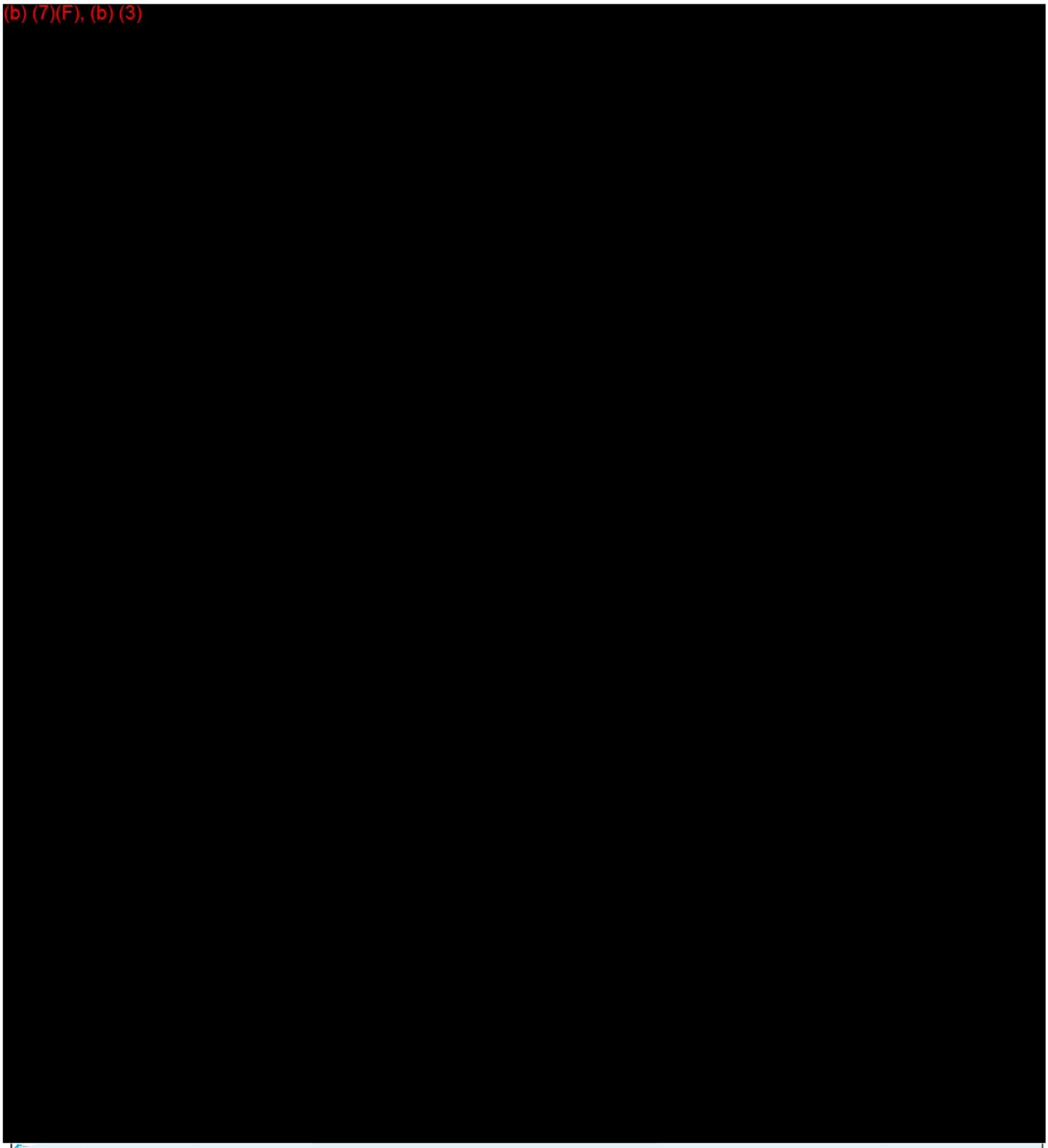
http://www.glo.state.tx.us/oilspill/Atlas/masterpage.pdf

1. Bacliff Base Map (Map #34)
2. Highlands Base Map (Map #21)
3. Jacinto City Base Map (Map #22)
4. La Porte Base Map (Map #27)
5. League City Base Map (Map #35)
6. Morgans Point Base Map (Map #26)
7. Park Place Base Map (Map #29)
8. Pasadena Base Map (Map #28)
9. Settegast Base Map (Map #23)

PHMSA 000115387

Galveston Bay System Index Map

(b) (7)(F), (b) (3)



TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

N

SCALE 1:436,444

One inch represents 6.89 miles

0 20
Miles

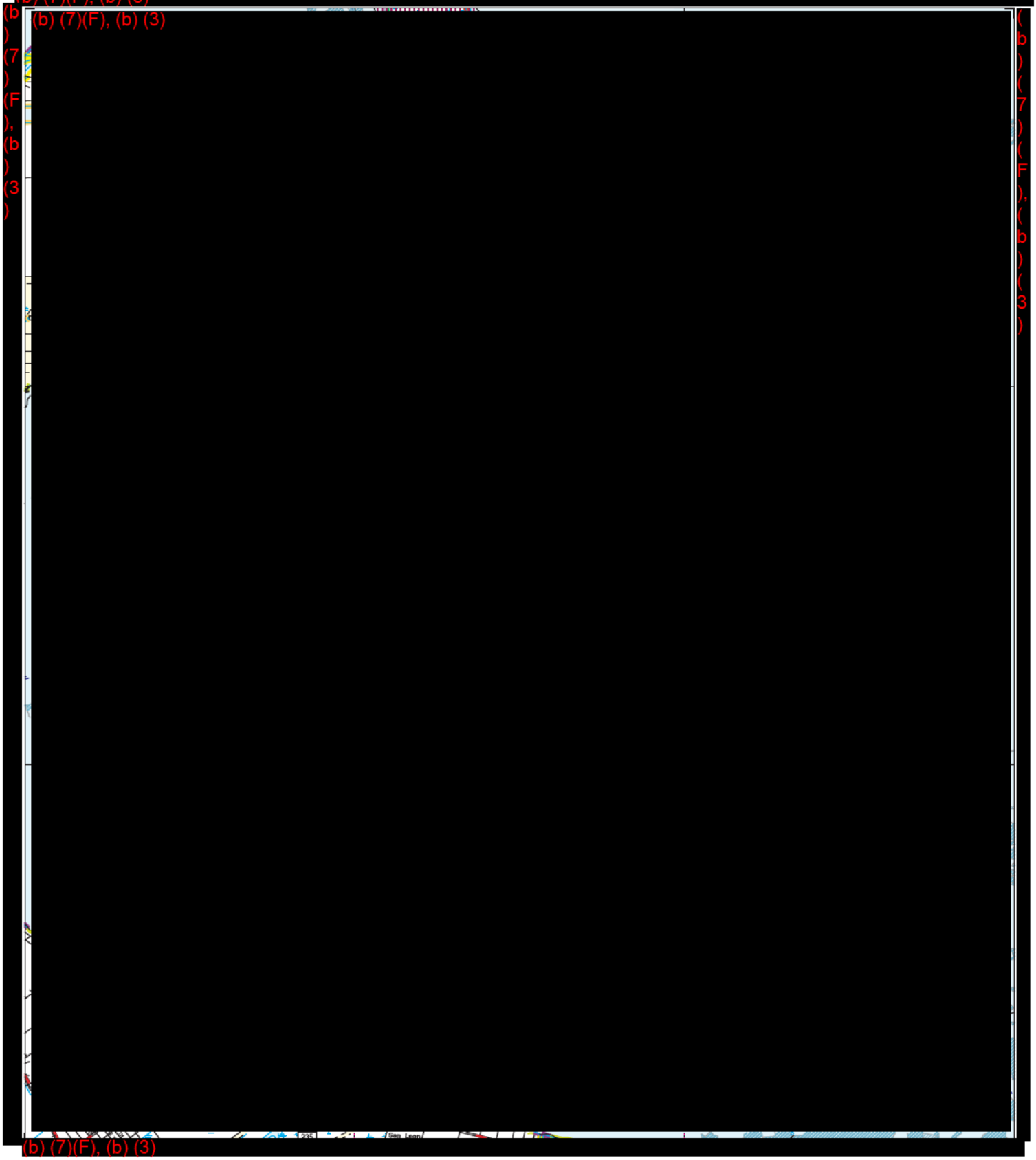
0 20
Nautical Miles

0 125,000
Feet

0 20 40
Kilometers

Bacliff

(b) (7)(F), (b) (3)



(b) (7)(F), (b) (3)

TEXAS GENERAL LAND OFFICE
OIL SPILL PREVENTION & RESPONSE

NOAA — National Oceanic and Atmospheric Administration — U.S. Department of Commerce

Hazardous Materials Response and Assessment Division

Not For Navigation

Miles 0 1

Nautical Miles 0 1

Feet 0 5000

Kilometers 0 1 2

Depth Soundings In Feet

2994-322

HUMAN-USE FEATURES

- Boat Launch Site
- Marina

PRIORITY PROTECTION AREAS

- High Priority
- Medium Priority
- Low Priority
- Caution Area

ENVIRONMENTAL SENSITIVITY INDEX

- 10C - Freshwater swamps
- 10B - Freshwater marshes
- 10A - Salt and brackish water marshes
- 9 - Sheltered tidal flats
- 8C - Sheltered scarps
- 8B - Sheltered riprap structures
- 8A - Sheltered solid man-made structures
- 7 - Exposed tidal flats
- 6B - Exposed riprap structures
- 6A - Gravel beaches
- 5 - Mixed sand and gravel beaches
- 4 - Coarse-grained sand beaches
- 3B - Scarps and steep slopes in sand
- 3A - Fine-grained sand beaches
- 2B - Wave-cut clay platforms
- 2A - Scarps and steep slopes in clay
- 1 - Exposed walls and other solid structures

- Municipal Area
- Marsh, Wetland
- Tidal/Mud Flats
- Bird Rookery Area
- Oyster Reef
- Oyster Shell on Mud

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

LEGEND

ENVIRONMENTAL SENSITIVITY INDEX

- MANGROVE MARSH (10D)
- FRESHWATER SWAMPS (10C)
- FRESHWATER MARSHES (10B)
- SALT AND BRACKISH MARSHES (10A)
- SHELTERED TIDAL FLATS (9)
- SHELTERED ROCKY/KARST SHORES (8D)
- SHELTERED SCARPS (8C)
- SHELTERED RIPRAP STRUCTURES (8B)
- SHELTERED SOLID MAN-MADE STRUCTURES (8A)
- EXPOSED TIDAL FLATS (7)
- EXPOSED RIPRAP STRUCTURES (6B)
- GRAVEL OR SHELL BEACHES (6A)
- MIXED SAND AND GRAVEL OR SHELL BEACHES (5)
- COARSE-GRAINED SAND BEACHES (4)
- SCARPS AND STEEP SLOPES IN SAND (3B)
  FINE-GRAINED SAND BEACHES (3A)
- WAVE-CUT CLAY PLATFORMS (2B)
  SCARPS AND STEEP SLOPES IN CLAY (2A)
- EXPOSED WALLS AND OTHER SOLID STRUCTURES (1)

HYDROGRAPHY

- MARSH, WETLAND
- TIDAL, MUD OR SAND FLATS
- BEACH, BAR
- INTERMITTENT WATER BODY
- DUNES
- SUBMERGED AQUATIC VEGETATION
- MANGROVES
- OYSTERS

PRIORITY PROTECTION AREAS

- HIGH MEDIUM
- MEDIUM PRIORITY
- LOW PRIORITY

BIOLOGICAL RESOURCES

- DIVING BIRDS
- GULLS/TERNS
- PASSERINE BIRDS
- PELAGIC BIRDS
- RAPTORS
- SHOREBIRDS
- WADING BIRDS
- WATERFOWL
- FISH
- DOLPHINS
- SMALL MAMMALS
- UPLAND/WETLAND PLANTS
- SUBMERGED AQUATIC VEGETATION
- ALLIGATOR
- TURTLES
- OTHER REPTILES/AMPHIBIANS
- BIVALVES
- CRABS
- GASTROPODS
- SHRIMP
- SQUID
- THREATENED/ENDANGERED SPECIES

POLITICAL BOUNDARIES

- COUNTY BOUNDARY
- MUNICIPAL BOUNDARY

TRANSPORTATION

- DIVIDED HIGHWAY
- STATE/FEDERAL HIGHWAY
- CITY STREET/COUNTY ROAD
- AIRPORT
- RAILROAD
- SHIP CHANNEL/GULF INTRACOASTAL WATERWAY
- SHIPPING SAFETY FAIRWAY

HUMAN USE FEATURES

- AQUACULTURE SITE
- BEACH ACCESS POINT
- BOAT RAMP
- COAST GUARD STATION
- HELIPORT
- LIGHTHOUSE
- MARINA
- WATER INTAKE POINT

OTHER LAYERS

- ANCHORAGE AREA
- AUDUBON SANCTUARY
- BIRD ROOKERY AREA
- CITY OR COUNTY PARK
- COASTAL PRESERVE
- MUNICIPAL AREA
- NATIONAL WILDLIFE REFUGE
- STATE PARK/WILDLIFE MANAGEMENT AREA
- WASHOVER AREA

BACLIFF

Map #34

HUMAN USE RESOURCES

Boat Ramps

RARNUM	NAME
H546	HL&P Galveston County Park
H604	El Jardin
H724	Galveston County Park

Marinas

RARNUM	NAME	ADDRESS	PHONE
H128	Texas Corinthian Yacht Club	104 Park Cr. P.O. Box 577 Kemah 77565-0577	(713) 339-1566

BIOLOGICAL RESOURCES

Reptiles/Amphibians

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	NESTING	HATCHING
234	Kemp's ridley sea turtle	S/F	E/E	LOW	X	X	X	X	X	X	X	X	X	X	X	X	-	-
771	Texas diamondback terrapin	F	C2															

Fish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV
229	Sand seatrout				X	X	X	X	X	X	X	X	X	X	X	X	-	MAR-DEC
	Gulf menhaden			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Pinfish				X	X	X	X	X	X	X	X	X	X	X	X	MAR-MAY	MAR-MAY
	Atlantic croaker				X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Hardhead catfish				X	X	X	X	X	X	X	X	X	X	X	X	MAY-SEP	JUN-OCT
	Bay anchovy			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
230	Sand seatrout				X	X	X	X	X	X	X	X	X	X	X	X	-	MAR-DEC
	Bay anchovy			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
	Gulf menhaden			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Atlantic croaker			VERY HIGH	X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Hardhead catfish				X	X	X	X	X	X	X	X	X	X	X	X	MAY-SEP	JUN-OCT
	Pinfish				X	X	X	X	X	X	X	X	X	X	X	X	MAR-MAY	MAR-MAY
	Black drum				X	X	X	X	X	X	X	X	X	X	X	X	JAN-APR	JUL-MAR
235	Striped bass				X	X	X	X	X	X	X	X	X	X	X	X	-	-
	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Sheepshead				X	X	X	X	X	X	X	X	X	X	X	X	MAR-MAY	MAR-AUG
388	Bay anchovy				X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
	Gulf menhaden				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Atlantic croaker				X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT

Shellfish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV.
171	American oyster (eastern)				X	X	X	X	X	X	X	X	X	X	X	X	MAR-JUL	APR-JUL
229	Blue crab			VERY HIGH	X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
	White shrimp			VERY HIGH	X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	Brown shrimp			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
230	Blue crab			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
	White shrimp				X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	Brown shrimp			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
231	Stone crab				X	X	X	X	X	X	X	X	X	X	X	X	MAY-SEP	JUN-SEP
234	American oyster (eastern)				X	X	X	X	X	X	X	X	X	X	X	X	MAR-JUL	APR-JUL
388	White shrimp				X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
	Brown shrimp				X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
	American oyster (eastern)				X	X	X	X	X	X	X	X	X	X	X	X	MAR-JUL	APR-JUL

Plants/Communities

RARNUM	NAME	S/F	T/E
774	Texas windmill-grass	F	C2

BAYCLIFF — Map # 34

Polygon #	*Priority*	*Description: what organism(s), habitat(s)?*
1	High	**Bacliff shoreline**. Diamondback terrapin habitat.
2	Low	**Mouth of unnamed cut between Bacliff and San Leon**. Recreational fishing (high).
3	Low	**Seabrook shoreline and lower Pine Gully**. Wetlands (medium).
4	Low	**Red Fish Island**. Rookery (medium), when emergent. Note: Red Fish Island is transient and may or may not be emergent from year to year. It is presently all submerged (1993).

16. BAYCLIFF
W Galveston Bay

CHART(S): Nautical Chart (11326 & 11327)
Upper Coast Atlas Page 34

STAGING AREAS: 1. Spillway Park boat ramp (2)
(b) (7)(F), (b) (3) Note: Swift water, caution is advised.

2. El Jardin Boat Ramp (1)
(b) (7)(F), (b) (3) Note: shallow water ramp

ACCESS ROADS: 1. Hwy 146 South to FM 646, turn left, road will bend right, proceed past HL&P outfall bridge, turn left on first road to ramp.

2. Hwy 146 south exit Port Rd. proceed east road turns into Todville Rd, turn left on El Jardin, road ends at boat ramp.

DESCRIPTION:
16-A Boom to protect Clifton Beach
16-B Boom entrance to Clifton Channel
16-C Boom entrance to Pine Gully (450' wide)
16-D Boom to protect marsh south of El Jardin Rd.
16-E Boom to protect East side of Island north of Five mile Pass
16-F Boom entrance to Bayport Ship Channel (960' wide)
16-G Boom to protect Houston Yacht Club
16-H Boom to protect Red Fish Island

CAUTION:
Numerous submerged pilings have been noted along shoreline. Avoid running aground on Red Fish Island (submerged).

NATURAL COLLECTION AREA:
Debris has been noted north of Red Bluff, product tends to collect near the Five mile Pass area.

Site Specific Information
Site # 16-A TGLO Polygon # 1 Quad Name Baycliff

Site information:
Site Description: Shoreline of Clifton Beach at end of Highway 646.

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326, 11327	**County:**	Harris
Nearest ICW Marker:	N/A	**Date last visited:**	05 Mar 01

Access:

Closest Boat Ramp:	Clifton Beach
Distance:	1 minute
Boat type recommended:	Shallow aluminum hull
Closest Airport:	William Hobby Airport HOU
Closest Helicopter Landing:	William Hobby Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take Hwy 610 South, exit onto Hwy 225 east, exit onto Hwy 146 south, turn left onto Grand Ave., following it out to Galveston Bay, and turn left onto Bayshore.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	High
Environmental:	Habitat for turtles
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom to protect sensitive marshes.		
Number of personnel:	2-4	**Width of inlet:**	N/A
Current:	Medium	**Water depth at mouth:**	N/A ft

Safety / Cautionary notes: Numerous submerged pilings have been noted along the shoreline.

Site Specific Information
Site # 16-B TGLO Polygon # 2 Quad Name Baycliff

Site information:
Site Description: Entrance to Clifton Channel near Bayshore Park.

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326, 11327	**County:**	Harris
Nearest ICW Marker:	N/A	**Date last visited:**	05 Mar 01

Access:

Closest Boat Ramp:	Clifton Channel
Distance:	1 minute
Boat type recommended:	Shallow Aluminum hull
Closest Airport:	William Hobby Airport HOU
Closest Helicopter Landing:	William Hobby Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take Hwy 610 south, exit onto Hwy 225 east, exit onto Hwy 146 south, turn left onto Grand Ave., following it out to Galveston Bay, turn right onto Bayshore.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Low
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom to protect sensitive marshes.		
Number of personnel:	2-4	**Width of inlet:**	N/A
Current:	Medium	**Water depth at mouth:**	N/A

Safety / Cautionary notes: Numerous submerged pilings have been noted along shoreline.

Site Specific Information
Site # 16-C TGLO Polygon # 3 Quad Name: Baycliff

Site information:
Site Description: Seabrook shoreline and lower Pine Gully.

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326, 11327	**County:**	Harris
Nearest ICW Marker:	N/A	**Date last visited:**	05 Mar 01

Access:

Closest Boat Ramp:	Red Bluff
Distance:	5 minutes
Boat type recommended:	Shallow Aluminum hull
Closest Airport:	William Hobby Airport HOU
Closest Helicopter Landing:	William Hobby Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take Hwy 610 south, exit onto Hwy 225 east, exit onto Hwy 146 south, turn left onto Red Bluff, following it out to Galveston Bay. Pine Gully will be on the left.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Low
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom to protect sensitive marshes.		
Number of personnel:	2-4	**Width of inlet:**	450 ft
Current:	Medium	**Water depth at mouth:**	N/A ft

Safety / Cautionary notes: Numerous submerged pilings have been noted along shoreline.

Site Specific Information
Site # 16-H TGLO Polygon # 4 Quad Name Baycliff

Site information:
Site Description: Red Fish Island near the Houston Ship Channel.

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326, 11327	**County:**	Harris
Nearest ICW Marker:	N/A	**Date last visited:**	05 Mar 01

Access:

Closest Boat Ramp:	Clifton Channel
Distance:	10-15 minutes
Boat type recommended:	Shallow hull
Closest Airport:	William Hobby Airport HOU
Closest Helicopter Landing:	William Hobby Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Red Fish Island can be reached by boat only.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Low
Environmental:	Habitat for bivalves.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom to protect sensitive marshes.		
Number of personnel:	2-6	**Width of inlet:**	N/A
Current:	Medium	**Water depth at mouth:**	N/A

Safety / Cautionary notes: Avoid running aground on Red Fish Island, it may be submerged. Red Fish Island is transient and may or may not be emergent from year to year.

Site Specific Information
Site # 16-G TGLO Polygon # 5 Quad Name Baycliff

Site information:
Site Description: Houston Yacht Club

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326, 11327	**County:**	Harris
Nearest ICW Marker:	N/A	**Date last visited:**	05 Mar 01

Access:

Closest Boat Ramp:	Sylvan Beach
Distance:	5 minutes
Boat type recommended:	Shallow hull
Closest Airport:	William Hobby Airport HOU
Closest Helicopter Landing:	William Hobby Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take Hwy 610 south, exit onto Hwy 225 east, exit onto Hwy 146 south, turn left onto Shoreacres, following it out to Galveston Bay, turn right onto Miramar. Houston Yacht Club will be on the left.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	N/A
Environmental:	Habitat for crabs
Economic:	Yacht club

Booming strategy recommendations:

Recommendations:	Boom to protect sensitive marshes.		
Number of personnel:	4-6	**Width of inlet:**	960 ft
Current:	Medium	**Water depth at mouth:**	N/A ft

Safety / Cautionary notes: Watch for recreational vessel traffic.

Site Specific Information
Site # 16-E TGLO Polygon # 6 Quad Name Baycliff

Site information:
Site Description: South end of Atkinson Island

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326, 11327	**County:**	Harris
Nearest ICW Marker:	N/A	**Date last visited:**	05 Mar 01

Access:

Closest Boat Ramp:	Spillway Park and El Jardin
Distance:	5-10 minutes
Boat type recommended:	Shallow hull
Closest Airport:	William Hobby Airport HOU
Closest Helicopter Landing:	William Hobby Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Atkinson Island can be reached by boat only.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	N/A
Environmental:	Habitat for fish, bivalves, shrimp, crabs
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom to protect sensitive marshes.		
Number of personnel:	2-4	**Width of inlet:**	N/A
Current:	Medium	**Water depth at mouth:**	N/A

Safety / Cautionary notes: _____

°

Site Specific Information
Site # 16-F TGLO Polygon # 7 Quad Name Bacliff

Site information:
Site Description: Entrance to Bayport Inner Harbor. 1st view (south end)facing south of entrance to Bayport Inner Harbor. 2nd view (north end) facing southeast of entrance to Bayport Inner Harbor.

Latitude:	(b) (7)(F), (b) (3) [redacted]	**Longitude:**	(b) (7)(F), (b) (3) [redacted]
Latitude:		**Longitude:**	
NOAA chart #	11326, 11327	**County:**	Harris
Nearest ICW Marker:	N/A	**Date last visited:**	23 Mar 01

Access:

Closest Boat Ramp:	Spillway Park and El Jardin
Distance:	5-10 minutes
Boat type recommended:	Shallow hull
Closest Airport:	William Hobby Airport HOU
Closest Helicopter Landing:	William Hobby Airport, (b) (7)(F), (b) (3) [redacted]

From MSO Houston-Galveston:
Take Hwy 610 south, exit onto Hwy 225 east, exit onto Hwy 146 south, turn left onto Todville Road.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	N/A
Environmental:	Habitat for crabs
Economic:	Petrochemical facilities

Booming strategy recommendations:

Recommendations:	Boom to protect the entrance to the Bayport Ship Channel.		
Number of personnel:	2-4	**Width of inlet:**	960 ft
Current:	Medium	**Water depth at mouth:**	N/A ft

Safety / Cautionary notes: Watch for large vessel traffic. Shallow water ramp at the El Jardin boat ramp. Swift water at the Spillway Park boat ramp, caution is advised.

(b) (7)(F), (b) (3)

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

Hazardous Materials Response and Assessment Division

Not For Navigation

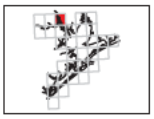
0 1
Miles

0 1
Nautical Miles

0 5000
Feet

0 1 2
Kilometers

Depth Soundings In Feet



2995-441

HUMAN USE FEATURES

- Boat Launch Site
- Heliport
- Water Intake Point

PRIORITY PROTECTION AREAS

- High Priority
- Medium Priority
- Low Priority
- Caution Area

ENVIRONMENTAL SENSITIVITY INDEX

- 10C - Freshwater swamps
- 10B - Freshwater marshes
- 10A - Salt and brackish water marshes
- 9 - Sheltered tidal flats
- 8C - Sheltered scarps
- 8B - Sheltered riprap structures
- 8A - Sheltered solid man-made structures
- 7 - Exposed tidal flats
- 6B - Exposed riprap structures
- 6A - Gravel beaches
- 5 - Mixed sand and gravel beaches
- 4 - Coarse-grained sand beaches
- 3B - Scarps and steep slopes in sand
- 3A - Fine-grained sand beaches
- 2B - Wave-cut clay platforms
- 2A - Scarps and steep slopes in clay
- 1 - Exposed walls and other solid structures

- Municipal Area
- Marsh, Wetland
- Tidal/Mud Flats
- State Park/Wildlife Management Area
- Oyster Reef
- Oyster Shell on Mud

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

LEGEND

ENVIRONMENTAL SENSITIVITY INDEX

- MANGROVE MARSH (10D)
- FRESHWATER SWAMPS (10C)
- FRESHWATER MARSHES (10B)
- SALT AND BRACKISH MARSHES (10A)
- SHELTERED TIDAL FLATS (9)
- SHELTERED ROCKY/KARST SHORES (8D)
- SHELTERED SCARPS (8C)
- SHELTERED RIPRAP STRUCTURES (8B)
- SHELTERED SOLID MAN-MADE STRUCTURES (8A)
- EXPOSED TIDAL FLATS (7)
- EXPOSED RIPRAP STRUCTURES (6B)
- GRAVEL OR SHELL BEACHES (6A)
- MIXED SAND AND GRAVEL OR SHELL BEACHES (5)
- COARSE-GRAINED SAND BEACHES (4)
- SCARPS AND STEEP SLOPES IN SAND (3B)
  FINE-GRAINED SAND BEACHES (3A)
- WAVE-CUT CLAY PLATFORMS (2B)
  SCARPS AND STEEP SLOPES IN CLAY (2A)
- EXPOSED WALLS AND OTHER SOLID STRUCTURES (1)

HYDROGRAPHY

- MARSH, WETLAND
- TIDAL, MUD OR SAND FLATS
- BEACH, BAR
- INTERMITTENT WATER BODY
- DUNES
- SUBMERGED AQUATIC VEGETATION
- MANGROVES
- OYSTERS

PRIORITY PROTECTION AREAS

- HIGH MEDIUM
- MEDIUM PRIORITY
- LOW PRIORITY

BIOLOGICAL RESOURCES

- DIVING BIRDS
- GULLS/TERNS
- PASSERINE BIRDS
- PELAGIC BIRDS
- RAPTORS
- SHOREBIRDS
- WADING BIRDS
- WATERFOWL
- FISH
- DOLPHINS
- SMALL MAMMALS
- UPLAND/WETLAND PLANTS
- SUBMERGED AQUATIC VEGETATION
- ALLIGATOR
- TURTLES
- OTHER REPTILES/AMPHIBIANS
- BIVALVES
- CRABS
- GASTROPODS
- SHRIMP
- SQUID
- THREATENED/ENDANGERED SPECIES

POLITICAL BOUNDARIES

- COUNTY BOUNDARY
- MUNICIPAL BOUNDARY

TRANSPORTATION

- DIVIDED HIGHWAY
- STATE/FEDERAL HIGHWAY
- CITY STREET/COUNTY ROAD
- AIRPORT
- RAILROAD
- SHIP CHANNEL/GULF INTRACOASTAL WATERWAY
- SHIPPING SAFETY FAIRWAY

HUMAN USE FEATURES

- AQUACULTURE SITE
- BEACH ACCESS POINT
- BOAT RAMP
- COAST GUARD STATION
- HELIPORT
- LIGHTHOUSE
- MARINA
- WATER INTAKE POINT

OTHER LAYERS

- ANCHORAGE AREA
- AUDUBON SANCTUARY
- BIRD ROOKERY AREA
- CITY OR COUNTY PARK
- COASTAL PRESERVE
- MUNICIPAL AREA
- NATIONAL WILDLIFE REFUGE
- STATE PARK/WILDLIFE MANAGEMENT AREA
- WASHOVER AREA

HIGHLANDS

Map #21

HUMAN USE RESOURCES

Boat Ramps

RARNUM	NAME
H717	Public boat launch
H718	River Terrace Park

Heliports

RARNUM	MANAGER	PHONE
H1172	John Pittman	(713) 479-3435
H1179	George Arnold	(713) 452-8888
H1180	George L. Clogston	(713) 673-7821

Water Intake Points

RARNUM	OWNER	TYPE
(b) (7)(F), (b) (3)	[redacted]	

BIOLOGICAL RESOURCES

Birds

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	NESTING	LAYING	HATCHING	FLEDGING
129	Osprey	S	SC		X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
	Wading birds				X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
135	Osprey	S	SC		X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
143	Wading birds				X	X	X	X	X	X	X	X	X	X	X	X	APR-AUG	APR-AUG	APR-AUG	MAY-SEP

Fish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV
132	Gulf menhaden				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Atlantic croaker				X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Gulf killifish				X	X	X	X	X	X	X	X	X	X	X	X	MAR-SEP	APR-SEP
	Sheepshead minnow				X	X	X	X	X	X	X	X	X	X	X	X	MAR-OCT	MAR-DEC
135	Atlantic croaker				X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
139	Gulf menhaden				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Sand seatrout				X	X	X	X	X	X	X	X	X	X	X	X	-	MAR-DEC
	Atlantic croaker				X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Spotted seatrout				X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
143	Spotted seatrout				X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC

Shellfish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV
132	White shrimp				X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	Brown shrimp				X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
135	Grass shrimp				X	X	X	X	X	X	X	X	X	X	X	X	-	-
139	White shrimp			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
143	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
	Grass shrimp				X	X	X	X	X	X	X	X	X	X	X	X	-	-

Plants/Communities

RARNUM	NAME	S/F	T/E
129	Arrowhead		
135	Smooth cordgrass		
775	Threeflower broomweed		

HIGHLANDS Map # 21

Polygon #	*Priority*	*Description: what organism(s), habitat(s)?*
Pinchpoint at mouth of George White Lake can be boomed to protect polygon 1 from spills in San Jacinto River.		
1	Medium	**George White Lake**. Wetlands (medium), bird habitat (medium).
2	Low	**(a) Grennel Slough - Bear Lake - Gilbert Landing area, (b) Burnet Bay, (c) mouth of Buffalo Bayou.** Nursery (high).
3	Medium	**Fringe marshes along San Jacinto River (a - i).** Nursery (high), wetlands (medium).
4	Medium	**San Jacinto River island southeast of Bear Lake.** Nursery (high), bird habitat (medium).
5	High	**San Jacinto River island south of Grennel Slough.** Wetlands (high), nursery (high), bird habitat (medium).
6	Medium	**South shore of Old River meander island.** Wetlands (high), nursery (medium), bird habitat (medium).
7	Medium	**Fringe marsh along south shore of Burnet Bay.** Wetlands (high), nursery (high).
Pinchpoint at mouth of Santa Anna Bayou (on La Porte quad) can be boomed to protect polygons 8 and 9 from spills in San Jacinto River.		
8	High	**West shore of Santa Anna Bayou.** Wetlands (high), nursery (high). San Jacinto State Park. Continued on La Porte quad.
9	High	**Northern Santa Anna Bayou.** Nursery (high).
10	Low	**(a & b) Northern Scott Bay.** Nursery (high). Continued on La Porte quad.

3. HIGHLANDS

Houston Ship Channel (Crystal Bay to San Jacinto State Park, including the San Jacinto River)

CHART(S): Nautical Chart (11326,11329
Upper Coast Atlas page 21

STAGING AREA: 1. Public boat ramp (4)located on East side of San Jacinto River at I-10. *Note: Ramp is no longer present, small boats can still be launched at this site.
(b) (7)(F), (b) (3)

2. Riverside Marina (2) located on the San Jacinto River on River Rd
(b) (7)(F), (b) (3)

3. River Terrace Park (2) located on Old River off Market street

ACCESS ROADS: 1. San Jacinto River boat ramp: East from Houston on Interstate 10 to the San Jacinto River bridge. Cross-river to East side of bridge, exit on FM 2100 and turn right to boat ramp entrance.

2. West on Interstate 10 to Monmouth Rd. Turn right on Monmouth Rd go T in road, turn left and take first street to right Park Rd. Proceed down road to Riverside Marina.

3. West of Interstate 10 to Monmouth Rd. Turn left on Monmouth to Market, turn right on Market look for park entrance on the left.

DESCRIPTION:

Crystal Bay

3-A Boom cut to marsh (b) (7)(F), (b) (3) W (100'wide)
3-B Boom park area west of Bayshore Rd. (500' wide)

Burnet Bay

3-C Boom to protect marsh at Brownwood Subdivision Nature Preserve
3-D Boom entrance to Freshwater Bayou (450' wide)
3-E Boom entrance to Spring Bayou (600' wide)
3-F Boom entrance to marsh east of Lakeview Rd. (330' wide)

San Jacinto River

3-G Boom to protect marsh area south of I-10 east bank (2000' wide)
3-H Boom to protect Parkers Cove (300'wide)
3-I Boom cut to facility at (b) (7)(F), (b) (3) (400'wide)
3-J Boom entrance to Bear Bayou (1000'wide)
3-K Boom to protect R/R entrance to Whites Lake (225' wide)
3-L Boom to protect Small Islands south of Grennel Slouth

Houston Ship Channel

3-M Boom Battleship Texas (State Historical Park) (200' wide)
3-N Boom entrance to San Jacinto River (900' wide)

3-O Boom entrance to Old River (1,500' wide)
3-P Boom entrance to Carpenters Bayou (650' wide)

CAUTION:
Very shallow water near the shore line, shallow draft boats, or airboats may be required to respond. Numerous tree stumps are located on the San Jacinto River. Swift current has been noted on the San Jacinto River near I-10.

NATURAL COLLECTION AREA:
Debris has been noted on the shoreline near Santa Anna Bayou. River debris tends to collect on the West bank on the river south of Rio Villa Rd.

Site Specific Information
Site # 3-A TGLO Polygon # 2 Quad Name HIGHLANDS

(b) (7)(F), (b) (3)

[redacted]

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	20 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**LOW**
Environmental:	Gulf menhaden, Seatrout, Croaker, White shrimp.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom to protect marsh.		
Number of personnel:	2-4	**Width of marsh:**	200 ft
Current:	N/A	**Water depth at mouth:**	N/A

Safety / Cautionary notes: All approaches to Crystal Bay are through shallow water.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	20 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**MEDIUM**
Environmental:	Gulf menhaden, Seatrout, Croaker, White shrimp.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom with 1500' of boom to protect exposed fringe marsh.		
Number of personnel:	2-4	**Width of inlet:**	N/A
Current:	N/A	**Water depth at mouth:**	N/A

Safety / Cautionary notes: Approaches from Houston Ship Channel are through shallow water. Very shallow near shore, airboats may be needed.

(b) (7)(F), (b) (3)

[redacted]

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	[redacted]
NOAA chart #	11329	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	20 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, [redacted]

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**MEDIUM**
Environmental:	Gulf menhaden, Seatrout, Croaker, White shrimp.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom with 1000' of boom to protect exposed fringe marsh.		
Number of personnel:	2-4	**Width of inlet:**	N/A
Current:	Slow	**Water depth at mouth:**	N/A

Safety / Cautionary notes: Approaches from Houston Ship Channel are through shallow water. Very shallow near shore, airboats may be needed.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	25 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**LOW**
Environmental:	Gulf menhaden, Seatrout, Croaker, White shrimp.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across entrance to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	400 ft
Current:	Slow	**Water depth at mouth:**	4 ft

Safety / Cautionary notes: Approaches from Houston Ship Channel are through shallow water. Very shallow near shore, airboats may be needed.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	N/A	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	30 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**LOW**
Environmental:	Gulf menhaden, Seatrout, Croaker, White shrimp.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across entrance to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	400 ft
Current:	Slow	**Water depth at mouth:**	1 ft

Safety / Cautionary notes: Approaches from Houston Ship Channel are through shallow water. Very shallow near shore, airboats may be needed.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	N/A	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	30 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**LOW**
Environmental:	Gulf menhaden, Seatrout, Croaker, White shrimp.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom with 1000' of boom to protect exposed fringe marsh.		
Number of personnel:	2-4	**Width of inlet:**	N/A
Current:	N/A	**Water depth at mouth:**	N/A

Safety / Cautionary notes: Approaches from Houston Ship Channel are through shallow water. Very shallow near shore, airboats may be needed.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	26 March 2001

Access:

Closest Boat Ramp:	Riverside Marina
Distance:	10 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
East on I-10 to Monmouth Road. North on Monmouth Rd. to T in road. Turn left and take first right, ark Rd. Proceed down Park Rd. to riverside Marina.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**MEDIUM**
Environmental:	Nursery, Wetlands.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom with 2000' of boom .		
Number of personnel:	4-6	**Width of inlet:**	N/A
Current:	Moderate	**Water depth at mouth:**	N/A

Safety / Cautionary notes: Swift current has been noted on the San Jacinto River near I-10.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	26 March 2001

Access:

Closest Boat Ramp:	Riverside Marina
Distance:	2 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**MEDIUM**
Environmental:	Osprey, Atlantic croaker, Grass shrimp, Smooth cordgrass.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom at 45 degree angle with 1000' of boom to collect along west bank.		
Number of personnel:	4-6	**Width of inlet:**	500 ft
Current:	Moderate	**Water depth at mouth:**	16 ft

Safety / Cautionary notes: Very shallow water near the shoreline, airboats may be needed. Numerous tree stumps are located on the San Jacinto River. During periods of heavy rainfall, the river current can be swift.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	26 March 2001

Access:

Closest Boat Ramp:	Riverside Marina
Distance:	10 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**LOW**
Environmental:	Osprey, Atlantic croaker, Grass shrimp, Smooth cordgrass.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across entrance to prevent migration		
Number of personnel:	2-4	**Width of inlet:**	400 ft
Current:	Slow	**Water depth at mouth:**	15 ft

Safety / Cautionary notes: Very shallow water near the shoreline, airboats may be needed. Numerous tree stumps are located on the San Jacinto River. During periods of heavy rainfall, the river current can be swift.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	26 March 2001

Access:

Closest Boat Ramp:	Riverside Marina
Distance:	15 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**LOW**
Environmental:	Osprey, Atlantic croaker, Grass shrimp, Smooth cordgrass.
Economic:	N/A

Booming strategy recommendations:

Recommendations: Boom shallows on west side of channel to prevent migration into the bayou. Bear Bayou is very shallow numerous tree stumps.

Number of personnel:	4-8	**Width of inlet:**	1000 ft
Current:	Moderate	**Water depth at mouth:**	2 ft

Safety / Cautionary notes: Very shallow water near the shoreline, airboats may be needed. Numerous tree stumps are located on the San Jacinto River. During periods of heavy rainfall, the river current can be swift.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	26 March 2001

Access:

Closest Boat Ramp:	Riverside Marina
Distance:	25 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**MEDIUM**
Environmental:	Osprey, Wading birds, Arrowhead.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across entrance to prevent migration into the marsh.		
Number of personnel:	2-4	**Width of inlet:**	225 ft
Current:	Slow	**Water depth at mouth:**	6 ft

Safety / Cautionary notes: Very shallow water near the shoreline, airboats may be needed. Numerous tree stumps are located on the San Jacinto River. During periods of heavy rainfall, the river current can be swift.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	26 March 2001

Access:

Closest Boat Ramp:	Riverside Marina
Distance:	15 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

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	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**Low**
Environmental:	Osprey, Atlantic croaker, Grass shrimp, Smooth cordgrass.
Economic:	N/A

Booming strategy recommendations:

Recommendations: Boom between islands to protect shallows, and place cascading diversion boom to prevent migration down channel.

Number of personnel:	4-8	**Width of inlet:**	N/At
Current:	Moderate	**Water depth at mouth:**	N/A

Safety / Cautionary notes: Very shallow water near the shoreline, airboats may be needed. Numerous tree stumps are located on the San Jacinto River. During periods of heavy rainfall, the river current can be swift.

Site Specific Information

(b) (7)(F), (b) (3)

Site information:

Site Description: Battleship Texas (State Historic Park)
The Battleship Texas is in a cut off of the Houston Ship Channel.

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	26 March 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	10 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across entrance to prevent migration.		
Number of personnel:	2-4	**Width of inlet:**	200 ft
Current:	Moderate	**Water depth at mouth:**	23 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	20 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Place cascading diversion boom along the western bank to prevent product migration.		
Number of personnel:	4-8	**Width of inlet:**	700 ft
Current:	Moderate	**Water depth at mouth:**	35 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	26 March 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	5 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Baytown Airport, Baytown (HPY)
Closest Helicopter Landing:	Baytown Airport (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across entrance to prevent migration.		
Number of personnel:	4-8	**Width of inlet:**	1500 ft
Current:	Moderate	**Water depth at mouth:**	17 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11329 **County:** Harris
Date last visited: 26 March 2001

Access:

Closest Boat Ramp: River Terrace Park
Distance: 15 minutes
Boat type recommended: Shallow, aluminum hull
Closest Airport: Baytown Airport, Baytown (HPY)
Closest Helicopter Landing: Baytown Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
610 North to I-10 East to Sheldon Rd. exit. Right on Sheldon Rd. to Market. Left on Market and look for park entrance on right.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority: **N/A**
Environmental: N/A
Economic: N/A

Booming strategy recommendations:

Recommendations: Boom across entrance to prevent migration.
Number of personnel: 2-4 **Width of inlet:** 650 ft
Current: Slow **Water depth at mouth:** 15 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

(b) (7)(F), (b) (3)

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

Hazardous Materials Response and Assessment Division

Not For Navigation

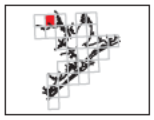
0 1
Miles

0 1
Nautical Miles

0 5000
Feet

0 1 2
Kilometers

Depth Soundings In Feet



2995-442

HUMAN-USE FEATURES

- Aquaculture Site
- Heliport
- Water Intake Point

PRIORITY PROTECTION AREAS

- High Priority
- Medium Priority
- Low Priority
- Caution Area

ENVIRONMENTAL SENSITIVITY INDEX

- 10C - Freshwater swamps
- 10B - Freshwater marshes
- 10A - Salt and brackish water marshes
- 9 - Sheltered tidal flats
- 8C - Sheltered scarps
- 8B - Sheltered riprap structures
- 8A - Sheltered solid man-made structures
- 7 - Exposed tidal flats
- 6B - Exposed riprap structures
- 6A - Gravel beaches
- 5 - Mixed sand and gravel beaches
- 4 - Coarse-grained sand beaches
- 3B - Scarps and steep slopes in sand
- 3A - Fine-grained sand beaches
- 2B - Wave-cut clay platforms
- 2A - Scarps and steep slopes in clay
- 1 - Exposed walls and other solid structures

- Municipal Area
- Marsh, Wetland
- Tidal/Mud Flats
- State Park/Wildlife Management Area
- Oyster Reef
- Oyster Shell on Mud

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

LEGEND

ENVIRONMENTAL SENSITIVITY INDEX

- MANGROVE MARSH (10D)
- FRESHWATER SWAMPS (10C)
- FRESHWATER MARSHES (10B)
- SALT AND BRACKISH MARSHES (10A)
- SHELTERED TIDAL FLATS (9)
- SHELTERED ROCKY/KARST SHORES (8D)
- SHELTERED SCARPS (8C)
- SHELTERED RIPRAP STRUCTURES (8B)
- SHELTERED SOLID MAN-MADE STRUCTURES (8A)
- EXPOSED TIDAL FLATS (7)
- EXPOSED RIPRAP STRUCTURES (6B)
- GRAVEL OR SHELL BEACHES (6A)
- MIXED SAND AND GRAVEL OR SHELL BEACHES (5)
- COARSE-GRAINED SAND BEACHES (4)
- SCARPS AND STEEP SLOPES IN SAND (3B)
  FINE-GRAINED SAND BEACHES (3A)
- WAVE-CUT CLAY PLATFORMS (2B)
  SCARPS AND STEEP SLOPES IN CLAY (2A)
- EXPOSED WALLS AND OTHER SOLID STRUCTURES (1)

HYDROGRAPHY

- MARSH, WETLAND
- TIDAL, MUD OR SAND FLATS
- BEACH, BAR
- INTERMITTENT WATER BODY
- DUNES
- SUBMERGED AQUATIC VEGETATION
- MANGROVES
- OYSTERS

PRIORITY PROTECTION AREAS

- HIGH MEDIUM
- MEDIUM PRIORITY
- LOW PRIORITY

BIOLOGICAL RESOURCES

- DIVING BIRDS
- GULLS/TERNS
- PASSERINE BIRDS
- PELAGIC BIRDS
- RAPTORS
- SHOREBIRDS
- WADING BIRDS
- WATERFOWL
- FISH
- DOLPHINS
- SMALL MAMMALS
- UPLAND/WETLAND PLANTS
- SUBMERGED AQUATIC VEGETATION
- ALLIGATOR
- TURTLES
- OTHER REPTILES/AMPHIBIANS
- BIVALVES
- CRABS
- GASTROPODS
- SHRIMP
- SQUID
- THREATENED/ENDANGERED SPECIES

POLITICAL BOUNDARIES

- COUNTY BOUNDARY
- MUNICIPAL BOUNDARY

TRANSPORTATION

- DIVIDED HIGHWAY
- STATE/FEDERAL HIGHWAY
- CITY STREET/COUNTY ROAD
- AIRPORT
- RAILROAD
- SHIP CHANNEL/GULF INTRACOASTAL WATERWAY
- SHIPPING SAFETY FAIRWAY

HUMAN USE FEATURES

- AQUACULTURE SITE
- BEACH ACCESS POINT
- BOAT RAMP
- COAST GUARD STATION
- HELIPORT
- LIGHTHOUSE
- MARINA
- WATER INTAKE POINT

OTHER LAYERS

- ANCHORAGE AREA
- AUDUBON SANCTUARY
- BIRD ROOKERY AREA
- CITY OR COUNTY PARK
- COASTAL PRESERVE
- MUNICIPAL AREA
- NATIONAL WILDLIFE REFUGE
- STATE PARK/WILDLIFE MANAGEMENT AREA
- WASHOVER AREA

JACINTO CITY

Map #22

HUMAN USE RESOURCES

Aquaculture Sites

RARNUM	NAME	ADDRESS	PHONE
H001	Halbert Fish Farm	9025 Pineland Channelview 77530	(713) 458-8705

Heliports

RARNUM	MANAGER	PHONE
H1274	John D. McHazlett	(713) 455-1311

Water Intake Points

(b) (7)(F), (b) (3)

4. JACINTO CITY
Greens Bayou to Halls Bayou

CHART(S): Nautical Chart (None available)
Upper Coast Atlas page 22

STAGING AREAS: I-10 at Greens Bayou

ACCESS ROADS: I-10 under Bridge at Greens Bayou Note: no boat ramps available.

DESCRIPTION:
4-A Boom Greens Bayou close to spill site to prevent migration.
4-B Boom marsh area east bank south of R/R crossing (3,000 wide)

CAUTION:
During heavy rain fall currents can become dangerous. Watch out
For transients known to frequent area.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	N/A	**County:**	Harris
		Date last visited:	17 April 2001

Access:

Closest Boat Ramp: No public ramps in area, however, private ramps due exist at Facilities.

Distance: 30 minutes

Boat type recommended: Shallow, aluminum hull

Closest Airport: William P. Hobby, Houston (HOU)

Closest Helicopter Landing: H1274, Mr. McHazlett

From MSO Houston-Galveston:
No ramps available. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations: Boom close to spill site to prevent migration.

Number of personnel: 2-4 **Width of inlet:** 200 ft

Current: Moderate **Water depth at mouth:** 20 ft

Safety / Cautionary notes: During heavy rainfalls currents can become dangerous. Watch out for transients known to frequent area.

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	N/A	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp: No public ramps in area, however, private ramps due exist at Facilities.

Distance: 30 minutes

Boat type recommended: Shallow, aluminum hull

Closest Airport: William P. Hobby, Houston (HOU)

Closest Helicopter Landing: H1274, Mr. McHazlett

From MSO Houston-Galveston:
No ramps available. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations: Boom with 2000' of boom to protect sensitive marsh.

Number of personnel:	2-4	**Width of inlet:**	200 ft
Current:	Moderate	**Water depth mid-channel:**	20 ft

Safety / Cautionary notes: During heavy rainfalls currents can become dangerous. Watch out for transients known to frequent area.

(b) (7)(F), (b) 3)

TEXAS
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Hazardous Materials Response
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Not For Navigation

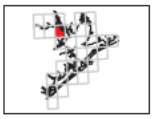
0 1
Miles

0 1
Nautical Miles

0 5000
Feet

0 1 2
Kilometers

Depth Soundings In Feet



2995-414

HUMAN-USE FEATURES

- Boat Launch Site
- Heliport
- Water Intake Point

PRIORITY PROTECTION AREAS

- High Priority
- Medium Priority
- Low Priority
- Caution Area

ENVIRONMENTAL SENSITIVITY INDEX

- 10C - Freshwater swamps
- 10B - Freshwater marshes
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- 8B - Sheltered riprap structures
- 8A - Sheltered solid man-made structures
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- 6B - Exposed riprap structures
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- 3B - Scarps and steep slopes in sand
- 3A - Fine-grained sand beaches
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- 2A - Scarps and steep slopes in clay
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- Park - City or County
- Oyster Reef
- Oyster Shell on Mud

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

LEGEND

ENVIRONMENTAL SENSITIVITY INDEX

- MANGROVE MARSH (10D)
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- CRABS
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- THREATENED/ENDANGERED SPECIES

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- AIRPORT
- RAILROAD
- SHIP CHANNEL/GULF INTRACOASTAL WATERWAY
- SHIPPING SAFETY FAIRWAY

HUMAN USE FEATURES

- AQUACULTURE SITE
- BEACH ACCESS POINT
- BOAT RAMP
- COAST GUARD STATION
- HELIPORT
- LIGHTHOUSE
- MARINA
- WATER INTAKE POINT

OTHER LAYERS

- ANCHORAGE AREA
- AUDUBON SANCTUARY
- BIRD ROOKERY AREA
- CITY OR COUNTY PARK
- COASTAL PRESERVE
- MUNICIPAL AREA
- NATIONAL WILDLIFE REFUGE
- STATE PARK/WILDLIFE MANAGEMENT AREA
- WASHOVER AREA

LA PORTE

Map #27

HUMAN USE RESOURCES

Boat Ramps

RARNUM	NAME
H543	Tabb's Bay
H545	Sylvan Beach
H607	The Galley
H720	The Galley

Heliports

RARNUM	MANAGER	PHONE
H1190	C.J. Monk	(713) 476-3700
H1301	H. Carlos Smith	(713) 471-4226
H1315	Larry D. Tucker	(713) 476-1501

Water Intake Points

RARNUM	OWNER	TYPE
(b) (7)(F), (b) (3)		

BIOLOGICAL RESOURCES

Birds

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	NESTING	LAYING	HATCHING	FLEDGING
176	Pied-billed grebe				X	X	X	X	X	X	X	X	X	X	X	X	MAR-AUG	MAR-AUG	MAR-AUG	APR-SEP
	American coot				X	X	X	X				X	X	X	X		-	-	-	-
177	Least tern	F	E				X	X	X	X	X	X	X				APR-SEP	APR-SEP	MAY-SEP	MAY-OCT
644	Least tern	F	E	18			X	X	X	X	X	X	X				APR-SEP	APR-SEP	MAY-SEP	MAY-OCT
645	Cattle egret			760	X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	APR-JUL	APR-JUL	APR-AUG
	Snowy egret			170	X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	APR-JUL	APR-JUL	MAY-AUG
	Black-crowned night heron			280	X	X	X	X	X	X	X	X	X	X	X	X	APR-AUG	APR-AUG	APR-AUG	APR-SEP
	White ibis			280	X	X	X	X	X	X	X	X	X	X	X	X	FEB-JUN	FEB-JUN	FEB-JUN	MAR-JUL
	Little blue heron			8	X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	APR-JUL	APR-JUL	MAY-AUG
	Great blue heron			8	X	X	X	X	X	X	X	X	X	X	X	X	FEB-JUN	FEB-JUN	FEB-JUN	MAR-JUL
	Tricolored heron			26	X	X	X	X	X	X	X	X	X	X	X	X	APR-AUG	APR-AUG	APR-AUG	MAY-SEP
	Roseate spoonbill			28	X	X	X	X	X	X	X	X	X	X	X	X	APR-AUG	APR-AUG	APR-AUG	MAY-SEP
	Olivaceous cormorant			77	X	X	X	X	X	X	X	X	X	X	X	X	JAN-JUL	JAN-JUL	JAN-JUL	FEB-AUG
	Great egret			133	X	X	X	X	X	X	X	X	X	X	X	X	MAR-JUL	MAR-JUL	MAR-JUL	MAR-AUG

Fish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV
178	Gulf menhaden				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Southern flounder				X	X	X	X	X	X	X	X	X	X	X	X	-	OCT-DEC
180	Spot				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	NOV-FEB
182	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Spotted seatrout				X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
183	Gulf menhaden			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Sand seatrout				X	X	X	X	X	X	X	X	X	X	X	X	-	MAR-DEC
	Striped mullet				X	X	X	X	X	X	X	X	X	X	X	X	NOV-JAN	DEC-FEB

Shellfish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV.
68	Grass shrimp				X	X	X	X	X	X	X	X	X	X	X	X	-	-
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
175	White shrimp				X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
178	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
	White shrimp				X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
180	Grass shrimp				X	X	X	X	X	X	X	X	X	X	X	X	-	-
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
183	American oyster (eastern)				X	X	X	X	X	X	X	X	X	X	X	X	MAR-JUL	APR-JUL
	Brackishwater clam				X	X	X	X	X	X	X	X	X	X	X	X	-	-
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
	Brown shrimp				X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN

Plants/Communities

RARNUM	NAME	S/F	T/E
774	Texas windmill-grass	F	C2
778	Houston machaeranthera	F	C2
788	Little bluestem-brownseed paspalum series		

LA PORTE — Map # 27

Polygon #	*Priority*	*Description: what organism(s), habitat(s)?*
Pinchpoint at mouth of Santa Anna Bayou can be boomed to protect polygon 1 (and polygons 8 and 9 on Highlands quad) from spills in San Jacinto River.		
1	Medium	**Marsh east of Santa Anna Bayou.** Nursery (high), bird habitat (medium). San Jacinto State Park. Continued on Highlands quad.
2	Low	**(a) Scott Bay, (b) Upper San Jacinto Bay, and (c) eastern Black Duck Bay.** Nursery (high).
3	High	**Northeastern Alexander Island.** Rookery (high). Best rookery in area (hundreds of nesting pairs). Note: Nesting season is February August in rookeries.
4	Low	**South Crystal Bay.** Nursery (high). Continued on Highlands quad.

9. LA PORTE
NW Galveston Bay, HSC, Upper San Jacinto Bay and Buffalo Bayou

Chart(s): Nautical Chart (11326, 11328 and 11329)
Upper Coast Atlas Page 27

STAGING AREAS: Sylvan Beach Boat Ramp (6)
(b) (7)(F), (b) (3) (See Morgan's Point for additional sites)

ACCESS ROADS: Sylvan Beach Park: From Houston, east I-10 to Hwy 146 South. Exit Hwy 146 at Fairmont Pkwy. East on Fairmont Pkwy to end. Right on Park Drive to Park Entrance.

DESCRIPTION:
Galveston Bay
9-A Boom entrance to Little Cedar Bayou (200' wide)
Houston Ship Channel and Upper San Jacinto Bay
9-B Boom entrance to Black Duck Bay (120' wide)
9-C Boom entrance to Lower San Jacinto Bay (210' wide)
9-D Boom cove south of Brinson Pt (450' wide), Upper San Jacinto Bay
9-E Boom to protect Alexander Island
9-F Boom entrance to Houston Lighting & Power (810' wide)
9-G Boom entrance to Santa Anna Bayou (140' wide)

Buffalo Bayou
9-H Boom entrance to Tucker Bayou (270' wide)
9-I Boom small cove 200 yards east of Patrick Bayou (60' wide)
9-J Boom entrance to Patrick Bayou (360' wide)

CAUTION:
Very shallow water near Santa Anna Bayou. Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

NATURAL COLLECTION AREAS:
Debris is a common occurrence on Spillmans Island and Alexander Island. Spills have impacted Alexander Island east shore and tend to flow around the Island into Upper San Jacinto Bay.

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11327	**County:**	Harris
		Date last visited:	16 March 2001

Access:

Closest Boat Ramp:	Sylvan Beach Boat Ramp
Distance:	5 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take I-610 south to Hwy 225. Take Hwy 225 east until it ends at Hwy 146. Take Hwy 146 south to the Fairmont Parkway. Turn left on Fairmont Parkway to it ends. Turn right on Bayshore Drive and the third driveway on the left is the boat ramp entrance.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across entrance to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	300 ft
Current:	None	**Water depth at mouth:**	1 ft

Safety / Cautionary notes:

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326,11328	**County:**	Harris
		Date last visited:	22 March 2001

Access:

Closest Boat Ramp:	H. "Buddy" McBride Boat Ramps at Goose Creek
Distance:	10 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
I-610 south to Hwy 225. Hwy 225 east to Hwy 146. Hwy 146 north over bridge to Bus. 146. At the first traffic light, turn right, and the ramps are immediately on your left.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**LOW**
Environmental:	Spot, Grass shrimp, Blue crab.
Economic:	N/A

Booming strategy recommendations:
Recommendations: Boom across the entrance to prevent migration into the bay.

Number of personnel:	2-4	**Width of inlet:**	120 ft
Current:	Slow	**Water depth at mouth:**	2 ft

Safety / Cautionary notes: Shallow water at the entrance.

Site Specific Information

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326,11328	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	H. "Buddy" McBride Boat Ramps at Goose Creek
Distance:	10 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
I-610 south to Hwy 225. Hwy 225 east to Hwy 146. Hwy 146 north over bridge to Bus. 146. At the first traffic light, turn right, and the ramps are immediately on your left.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across entrance to prevent migration into the bay.		
Number of personnel:	2-4	**Width of inlet:**	210 ft
Current:	Slow	**Water depth at mouth:**	2 ft

Safety / Cautionary notes: Shallow water and submerged pilings near the shore at the entrance.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326,11328	**County:**	Harris
		Date last visited:	22 March 2001

Access:

Closest Boat Ramp:	H. "Buddy" McBride Boat Ramps at Goose Creek
Distance:	15 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
I-610 south to Hwy 225. Hwy 225 east to Hwy 146. Hwy 146 north over bridge to Bus. 146. At the first traffic light, turn right, and the ramps are immediately on your left.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**LOW**
Environmental:	Gulf menhaden, Red drum, Flounder, Blue crab, White shrimp.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom from Brinson Point to southern Alexander Island to prevent migration into the bay.		
Number of personnel:	4-6	**Width of inlet:**	2000 ft
Current:	Slow	**Water depth at mouth:**	10 ft

Safety / Cautionary notes: The bay outside of the San Jacinto Bay Channel is shallow, airboats may be needed.

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326,11328	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	H. "Buddy" McBride Boat Ramps at Goose Creek
Distance:	20 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
I-610 south to Hwy 225. Hwy 225 east to Hwy 146. Hwy 146 north over bridge to Bus. 146. At the first traffic light, turn right, and the ramps are immediately on your left.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**High**
Environmental:	Cattle egret, Snowy egret, White ibis, Blue heron, Tricolor heron, Roseate spoonbill, Cormorant, Great egret.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Place cascading diversion boom to prevent migration.		
Number of personnel:	4-8	**Width of inlet:**	N/A
Current:	Moderate	**Water depth at mouth:**	N/A

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326,11329	**County:**	Harris
		Date last visited:	22 March 2001

Access:

Closest Boat Ramp:	H. "Buddy" McBride Boat Ramps at Goose Creek
Distance:	25 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
I-610 south to Hwy 225. Hwy 225 east to Hwy 146. Hwy 146 north over bridge to Bus. 146. At the first traffic light, turn right, and the ramps are immediately on your left.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across the entrance to prevent migration.		
Number of personnel:	2-4	**Width of inlet:**	810 ft
Current:	Moderate	**Water depth at mouth:**	15 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	12 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	10 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take I-10 east to Sheldon Road. Turn right on Sheldon Rd. to Market Street. Turn left on Market and River Terrace Park will be on your left after the next stoplight. The boat ramp is at the back right corner of the park.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**MEDIUM**
Environmental:	Grass shrimp, Blue crab.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across the entrance to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	2000 ft
Current:	Slow	**Water depth at mouth:**	0 ft

Safety / Cautionary notes:

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	12 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	10 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take I-10 east to Sheldon Road. Turn right on Sheldon Rd. to Market Street. Turn left on Market and River Terrace Park will be on your left after the next stoplight. The boat ramp is at the back right corner of the park.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across the entrance to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	300 ft
Current:	Slow	**Water depth at mouth:**	5 ft

Safety / Cautionary notes:

Site Specific Information

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	12 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	15 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take I-10 east to Sheldon Road. Turn right on Sheldon Rd. to Market Street. Turn left on Market and River Terrace Park will be on your left after the next stoplight. The boat ramp is at the back right corner of the park.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

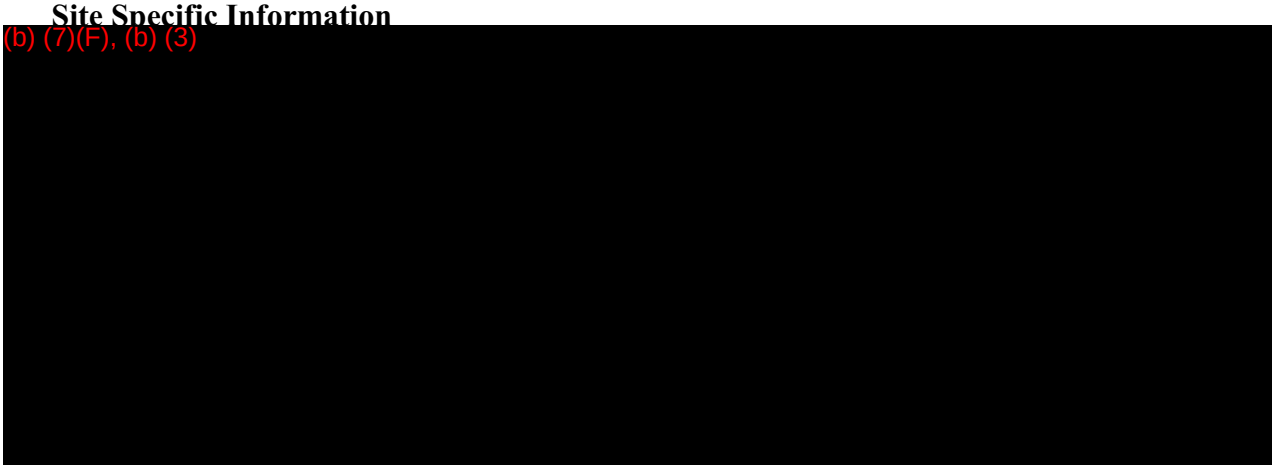
Booming strategy recommendations:

Recommendations:	Boom across the entrance to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	60 ft
Current:	Slow	**Water depth at mouth:**	1 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

(b) (7)(F), (b) (3)



Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11329	**County:**	Harris
		Date last visited:	12 April 2001

Access:

Closest Boat Ramp:	River Terrace Park
Distance:	20 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take I-10 east to Sheldon Road. Turn right on Sheldon Rd. to Market Street. Turn left on Market and River Terrace Park will be on your left after the next stoplight. The boat ramp is at the back right corner of the park.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across the entrance to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	270 ft
Current:	Slow	**Water depth at mouth:**	3 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

(b) (7)(F), (b) 3)

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

Hazardous Materials Response and Assessment Division

Not For Navigation

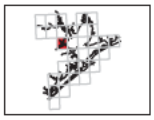
0 1
Miles

0 1
Nautical Miles

0 5000
Feet

0 1 2
Kilometers

Depth Soundings In Feet



2995-411

HUMAN-USE FEATURES

- Boat Launch Site
- Heliport
- Marina
- Water Intake Point

PRIORITY PROTECTION AREAS

- High Priority
- Medium Priority
- Low Priority
- Caution Area

ENVIRONMENTAL SENSITIVITY INDEX

- 10C - Freshwater swamps
- 10B - Freshwater marshes
- 10A - Salt and brackish water marshes
- 9 - Sheltered tidal flats
- 8C - Sheltered scarps
- 8B - Sheltered riprap structures
- 8A - Sheltered solid man-made structures
- 7 - Exposed tidal flats
- 6B - Exposed riprap structures
- 6A - Gravel beaches
- 5 - Mixed sand and gravel beaches
- 4 - Coarse-grained sand beaches
- 3B - Scarps and steep slopes in sand
- 3A - Fine-grained sand beaches
- 2B - Wave-cut clay platforms
- 2A - Scarps and steep slopes in clay
- 1 - Exposed walls and other solid structures

- Municipal Area
- Marsh, Wetland
- Tidal/Mud Flats
- Park - City or County
- Coastal Preserve
- Oyster Reef
- Oyster Shell on Mud

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

LEGEND

ENVIRONMENTAL SENSITIVITY INDEX

- MANGROVE MARSH (10D)
- FRESHWATER SWAMPS (10C)
- FRESHWATER MARSHES (10B)
- SALT AND BRACKISH MARSHES (10A)
- SHELTERED TIDAL FLATS (9)
- SHELTERED ROCKY/KARST SHORES (8D)
- SHELTERED SCARPS (8C)
- SHELTERED RIPRAP STRUCTURES (8B)
- SHELTERED SOLID MAN-MADE STRUCTURES (8A)
- EXPOSED TIDAL FLATS (7)
- EXPOSED RIPRAP STRUCTURES (6B)
- GRAVEL OR SHELL BEACHES (6A)
- MIXED SAND AND GRAVEL OR SHELL BEACHES (5)
- COARSE-GRAINED SAND BEACHES (4)
- SCARPS AND STEEP SLOPES IN SAND (3B)
  FINE-GRAINED SAND BEACHES (3A)
- WAVE-CUT CLAY PLATFORMS (2B)
  SCARPS AND STEEP SLOPES IN CLAY (2A)
- EXPOSED WALLS AND OTHER SOLID STRUCTURES (1)

HYDROGRAPHY

- MARSH, WETLAND
- TIDAL, MUD OR SAND FLATS
- BEACH, BAR
- INTERMITTENT WATER BODY
- DUNES
- SUBMERGED AQUATIC VEGETATION
- MANGROVES
- OYSTERS

PRIORITY PROTECTION AREAS

- HIGH MEDIUM
- MEDIUM PRIORITY
- LOW PRIORITY

BIOLOGICAL RESOURCES

- DIVING BIRDS
- GULLS/TERNS
- PASSERINE BIRDS
- PELAGIC BIRDS
- RAPTORS
- SHOREBIRDS
- WADING BIRDS
- WATERFOWL
- FISH
- DOLPHINS
- SMALL MAMMALS
- UPLAND/WETLAND PLANTS
- SUBMERGED AQUATIC VEGETATION
- ALLIGATOR
- TURTLES
- OTHER REPTILES/AMPHIBIANS
- BIVALVES
- CRABS
- GASTROPODS
- SHRIMP
- SQUID
- THREATENED/ENDANGERED SPECIES

POLITICAL BOUNDARIES

- COUNTY BOUNDARY
- MUNICIPAL BOUNDARY

TRANSPORTATION

- DIVIDED HIGHWAY
- STATE/FEDERAL HIGHWAY
- CITY STREET/COUNTY ROAD
- AIRPORT
- RAILROAD
- SHIP CHANNEL/GULF INTRACOASTAL WATERWAY
- SHIPPING SAFETY FAIRWAY

HUMAN USE FEATURES

- AQUACULTURE SITE
- BEACH ACCESS POINT
- BOAT RAMP
- COAST GUARD STATION
- HELIPORT
- LIGHTHOUSE
- MARINA
- WATER INTAKE POINT

OTHER LAYERS

- ANCHORAGE AREA
- AUDUBON SANCTUARY
- BIRD ROOKERY AREA
- CITY OR COUNTY PARK
- COASTAL PRESERVE
- MUNICIPAL AREA
- NATIONAL WILDLIFE REFUGE
- STATE PARK/WILDLIFE MANAGEMENT AREA
- WASHOVER AREA

LEAGUE CITY

Map #35

HUMAN USE RESOURCES

Boat Ramps

RARNUM	NAME
H574	Clear Lake
H577	Shoreacres
H591	Clear Lake Shores
H600	Timber Cove Subdivision
H608	Walter Hall County Park
H615	Clear Lake Parkside Lift
H617	Sneak'N Out
H622	League City FM 270
H731	Kemah Bridge

Heliports

RARNUM	MANAGER	PHONE
H1263	Ronald C. Bailey	(713)-483-3196
H1345	D. Bailey	(713)-474-6000

Marinas

RARNUM	NAME	ADDRESS	PHONE
H122	Capt. Wicks Landing	307 1st st. Kemah 77565	(713) 334-1563
H123	Nassau Bay Yacht Club	1120 NASA Rd. 1 Ste. 315 Houston 77058	(713) 333-2570
H124	South Shore Harbour Marina	2400 South Shore Blvd. League City 77573	(713) 334-0515
H126	Legend Point	1300 Marina Bay Dr Clear Lake Shores 77565	(713) 334-3811
H127	Lakewood Yacht Club	Rt. 1, 2425 NASA Rd. 1 Seabrook 77586	(713) 474-2511
H129	Watergate Yachting Center	1500 FM 2094 Clear Lake Shores 77565-2205	(713) 334-1511
H130	Waterford Harbor Yacht Club	800 Mariners Dr Kemah 77565	(713) 334-4400
H131	Seabrook Shipyard	Rt. 1, Box 76 Seabrook 77586-9801	(713) 474-2586
H132	Bal Harbour	123 Lakeside Lane Nassau Bay 77058	(713) 333-5168
H144	Portofino Harbour	1 Portofino Plaza Clear Lake Shores	(713)-334-6007
H145	Marina Del Sol	1203 Twin Oaks Blvd. Kemah 77565	(713) 334-3909
H146	Lakeside Yachting Center	2515-B NASA Rd. 1 Seabrook 77586	(713) 326-5547
H148	Blue Dolphin Yachting Center	4450 NASA Rd. 1 & 7th Street Seabrook 77586	(713) 474-4450
H149	Nassau Bay Hilton Marina	3000 NASA Rd. 1 Houston 77058	(713) 333-9300
H150	Lafayette Landing	555 Bradford St. Kemah 77565	(713) 334-2284
H151	Anchorage Apartments & Marina	451 Constellation League City 77573	(713) 334-2527
H152	The Landing	4445 NASA Road #1 Seabrook 77586	(713)-326-2714
H153	Marina Bay	4011 NASA Road #1 Seabrook 77586	(713)-326-3344
H154	Houston Yacht Club	3620 Marinar Drive Laporte 77571	(713) 471-1255
H158	Parkside Marina	4949 NASA Rd 1 Seabrook 77586	(713) 326-4949
H159	Clear Lake Marine Center Inc	4141 NASA Rd 1 Seabrook 77586	(713) 326-4626
H442	El Lago Marina	P.O. Box 972 Seabrook 77586	(713) 326-2287

Water Intake Points

RARNUM	OWNER	TYPE
(b) (7)(F), (b) (3)		

LEAGUE CITY CONTINUED

BIOLOGICAL RESOURCES

Birds

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	NESTING	LAYING	HATCHING	FLEDGING
131	Osprey	S	SC		X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
	Wading birds				X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
216	Waterfowl				X	X	X	X			X	X	X	X	X	X	-	-	-	-
	Osprey	S	SC		X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
	Wood duck				X	X	X	X	X	X	X	X	X	X	X	X	FEB-AUG	FEB-AUG	FEB-AUG	MAR-SEP
	Wading birds				X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
221	Terns				X	X	X	X	X	X	X	X	X	X	X	X	MAR-AUG	MAR-AUG	MAR-AUG	MAR-SEP
781	Attwater's greater prairie-chicken	S/F	E																	

Reptiles/Amphibians

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	NESTING	HATCHING
771	Texas diamondback terrapin	F	C2															
773	Gulf saltmarsh snake	C2	N															

Fish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV
216	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
217	Pinfish				X	X	X	X	X	X	X	X	X	X	X	X	MAR-MAY	MAR-MAY
	Sheepshead minnow				X	X	X	X	X	X	X	X	X	X	X	X	MAR-OCT	MAR-DEC
	Hardhead catfish				X	X	X	X	X	X	X	X	X	X	X	X	MAY-SEP	JUN-OCT
218	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
221	Bay anchovy				X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
	Sheepshead				X	X	X	X	X	X	X	X	X	X	X	X	MAR-MAY	MAR-AUG
	Atlantic croaker			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Red drum			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Sheepshead minnow				X	X	X	X	X	X	X	X	X	X	X	X	MAR-OCT	MAR-DEC
	Gulf menhaden			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Gafftopsail catfish				X	X	X	X	X	X	X	X	X	X	X	X	MAR-JUL	MAY-AUG
	Hardhead catfish				X	X	X	X	X	X	X	X	X	X	X	X	MAY-SEP	JUN-OCT
226	Black drum				X	X	X	X	X	X	X	X	X	X	X	X	JAN-APR	JUL-MAR
	Sheepshead				X	X	X	X	X	X	X	X	X	X	X	X	MAR-MAY	MAR-AUG
227	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Southern flounder				X	X	X	X	X	X	X	X	X	X	X	X	-	OCT-DEC
228	Striped mullet				X	X	X	X	X	X	X	X	X	X	X	X	NOV-JAN	DEC-FEB
	Atlantic croaker			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Spotted seatrout				X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
	Red drum			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Gulf menhaden			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Southern flounder				X	X	X	X	X	X	X	X	X	X	X	X	-	OCT-DEC

Shellfish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV
217	Grass shrimp				X	X	X	X	X	X	X	X	X	X	X	X	-	-
218	White shrimp				X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
221	White shrimp			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	Brown shrimp			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
224	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
226	American oyster (eastern)				X	X	X	X	X	X	X	X	X	X	X	X	MAR-JUL	APR-JUL
227	Grass shrimp				X	X	X	X	X	X	X	X	X	X	X	X	-	-
228	White shrimp			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	Brown shrimp			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG

Plants/Communities

RARNUM	NAME	S/F	T/E
224	Smooth cordgrass		
774	Texas windmill-grass	F	C2
	Houston machaeranthera	F	C2

LEAGUE CITY — Map # 35

Polygon #	*Priority*	*Description: what organism(s), habitat(s)?*
Pinchpoint where Clear Creek Channel enters Galveston Bay can be boomed to protect polygons 1 10.		
1	Low	**(a) Clear Creek, (b) lower Cow Bayou, (c) Clear Lake, Nassau Bay, and Seabrook Slough, (d) Taylor Lake, (e) Taylor Bayou at Red Bluff Road crossing, and (f, g) upper Armand Bayou.** Nursery (high).
2	High	**(a) Clear Creek meander east of Robinson Bayou and (b - e) fringe marshes in Taylor Bayou drainage.** Wetlands (high), bird habitat (high), nursery (high).
3	Medium	**Pearce Lake - Clear Creek area and lower Taylor Bayou.** Bird habitat (medium), nursery (high).
4	Low	**Southern Nassau Lake and shores of lower Taylor Bayou.** Bird habitat (high).
Pinchpoint at mouth of Mud Lake can be boomed to protect polygons 5, 6, 8, and part of polygons 1, 7, and 9 from spills in Clear Lake.		
5	High	**(a, b) West of Mud Lake - Armand Bayou and (c) northeast of Armand Bayou.** Bird habitat (high). Armand Bayou Nature Park.
6	High	**Lower Armand Bayou, lower Horsepen Bayou, and western Mud Lake.** Wetlands (high), bird habitat (high), nursery (high). Armand Bayou Nature Park.
7	Low	**(a, b, e) Armand Bayou periphery, (c, d) shores of lower Horsepen Bayou, and (f, g) shores of Taylor Lake.** Bird habitat (high).
8	Medium	**Horsepen Bayou.** Bird habitat (high), nursery (high).
Pinchpoint at mouth of Taylor Lake can be boomed to protect polygon 10 and parts of polygons 1, 2, 3, 4, 7, and 9 from spills in Clear Lake.		
9	Medium	**Fringe marshes in (a) Armand bayou, (b) lower Taylor Lake, and (c - i) Seabrook area.** Wetlands (high), bird habitat (high).
10	Medium	**Upper Taylor Lake, south of Red Bluff Road.** Bird habitat (high), nursery (high).
11	Low	**Pirate Island and Seabrook shoreline.** Recreational fishing (high).
12	High	**Shoreline at Miramar Park-Meador Park.** Recreational fishing (high), diamondback terrapin habitat.

17. LEAGUE CITY
W Galveston Bay and Clear Lake

CHART(s): Nautical Chart (11326 & 11327)
Upper Coast Atlas Page 35

STAGING AREA: Kemah/Seabrook Boat Ramps (2)
Located under 146 bridge Clear Lake Ch.

ACCESS ROAD: 146 south to Kemah bridge, follow signs to ramp locations

DESCRIPTION:
W Galveston Bay
Note: 4+ knot currents can be expected at peak Ebb/Flood.
17-A Boom entrance to Clear Lake Channel by placing cascading diversion boom to prevent migration of product into Clear Lake.
17-B Boom north entrance to Clear Lake off Todville Rd (260' wide)
17-C Boom to protect Lower Armond Bayou
17-D Boom entrance to small creek at Bay Vista Subdivision (20' wide)
Bayport Ship Channel
17-E Boom spill site to prevent migration.
17-F Boom entrance to Boggy Bayou (100' wide)
17-G Boom north shore of Bayport Turning Basin

CAUTION:
Numerous submerged pilings have been noted along shoreline. Swift currents can be expected in Clear Lake Entrance Channel. Shallow water north of Clear Lake Entrance near shoreline.

NATURAL COLLECTION AREA:
Debris has been noted along the shoreline south of the Clear Lake Entrance Channel, also product tends to collect near the bulkheads and points. Product tends to linger near the entrance of Clear Lake Channel along any trash lines due to Ebb current flow.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326	**County:**	Harris
		Date last visited:	5 April 2001

Access:

Closest Boat Ramp: Kemah/Seabrook Boat Ramps
Distance: 5 minutes
Boat type recommended: Shallow, aluminum hull
Closest Airport: Houston Gulf Airport, Kemah (SPX)
Closest Helicopter Landing: Houston Gulf Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
South on I-610 to Hwy 225. East on Hwy 225 to Hwy 146. South on Hwy 146 to Seabrook, TX. There are ramps under the Kemah/Seabrook bridge on both the north and south sides.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority: **N/A**
Environmental: Black drum, Sheepshead, American oyster.
Economic: N/A

Booming strategy recommendations:

Recommendations: Place cascading diversion boom to prevent migration into Clear Lake. Product tends to linger near the entrance along any trash lines due to Ebb current flow.

Number of personnel: 4-8 **Width of inlet:** 150 ft
Current: Medium-High **Water depth at mouth:** 16 ft

Safety / Cautionary notes: 4+ knot currents can be expected during peak Ebb/Flood. Numerous submerged pilings have bee noted along shoreline. Shallow water north of the entrance near shoreline.

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326	**County:**	Harris
		Date last visited:	5 April 2001

Access:

Closest Boat Ramp:	Kemah/Seabrook Boat Ramps
Distance:	10 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Houston Gulf Airport, Kemah (SPX)
Closest Helicopter Landing:	Houston Gulf Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
South on I-610 to Hwy 225. East on Hwy 225 to Hwy 146. South on Hwy 146 to Seabrook, TX. There are ramps under the Kemah/Seabrook bridge on both the north and south sides.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**LOW**
Environmental:	Several species of fish including Bay anchovy and Catfish, White shrimp, Brown shrimp, Blue crab.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Place cascading diversion boom to prevent migration into Clear Lake.		
Number of personnel:	4-8	**Width of inlet:**	600 ft
Current:	Medium-High	**Water depth at mouth:**	15 ft

Safety / Cautionary notes: 4+ knot currents can be expected during peak Ebb/Flood.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp:	Clear Lake Park Ramps
Distance:	20 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Houston Gulf Airport, Kemah (SPX)
Closest Helicopter Landing:	Houston Gulf Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
South on I-610 to Hwy 225. East on Hwy 225 to Hwy 146. South on Hwy 146 to NASA Road 1. Turn right on NASA Road 1, the ramps are on the left after a couple of miles.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**HIGH**
Environmental:	Waterfowl, Osprey, Wood duck, Wading birds, Red drum.
Economic:	N/A

Booming strategy recommendations:

Recommendations: Boom across barrier to prevent migration from Mud Lake into Armand Bayou. Boom across NASA Rod 1 bridge (600') to prevent migration from Clear Lake into Mud Lake.

Number of personnel:	4-8	**Width of inlet:**	3000 ft
Current:	Slow	**Water depth at mouth:**	4 ft

Safety / Cautionary notes:

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326,11327	**County:**	Harris
		Date last visited:	5 April 2001

Access:

Closest Boat Ramp:	Kemah/Seabrook Boat Ramps
Distance:	25 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Houston Gulf Airport, Kemah (SPX)
Closest Helicopter Landing:	Houston Gulf Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
South on I-610 to Hwy 225. East on Hwy 225 to Hwy 146. South on Hwy 146 to Seabrook, TX. There are ramps under the Kemah/Seabrook bridge on both the north and south sides.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	Texas diamondback terrapin.
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom entrance to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	20 ft
Current:	Slow	**Water depth at mouth:**	2.5 ft

Safety / Cautionary notes: Numerous submerged pilings have bee noted along shoreline. Shallow water north of the entrance near shoreline.

Site Specific Information

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326,11327	**County:**	Harris
		Date last visited:	16 March 2001

Access:

Closest Boat Ramp:	Sylvan Beach Ramps, Laporte
Distance:	15 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take I-610 south to Hwy 225. Take Hwy 225 east until it ends at Hwy 146. Take Hwy 146 south to the Fairmont Parkway. Turn left on Fairmont Parkway to it ends. Turn right on Bayshore Drive and the third driveway on the left is the boat ramp entrance.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom near spill to prevent migration.		
Number of personnel:	4-8	**Width of inlet:**	N/A
Current:	Slow	**Water depth at mouth:**	44 ft

Safety / Cautionary notes:

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326,11327	**County:**	Harris
		Date last visited:	16 March 2001

Access:

Closest Boat Ramp:	Sylvan Beach Ramps, Laporte
Distance:	15 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take I-610 south to Hwy 225. Take Hwy 225 east until it ends at Hwy 146. Take Hwy 146 south to the Fairmont Parkway. Turn left on Fairmont Parkway to it ends. Turn right on Bayshore Drive and the third driveway on the left is the boat ramp entrance.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across entrance to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	30 ft
Current:	Slow	**Water depth at mouth:**	1 ft

Safety / Cautionary notes:

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11326,11327	**County:**	Harris
		Date last visited:	16 March 2001

Access:

Closest Boat Ramp:	Sylvan Beach Ramps, Laporte
Distance:	15 minutes
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	Laporte Municipal Airport, Laporte (T41)
Closest Helicopter Landing:	Laporte Municipal Airport (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
Take I-610 south to Hwy 225. Take Hwy 225 east until it ends at Hwy 146. Take Hwy 146 south to the Fairmont Parkway. Turn left on Fairmont Parkway to it ends. Turn right on Bayshore Drive and the third driveway on the left is the boat ramp entrance.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:
Recommendations:

Number of personnel:	2-4	**Width of inlet:**	N/A
Current:	Slow	**Water depth at mouth:**	44 ft

Safety / Cautionary notes:

Morgans Point

(b) (7)(F), (b) (3)

(b) (7)(F), (b) (3)

(b) (7)(F), (b) (3)

(b) (7)(F), (b) (3)

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

Hazardous Materials Response and Assessment Division

Not For Navigation

Miles

Nautical Miles

Feet 5000

Kilometers

Depth Soundings In Feet

2994-323

HUMAN-USE FEATURES

- Boat Launch Site
- Heliport
- Marina

PRIORITY PROTECTION AREAS

- High Priority
- Medium Priority
- Low Priority
- Caution Area

ENVIRONMENTAL SENSITIVITY INDEX

- 10C - Freshwater swamps
- 10B - Freshwater marshes
- 10A - Salt and brackish water marshes
- 9 - Sheltered tidal flats
- 8C - Sheltered scarps
- 8B - Sheltered riprap structures
- 8A - Sheltered solid man-made structures
- 7 - Exposed tidal flats
- 6B - Exposed riprap structures
- 6A - Gravel beaches
- 5 - Mixed sand and gravel beaches
- 4 - Coarse-grained sand beaches
- 3B - Scarps and steep slopes in sand
- 3A - Fine-grained sand beaches
- 2B - Wave-cut clay platforms
- 2A - Scarps and steep slopes in clay
- 1 - Exposed walls and other solid structures

- Municipal Area
- Marsh, Wetland
- Tidal/Mud Flats
- State Park/Wildlife Management Area
- Park - City or County
- Bird Rookery Area
- Oyster Reef
- Oyster Shell on Mud

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

LEGEND

ENVIRONMENTAL SENSITIVITY INDEX

- MANGROVE MARSH (10D)
- FRESHWATER SWAMPS (10C)
- FRESHWATER MARSHES (10B)
- SALT AND BRACKISH MARSHES (10A)
- SHELTERED TIDAL FLATS (9)
- SHELTERED ROCKY/KARST SHORES (8D)
- SHELTERED SCARPS (8C)
- SHELTERED RIPRAP STRUCTURES (8B)
- SHELTERED SOLID MAN-MADE STRUCTURES (8A)
- EXPOSED TIDAL FLATS (7)
- EXPOSED RIPRAP STRUCTURES (6B)
- GRAVEL OR SHELL BEACHES (6A)
- MIXED SAND AND GRAVEL OR SHELL BEACHES (5)
- COARSE-GRAINED SAND BEACHES (4)
- SCARPS AND STEEP SLOPES IN SAND (3B)
  FINE-GRAINED SAND BEACHES (3A)
- WAVE-CUT CLAY PLATFORMS (2B)
  SCARPS AND STEEP SLOPES IN CLAY (2A)
- EXPOSED WALLS AND OTHER SOLID STRUCTURES (1)

HYDROGRAPHY

- MARSH, WETLAND
- TIDAL, MUD OR SAND FLATS
- BEACH, BAR
- INTERMITTENT WATER BODY
- DUNES
- SUBMERGED AQUATIC VEGETATION
- MANGROVES
- OYSTERS

PRIORITY PROTECTION AREAS

- HIGH MEDIUM
- MEDIUM PRIORITY
- LOW PRIORITY

BIOLOGICAL RESOURCES

- DIVING BIRDS
- GULLS/TERNS
- PASSERINE BIRDS
- PELAGIC BIRDS
- RAPTORS
- SHOREBIRDS
- WADING BIRDS
- WATERFOWL
- FISH
- DOLPHINS
- SMALL MAMMALS
- UPLAND/WETLAND PLANTS
- SUBMERGED AQUATIC VEGETATION
- ALLIGATOR
- TURTLES
- OTHER REPTILES/AMPHIBIANS
- BIVALVES
- CRABS
- GASTROPODS
- SHRIMP
- SQUID
- THREATENED/ENDANGERED SPECIES

POLITICAL BOUNDARIES

- COUNTY BOUNDARY
- MUNICIPAL BOUNDARY

TRANSPORTATION

- DIVIDED HIGHWAY
- STATE/FEDERAL HIGHWAY
- CITY STREET/COUNTY ROAD
- AIRPORT
- RAILROAD
- SHIP CHANNEL/GULF INTRACOASTAL WATERWAY
- SHIPPING SAFETY FAIRWAY

HUMAN USE FEATURES

- AQUACULTURE SITE
- BEACH ACCESS POINT
- BOAT RAMP
- COAST GUARD STATION
- HELIPORT
- LIGHTHOUSE
- MARINA
- WATER INTAKE POINT

OTHER LAYERS

- ANCHORAGE AREA
- AUDUBON SANCTUARY
- BIRD ROOKERY AREA
- CITY OR COUNTY PARK
- COASTAL PRESERVE
- MUNICIPAL AREA
- NATIONAL WILDLIFE REFUGE
- STATE PARK/WILDLIFE MANAGEMENT AREA
- WASHOVER AREA

MORGANS POINT

Map #26

HUMAN USE RESOURCES

Boat Ramps

RARNUM	NAME
H541	Thompson's
H542	Roseland Park
H571	Crawley's Bait Camp
H618	H221
H719	Mary's Bait Camp
H721	Bayland Park

Heliports

RARNUM	MANAGER	PHONE
H1169	Rod Seidel	(713) 420-8600

Marinas

RARNUM	NAME	ADDRESS	PHONE
H155	Baytown Marina	1512 1/2 Jones Baytown	(713) 427-1997

BIOLOGICAL RESOURCES

Birds

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	NESTING	LAYING	HATCHING	FLEDGING
192	American white pelican				X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
	Olivaceous cormorant				X	X	X	X	X	X	X	X	X	X	X	X	JAN-JUL	JAN-JUL	JAN-JUL	FEB-AUG
	Brown pelican	F	E		X	X	X	X	X	X	X	X	X	X	X	X	APR-AUG	APR-AUG	APR-AUG	APR-SEP
194	Brown pelican	F	E		X	X	X	X	X	X	X	X	X	X	X	X	APR-AUG	APR-AUG	APR-AUG	APR-SEP
	American white pelican				X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-

Fish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV
185	Sand seatrout				X	X	X	X	X	X	X	X	X	X	X	X	-	MAR-DEC
	Spot				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	NOV-FEB
	Spotted seatrout				X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
188	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Gulf menhaden				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Spotted seatrout				X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
	Sand seatrout				X	X	X	X	X	X	X	X	X	X	X	X	-	MAR-DEC
190	Sand seatrout				X	X	X	X	X	X	X	X	X	X	X	X	-	MAR-DEC
	Gulf menhaden				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Black drum				X	X	X	X	X	X	X	X	X	X	X	X	JAN-APR	JUL-MAR
	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Striped mullet				X	X	X	X	X	X	X	X	X	X	X	X	NOV-JAN	DEC-FEB
	Atlantic croaker			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Sheepshead				X	X	X	X	X	X	X	X	X	X	X	X	MAR-MAY	MAR-AUG
195	Gulf menhaden				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Sand seatrout				X	X	X	X	X	X	X	X	X	X	X	X	-	MAR-DEC
	Atlantic croaker				X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Striped mullet				X	X	X	X	X	X	X	X	X	X	X	X	NOV-JAN	DEC-FEB
196	Southern flounder				X	X	X	X	X	X	X	X	X	X	X	X	-	OCT-DEC
	Atlantic croaker				X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
197	Atlantic croaker			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Sand seatrout				X	X	X	X	X	X	X	X	X	X	X	X	-	MAR-DEC
	Sheepshead				X	X	X	X	X	X	X	X	X	X	X	X	MAR-MAY	MAR-AUG
	Gulf menhaden				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Striped mullet				X	X	X	X	X	X	X	X	X	X	X	X	NOV-JAN	DEC-FEB
	Southern flounder				X	X	X	X	X	X	X	X	X	X	X	X	-	OCT-DEC
	Spotted seatrout				X	X	X	X	X	X	X	X	X	X	X	X	JAN-DEC	JAN-DEC
	Hardhead catfish				X	X	X	X	X	X	X	X	X	X	X	X	MAY-SEP	JUN-OCT
	Spot				X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	NOV-FEB
198	Sheepshead minnow				X	X	X	X	X	X	X	X	X	X	X	X	MAR-OCT	MAR-DEC
	Gulf menhaden			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-FEB	DEC-MAR
	Southern flounder				X	X	X	X	X	X	X	X	X	X	X	X	-	OCT-DEC
	Striped mullet				X	X	X	X	X	X	X	X	X	X	X	X	NOV-JAN	DEC-FEB
	Black drum				X	X	X	X	X	X	X	X	X	X	X	X	JAN-APR	JUL-MAR
	Red drum				X	X	X	X	X	X	X	X	X	X	X	X	AUG-NOV	SEP-DEC
	Atlantic croaker				X	X	X	X	X	X	X	X	X	X	X	X	-	APR-OCT
	Gizzard shad				X	X	X	X	X	X	X	X	X	X	X	X	-	-
200	Gizzard shad				X	X	X	X	X	X	X	X	X	X	X	X	-	-

Shellfish

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV
185	Brown shrimp				X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
188	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
	Grass shrimp				X	X	X	X	X	X	X	X	X	X	X	X	-	-
	Brown shrimp				X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
190	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
	Brown shrimp				X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
	White shrimp				X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT

MORGANS POINT CONTINUED

BIOLOGICAL RESOURCES CONT.

Shellfish Continued

RARNUM	NAME	S/F	T/E	CONCEN	J	F	M	A	M	J	J	A	S	O	N	D	SPAWNING	LARVAL/JUV.
193	Brown shrimp				X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
195	Brackishwater clam				X	X	X	X	X	X	X	X	X	X	X	X	-	-
	Brown shrimp				X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
	White shrimp				X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	American oyster (eastern)				X	X	X	X	X	X	X	X	X	X	X	X	MAR-JUL	APR-JUL
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
196	American oyster (eastern)				X	X	X	X	X	X	X	X	X	X	X	X	MAR-JUL	APR-JUL
	Brown shrimp				X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
197	Blue crab			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG
	White shrimp			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	Brown shrimp			HIGH	X	X	X	X	X	X	X	X	X	X	X	X	NOV-MAR	FEB-JUN
198	White shrimp				X	X	X	X	X	X	X	X	X	X	X	X	MAY-OCT	MAY-OCT
	Blue crab				X	X	X	X	X	X	X	X	X	X	X	X	APR-JUL	MAY-AUG

Plants/Communities

RARNUM	NAME	S/F	T/E
192	Smooth cordgrass		

MORGANS POINT Map # 26

Polygon #	*Priority*	*Description: what organism(s), habitat(s)?*
1	Medium	**Goose Lake - Upper Tabbs Bay.** Nursery (high), bird habitat (medium).
2	Medium	**(a) Northwestern and (b) southeastern Hog Island.** Bird habitat (high), nursery (high).
3	High	**Central Hog Island.** Wetlands (high), nursery (high), bird habitat (high).
4	High	**Northwestern Atkinson Island.** Bird habitat (high). Atkinson Island WMA.
5	High	**Northeastern Atkinson Island.** Wetlands (high), bird habitat (high), nursery (high). Atkinsons Island WMA.
6	Low	**Western Atkinson Island.** Bird habitat (high).
7	High	**Central eastern Atkinson Island.** Wetlands (high), bird habitat (high), nursery (high).
8	Medium	**Southeastern Atkinson Island.** Bird habitat (high), nursery (high).
9	Medium	**Central southern Atkinson Island.** Wetlands (high), bird habitat (high).
10	Low	**Basin at Sutton Gully and Cedar Bayou.** Nursery (high).
Pinchpoints at (1) mouth of Cedar Bayou Diversion Canal, (2) mouth of Ash Lake, and (3) mouth of Cedar Bayou can be boomed to protect polygons 11, 12, and 13 from spills in Galveston Bay.		
11	Low	**(1) Ash Lake and mouth of Cedar Bayou, (2) Cedar Bayou north of Devils Elbow and Cedar Bayou Diversionary Canal.** Nursery (high).
12	Medium	**Lower Cedar Bayou: Ijams Lake, Negrohead Lake, Devils Elbow.** Nursery (high), bird habitat (high).
13	High	**Cedar Bayou meanders (a - e).** Wetlands (high), nursery (high), bird habitat (high).
14	High	**(a) Marrow Marsh and (b) Swan Marsh.** Wetlands (high), nursery (high), bird habitat (high).
15	Low	**Boaz Island.** Nursery (high), rookery (low).
16	Low	**(a) Northeastern and (b) southeastern Black Duck Bay.** Nursery (high). Continued on La Porte quad.

8. MORGANS POINT
W Trinity Bay, NW Galveston Bay, HSC, Tabbs Bay and Goose Creek

CHART(S): Nautical Chart (11326, 11327 and 11338)
Upper Coast Atlas page 26

STAGING AREA: 1. Crawley's Bait Camp (2)
2. Thompson's Fishing Camp(1)
3. Baytown Boat Ramp (3)
4. Morgan's point boat ramp (1)

(b) (7)(F), (b) (3)

ACCESS ROAD: 1. Crawley Marina (Old location): East on Hwy 225 from Houston to Hwy 146. Turn left on Hwy 146 and proceed north to Hwy 55. Turn right onto Hwy 55 and proceed east on Hwy 55 to FM 1405. Turn right on FM 1405 and proceed south to FM 2354. Turn right on FM 2354 and proceed boat ramp.

2. East on Hwy 225 from Houston to Hwy 146. Turn left on Hwy 146 and proceed north to Hwy 55. Turn right onto Hwy 55 and proceed east on Hwy 55 to Tri-City Beach Rd. Turn right and proceed to boat ramp.

3. East on Hwy 225 from Houston to Hwy 146. Turn left of Hwy 146 and proceed north to boat ramp located at first right after crossing Fred Hartman Bridge.

4. Hwy 146 south to Barbours Cut Blvd. Turn left proceeds to Vinsonia Ave. Turn right proceed to Ballister Rd. Turn left to boat ramp at end of road.

DESCRIPTION:
<u>Trinity Bay</u>
8-A Boom to protect Houston Point (Cedar Point) marsh area
8-B Boom to protect Mesquite Knoll Island.
8-C Boom to protect Swan Marsh west of Houston Point
<u>Cedar Bayou</u>
8-D Boom Bayou close to spill site area.
8-E Boom to protect Marrow Marsh east of Cedar Bayou entrance
8-F Boom entrance to Cedar Bayou (550' wide)
8-G Boom entrance to Cedar Bayou west of Boaz Island (150'wide)
8-H Boom to protect Boaz Island
8-I Boom to protect Cedar Bayou west of Harbor View Rd. (510' wide)
<u>Galveston Bay</u>
8-J Boom to protect Atkinson Island &(WMA)
8-K Boom cut between Atkinson Island near marker"82" (1,800' wide)
<u>Houston Ship Channel</u>
8-L Boom cut between Hog and Atkinson Island (1,150' wide)
8-M Boom to protect Hog Island
8-N Boom entrance to Barbours Cut (800' wide)
8-O Boom entrances to Bayland Park Marina (850' wide)
<u>Goose Creek</u>
8-P Boom Bayou close to spill site area.

8-Q Boom entrance to Goose Creek at Hwy 146 (516' wide)
8-R Boom across Goose Creek at Main Street (546' wide)
8-S Boom across Goose Creek at 1st.R/R Bridge north of Main (595' wide)
8-T Boom across Goose Creek at R/R Bridge south of Market (486' wide)
8-U Boom across Goose Creek at Market Street (192' wide)
8-V Boom across Goose Creek at W. Texas Ave. (153' wide)
8-W Boom across Goose Creek at Hwy 330 (145' wide)
8-X Boom across Goose Creek at Park Street (210' wide)
8-Y Boom across Goose Creek at Hwy 146 (60' wide)

NOTIFY:

Texas Parks & Wildlife Dept.	(281) 461-4071 Houston
U.S. Fish & Wildlife Service	(281) 286-8282 Houston

CAUTION:
Very shallow water near the shoreline of Trinity Bay, Atkinson and Hog Island's east shores. Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

NATURAL COLLECTION AREA:
The southeast corner of Morgan's Point tends to be impacted during spill events. Also, product accumulates around the cuts of Atkinson Island.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: _____
Distance: _____ minutes
Boat type recommended: Shallow hull type
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: **Low**
Environmental: Nursery area
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom to protect Boaz Island..
Number of personnel: 4-6 **Width of inlet:** 150 ft
Current: Slow **Water depth at mouth:** 6 ft

Safety / Cautionary notes: _____

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Chambers
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: _____
Distance: _____ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east on I-10, exit south on FM 1405.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: **High**
Environmental: Habitat for fish
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom to protect sensitive marshes.
Number of personnel: 2-6 **Width of inlet:** N/A ft
Current: Medium **Water depth at mouth:** N/A ft

Safety / Cautionary notes: _____

Site Specific Information

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Chambers
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: _____
Distance: _____ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east on I-10, exit south on FM 1405.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: High
Environmental: N/A
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom to protect sensitive marshes.
Number of personnel: 2-4 **Width of inlet:** N/A ft
Current: Slow **Water depth at mouth:** N/A ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Chambers
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: _____
Distance: _____ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east on I-10, exit south on FM 1405.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: **High**
Environmental: Habitat for fish
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom to protect sensitive marshes.
Number of personnel: 2-6 **Width of inlet:** N/A ft
Current: Medium **Water depth at mouth:** N/A ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3) [redacted]
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: _____
Distance: _____ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3) [redacted]

From MSO Houston-Galveston:
North on Hwy 610, exit east on I-10, exit south on FM 1405.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: Low
Environmental: Nursery and rookery
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom to protect Boaz Island
Number of personnel: 4-6 **Width of inlet:** **N/A** ft
Current: Slow **Water depth at mouth:** 2 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: _____
Distance: _____ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east on I-10, exit south on FM 1405.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: Low
Environmental: Nursery and rookery
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom to protect Boaz Island
Number of personnel: 4-6 **Width of inlet:** 550 ft
Current: Slow **Water depth at mouth:** 16 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3) [redacted]
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: Bayland Park
Distance: 15 minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3) [redacted]

From MSO Houston-Galveston:
North on Hwy 610, exit east on I-10, exit south on FM 146.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: Medium
Environmental: N/A
Economic: Railroad bridge crossing Goose Creek

Booming strategy recommendations:
Recommendations: Boom across Goose Creek at 1st R/R bridge north of Main Street.
Number of personnel: 4-6 **Width of inlet:** 600 ft
Current: Slow **Water depth at mouth:** 8 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3) [redacted]
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: _____
Distance: _____ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3) [redacted]

From MSO Houston-Galveston:
North on Hwy 610, exit east on I-10, exit south on FM 146.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: Low
Environmental: Nursery area
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom to protect Cedar Bayou west of Harbor View Road.
Number of personnel: 4-6 **Width of inlet:** 500 ft
Current: Slow **Water depth at mouth:** 8 ft

Safety / Cautionary notes: _____

Site Specific Information
Site # 8-J TGLO Polygon # 5 Quad Name - Morgan's Point

Site information:
Site Description: Wildlife Management Area of Atkinson

Latitude: [redacted] **Longitude:** [redacted]
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** _____

Access:
Closest Boat Ramp: _____
Distance: _____ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, [redacted]

From MSO Houston-Galveston:
North on Hwy 610, exit east on I-10, exit south on FM 146.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: High
Environmental: Habitat for diving birds, upland/wetland plants
Economic: Along the Houston Ship Channel.

Booming strategy recommendations:
Recommendations: Boom to protect sensitive marshes.
Number of personnel: 4-6 **Width of inlet:** N/A ft
Current: Medium **Water depth at mouth:** N/A ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Houston
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Barbors cut
Distance:	5 minutes
Boat type recommended:	Small boat with draft of less than 2 feet.
Closest Airport:	Ellington Field Airport EFD
Closest Helicopter Landing:	Ellington Field Airport. (b) (7)(F), (b) (3) [redacted]

From MSO Houston-Galveston:
Access by boat.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Low
Environmental:	Habitat for fish
Economic:	Along the Houston Ship Channel

Booming strategy recommendations:

Recommendations:	Boom to protect sensitive marshes.		
Number of personnel:	4-6	**Width of inlet:**	N/A ft
Current:	Medium	**Water depth at mouth:**	N/A ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3) [redacted]
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Sylvan Beach
Distance:	5 minutes
Boat type recommended:	Small boat with draft of less than 2 feet.
Closest Airport:	Ellington Field Airport EFD
Closest Helicopter Landing:	Ellington Field Airport, (b) (7)(F), (b) (3) [redacted]

From MSO Houston-Galveston:
Access by boat.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Low
Environmental:	Habitat for fish
Economic:	Along the Houston Ship Channel

Booming strategy recommendations:

Recommendations:	Boom to protect sensitive marshes.		
Number of personnel:	4-6	**Width of inlet:**	N/A ft
Current:	Medium	**Water depth at mouth:**	N/A ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Sylvan Beach
Distance:	10 minutes
Boat type recommended:	Any
Closest Airport:	William P Hobby Airport HOU
Closest Helicopter Landing:	William P Hobby Airport, (b) (7)(F), (b) (3) [redacted]

From MSO Houston-Galveston:
Access by boat.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	High
Environmental:	Habitat for diving birds
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom cut between Hog Island and Atkinson Island.		
Number of personnel:	4-8	**Width of inlet:**	1150 ft
Current:	Medium	**Water depth at mouth:**	14 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp: Barbor Cut
Distance: 5 minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority: Medium
Environmental: N/A
Economic: Along the Houston Ship Channel.

Booming strategy recommendations:

Recommendations: Boom to protect sensitive marshes.
Number of personnel: 4-6 **Width of inlet:** N/A ft
Current: Medium **Water depth at mouth:** N/A ft

Safety / Cautionary notes: _____

Site Specific Information
Site # 8-O TGLO Polygon # N/A Quad Name – Morgan's Point

Site information:
Site Description: Bayland Park Marina

Latitude: [redacted] **Longitude:** [redacted]
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: Bayland Park
Distance: ___ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, [redacted]

From MSO Houston-Galveston:

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: N/A
Environmental: N/A
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom to protect sensitive marshes.
Number of personnel: 4-6 **Width of inlet:** 1300 ft
Current: _____ **Water depth at mouth:** 8 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-03-01

Access:

Closest Boat Ramp:	Bayland Park
Distance:	___ minutes
Boat type recommended:	Small boat with draft of less than 2 feet.
Closest Airport:	Ellington Field Airport EFD
Closest Helicopter Landing:	Ellington Field Airport, (b) (7)(F), (b) (3) [redacted]

From MSO Houston-Galveston:

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Low
Environmental:	Habitat for fish, shrimp, crabs
Economic:	N/A

Booming strategy recommendations:

Recommendations: Boom entrance to goose creek at Hwy 146, Boom across Goose Creek at Main Street, Boom across Goose Creek at 1st R/R bridge north of Main Street, Boom across Goose Creek at R/R bridge south of Market street

Number of personnel:	4-6	**Width of inlet:**	500 ft
Current:	Slow	**Water depth at mouth:**	8 ft

Safety / Cautionary notes: Crews operating along the shoreline of the Houston Ship Channel should expect wake action as vessels pass.

Site Specific Information

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Bayland Park
Distance:	15 minutes
Boat type recommended:	Small boat with draft of less than 2 feet.
Closest Airport:	Ellington Field Airport EFD
Closest Helicopter Landing:	Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east onto I-10, exit onto Market Street.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Medium
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across Goose Creek at main Street.		
Number of personnel:	4-6	**Width of inlet:**	550 ft
Current:	Slow	**Water depth at mouth:**	6 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: Bayland Park
Distance: 10-15 minutes
Boat type recommended: Any
Closest Airport: William P Hobby Airport HOU
Closest Helicopter Landing: William P Hobby Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east onto I-10, exit onto Market Street.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: Medium
Environmental: N/A
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom across Goose Creek at R/R bridge south of Market Street.
Number of personnel: 4-6 **Width of inlet:** 500 ft
Current: Slow **Water depth at mouth:** 8 ft

Safety / Cautionary notes: Obstructions under water

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Bayland Park
Distance:	10-15 minutes
Boat type recommended:	Any
Closest Airport:	Ellington Field Airport EFD
Closest Helicopter Landing:	Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east onto I-10, exit onto Market Street.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Medium
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across Goose Creek at Market Street.		
Number of personnel:	2-6	**Width of inlet:**	200 ft
Current:	Slow	**Water depth at mouth:**	10 ft

Safety / Cautionary notes: _____

Site Specific Information

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: _____
Distance: ___ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east onto I-10, exit onto Market Street.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: Medium
Environmental: N/A
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom across Goose Creek at West Texas Ave.
Number of personnel: 4-6 **Width of inlet:** 150 ft
Current: Slow **Water depth at mouth:** 7 ft

Safety / Cautionary notes: _____

Site Specific Information
Site # 8-W TGLO Polygon # 16 Quad Name – Morgan's Point

Site information:
Site Description: Goose Creek @ Highway 330

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: Bayland Park
Distance: ___ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east onto I-10, exit onto Market Street.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: Low
Environmental: Habitat for fish, shrimp
Economic: Along Houston Ship Channel

Booming strategy recommendations:
Recommendations: Boom across Goose Creek at Hwy 330.
Number of personnel: 2-4 **Width of inlet:** 60 ft
Current: Slow **Water depth at mouth:** 6 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Bayland Park Marina
Distance:	10-15 minutes
Boat type recommended:	Any
Closest Airport:	William P Hobby Airport HOU
Closest Helicopter Landing:	William P Hobby Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east onto I-10, exit onto Market Street.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Medium
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across Goose Creek at Park Street.		
Number of personnel:	4-6	**Width of inlet:**	200 ft
Current:	Slow	**Water depth at mouth:**	6 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (2)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Bayland Park
Distance:	___ minutes
Boat type recommended:	Small boat with draft of less than 2 feet.
Closest Airport:	Ellington Field Airport EFD
Closest Helicopter Landing:	Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
North on Hwy 610, exit east onto I-10, exit onto Market Street.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	Low
Environmental:	Habitat for fish, shrimp
Economic:	Along Houston Ship Channel.

Booming strategy recommendations:

Recommendations:	Boom across Goose Creek at Hwy 146.		
Number of personnel:	2-4	**Width of inlet:**	60 ft
Current:	Slow	**Water depth at mouth:**	4 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:
Closest Boat Ramp: Bayland Park
Distance: ____ minutes
Boat type recommended: Small boat with draft of less than 2 feet.
Closest Airport: Ellington Field Airport EFD
Closest Helicopter Landing: Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: N/A
Environmental: N/A
Economic: N/A

Booming strategy recommendations:
Recommendations: Boom to protect sensitive marshes.
Number of personnel: 4-6 **Width of inlet:** 600 ft
Current: _____ **Water depth at mouth:** 8 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Bayland Park Boat Ramp
Distance:	____ minutes
Boat type recommended:	Small boat with draft of less than 2 feet.
Closest Airport:	Ellington Field Airport EFD
Closest Helicopter Landing:	Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	N/A
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom to protect sensitive marshes.		
Number of personnel:	4-6	**Width of inlet:**	**150** ft
Current:	_____	**Water depth at mouth:**	1 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Sylvan Beach
Distance:	3 minutes
Boat type recommended:	Small boat with draft of less than 2 feet.
Closest Airport:	Ellington Field Airport EFD
Closest Helicopter Landing:	Ellington Field Airport, (b) (7)(F), (b) (3)

From MSO Houston-Galveston:
South on Hwy 610, exit east onto Hwy 224, exit south onto Hwy 146, turn left onto Terminal Road.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	Along the Houston Ship Channel.

Booming strategy recommendations:

Recommendations:	**Boom to protect sensitive marshes.**		
Number of personnel:	4-6	**Width of inlet:**	45 ft
Current:	Medium	**Water depth at mouth:**	3 ft

Safety / Cautionary notes: _____

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude: [redacted] **Longitude:** [redacted]
NOAA chart # 11326, 11327, 11338 **County:** Harris
Nearest ICW Marker: N/A **Date last visited:** 04-05-01

Access:

Closest Boat Ramp:	Sylvan Beach
Distance:	3 minutes
Boat type recommended:	Small boat with draft of less than 2 feet.
Closest Airport:	Ellington Field Airport EFD
Closest Helicopter Landing:	Ellington Field Airport, [redacted]

From MSO Houston-Galveston:
South on Hwy 610, exit east onto Hwy 225, exit south on to Hwy 166, turn left onto Terminal Road.

Trustees/ Contact Numbers:		
	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:
Atlas Priority: **N/A**
Environmental: N/A
Economic: Along the Houston Ship Channel.

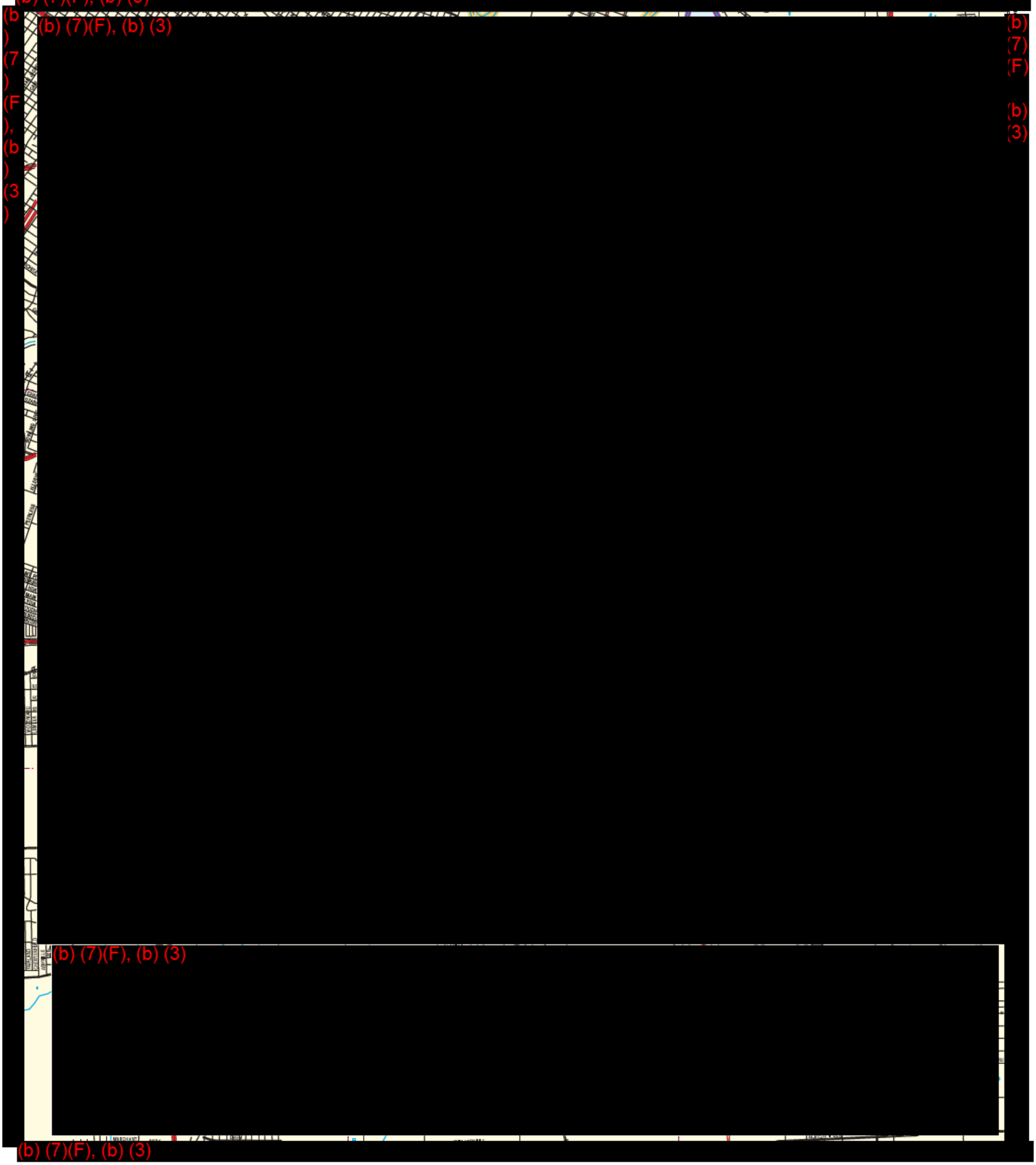
Booming strategy recommendations:

Recommendations:	**Boom to protect sensitive marshes.**		
Number of personnel:	4-6	**Width of inlet:**	45 ft
Current:	Medium	**Water depth at mouth:**	3 ft

Safety / Cautionary notes: _____

Park Place

(b) (7)(F), (b) (3)



(b) (7)(F), (b) (3)

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

Hazardous Materials Response and Assessment Division

Not For Navigation

Miles

Nautical Miles

Feet

Kilometers

Depth Soundings In Feet

2995-424

HUMAN-USE FEATURES

- Coast Guard Station
- Heliport

PRIORITY PROTECTION AREAS

- High Priority
- Medium Priority
- Low Priority
- Caution Area

ENVIRONMENTAL SENSITIVITY INDEX

- 10C - Freshwater swamps
- 10B - Freshwater marshes
- 10A - Salt and brackish water marshes
- 9 - Sheltered tidal flats
- 8C - Sheltered scarps
- 8B - Sheltered riprap structures
- 8A - Sheltered solid man-made structures
- 7 - Exposed tidal flats
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- 4 - Coarse-grained sand beaches
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- 1 - Exposed walls and other solid structures

- Municipal Area
- Marsh, Wetland
- Tidal/Mud Flats
- Oyster Reef
- Oyster Shell on Mud

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

LEGEND

ENVIRONMENTAL SENSITIVITY INDEX

- MANGROVE MARSH (10D)
- FRESHWATER SWAMPS (10C)
- FRESHWATER MARSHES (10B)
- SALT AND BRACKISH MARSHES (10A)
- SHELTERED TIDAL FLATS (9)
- SHELTERED ROCKY/KARST SHORES (8D)
- SHELTERED SCARPS (8C)
- SHELTERED RIPRAP STRUCTURES (8B)
- SHELTERED SOLID MAN-MADE STRUCTURES (8A)
- EXPOSED TIDAL FLATS (7)
- EXPOSED RIPRAP STRUCTURES (6B)
- GRAVEL OR SHELL BEACHES (6A)
- MIXED SAND AND GRAVEL OR SHELL BEACHES (5)
- COARSE-GRAINED SAND BEACHES (4)
- SCARPS AND STEEP SLOPES IN SAND (3B)
  FINE-GRAINED SAND BEACHES (3A)
- WAVE-CUT CLAY PLATFORMS (2B)
  SCARPS AND STEEP SLOPES IN CLAY (2A)
- EXPOSED WALLS AND OTHER SOLID STRUCTURES (1)

HYDROGRAPHY

- MARSH, WETLAND
- TIDAL, MUD OR SAND FLATS
- BEACH, BAR
- INTERMITTENT WATER BODY
- DUNES
- SUBMERGED AQUATIC VEGETATION
- MANGROVES
- OYSTERS

PRIORITY PROTECTION AREAS

- HIGH MEDIUM
- MEDIUM PRIORITY
- LOW PRIORITY

BIOLOGICAL RESOURCES

- DIVING BIRDS
- GULLS/TERNS
- PASSERINE BIRDS
- PELAGIC BIRDS
- RAPTORS
- SHOREBIRDS
- WADING BIRDS
- WATERFOWL
- FISH
- DOLPHINS
- SMALL MAMMALS
- UPLAND/WETLAND PLANTS
- SUBMERGED AQUATIC VEGETATION
- ALLIGATOR
- TURTLES
- OTHER REPTILES/AMPHIBIANS
- BIVALVES
- CRABS
- GASTROPODS
- SHRIMP
- SQUID
- THREATENED/ENDANGERED SPECIES

POLITICAL BOUNDARIES

- COUNTY BOUNDARY
- MUNICIPAL BOUNDARY

TRANSPORTATION

- DIVIDED HIGHWAY
- STATE/FEDERAL HIGHWAY
- CITY STREET/COUNTY ROAD
- AIRPORT
- RAILROAD
- SHIP CHANNEL/GULF INTRACOASTAL WATERWAY
- SHIPPING SAFETY FAIRWAY

HUMAN USE FEATURES

- AQUACULTURE SITE
- BEACH ACCESS POINT
- BOAT RAMP
- COAST GUARD STATION
- HELIPORT
- LIGHTHOUSE
- MARINA
- WATER INTAKE POINT

OTHER LAYERS

- ANCHORAGE AREA
- AUDUBON SANCTUARY
- BIRD ROOKERY AREA
- CITY OR COUNTY PARK
- COASTAL PRESERVE
- MUNICIPAL AREA
- NATIONAL WILDLIFE REFUGE
- STATE PARK/WILDLIFE MANAGEMENT AREA
- WASHOVER AREA

PARK PLACE

Map #29

HUMAN USE RESOURCES

Coast Guard Facilities

RARNUM	NAME	PHONE
H426	MSO Houston/Houston Station	(713) 672-6639

Heliports

RARNUM	MANAGER	PHONE
H1211	Tom R. Lewis	
H1218	Raleigh Abner	(713) 921-8181
H1234	J.W. Snelson	(713) 641-0281
H1235	Captian Waggett	(713) 672-6639
H1241	William D. Shirley	(713) 991-6300
H1245	Dudley Tarlton	(713) 871-8010
H1276	Houston Police Department	(713) 731-5212

11. PARK PLACE
Buffalo Bayou west of Sims Bayou to Turning Basin

CHART(S): Nautical Chart (11325)
Upper Coast Atlas Page 29

STAGING AREAS: No public ramps in area, however, private ramps due exist at facilities. (See Highlands for additional sites)

ACCESS ROADS: N/A

DESCRIPTION:
11-A Boom south entrance to Harrisburg Bend (250' wide)
11-B Boom north entrance to Harrisburg Bend (250')
11-C Boom entrance to Brays Bayou (260' wide)

CAUTION:
Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

NATURAL COLLECTION AREAS:
Debris is a common occurrence at the mouth of the Bayou.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude: (b) (7)(F), (b) (3) **Longitude:** (b) (7)(F), (b) (3)
NOAA chart # 11325 **County:** Harris
Date last visited: 30 MAR 2001

Access:

Closest Boat Ramp: No public ramps in area.
Distance: 5 minutes
Boat type recommended: Shallow, aluminum hull.
Closest Airport: Houston-Hobby
Closest Helicopter Landing: MSO Houston-Galveston

From MSO Houston-Galveston:
No ramps in area. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority: **N/A**
Environmental: N/A
Economic: N/A

Booming strategy recommendations:

Recommendations: Boom close to the spill site to prevent migration.
Number of personnel: 2-4 **Width of inlet:** 250 ft
Current: Slow **Water depth at mouth:** 17 ft

Safety / Cautionary notes: Crews operating near ship channel should expect wake action as vessels pass. Debris is a common occurrence.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	30 MAR 2001

Access:

Closest Boat Ramp:	No public ramps in area.
Distance:	5 minutes
Boat type recommended:	Shallow, aluminum hull.
Closest Airport:	Houston-Hobby
Closest Helicopter Landing:	MSO Houston-Galveston

From MSO Houston-Galveston:
No ramps in area. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom close to the spill site to prevent migration.		
Number of personnel:	2-4	**Width of inlet:**	250 ft
Current:	Slow	**Water depth at mouth:**	23 ft

Safety / Cautionary notes: Crews operating near ship channel should expect wake action as vessels pass. Debris is a common occurrence.

Site Specific Information

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	30 MAR 2001

Access:

Closest Boat Ramp:	No public ramps in area.
Distance:	5 minutes
Boat type recommended:	Shallow, aluminum hull.
Closest Airport:	Houston-Hobby
Closest Helicopter Landing:	MSO Houston-Galveston

From MSO Houston-Galveston:
No ramps in area. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom close to the spill site to prevent migration.		
Number of personnel:	2-4	**Width of inlet:**	150 ft
Current:	Slow	**Water depth at mouth:**	22 ft

Safety / Cautionary notes: Debris is a common occurrence.

(b) (7)(F), (b) 3)

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

Hazardous Materials Response and Assessment Division

Not For Navigation

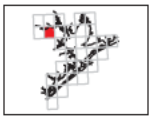
0 1
Miles

0 1
Nautical Miles

0 5000
Feet

0 1 2
Kilometers

Depth Soundings In Feet



2995-413

Heliport
Water Intake Point

PRIORITY PROTECTION AREAS
- High Priority
- Medium Priority
- Low Priority
- Caution Area

- 10C - Freshwater swamps
- 10B - Freshwater marshes
- 10A - Salt and brackish water marshes
- 9 - Sheltered tidal flats
- 8C - Sheltered scarps
- 8B - Sheltered riprap structures
- 8A - Sheltered solid man-made structures
- 7 - Exposed tidal flats
- 6B - Exposed riprap structures
- 6A - Gravel beaches
- 5 - Mixed sand and gravel beaches
- 4 - Coarse-grained sand beaches
- 3B - Scarps and steep slopes in sand
- 3A - Fine-grained sand beaches
- 2B - Wave-cut clay platforms
- 2A - Scarps and steep slopes in clay
- 1 - Exposed walls and other solid structures

- Municipal Area
- Marsh, Wetland
- Tidal/Mud Flats
- Oyster Reef
- Oyster Shell on Mud

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

LEGEND

ENVIRONMENTAL SENSITIVITY INDEX

- MANGROVE MARSH (10D)
- FRESHWATER SWAMPS (10C)
- FRESHWATER MARSHES (10B)
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- SHELTERED SCARPS (8C)
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  FINE-GRAINED SAND BEACHES (3A)
- WAVE-CUT CLAY PLATFORMS (2B)
  SCARPS AND STEEP SLOPES IN CLAY (2A)
- EXPOSED WALLS AND OTHER SOLID STRUCTURES (1)

HYDROGRAPHY

- MARSH, WETLAND
- TIDAL, MUD OR SAND FLATS
- BEACH, BAR
- INTERMITTENT WATER BODY
- DUNES
- SUBMERGED AQUATIC VEGETATION
- MANGROVES
- OYSTERS

PRIORITY PROTECTION AREAS

- HIGH MEDIUM
- MEDIUM PRIORITY
- LOW PRIORITY

BIOLOGICAL RESOURCES

- DIVING BIRDS
- GULLS/TERNS
- PASSERINE BIRDS
- PELAGIC BIRDS
- RAPTORS
- SHOREBIRDS
- WADING BIRDS
- WATERFOWL
- FISH
- DOLPHINS
- SMALL MAMMALS
- UPLAND/WETLAND PLANTS
- SUBMERGED AQUATIC VEGETATION
- ALLIGATOR
- TURTLES
- OTHER REPTILES/AMPHIBIANS
- BIVALVES
- CRABS
- GASTROPODS
- SHRIMP
- SQUID
- THREATENED/ENDANGERED SPECIES

POLITICAL BOUNDARIES

- COUNTY BOUNDARY
- MUNICIPAL BOUNDARY

TRANSPORTATION

- DIVIDED HIGHWAY
- STATE/FEDERAL HIGHWAY
- CITY STREET/COUNTY ROAD
- AIRPORT
- RAILROAD
- SHIP CHANNEL/GULF INTRACOASTAL WATERWAY
- SHIPPING SAFETY FAIRWAY

HUMAN USE FEATURES

- AQUACULTURE SITE
- BEACH ACCESS POINT
- BOAT RAMP
- COAST GUARD STATION
- HELIPORT
- LIGHTHOUSE
- MARINA
- WATER INTAKE POINT

OTHER LAYERS

- ANCHORAGE AREA
- AUDUBON SANCTUARY
- BIRD ROOKERY AREA
- CITY OR COUNTY PARK
- COASTAL PRESERVE
- MUNICIPAL AREA
- NATIONAL WILDLIFE REFUGE
- STATE PARK/WILDLIFE MANAGEMENT AREA
- WASHOVER AREA

PASADENA

Map #28

HUMAN USE RESOURCES

Heliports

RARNUM	MANAGER	PHONE
H1309	LT P.D. Cobb	(713) 477-1221
H1310	J. A. Stallings	(713) 944-5347
H1311	John Pittman	(713) 479-3435
H1312	Dennis Knox	(713) 477-0411
H1313	Administrator	(713) 944-6666
H1314	Duard Franklin	(713) 740-1121
H1346	R.L. Moore Division Manager	(713) 623-7119

Water Intake Points

RARNUM	OWNER	TYPE

(b) (7)(F), (b) (3) [redacted]

BIOLOGICAL RESOURCES

Reptiles/Amphibians

RARNUM	NAME	S/F	T/E
779	Crawfish frog	NA	N

Plants/Communities

RARNUM	NAME	S/F	T/E
778	Houston machaeranthera	F	C2

10. PASADENA
Buffalo Bayou Boggy Bayou Basin to Sims Bayou

CHART(S): Nautical Chart (11325)
Upper Coast Atlas Page 28

STAGING AREAS: No public ramps in area, however, private ramps due exist at facilities. (See Highlands for additional sites)

ACCESS ROADS: N/A

DESCRIPTION:
10-A Boom entrance to Greens Bayou (600' wide)
10-B Boom entrance to Hunting Bayou (450' wide)
10-C Boom entrance to Cotton Patch Bayou (330' wide)
10-D Boom to protect marsh restoration inside Cotton Patch Bayou
10-E Boom entrance to Vince Bayou (200' wide)
10-F Boom entrance to Panther Creek (100' wide)
10-G Boom entrance to Sims Bayou (475' wide)

CAUTION:
Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

NATURAL COLLECTION AREAS:
Debris is a common occurrence at the mouth of the Bayous and Creeks.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	8 March 2001

Access:

Closest Boat Ramp:	No public ramps in area, however, private ramps due exist at facilities.
Distance:	20 minutes from MSO
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	William P. Hobby, Houston (HOU)
Closest Helicopter Landing:	Ethyl Corp. (H1314)

From MSO Houston-Galveston:
No ramps available. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom close to spill site to prevent migration.		
Number of personnel:	4-6	**Width of inlet:**	600 ft
Current:	Slow	**Water depth at mouth:**	32 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	8 March 2001

Access:

Closest Boat Ramp:	No public ramps in area, however, private ramps due exist at Facilities.
Distance:	15 minutes from MSO
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	William P. Hobby, Houston (HOU)
Closest Helicopter Landing:	Ethyl Corp. (H1314)

From MSO Houston-Galveston:
No ramps available. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across mouth to prevent migration inland.		
Number of personnel:	2-4	**Width of inlet:**	450 ft
Current:	Slow	**Water depth at mouth:**	6 ft

Safety / Cautionary notes: .

Site Specific Information

(b) (7)(F), (b) (3)

[redacted]

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	8 March 2001

Access:

Closest Boat Ramp:	No public ramps in area, however, private ramps due exist at facilities.
Distance:	10 minutes from MSO
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	William P. Hobby, Houston (HOU)
Closest Helicopter Landing:	Ethyl Corp. (H1314)

From MSO Houston-Galveston:
No ramps available. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom close to spill site to prevent migration.		
Number of personnel:	2-4	**Width of inlet:**	330 ft
Current:	Slow	**Water depth at mouth:**	20 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	12 April 2001

Access:

Closest Boat Ramp:	No public ramps in area, however, private ramps due exist at Facilities.
Distance:	10 minutes from MSO
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	William P. Hobby, Houston (HOU)
Closest Helicopter Landing:	Ethyl Corp. (H1314)

From MSO Houston-Galveston:
No ramps available. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom across drain pipes to prevent migration into the marsh.		
Number of personnel:	2-4	**Width of inlet:**	20 ft
Current:	N/A	**Water depth at mouth:**	0 ft

Safety / Cautionary notes:

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	8 March 2001

Access:

Closest Boat Ramp:	No public ramps in area, however, private ramps due exist at Facilities.
Distance:	10 minutes from MSO
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	William P. Hobby, Houston (HOU)
Closest Helicopter Landing:	Ethyl Corp. (H1314)

From MSO Houston-Galveston:
No ramps available. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	300 feet of protective boom at a 45 degree angle below the site is recommended.		
Number of personnel:	2-4	**Width of inlet:**	200 ft
Current:	Slow	**Water depth at mouth:**	12 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	24 April 2001

Access:

Closest Boat Ramp: No public ramps in area, however, private ramps due exist at Facilities.
Distance: 10 minutes from MSO
Boat type recommended: Shallow, aluminum hull
Closest Airport: William P. Hobby, Houston (HOU)
Closest Helicopter Landing: Ethyl Corp. (H1314)

From MSO Houston-Galveston:
No ramps available. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations: Boom across entrance to prevent migration inland.

Number of personnel:	2-4	**Width of inlet:**	50 ft
Current:	Slow	**Water depth at mouth:**	3 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	8 March 2001

Access:

Closest Boat Ramp:	No public ramps in area, however, private ramps due exist at facilities.
Distance:	5 minutes from MSO
Boat type recommended:	Shallow, aluminum hull
Closest Airport:	William P. Hobby, Houston (HOU)
Closest Helicopter Landing:	Ethyl Corp. (H1314)

From MSO Houston-Galveston:
No ramps available. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:	U.S.C.G. via NRC	(800) 424-8802
	TXGLO via Hotline	(800) 832-8224
	TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations:	Boom close to spill site to prevent migration.		
Number of personnel:	2-4	**Width of inlet:**	475 ft
Current:	Slow	**Water depth at mouth:**	36 ft

Safety / Cautionary notes: Crews operating along the shoreline of the ship channel should expect wake action as vessels pass. Debris is a common occurrence. Watch out for transients known to frequent area.

(b) (7)(F), (b) (3)

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

Hazardous Materials Response and Assessment Division

Not For Navigation

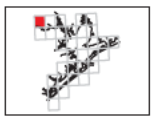
0 1
Miles

0 1
Nautical Miles

0 5000
Feet

0 1 2
Kilometers

Depth Soundings In Feet



2995-431

HUMAN-USE FEATURES

- Heliport
- Water Intake Point

PRIORITY PROTECTION AREAS

- High Priority
- Medium Priority
- Low Priority
- Caution Area

ENVIRONMENTAL SENSITIVITY INDEX

- 10C - Freshwater swamps
- 10B - Freshwater marshes
- 10A - Salt and brackish water marshes
- 9 - Sheltered tidal flats
- 8C - Sheltered scarps
- 8B - Sheltered riprap structures
- 8A - Sheltered solid man-made structures
- 7 - Exposed tidal flats
- 6B - Exposed riprap structures
- 6A - Gravel beaches
- 5 - Mixed sand and gravel beaches
- 4 - Coarse-grained sand beaches
- 3B - Scarps and steep slopes in sand
- 3A - Fine-grained sand beaches
- 2B - Wave-cut clay platforms
- 2A - Scarps and steep slopes in clay
- 1 - Exposed walls and other solid structures
- Municipal Area
- Marsh, Wetland
- Tidal/Mud Flats
- Oyster Reef
- Oyster Shell on Mud

TEXAS
GENERAL LAND OFFICE
OIL SPILL
PREVENTION & RESPONSE

LEGEND

ENVIRONMENTAL SENSITIVITY INDEX

- MANGROVE MARSH (10D)
- FRESHWATER SWAMPS (10C)
- FRESHWATER MARSHES (10B)
- SALT AND BRACKISH MARSHES (10A)
- SHELTERED TIDAL FLATS (9)
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- SHELTERED SCARPS (8C)
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  FINE-GRAINED SAND BEACHES (3A)
- WAVE-CUT CLAY PLATFORMS (2B)
  SCARPS AND STEEP SLOPES IN CLAY (2A)
- EXPOSED WALLS AND OTHER SOLID STRUCTURES (1)

HYDROGRAPHY

- MARSH, WETLAND
- TIDAL, MUD OR SAND FLATS
- BEACH, BAR
- INTERMITTENT WATER BODY
- DUNES
- SUBMERGED AQUATIC VEGETATION
- MANGROVES
- OYSTERS

PRIORITY PROTECTION AREAS

- HIGH MEDIUM
- MEDIUM PRIORITY
- LOW PRIORITY

BIOLOGICAL RESOURCES

- DIVING BIRDS
- GULLS/TERNS
- PASSERINE BIRDS
- PELAGIC BIRDS
- RAPTORS
- SHOREBIRDS
- WADING BIRDS
- WATERFOWL
- FISH
- DOLPHINS
- SMALL MAMMALS
- UPLAND/WETLAND PLANTS
- SUBMERGED AQUATIC VEGETATION
- ALLIGATOR
- TURTLES
- OTHER REPTILES/AMPHIBIANS
- BIVALVES
- CRABS
- GASTROPODS
- SHRIMP
- SQUID
- THREATENED/ENDANGERED SPECIES

POLITICAL BOUNDARIES

- COUNTY BOUNDARY
- MUNICIPAL BOUNDARY

TRANSPORTATION

- DIVIDED HIGHWAY
- STATE/FEDERAL HIGHWAY
- CITY STREET/COUNTY ROAD
- AIRPORT
- RAILROAD
- SHIP CHANNEL/GULF INTRACOASTAL WATERWAY
- SHIPPING SAFETY FAIRWAY

HUMAN USE FEATURES

- AQUACULTURE SITE
- BEACH ACCESS POINT
- BOAT RAMP
- COAST GUARD STATION
- HELIPORT
- LIGHTHOUSE
- MARINA
- WATER INTAKE POINT

OTHER LAYERS

- ANCHORAGE AREA
- AUDUBON SANCTUARY
- BIRD ROOKERY AREA
- CITY OR COUNTY PARK
- COASTAL PRESERVE
- MUNICIPAL AREA
- NATIONAL WILDLIFE REFUGE
- STATE PARK/WILDLIFE MANAGEMENT AREA
- WASHOVER AREA

SETTEGAST

Map #23

HUMAN USE RESOURCES

Heliports

RARNUM	MANAGER	PHONE
H1223	Don Fletcher	(713) 643-4597
H1228		
H1252	C.R. Farris	(713) 754-2903
H1256	Steve Johnson	(409) 539-5699
H1260	Bruce C. Edwards	(713) 658-7044
H1270	James A. McMullian	(713) 676-3841
H1277	Alexander Brailas	(713) 746-5590
H1279	James Wilson	(713) 654-1911
H1284	J.W. Snelson	(713) 641-0281
H1289	Scoot Dennis	(713) 236-5536
H1290	J.W. Snelson	(713) 641-0281

Water Intake Points

RARNUM	OWNER	TYPE
[redacted]	(b) (7)(F), (b) (3)	

5. SETTEGAST
Buffalo Bayou to Whiteoak Bayou

CHART(S): Nautical Chart 11325
Upper Coast Atlas page 23

STAGING AREAS: Bridge access only

ACCESS ROADS: Note: no boat ramps available.

DESCRIPTION:
5-A Boom Buffalo Bayou close to spill site to prevent migration.

CAUTION:
During heavy rain fall currents can become dangerous. Watch out for transients known to frequent area.

Site Specific Information

(b) (7)(F), (b) (3)

Latitude:	(b) (7)(F), (b) (3)	**Longitude:**	(b) (7)(F), (b) (3)
NOAA chart #	11325	**County:**	Harris
		Date last visited:	30 MAR 2001

Access:

Closest Boat Ramp:	No boat ramps available.
Distance:	15 minutes
Boat type recommended:	Shallow, aluminum hull.
Closest Airport:	Bush Intercontinental, Houston, (IAH)
Closest Helicopter Landing:	(H1270) Mr. McMulian 713-676-3841

From MSO Houston-Galveston:
No ramps in area. Minutes by boat from MSO Houston-Galveston.

Trustees/ Contact Numbers:

U.S.C.G. via NRC	(800) 424-8802
TXGLO via Hotline	(800) 832-8224
TNRCC	(512) 463-7727

Resources at Risk:

Atlas Priority:	**N/A**
Environmental:	N/A
Economic:	N/A

Booming strategy recommendations:

Recommendations: Boom close to spill site to prevent migration.

Number of personnel:	2-4	**Width of inlet:**	300 ft
Current:	Slow	**Water depth at mouth:**	22 ft

Safety / Cautionary notes: During heavy rainfall currents can become dangerous and debris may be a problem. Watch out for transients known to frequent area.

ATTACHMENT B

SITE-SPECIFIC POTENTIAL OIL DISCHARGE SOURCES (TABLES) AND PROFESSIONAL ENGINEER'S CERTIFICATION

Oiltanking
Health Safety and Environment

Spill Prevention Control and Countermeasure Plan
OIL STORAGE AND CONTAINMENT UNITS

Document: 2720017.icp rev11.xls
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Storage Unit							Secondary Containment			
Area ID	Oil Storage *Container* ID	*Container* Type/ Design Standard/ Fabrication	Designed Storage Capacity Volume (gallons)		Largest *Container* ID	Type of Worst Case Failure	Total Net Containment Volume Available (gallons) (a)*	Inches of freeboard allowed for precipitation (in addition to 100 % of the largest tank)**	Type of containment and indication of ability to contain oil	Predicted Direction and Rate of Spill Flow if Uncontained
Aboveground Bulk Oil Storage										
100N	300-1	Vertical; API 650	(b) (7)(F), (b) (3)	Crude oil	300-1	Rupture/Leak	(b) (7)(F), (b) (3)	25.3	Sufficiently impervious earthen dike; 9.8' high	N/A - sufficient secondary containment provided
	300-2	Vertical; API 650		Crude oil						
	260-5	Vertical; API 650		Crude oil						
	260-6	Vertical; API 650		Crude oil						
	80-10	Vertical; API 650		Refined petroleum						
	200-11	Vertical; API 650		Crude oil						
100S	300-3	Vertical; API 650		Crude oil	300-3	Rupture/Leak		54.1	Sufficiently impervious earthen dike; 10.6' high wall	N/A - sufficient secondary containment provided
	300-4	Vertical; API 650		Crude oil						
	80-7	Vertical; API 650		Crude oil						
	200-8	Vertical; API 650		Crude oil						
	150-9	Vertical; API 650		Refined petroleum						
	80-12	Vertical; API 650		Crude oil						
	R8-1	Vertical; API 650		Crude oil						
	R8-2	Vertical; API 650		Crude oil						
200N***	200-20	Vertical; API 650		Refined petroleum	390-23	Rupture/Leak		38.3	Sufficiently impervious earthen dike; 7' high wall	N/A - sufficient secondary containment provided
	300-21	Vertical; API 650		Refined petroleum						
	265-28	Vertical; API 650		Refined petroleum						
	390-23	Vertical; API 650		Refined petroleum						
	390-24	Vertical; API 650		Refined petroleum						
	390-25	Vertical; API 650		Refined petroleum						
	390-26	Vertical; API 650		Refined petroleum						
	390-27	Vertical; API 650		Refined petroleum						
200S***	300-22	Vertical; API 650		Refined petroleum	390-30	Rupture/Leak		38.3	Sufficiently impervious earthen dike; 7' high wall	Southward toward inplant retention pond and oil water separators.
	390-30	Vertical; API 650		Refined petroleum						
	390-31	Vertical; API 650		Refined petroleum						
	390-32	Vertical; API 650		Refined petroleum						
	390-33	Vertical; API 650		Refined petroleum						
	390-34	Vertical; API 650		Refined petroleum						
	390-35	Vertical; API 650		Refined petroleum						
	390-36	Vertical; API 650		Refined petroleum						

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Spill Prevention Control and Countermeasure Plan

Storage Unit							Secondary Containment			
Area ID	Oil Storage *Container* ID	*Container* Type/ Design Standard/ Fabrication	Designed Storage Capacity Volume (gallons)	Material Stored	Largest *Container* ID	Type of Worst Case Failure	Total Net Containment Volume Available (gallons) (a)*	Inches of freeboard allowed for precipitation (in addition to 100 % of the largest tank)**	Type of containment and indication of ability to contain oil	Predicted Direction and Rate of Spill Flow if Uncontained
300/400	250-50	Vertical; API 650	(b) (7)(F), (b) (3)	Refined petroleum	250-50	Rupture/Leak	(b) (7)(F), (b) (3)	10.4	Sufficiently impervious earthen dike; 4' 8" high wall	N/A - sufficient secondary containment provided
	200-51	Vertical; API 650		Refined petroleum						
	250-52	Vertical; API 650		Refined petroleum						
	200-53	Vertical; API 650		Refined petroleum						
	100-54	Vertical; API 650		Refined petroleum						
	100-55	Vertical; API 650		Refined petroleum						
	200-56	Vertical; API 650		Refined petroleum						
	200-57	Vertical; API 650		Refined petroleum						
	200-58	Vertical; API 650		Refined petroleum						
	150-59	Vertical; API 650		Refined petroleum						
	100-60	Vertical; API 650		Refined petroleum						
	100-61	Vertical; API 650		Refined petroleum						
	80-62	Vertical; API 650		Refined petroleum						
	100-63	Vertical; API 650		Refined petroleum						
	80-64	Vertical; API 650		Refined petroleum						
500	501	Vertical; API 650		Refined petroleum	501	Rupture/Leak		33.4	Sufficiently impervious earthen dike; 5' high wall	N/A - sufficient secondary containment provided
	502	Vertical; API 650		Refined petroleum						
	Slop tnk 1	Vertical; API 650		Refined petroleum						
	Auto 1	Vertical; API 650		Gasoline/ diesel						
	Auto 2	Vertical; API 650		Gasoline/ diesel						
600	275-70	Vertical; API 650		Refined petroleum	275-70	Rupture/Leak		38.3	Sufficiently impervious earthen dike; 2.6' high wall	N/A - sufficient secondary containment provided
	275-71	Vertical; API 650		Refined petroleum						
	275-72	Vertical; API 650		Refined petroleum						
	275-73	Vertical; API 650		Refined petroleum						
C/D	D-1	Vertical; API 650		Refined petroleum	150-40	Rupture/Leak		14.6	Sufficiently impervious earthen dike; 4' high wall	N/A - sufficient secondary containment provided
	D-2	Vertical; API 650		Refined petroleum						
	80-1	Vertical; API 650		Refined petroleum						
	80-2	Vertical; API 650		Refined petroleum						
	80-3	Vertical; API 650		Refined petroleum						
	80-4	Vertical; API 650		Refined petroleum						
	B30-10	Vertical; API 650		Refined petroleum						
	30-13	Vertical; API 650		Refined petroleum						
	27-14	Vertical; API 650		Refined petroleum						
	27-15	Vertical; API 650		Refined petroleum						
	150-40	Vertical; API 650		Refined petroleum						
	150-41	Vertical; API 650		Refined petroleum						
	150-42	Vertical; API 650		Refined petroleum						
	80-43	Vertical; API 650		Refined petroleum						
	80-44	Vertical; API 650		Refined petroleum						
	80-45	Vertical; API 650		Refined petroleum						
	80-46	Vertical; API 650		Refined petroleum						
	100-47	Vertical; API 650		Refined petroleum						
	100-48	Vertical; API 650		Refined petroleum						
	100-49	Vertical; API 650		Refined petroleum						
N. Fire Pump	Tank 1	Horizontal		Diesel Fuel	Tank 1	Rupture/Leak		NA	Interior to building	N/A
S. Fire Pump	Tank 2	Horizontal		Diesel Fuel	Tank 2	Rupture/Leak		5.7	Concrete wall 14" high	N/A

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Spill Prevention Control and Countermeasure Plan

Storage Unit							Secondary Containment			
Area ID	**Oil Storage *Container* ID**	***Container* Type/ Design Standard/ Fabrication**	**Designed Storage Capacity Volume (gallons)**	**Material Stored**	**Largest *Container* ID**	**Type of Worst Case Failure**	**Total Net Containment Volume Available (gallons) (a)***	**Inches of freeboard allowed for precipitation** (in addition to 100 % of the largest tank)**	**Type of containment and indication of ability to contain oil**	**Predicted Direction and Rate of Spill Flow if Uncontained**
Fill Station	Tank 3	Horizontal	(b) (7)(F), (b) (3)	Diesel Fuel	Tank 3	Rupture/Leak	(b) (7)(F), (b) (3)	15.8	Concrete wall, 17" high	N/A
TT Rack Storage Area	TT-1	Vertical; API 650		Gasoline/diesel	TT-3	Rupture/Leak		0.9	Sufficiently impervious earthen dike; 4 feet high wall	N/A - sufficient secondary containment provided
	TT-2	Vertical; API 650		Gasoline/diesel						
	TT-3	Vertical; API 650		Gasoline/diesel						
	TT-4	Vertical; API 650		Gasoline/diesel						
	TT-5	Vertical; API 650		Gasoline/diesel						
	TT-6	Vertical; API 650		Gasoline/diesel						
Tank Truck and Tank Rail Car Loading/Unlo										
T/T Rack	Tank Truck	N/A		Varies	N/A	Rupture/Leak		4.7	Sufficiently impervious concrete foundation wi h 6" concrete curb	N/A - sufficient secondary containment provided
T/C Rack	Tank Car	N/A		Varies	N/A	Rupture/Leak		88.3	Diversionary system to API oil/water separator provided	N/A - sufficient secondary containment provided
Electrical Transformers with Oil-Containing										
28-29	1	N/A		Transformer oil	N/A	Rupture/Leak		N/A	Sufficiently impervious diversionary system to API oil/water separator provided to satisfy 40 CFR 112	N/A - sufficient secondary containment provided
28-29	2	N/A		Transformer oil	N/A	Rupture/Leak				
28-29	3	N/A		Transformer oil	N/A	Rupture/Leak				
28-29	4	N/A		Transformer oil	N/A	Rupture/Leak				
26	5	N/A		Transformer oil	N/A	Rupture/Leak				
23	6	N/A		Transformer oil	N/A	Rupture/Leak				
18A	7	N/A		Transformer oil	N/A	Rupture/Leak				
18A	8	N/A		Transformer oil	N/A	Rupture/Leak				
16	9	N/A		Transformer oil	N/A	Rupture/Leak				
9B	10	N/A		Transformer oil	N/A	Rupture/Leak				
9B	11	N/A		Transformer oil	N/A	Rupture/Leak				
-	12	N/A		Transformer oil	N/A	Rupture/Leak				
-	13	N/A		Transformer oil	N/A	Rupture/Leak				
52	14	N/A		Transformer oil	N/A	Rupture/Leak				
50	15	N/A		Transformer oil	N/A	Rupture/Leak				
49A	16	N/A		Transformer oil	N/A	Rupture/Leak				
48	17	N/A		Transformer oil	N/A	Rupture/Leak				
65B	18	N/A		Transformer oil	N/A	Rupture/Leak				
65D	19	N/A		Transformer oil	N/A	Rupture/Leak				
65D	20	N/A		Transformer oil	N/A	Rupture/Leak				
68	21	N/A		Transformer oil	N/A	Rupture/Leak				

Storage Unit							Secondary Containment			
Area ID	Oil Storage *Container* ID	*Container* Type/ Design Standard/ Fabrication	Designed Storage Capacity Volume (gallons)	Material Stored	Largest *Container* ID	Type of Worst Case Failure	Total Net Containment Volume Available (gallons) (a)*	Inches of freeboard allowed for precipitation (in addition to 100 % of the largest tank)**	Type of containment and indication of ability to contain oil	Predicted Direction and Rate of Spill Flow if Uncontained
Electrical Transformers with Oil-Containing Reservoirs (Continued)										
68	22	N/A	(b) (7)(F), (b) (3)	Transformer oil	N/A	Rupture/Leak	(b) (7)(F), (b) (3)	N/A	Sufficiently impervious diversionary system to API oil/water separator provided to satisfy 40 CFR 112	N/A - sufficient secondary containment provided
70	23	N/A		Transformer oil	N/A	Rupture/Leak				
72	24	N/A		Transformer oil	N/A	Rupture/Leak				
118	25	N/A		Transformer oil	N/A	Rupture/Leak				
112	26	N/A		Transformer oil	N/A	Rupture/Leak				
113	27	N/A		Transformer oil	N/A	Rupture/Leak				
95	28	N/A		Transformer oil	N/A	Rupture/Leak				
94	29	N/A		Transformer oil	N/A	Rupture/Leak				
99	30	N/A		Transformer oil	N/A	Rupture/Leak				
97	31	N/A		Transformer oil	N/A	Rupture/Leak				
222	32	N/A		Transformer oil	N/A	Rupture/Leak				
229	33	N/A		Transformer oil	N/A	Rupture/Leak				
224B	34	N/A		Transformer oil	N/A	Rupture/Leak				
75	35	N/A		Transformer oil	N/A	Rupture/Leak				
78	36	N/A		Transformer oil	N/A	Rupture/Leak				
80	37	N/A		Transformer oil	N/A	Rupture/Leak				
87	38	N/A		Transformer oil	N/A	Rupture/Leak				
88	39	N/A		Transformer oil	N/A	Rupture/Leak				
89	40	N/A		Transformer oil	N/A	Rupture/Leak				
90	41	N/A		Transformer oil	N/A	Rupture/Leak				
73-74	42	N/A		Transformer oil	N/A	Rupture/Leak				
66	43	N/A		Transformer oil	N/A	Rupture/Leak				
65	44	N/A		Transformer oil	N/A	Rupture/Leak				

NOTES:
Area ID numerical designation for electrical transformers represents pole number as identified on Figure 2.
*(a) and (b) - as calculated per attached worksheets
**25-year, 24-hour rain event for this facility [source: http://www.srh.noaa.gov/lub/wx/precip_freq/precip_index.htm]: 10 inches
*** - Tanks 350-25, 350-26, 350-27, 350-30, 350-31, 350-32, 350-33, 350-34 are currently being constructed.

Oiltanking

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	Containment Wall Height	Inside Dike Containment Area Available*		Net Containment Volume Available (a)	Available freeboard (b)	
100N	(b) (7)(F), (b) (3)	371,296	sq.ft.	(b) (7)(F), (b) (3)	25.3	inches
100S		308,622	sq.ft.		54.1	inches
200N		633,404.00	sq.ft.		38.3	inches
200S		613,096.00	sq.ft.		38.3	inches
300/400		608,254.00	sq.ft.		10.4	inches
500		39,215.00	sq.ft.		33.4	inches
B/C/D		507,980.00	sq.ft.		14.6	inches

AREA 100N

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	300-1	Vertical; API 650	Crude oil	200	(b) (7)(F), (b) (3)			
	300-2	Vertical; API 650	Crude oil	200				
	260-5	Vertical; API 650	Crude oil	183				
	260-6	Vertical; API 650	Crude oil	183				
	80-10	Vertical; API 650	Refined petroleum	100				
	200-11	Vertical; API 650	Crude oil	160				
V_d								

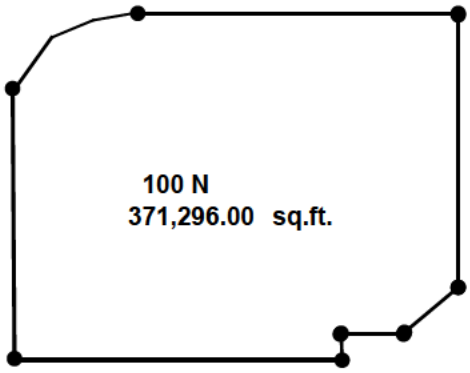
SECONDARY CONTAINMENT SYSTEM INFORMATION

Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	371,296 sq.ft.	(b) (7)(F), (b) (3)	25.3 inches

**Available containment area is based on the Oiltanking Houston L.P. General Layout, Drawing No. 1162-2-010, Rev. Date 03/15/2012.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"



AREA 100S

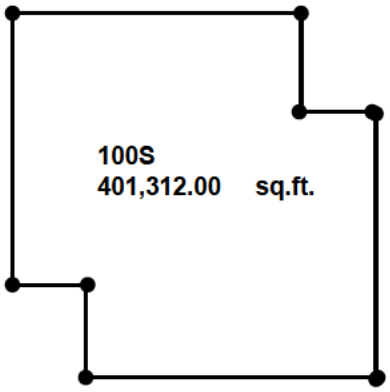
	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	300-3	Vertical; API 650	Crude oil	200	(b) (7)(F), (b) (3)			
	300-4	Vertical; API 650	Crude oil	200				
	80-7	Vertical; API 650	Crude oil	100				
	200-8	Vertical; API 650	Crude oil	16				
	150-9	Vertical; API 650	Refined petroleum	138				
	80-12	Vertical; API 650	Crude oil	100				
	R8-1	Vertical; API 650	Crude oil	40				
	R8-2	Vertical; API 650	Crude oil	40				
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION			
Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	401,312 sq.ft.	(b) (7)(F), (b) (3)	54.1 inches

**Available containment area is based on the Oiltanking Houston L.P. General Layout, Drawing No. 9020-D-127, Rev. Date 05/14/08.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"



AREA 200N

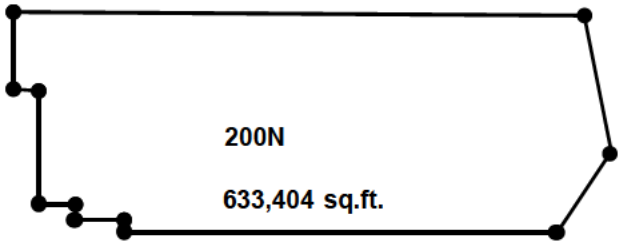
	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
	200-20	Vertical; API 650	Refined petroleum	160	(b) (7)(F), (b) (3)			
	300-21	Vertical; API 650	Refined petroleum	200				
	265-28	Vertical; API 650	Refined petroleum	178				
V_{AST}	390-23	Vertical; API 650	Refined petroleum	217				
	390-24	Vertical; API 650	Refined petroleum	217				
	390-25	Vertical; API 650	Refined petroleum	217				
	390-26	Vertical; API 650	Refined petroleum	217				
	390-27	Vertical; API 650	Refined petroleum	217				
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION			
Containment Wall Height	Inside 200N Dike Containment Area Available*	Net Containment Volume Available (200N & 200S & 600) (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	633,404 sq.ft.	(b) (7)(F), (b) (3)	38.3 inches*

**Available containment area is based on the Oiltanking Houston L.P. Drainage System General Layout, Drawing No. 1039-2-002, Rev. A Date 04/24/12, and indication by Oiltanking Engineering Department that internal floor elevations are effectively level across each area as well as the top of all containment walls being at the same elevation. The 200N, 200S, and 600 Area tank farms are hydraulically connected via in ground sumps and piping.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"



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AREA 200S

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
	300-22	Vertical; API 650	Refined petroleum	200	(b) (7)(F), (b) (3)			
V_{AST}	390-30	Vertical; API 650	Refined petroleum	217				
	390-31	Vertical; API 650	Refined petroleum	217				
	390-32	Vertical; API 650	Refined petroleum	217				
	390-33	Vertical; API 650	Refined petroleum	217				
	390-34	Vertical; API 650	Refined petroleum	217				
	390-35	Vertical; API 650	Refined petroleum	217				
	390-36	Vertical; API 650	Refined petroleum	217				
V_d								

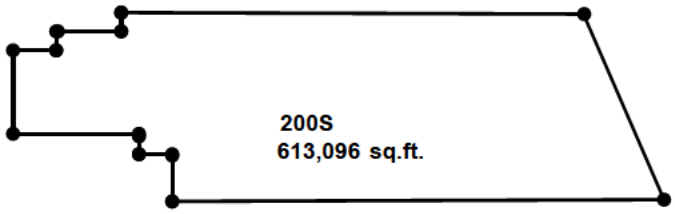
SECONDARY CONTAINMENT SYSTEM INFORMATION

Containment Wall Height	Inside 200S Dike Containment Area Available*	Net Containment Volume Available (200N & 200S & 600) (a)	Available freeboard (b)*
(b) (7)(F), (b) (3)	613,096 sq.ft.	(b) (7)(F), (b) (3)	38.3 inches

**Available containment area is based on the Oiltanking Houston L.P. General Layout, Drawing No. 1039-2-002, Rev. A Date 04/24/12, and indication by Oiltanking Engineering Department that internal floor elevations are effectively level across each area as well as the top of all containment walls being at the same elevation. The 200N, 200S, and 600 Area tank farms are hydraulically connected via in ground sumps and piping. Additional containment is provide by the inplant drainage systems and oil water separators. Refer to Section 9.1 of the ICP "Facility Drainage".*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"



AREA 300/400

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	250-50	Vertical; API 650	Refined petroleum	182	(b) (7)(F), (b) (3)			
	200-51	Vertical; API 650	Refined petroleum	160				
	250-52	Vertical; API 650	Refined petroleum	182				
	200-53	Vertical; API 650	Refined petroleum	160				
	100-54	Vertical; API 650	Refined petroleum	116				
	100-55	Vertical; API 650	Refined petroleum	116				
	200-56	Vertical; API 650	Refined petroleum	160				
	200-57	Vertical; API 650	Refined petroleum	160				
	200-58	Vertical; API 650	Refined petroleum	160				
	150-59	Vertical; API 650	Refined petroleum	144.5				
	100-60	Vertical; API 650	Refined petroleum	116				
	100-61	Vertical; API 650	Refined petroleum	116				
	80-62	Vertical; API 650	Refined petroleum	100				
	100-63	Vertical; API 650	Refined petroleum	116				
	80-64	Vertical; API 650	Refined petroleum	100				
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION

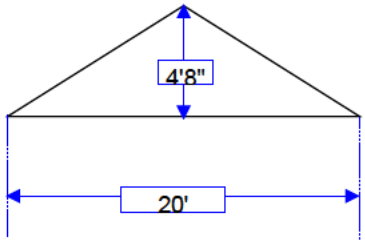
Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard* (b)
(b) (7)(F), (b) (3)	608,254 sq.ft.	(b) (7)(F), (b) (3)	10.4 inches

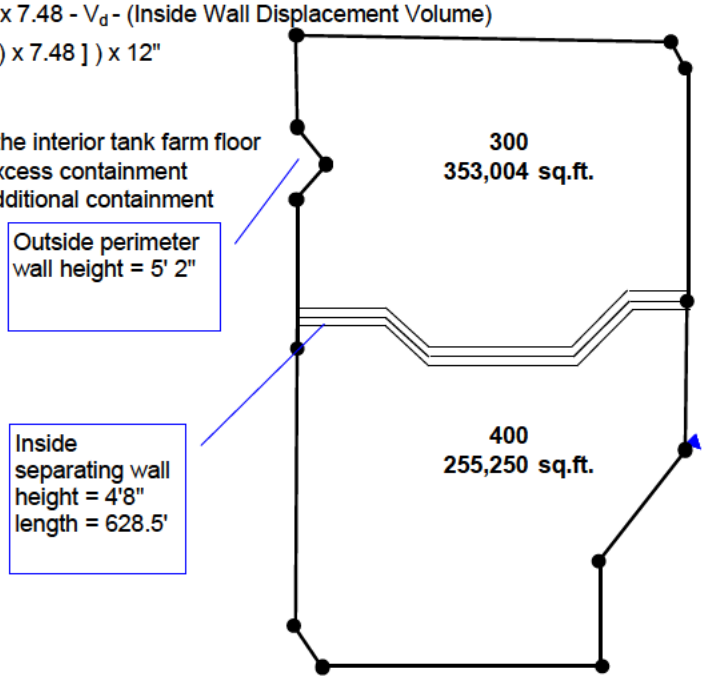
**Available containment area is based on the Oiltanking Houston L.P. General Layout, Drawing No. 9020-D-127, Rev. Date 05/14/08. The 300 and the 400 Area tank farms are hydraulically connected via in ground sumps and piping.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d - (Inside Wall Displacement Volume)

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"

* Additional capacity is available but not calculated here as the interior tank farm floor slopes toward the center with a 2 foot elevation drop, and excess containment volume is available above the sloped earthen dike walls. Additional containment is provide by the inplant drainage systems and oil water separators. Refer to Section 9.1 of the ICP "Facility Drainage".





AREA 500

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	501	Vertical; API 650	Refined petroleum	48	(b) (7)(F), (b) (3)			
	502	Vertical; API 650	Refined petroleum	48				
	Slop tnk 1	Vertical; API 650	Refined petroleum	14				
	Auto 1	Vertical; API 650	Gasoline/ diesel	12				
	Auto 2	Vertical; API 650	Gasoline/ diesel	12				
V_d								

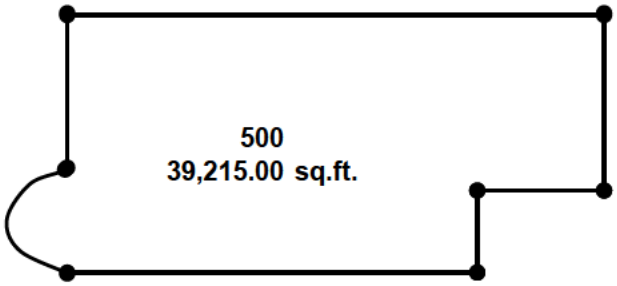
SECONDARY CONTAINMENT SYSTEM INFORMATION

Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	39,215.00 sq.ft.	(b) (7)(F), (b) (3)	33.4 inches

**Available containment area is based on the Oiltanking Houston L.P. General Layout, Drawing No. 1162-2-010, Rev. Date 03/15/2012.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"



AREA 600

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	275-70	Vertical; API 650	Refined petroleum	182	(b) (7)(F), (b) (3)			
	275-71	Vertical; API 650	Refined petroleum	182				
	275-72	Vertical; API 650	Refined petroleum	182				
	275-73	Vertical; API 650	Refined petroleum	182				
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION

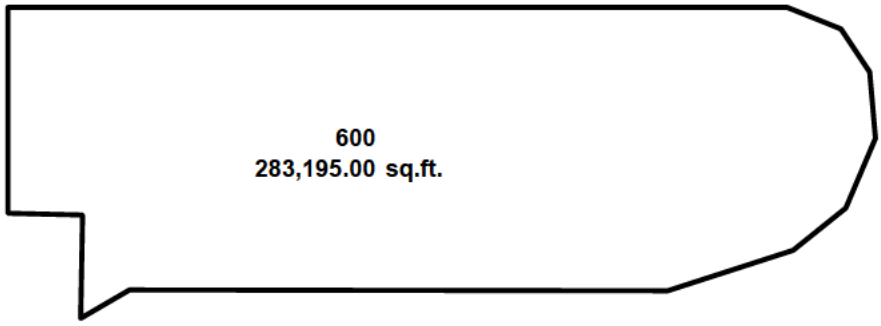
Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (200N & 200S & 600)	Available freeboard (b)
(b) (7)(F), (b) (3)	283,195.00 sq.ft.	(b) (7)(F), (b) (3)	**38.3 inches**

**Available containment area is based on the Oiltanking Houston L.P. General Layout, Drawing No. 1164-2-002, Rev. 2 Dated 03/15/13, and indication by Oiltanking Engineering Department that internal floor elevations are effectively level across each area as well as the top of all containment walls being at the same elevation. The 200N, 200S, and 600 Area tank farms are hydraulically connected via in ground sumps and piping.*

** Effective wall height is conservatively calculated as difference between the highest floor elevation and the lowest exterior wall elevation.

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"



AREA C/D

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall	Displacement Volume, gal.
	D-1	Vertical; API 650	Refined petroleum	12	(b) (7)(F), (b) (3)			
	D-2	Vertical; API 650	Refined petroleum	12				
	80-1	Vertical; API 650	Refined petroleum	110				
	80-2	Vertical; API 650	Refined petroleum	110				
	80-3	Vertical; API 650	Refined petroleum	110				
	80-4	Vertical; API 650	Refined petroleum	110				
	B30-10	Vertical; API 650	Refined petroleum	67				
	30-13	Vertical; API 650	Refined petroleum	67				
	27-14	Vertical; API 650	Refined petroleum	62				
	27-15	Vertical; API 650	Refined petroleum	62				
V_{AST}	150-40	Vertical; API 650	Refined petroleum	138				
	150-41	Vertical; API 650	Refined petroleum	138				
	150-42	Vertical; API 650	Refined petroleum	138				
	80-43	Vertical; API 650	Refined petroleum	100				
	80-44	Vertical; API 650	Refined petroleum	100				
	80-45	Vertical; API 650	Refined petroleum	100				
	80-46	Vertical; API 650	Refined petroleum	100				
	100-47	Vertical; API 650	Refined petroleum	116				
	100-48	Vertical; API 650	Refined petroleum	116				
	100-49	Vertical; API 650	Refined petroleum	116				
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION

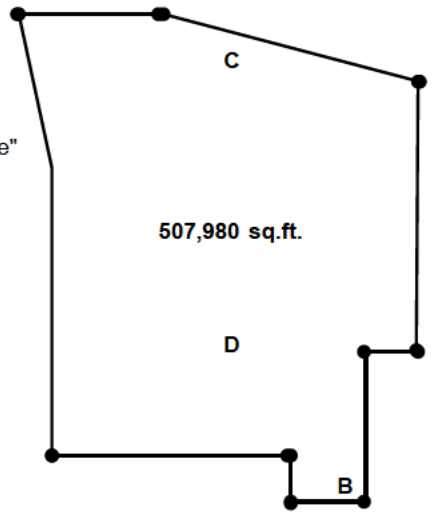
Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	507,980 sq.ft.	(b) (7)(F), (b) (3)	14.6 inches*

**Available containment area is based on the Oiltanking Houston L.P. General Layout, Drawing No. 9020-D-127, Rev. Date 05/14/08.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"

* - Additional containment is provided by the inplant drainage systems and the oil water separators. Refer to Section 9.1 of the ICP "Facility Drainage"



NORTH FIRE PUMP

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Length, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	Tank 1	Horizontal	Diesel Fuel	3.08	6.166	(b) (7)(F), (b) (3)		
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION

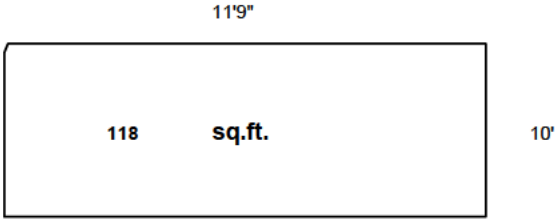
Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	118 sq.ft.	(b) (7)(F), (b) (3)	NA inches

**Available containment area is based on 01/03/07 field measurements.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"

* - The containment wall height is currently 2 inches and will be raised to 5 inches by 01/17/09.



Tank is inside a building so precipitation is excluded

SOUTH FIRE PUMP

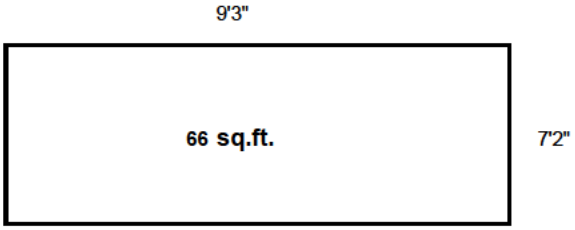
	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	Tank 2	Horizontal	Diesel Fuel	3.08	(b) (7)(F), (b) (3)			
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION			
Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	66 sq.ft.	(b) (7)(F), (b) (3)	5.7 inches

**Available containment area is based on 01/03/07 field measurements. 5.5 inches is the 25 yr 3 hr rainfall event for this area. OHI operational procedures will ensure that this containment area be visually inspected for any signs of leak immediately following every rainfall event with the potential to cause precipitation accumulation greater or equal than 5.5 inches..*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"



FILL STATION

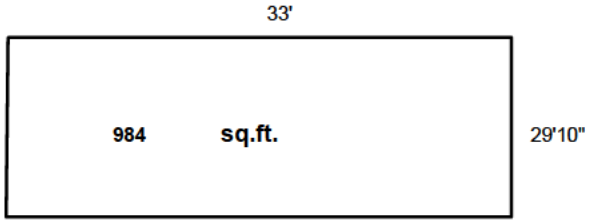
	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	Tank 3	Horizontal	Diesel Fuel	3.08	(b) (7)(F), (b) (3)			
V_d							Total Displacement Volume:	-

SECONDARY CONTAINMENT SYSTEM INFORMATION			
Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	984 sq.ft.	(b) (7)(F), (b) (3)	15.8 inches

**Available containment area is based on 01/03/07 field measurements.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"



TANK TRUCK RACK STORAGE AREA

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
	TT-1	Vertical; API 650	Gasoline/diesel	12	(b) (7)(F), (b) (3)			
	TT-2	Vertical; API 650	Gasoline/diesel	12				
V_{AST}	TT-3	Vertical; API 650	Gasoline/diesel	12				
	TT-4	Vertical; API 650	Gasoline/diesel	12				
	TT-5	Vertical; API 650	Gasoline/diesel	12				
	TT-6	Vertical; API 650	Gasoline/diesel	12				
V_d								

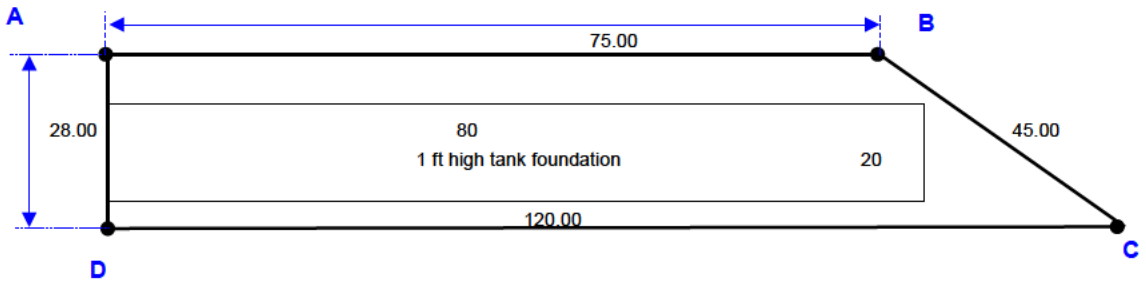
SECONDARY CONTAINMENT SYSTEM INFORMATION

Wall Segment	Length, ft	Wall Height, ft	Area*, sq.ft.	Gross volume, gal.	Net Containment Volume Available (a)	Inches of freeboard, in.** (b)
AB	75.00	(b) (7)(F), (b) (3)	2,593	(b) (7)(F), (b) (3)		0.9
BC	45.00					
CD	120.00					
DA	28.00					

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"

* - The shape below is an approximation of the volume of the secondary containment, as field measured on 01/03/07.
** Additional containment is provided by the inplant drainage systems and the oil water separators. Refer to Section 9.1 of the ICP "Facility Drainage".



LOADING/UNLOADING RACKS

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Displacement Volume, gal.
V_{AST}	Tank Truck	N/A	Varies			(b) (7)(F), (b) (3)	
V_d						Total Displacement Volume:	0
	SECONDARY CONTAINMENT SYSTEM INFORMATION						
	Width, ft	Length, ft	Height, ft	Containment Type		Net Containment Volume Available* (a)	Inches of freeboard, in. (b)
	80.00	80.00	(b) (7)(F), (b) (3)	Concrete foundation with 6" concrete curb		(b) (7)(F), (b) (3)	4.69

*Additional containment volume is provided by means of diversionary system to API oil/water separator. The separator main discharge valve remains closed during normal operating hours.

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Displacement Volume, gal.
V_{AST}	Rail Car	N/A	Varies			(b) (7)(F), (b) (3)	
V_d						Total Displacement Volume:	0
	SECONDARY CONTAINMENT SYSTEM INFORMATION						
	Width, ft	Length, ft	Height, ft	Containment Type		Net Containment Volume Available** (a)	Inches of freeboard, in. (b)
	11.50	74.00	(b) (7)(F), (b) (3)	Diversionary system to API oil/water separator		(b) (7)(F), (b) (3)	88.30

**The separator main discharge valve remains closed during normal operating hours.

(a) Net Containment Volume = (Width x Length x Height) x 7.48 - V_d

(b) Inches of Freeboard Available = ([(a) - V_{AST}] / [Width x Length x 7.48]) x 12"

Oiltanking
Health Safety and Environment

Appelt Terminal
DOT-PHMSA Regulated Breakout Tanks
OIL STORAGE CAPACITY AND CONTAINMENT

Document: 2720017.icp rev12.xls
Version: 2.0
Page: 1 of 3
Prepared by: The WCM Group, Inc.

Storage Unit							Secondary Containment			
Area ID	Oil Storage *Container* ID***	*Container* Type/ Design Standard/ Fabrication	Designed Storage Capacity Volume (gallons)		Largest *Container* ID	Type of Worst Case Failure	Total Net Containment Volume Available (gallons) (a)*	Inches of freeboard allowed for precipitation (in addition to 100 % of the largest tank)**	Type of containment and indication of ability to contain oil	Predicted Direction and Rate of Spill Flow if Uncontained
Aboveground Bulk Oil Storage										
East Tank Farm	210-116	Vertical; API 649	(b) (7)(F), (b) (3)	Crude oil	210-116	Rupture/Leak	(b) (7)(F), (b) (3)	34.1	Sufficiently impervious earthen dike; 9.8' high	N/A - sufficient secondary containment provided
	210-117	Vertical; API 650		Crude oil						
	210-118	Vertical; API 650		Crude oil						
	210-119	Vertical; API 650		Crude oil						
	210-120	Vertical; API 650		Crude oil						
	390-102	Vertical; API 650		Crude oil						
	390-103	Vertical; API 650		Crude oil						
	390-104	Vertical; API 650		Crude oil						
	390-105	Vertical; API 650		Crude oil						
	390-112	Vertical; API 650		Crude oil						
	390-113	Vertical; API 650		Crude oil						
	390-114	Vertical; API 650		Crude oil						
West Tank Farm	390-106	Vertical; API 650		Crude oil	390-106	Rupture/Leak		27.9	Sufficiently impervious earthen dike; 10.6' high wall	N/A - sufficient secondary containment provided
	390-107	Vertical; API 650		Crude oil						
	390-108	Vertical; API 650		Crude oil						
	390-109	Vertical; API 650		Crude oil						
	390-110	Vertical; API 650		Refined petroleum						
	320-111	Vertical; API 650		Crude oil						

NOTES:
*(a) and (b) - as calculated per attached worksheets
**25-year, 24-hour rain event for this facility [source: http://www.srh.noaa.gov/lub/wx/precip_freq/precip_index.htm]: 10 inches
*** Tanks are currently being constructed.

Oiltanking Health Safety and Environment	Spill Prevention Control and Countermeasure Plan	Document: 2720017.icp rev12.doc Version: 2.0 Page: 2 of 3 Prepared by: The WCM Group, Inc.

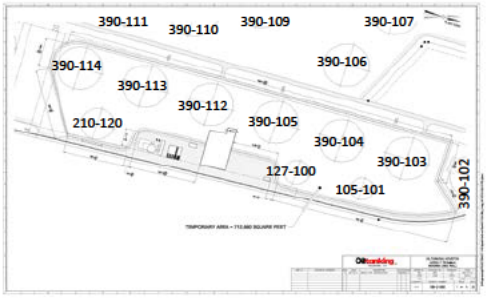
EAST TANK FARM

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
	105-101	Vertical; API 646	Crude oil	112	(b) (7)(F), (b) (3)	[redacted]		
	127-100	Vertical; API 647	Crude oil	123				
	210-115	Vertical; API 648	Crude oil	158				
V_{AST}	210-116	Vertical; API 649	Crude oil	158				
	210-117	Vertical; API 650	Crude oil	158				
	210-118	Vertical; API 650	Crude oil	158				
	210-119	Vertical; API 650	Crude oil	158				
	210-120	Vertical; API 650	Crude oil	158				
	390-102	Vertical; API 650	Crude oil	216				
	390-103	Vertical; API 650	Crude oil	216				
	390-104	Vertical; API 650	Crude oil	216				
	390-105	Vertical; API 650	Crude oil	216				
	390-112	Vertical; API 650	Crude oil	216				
	390-113	Vertical; API 650	Crude oil	216				
	390-114	Vertical; API 650	Crude oil	216				
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION

Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	1,165,749 sq.ft.	(b) (7)(F), (b) (3)	34.1 inches

**Available containment is based on the Oiltanking Appelt Terminal Drawing No. 1119-2-049_B, Rev. Date 06/14/2013, and indication by Oiltanking Engineering Department that internal floor elevations and wall heights will effectively be level across the area.*



(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"

Initial Interim Containment for Tanks 390-103, 390-104, 390-105, 390-112, 390-113, 390-114, 105-101, 127-100, & 210-120:

= 712,649 sq.ft. area
= 21,905,493 gallons (net containment)
= 12 inches of freeboard in addition to Tank 390-103

WEST TANK FARM

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	390-106	Vertical; API 650	Crude oil	216	(b) (7)(F), (b) (3)			
	390-107	Vertical; API 650	Crude oil	216				
	390-108	Vertical; API 650	Crude oil	216				
	390-109	Vertical; API 650	Crude oil	216				
	390-110	Vertical; API 650	Refined petroleum	216				
	320-111	Vertical; API 650	Crude oil	195				
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION

Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	801,440 sq.ft.	(b) (7)(F), (b) (3)	27.9 inches

**Available containment is based on the Oiltanking Appelt Terminal Drawing No. 1119-2-049_B, Rev. Date 06/14/2013, and indication by Oiltanking Engineering Department that internal floor elevations and wall heights will be level across the area.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

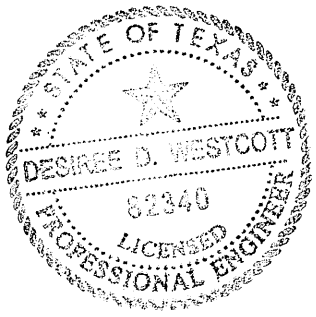
(b) Inches of Freeboard = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"

PROFESSIONAL ENGINEER'S CERTIFICATION

I hereby certify that I have visited and examined Oiltanking Houston, L.P., a commercial independent liquid crude oil and refined petroleum products storage and transfer facility, located at 15602 Jacintoport Boulevard, Houston, Harris County, Texas and, being familiar with the provision of the SPCC rule 40 CFR Part 112, attest that this ICP Plan has been prepared in accordance with Good Engineering Practices, including consideration of applicable industry standards, that procedures for required inspections and testing have been established, and that this Plan is adequate for the facility.

Desireé Westcott — October 18, 2013

Desireé D. Westcott — Date
Professional Engineer
State of Texas Registration Number 82340
The WCM Group, Inc. – TBPE Registration No. F-109



ATTACHMENT C

DISCHARGE INFORMATION REPORT FORM; AIR UPSET NOTIFICATION FORM FOR REPORTABLE EVENTS; HAZARDOUS LIQUID PIPELINE SYSTEM ACCIDENT REPORT AND PHONE NOTIFICATION LOG SHEET

DISCHARGE INFORMATION SHEET

INVOLVED PARTIES

A. Reporting Party	B. Suspected Responsible Party
Name:_____	Name:_____
Phone:_____	Phone:_____
Company:_____	Company:_____
Position:_____	Organization Type (check appropriate line):
Address:_____	☐ Private Citizen ☐ Private Enterprise
City:_____	☐ Public Utility ☐ Other
State:_____ Zip:_____	☐ Government: Local ☐ State ☐ Federal ☐
Person Discovering Discharge:	Address:_____
Name:_____	_____
Company/Org.:_____	City, State, Zip:_____

Were materials released? ☐ Yes ☐ No Explosion? ☐ Yes ☐ No

Is responsible party aware of the incident? ☐ Yes ☐ No Fire? ☐ Yes ☐ No

INCIDENT DESCRIPTION: (fill in or indicate source, cause, and on-site location of incident)

Date: Time:

Incident Address/Location:

If in remote locale, indicate distance from the nearest town/city:

Source of Release (if known):

Storage Tank Total Capacity:

Lat:___Degrees_____Minutes _____Seconds Long:_____Degrees_____Minutes _____ Seconds

MATERIAL(S) RELEASED:	Is MSDS Included? Yes/No	Qty Released on Land	Qty Released in Water

REMEDIAL ACTION: (Actions taken to correct or mitigate incident, if any)

Indicate here if information provided on additional sheets: ☐

IMPACT:

Were there Injuries? ☐ YES ☐ NO ☐ Unknown Number of injuries:_____

Were there Fatalities? ☐ YES ☐ NO ☐ Unknown Number of fatalities:_____

Were there Evacuations? ☐ YES ☐ NO ☐ Unknown Number evacuated:_____

Was there any Damage? ☐ YES ☐ NO ☐ Unknown Damage in Dollars: $_____

WEATHER INFORMATION

Weather Conditions:_____ Wind Speed:_____

Air Temperature:_____ Wind Directions:_____

ADDITIONAL INFORMATION (Anything pertinent not reported elsewhere in the report):

Indicate here if information provided on additional sheets: ☐

CALLER NOTIFICATIONS (Remember**: It Is Not Necessary To Wait For All Information Before Calling The National Response Center):**

☐ NRC: **800-424-8802** ☐ TGLO: **800-832-8224** ☐ EPA Region VI: **866-372-7745**

☐ LEPC: **281-457-2768** ☐ USCG: **713-671-5100** ☐ Fire/Police Department: **911**

☐ TRRC: **512-463-6788** ☐ TCEQ Region 12: **713-767-1500** ☐ Harris Co.: **713-920-2831**

When making phone notifications, keep a log of all calls made.

Copy this form as needed. Retain completed records on-site.

NOTIFICATION CALL LOG FORM

DATE:______________________________TIME:____________________
AGENCY:____________________________PHONE NUMBER:_(___)___________
AGENCY PERSON CONTACTED:_________________________________
SIGNATURE OF PERSON MAKING CONTACT:_______________________
NOTES/COMMENTS (IF ANY):_________________________________

DATE:______________________________TIME:____________________
AGENCY:____________________________PHONE NUMBER:_(___)___________
AGENCY PERSON CONTACTED:_________________________________
SIGNATURE OF PERSON MAKING CONTACT:_______________________
NOTES/COMMENTS (IF ANY):_________________________________

DATE:______________________________TIME:____________________
AGENCY:____________________________PHONE NUMBER:_(___)___________
AGENCY PERSON CONTACTED:_________________________________
SIGNATURE OF PERSON MAKING CONTACT:_______________________
NOTES/COMMENTS (IF ANY):_________________________________

DATE:______________________________TIME:____________________
AGENCY:____________________________PHONE NUMBER:_(___)___________
AGENCY PERSON CONTACTED:_________________________________
SIGNATURE OF PERSON MAKING CONTACT:_______________________
NOTES/COMMENTS (IF ANY):_________________________________

Texas Commission on Environmental Quality
Reportable Event/Activity Notification/Reporting Form

Submittal Type	**Initial Notification**		**Final Report**		**Agency Use Only** • •	**Incident #**		**Investigation #**	
Name of Owner or Operator								**RN/ Air Acct #**	
Physical Location *(how to get to location of release; may also include site name)*									

Process Unit or Area Common Name			
Facility Common Name *(where air contaminants were generated)*		**Emission Point Common Name** *(where emissions were released to air)*	
Facility Identification Number (FIN)		**Emission Point Number (EPN)**	

This Event/ Activity Type ***(Indicate one)***	**Emissions Event**		**Sch. Maintenance**		**Sch. Startup**		**Sch. Shutdown**		**Excess Opacity Event**						
	Date / Time Event Discovered or Scheduled Activity Start ***(e.g., 9/12/02 @ 13:21)***		**mm**	**dd**	**yy**	**@**	**hh**	**mm**	**Event Duration** ***(hh:mm:sec)***		**hh**	**mm**	**sec**		

List of Compound Descriptive Type(s) of Individually Listed or Mixtures of Air Contaminant Compounds Released, Including opacity *(See the notification and reporting requirements under 30 TAC §§ 101.201 and 101.211 for detailed information related to how to report compounds and opacity. See also 30 TAC §101.1(84))*. Use attachments if necessary to report additional contaminants.	**Estimated Total Quantity for Air Contaminants for Emissions/ Opacity Value for Opacity**	**Units**	**Authorized Emissions Limit / Opacity Limit**	**Units**	**Authorization (rule or permit #)**

Cause of Emissions Event or Excess Opacity Event, or Reason for Scheduled Activity:

Actions Taken, or Being Taken, to Minimize Emissions and/or Correct the Situation:

Basis Used to Determine Quantities and Any Additional Information Necessary to Evaluate the Event:

Person Making Notification/ Date and Time		**Phone**	
Incident Contact Person		**Phone/ E-mail**	
Jurisdiction(s) Notified			

Texas Commission on Environmental Quality

Notifications are required to be submitted to the TCEQ regional office *and* any appropriate local air pollution control agency whose jurisdiction includes the site experiencing the event *(See 30 TAC §§101.201(a)(1)(B) and 101.211(a)).* Final reports are required to be submitted to the appropriate TCEQ regional office.

Regional Offices

No. Region

1. **Amarillo:**
3918 Canyon Drive
Amarillo, Texas 79109-4933
FAX: 806/358-9545

2. **Lubbock:**
4630 50th, Suite 600
Lubbock, Texas 79414-3520
FAX: 806/796-7107

3. **Abilene:**
1977 Industrial Blvd
Abilene, Texas 79602-7833
FAX: 915/692-5869

4. **Fort Worth:**
2301 Gravel Drive
Fort Worth, Texas 76118
FAX: 817/588-5702

5. **Tyler:**
2916 Teague
Tyler, Texas 75701
FAX: 903/595-1562

6. **El Paso:**
401 E. Franklin Ave, St 560
El Paso, Texas 79901-1206
FAX: 915/834-4940

No. Region

7. **Midland:**
3300 North A St
Bldg A, Ste 107
Midland, Texas
FAX: 915/570-4795

8. **San Angelo:**
622 S. Oakes, St K
San Angelo, Texas 76903-7013
FAX: 915/658-5431

9. **Waco:**
6801 Sanger Ave, Ste 2500
Waco, Texas 76710-7807
FAX: 254/772-9241

10. **Beaumont:**
3870 Eastex Frwy, Ste 110
Beaumont, Texas 77703
FAX: 409/892-2119

11. **Austin:**
1921 Cedar Bend, Ste 150
Austin, Texas 78758
FAX: 512/339-3795

No. Region

12. **Houston:**
5425 Polk, Ste H
Houston, Texas 77023-1423
FAX: 713/767-3799

13. **San Antonio:**
140 Heimer Rd, Ste 360
San Antonio, Texas 78232-5042
FAX: 210/545-4329

14. **Corpus Christi:**
Natural Resource Center
6300 Ocean Dr, Ste 1200
Corpus Christi, Texas 78412
FAX: 361-825-3101

15. **Harlingen:**
1804 W. Jefferson Ave.
Harlingen, Texas 78550-5287
FAX: 956/412-5059

16. **Laredo:**
1403 Seymour, Ste 2
Laredo, Texas 78040-8752
FAX: 956/791-6716

Local Programs

City of Dallas Department of Health and Human Services
320 E. Jefferson St
Dallas, Texas 75203
FAX: 214/948-4426

El Paso City-County Health and Environmental District
1148 Airways, Rm 155
El Paso, Texas 79925
FAX: 915/771-5714

Fort Worth Department of Environmental Management
5000 MLK Freeway
Fort Worth, Texas 76119-4166
FAX: 817/871-5464

Galveston County Health District
P.O. Box 939
La Marque, Texas 77568
FAX 409/938-2321

Houston Health and Human Services Department
7411 Park Place
Houston, Texas 77087
FAX: 713/640-4343

Instructions for Form TCEQ -10360-inst

Reportable Event/Activity Notification/Reporting Form

INTRODUCTION

These instructions along with the referenced form are provided as summary information only. Always refer to the most current version of the applicable rules when preparing and submitting any required information.

Always comply with all applicable legal provisions, including the rules relating to Emissions Events (EEs) , Excess Opacity Events (EOE), and Scheduled Maintenance, Startup and Shutdown (SMSSA) notification and reporting requirements which are found in the following sections of 30 TAC Chapter 101:

- §101.1, relating to Definitions;
- §101.201, relating to Emissions Event (Upset events and unscheduled maintenance, unscheduled startup and unscheduled shutdown activities) Reporting and Recordkeeping Requirements (this section also includes EOE information);
- §101.211 relating to Scheduled Maintenance, Scheduled Start-up and Scheduled Shutdown Reporting, Recordkeeping, and Recordkeeping Requirements and;
- §§101.221 & 101.222 respectively relating to Operational Requirements and Demonstrations.

These rules are available for download from the Secretary of State web page as follows:

http://info.sos.state.tx.us/pub/plsql/readtac$ext.ViewTAC?tac_view=3&ti=30&pt=1

WHEN, HOW, AND WHERE TO REPORT

When to submit Notifications and Reports

Companies with facilities experiencing reportable EEs, or EOEs are required to submit an initial notification **for each affected facility** not later than 24 hours after discovery of the "reportable" event in accordance with 30 TAC §§101.201(a)(2) or (e) . Note that the term 'facility' used in these rules refers to the term as defined in the Texas Clean Air Act (TH&SC §382.003(6)).

Companies expecting to perform certain maintenance, startup or shutdown activities are expected to submit a prior notification for the activity, as detailed in §101.211(a) **for each affected facility**. [Note: SMSSA which do not meet the definition of "scheduled maintenance, startup, or shutdown activity" in §101.1(86) are considered to be emissions events, and are subject to the reporting and recordkeeping requirements applicable to emissions events, set forth in § 101.201.]

A final report is required to be submitted within 2 weeks after the end of a reportable emissions event or a reportable scheduled MSS activity *(see 30 TAC §§ 101.201(c) and 101.211(c), respectively)*. Note that a single report may be used to satisfy both the initial and two week reporting requirements provided the report meets all deadlines and contains all the information required by both sets of requirements. In addition, because final reports for reportable emissions events are required to be submitted electronically after January 1, 2003, a single report submitted to comply with both the initial and final report requirements submitted after that date is required to be submitted electronically. The agency anticipates having the electronic reporting mechanism in place during the first calendar quarter of 2003; so beginning January 1, 2003 and continuing until the agency makes electronic reporting available, submittals are to be made by facsimile in accordance with the rules *(See 30 TAC §101.201(g))*.

How to submit Notifications and Reports

The agency's preferred way to notify or report is by facsimile copy utilizing this form. A faxed form is fast and provides a hard copy record of the notification or report for both the sender and recipient. The phase in of electronic reporting and notifications will begin during the first calendar quarter of 2003. At that time, electronic submittals will be via a web interface. E-mail will not meet the requirements of electronic reporting. You must be a registered user prior to making web-based submittal. See http://www.tnrcc.state.tx.us/permitting/forms/0710.pdf for instructions on how to get registered. Registered users will receive email updates on the web based reporting interface or you can get the updates and the time line for future releases of the web based reporting system at the following web page: http://www.tnrcc.state.tx.us/e-gov/events.html.

Note that after January 1, 2003, any time the agency web based reporting is unavailable due to TCEQ difficulties, submittals must be made by facsimile as allowed by 30 TAC §101.201(g). Consult 30 TAC 101.201(g) for details on electronic submittals.

Where to submit

Notifications are required to be submitted to the TCEQ

regional office *and* any appropriate local air pollution control agency whose jurisdiction includes the site experiencing the event or activity *(See 30 TAC §§101.201(a)(1)(B) and 101.211(a))*. Final resports are required to be submitted to the appropriate TCEQ regional office.

You can always get an up-to-date listing of the regional offices, including their mailing addresses, fax numbers and e-mail addresses, at the agency Web site:

http://www.TCEQ.state.tx.us/admin/directory/region/reglist html

WHAT TO REPORT: COMPLETING THIS FORM

Accuracy and Completeness are Important

General Directions for the Form

- Be as specific as you can, complying with the notification and reporting requirements is one of the conditions for receiving an exemption for the event or activity.
- If a field on the form does not apply to the specific situation at hand, mark it N/A.
- The form is designed to be used in an initial notification for an EE, an EOE , or a planned SMSSA or as a final report for EEs and SMSSAs.
- **Please be aware that the rule requires information related to each facility to be reported individually**. This form is designed for reporting information about *a single facility only. Events that affect multiple facilities will require submittal of multiple forms.*

Please note that there are distinct legal requirements for EEs, EOEs, and SMSSAs, and depending upon whether the submission is a notification or a report. Please refer directly to the applicable rules to ensure that your submission complies with all applicable legal requirements.

Field Specific Instructions
Each field on the form is described below:

Submittal Type
Mark an "x" in the appropriate box for the form's designation as either an initial notification or a final report For electronic reporting purposes, the TCEQ web interfaces (i.e. STEERS and public view query) will only identify initial notifications and final reports.

Name of Owner or Operator, Regulated Entity (RN)/Air Account (Acct) Number (#) , Physical Location, Process Unit or Area, Facility and Emission Point Common Names
Provide the name of the owner or operator of the site and the air account number. Note that the TCEQ Regulated Entity Number (RN) is preferred as this is the means by which the TCEQ currently identifies air sources. The designated RN must identically match and correspond with the provided information in TCEQ Central Registry. Most sources with historic air account numbers (e.g. GG1234X) will have a regulated entity number, and this number should also be listed. Sources with no historic air account number will only be issued a RN. Some situations will occur where the regulated entity does not have either a RN or a historic air account number. If that is the case, this space may be marked N/A. Note that final reports should contain the RN. Contact your regional office for information on how to obtain a RN.

The physical location is intended to provide the best description of a physical address or geographic location where unauthorized emissions occur or are expected to occur. Physical location should be sufficiently descriptive so that an interested party could find the site on which the facility involved in the event or activity can be found. The names for a process unit/area, facility and emission point are names or identifiers commonly used among site operations personnel to describe the general area at the site where the facility involved in the EE, EOE, or SMSSA is located. The facility is the source of the unauthorized emissions, while the emissions point is the point at which the unauthorized emissions escape into the atmosphere. The site name may also be included in this space.

Facility Identification Number (FIN) or Emission Point Number (EPN)
While not every facility or emission point has agency-established identifiers, submittal of such numbers for facilities and emission points with relevant agency established identification numbers is required under 30 TAC §§101.201 and 101.211 when making appropriate submissions. Agency established identifiers are typically assigned during the permitting or emissions inventory processes. Consult the permit for permitted facilities to find the FIN and EPN. If the site is subject to the emissions inventory requirements of 30 TAC §101.10 and if the facility involved in the event is required to be listed in the emissions inventory for the site, provide the FIN and the EPN, for the emissions specific point of origin. The Industrial Emissions Assessment Section of the TCEQ at (512) 239-1773 can answer general questions about the emissions inventory requirements. Their Website is as follows:

http://www.tceq.state.tx.us/air/aqp/psei.html

(If the unit involved in the event does not have agency

established FIN's and EPN's then put N/A.)

Examples of identifying a source involved in an event follow:

Example 1

A site, subject to emissions inventory requirements, with a process commonly known as the "Coating Area" and with a coatings line commonly known as "line A" that is listed in the air permit number 12345 needs to identify the source. In the emissions inventory for that site, the FIN is listed as "LINEA" and an EPN called "INCINA". If unauthorized emissions occurred related to this site and involved emissions from this process due to incinerator malfunction then the identifications are as follows:

Process Unit Common Name:
Coating Area
Facility Common Name:
Line A
Emission Point Common Name:
Incinerator A
FIN: LINEA **EPN:** INCINA

Example 2

A site with a process unit named "Mayfair Compressor Station" which is *not* subject to emissions inventory requirements and has a compressor engine, "Engine 4," needs to identify the facility where an unauthorized release occurred through the Common Blowdown vent. The facility identification will be as follows:

Process Unit/Area Common Name:
Mayfair Compressor Station
Facility Common Name:
Engine 4
Emission Point Common Name:
Common Blowdown vent
FIN: N/A **EPN:** N/A

The Event / Activity Type
Please indicate the type of event or activity for which unauthorized emissions notification or reporting is being given by placing an 'x' appropriately.

Date and Time
Note: use the 24 hour clock (military time) to mark time.

The rules require that an *estimate* of the time of discovery and duration be provided, but if actual time is known, please provide that.

For emissions events and excess opacity events requiring notification, enter the date and time the incident was discovered.

For scheduled maintenance, startup or shutdown for which prior notification is being submitted, enter the date and time the activity is expected to begin.

For final records of a scheduled maintenance, startup or shutdown activity which has started or is completed, enter the date and time the activity actually started.

Duration of Event
Please indicate the duration of event as required by the rules. Use total hours and minutes. For events that last less than one minute use the seconds section, otherwise, disregard.

List of Compound Descriptive type(s) of Individually Listed or Mixtures of Air Contaminant Compounds Released, Including Opacity

Include in this field the compounds or mixtures released (or anticipated to be released) during this event or activity. The listed material should conform with those compounds and mixtures listed in the definition of reportable quantity (RQ), 30 TAC §101.1(84).

An EE or SMSSA initial *notification* requires that **each** air contaminant or air contaminant compound or mixture that was actually released or are expected to be released in amounts ***equal to or above the reportable quantity*** must be listed individually. Note that certain boilers and combustion turbines referenced in the definition of RQ's in 30 TAC §101.1(84), pursuant to 30 TAC §101.201(b)(3) and facilities with only an excess opacity event or activity need only to list opacity in the notification. (With reference to opacity, see also "Special Note on Events Involving Opacity" below.)

An EE and SMSSA submittal that constitutes a *final report* under the rules requires that ***all*** compounds or mixtures released to the atmosphere must be reported. The quantity value required to be reported is the quantity above zero, not the quantity above any applicable limit that may be imposed through rule or permit. If necessary, use additional sheets to report each compounds or mixtures that were released.

Estimated Total Quantity for Air Contaminants for Emissions/ Opacity Value for Opacity
When addressing emissions, report the total quantity of material released due to the event or activity. ***Report total quantity of material released, not only the quantity of material released above any authorized limits that may exist.*** When estimating emissions one should use monitoring data when that is available. When actual monitored data is not available, then estimation techniques consistent with that

used in the preconstruction authorization application for the facility is next best, followed by the current emissions inventory guidance. In all cases, good engineering methodology is expected. Air contaminants must be reported in pounds.

Reporting Opacity

Note that opacity is generally measured in terms of percent of light blocked by (i.e., not allowed to transmit through) the emissions plume due to the non-moisture related air contaminants in that plume. A perfectly clear plume would normally have "0" % opacity, whereas a completely opaque plume (i.e., no light getting through the plume) would have an opacity of "100" %.

Where reporting opacity is required, EPA Reference Method 9 or a properly installed and operating continuous opacity monitor (COMs) is the best method for estimating opacity. Where neither EPA Reference Method 9 or a COMs are the data source, any valid means of estimating opacity is acceptable. Opacity should be reported in percent units. The quantity value required to be reported is the quantity above zero, not the quantity above any applicable limit that may be imposed through rule or permit.

Examples:
For this example, consider that nitrogen oxide (NO) and nitrogen dioxide (NO_2) both have an RQ as defined in 30 TAC §101.1 of 100 lbs in a 24 hour period. If a FCCU is normally authorized by permit to emit 160 lbs/hr of NO_x (NO and NO_2,), but during an emissions event, emits 175 lb/hr for ten hours, then:
Authorized Emission Limit: 160 lb/hr
Total emissions released: 1750 lbs= 175 lb/hr NO_x for a duration of 10 hours
Total emissions to notify/report: (for this example the assumed ratio is 95% NO to 5% NO_2) 1663 lbs of NO and 87 lbs of NO_2. The initial notifications would only be required to report NO while the final report would be required to report both.

Modify the example above so that the facility mentioned above was a boiler or combustion turbine subject to 30 TAC §101.201(a)(3) that has an opacity limit of 20 % set in either the permit or in 30 TAC §111.111. Further, let's say that during the same event where unauthorized NO and NO_2 were emitted, the unit operator estimated that opacity was approximately 55% coming from the unit. In this case, due to the unique requirements of certain boilers and combustion turbines, the company would only have to provide notification and report the opacity value of 55%.

Authorized Emissions Limit/Units

Emissions limits for compounds or mixtures are authorized by various permits, rules, and orders and are therefore stipulated by various methods utilizing units of measure such as pounds per hour (lbs./hr.), opacity exceedence greater than limit (%) for (x) minutes per hour, parts per million volume (ppmv), etc. Provide the measure of units noted as the authorized limitation.

Authorization (Rule or Permit No.)
Where the applicable rule requires, provide the preconstruction authorization number or rule citation of the standard permit, permit by rule, or other rule governing the facility.

Cause of Emissions Event / Reason for Scheduled Activity:
While only required if known for initial notification of EE's and EOEs for which notification is required , the cause must be reported with all final reports. The narrative should be as precise as possible in the description of the cause of the EE or EOE, or of the reason for the SMSSA.

Actions Taken, or Being Taken, to Minimize and Correct the Emissions Event:
The narrative should be as precise as possible. Provide explicit information on how the company brought the unit back into compliance and how unauthorized emissions were controlled. Reference to attached external documentation can be given.

Basis used to Determine Quantities and Additional Information Necessary to Evaluate the Emissions Event:
This information is required for initial notifications of SMSSAs and for all final reports. It is expected that sufficient detail be provided to show how emissions estimates were determined. If necessary, one may reference specific external documentation, provided that such documentation is submitted concurrently with the report or is readily available in the current agency files.

Person Making Notification/Date and Time, Phone
Provide the name and phone number of the person making the notification and please give the date and time this person made the submittal.

Incident Contact Person, Phone/E-mail
Please provide the name and phone number of the person with direct knowledge of the circumstances related to the event or activity, and who should be contacted for additional information about this event. You can also provide an e-mail address which can be used for communication regarding this event or activity.

Jurisdiction(s) Notified

Please indicate the TCEQ regional office and any appropriate local air pollution control agency (a local program) that you are required to notify or report this event or activity to and which you have notified, or, by this notification, are notifying.

NOTICE: This report is required by 49 CFR Part 195. Failure to report can result in a civil penalty not to exceed $100,000 for each violation for each day that such violation persists except that the maximum civil penalty shall not exceed $1,000,000 as provided in 49 USC 60122.

OMB NO: 2137-0047

EXPIRATION DATE: 01/31/2013

U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

ACCIDENT REPORT – HAZARDOUS LIQUID PIPELINE SYSTEMS

Report Date _____

No. _____
(DOT Use Only)

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0047. Public reporting for this collection of information is estimated to be approximately 10 hours per response (5 hours for a small release), including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

INSTRUCTIONS

Important: *Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at http://www.phmsa.dot.gov/pipeline. Note: Certain low consequence accidents only require the information indicated in the shaded fields.*

PART A – KEY REPORT INFORMATION

*Report Type: *(select all that apply)* ☐ Original ☐ Supplemental ☐ Final

*1. Operator's OPS-issued Operator Identification Number (OPID): /___/___/___/___/___/___/

*2. Name of Operator: _____

*3. Address of Operator:

*3.a _____
(Street Address)

*3.b _____
(City)

*3.c State: /___/___/

*3.d Zip Code: /___/___/___/___/___/ - /___/___/___/___/

*4. Local time *(24-hr clock)* and date of the Accident:

/___/___/___/___/ Hour /___/___/ Month /___/___/ Day /___/___/ Year

*5. Location of Accident:

Latitude: /___/___/ . /___/___/___/___/___/

Longitude: -/___/___/___/ . /___/___/___/___/___/

6. National Response Center Report Number (if applicable):

/___/___/___/___/___/___/___/

7. Local time *(24-hr clock)* and date of initial telephonic report to the National Response Center (if applicable):

/___/___/___/___/ Hour /___/___/ Month /___/___/ Day /___/___/ Year

*8. Commodity released: *(select only one, based on predominant volume released)*

☐ Crude Oil

☐ Refined and/or Petroleum Product (non-HVL) which is a Liquid at Ambient Conditions

- ○ Gasoline (non-Ethanol)
- ○ Diesel, Fuel Oil, Kerosene, Jet Fuel
- ○ Mixture of Refined Products (transmix or other mixture)
- ○ Other ⇨ Name: _____

☐ HVL or Other Flammable or Toxic Fluid which is a Gas at Ambient Conditions

- ○ Anhydrous Ammonia
- ○ LPG (Liquefied Petroleum Gas) / NGL (Natural Gas Liquid)
- ○ Other HVL ⇨ Name: _____

☐ CO_2 (Carbon Dioxide)

☐ Biofuel / Alternative Fuel (including ethanol blends)

- ○ Fuel Grade Ethanol
- ○ Ethanol Blend ⇨ % Ethanol: /___/___/
- ○ Biodiesel ⇨ Blend (e.g. B2, B20, B100): B/___/___/___/
- ○ Other ⇨ Name: _____

*9. Estimated volume of commodity released unintentionally: /___/___/___/,/___/___/___/./___/___/ Barrels

10. Estimated volume of intentional and/or controlled release/blowdown: /___/___/___/,/___/___/___/./___/___/ Barrels

*11. Estimated volume of commodity recovered: /___/___/___/,/___/___/___/./___/___/ Barrels

*12. Were there fatalities? ○ Yes ○ No

If Yes, specify the number in each category:

*12.a Operator employees /___/___/___/___/

*12.b Contractor employees working for the Operator /___/___/___/___/

*12.c Non-Operator emergency responders /___/___/___/___/

*12.d Workers working on the right-of-way, but NOT associated with this Operator /___/___/___/___/

*12.e General public /___/___/___/___/

12.f Total fatalities (sum of above) /___/___/___/___/

*13. Were there injuries requiring inpatient hospitalization? ○ Yes ○ No

If Yes, specify the number in each category:

*13.a Operator employees /___/___/___/___/

*13.b Contractor employees working for the Operator /___/___/___/___/

*13.c Non-Operator emergency responders /___/___/___/___/

*13.d Workers working on the right-of-way, but NOT associated with this Operator /___/___/___/___/

*13.e General public /___/___/___/___/

13.f Total injuries (sum of above) /___/___/___/___/

14. Was the pipeline/facility shut down due to the Accident?

○ Yes ○ No ⇨ Explain: _____

If Yes, complete Questions 14.a and 14.b: *(use local time, 24-hr clock)*

14.a Local time and date of shutdown /___/___/___/___/ (Hour) /___/___/ (Month) /___/___/ (Day) /___/___/ (Year)

14.b Local time pipeline/facility restarted /___/___/___/___/ (Hour) /___/___/ (Month) /___/___/ (Day) /___/___/ (Year) ○ Still shut down* *(*Supplemental Report required)*

*15. Did the commodity ignite? ○ Yes ○ No

*16. Did the commodity explode? ○ Yes ○ No

17. Number of general public evacuated: /___/___/___/,/___/___/___/

18. Time sequence: *(use local time, 24-hour clock)*

18.a Local time Operator identified Accident /___/___/___/___/ (Hour) /___/___/ (Month) /___/___/ (Day) /___/___/ (Year)

18.b Local time Operator resources arrived on site /___/___/___/___/ (Hour) /___/___/ (Month) /___/___/ (Day) /___/___/ (Year)

PART B – ADDITIONAL LOCATION INFORMATION

*1. Was the origin of the Accident onshore?
O Yes *(Complete Questions 2-12)* O No *(Complete Questions 13-15)*

If **Onshore**:

*2. State: /___/___/

*3. Zip Code: /___/___/___/___/___/ - /___/___/___/___/

4._____ City 5_____ County or Parish

6. Operator-designated location: *(select only one)*
☐ Milepost/Valve Station *(specify in shaded area below)*
☐ Survey Station No. *(specify in shaded area below)*

/ / / / / / / / / / / / / /

7. Pipeline/Facility name:

8. Segment name/ID:

*9. Was Accident on Federal land, other than the Outer Continental Shelf (OCS)? O Yes O No

*10. Location of Accident: *(select only one)*
☐ Totally contained on Operator-controlled property
☐ Originated on Operator-controlled property, but then flowed or migrated off the property
☐ Pipeline right-of-way

*11. Area of Accident (as found): *(select only one)*
☐ Tank, including attached appurtenances
☐ Underground ⇨ Specify: O Under soil
O Under a building O Under pavement
O Exposed due to excavation
O In underground enclosed space (e.g., vault)
O Other _____
Depth-of-Cover (in): /___/___/___/___/
☐ Aboveground ⇨ Specify:
O Typical aboveground facility piping or appurtenance
O Overhead crossing
O In or spanning an open ditch
O Inside a building O Inside other enclosed space
O Other _____
☐ Transition Area ⇨ Specify: O Soil/air interface O Wall sleeve O Pipe support or other close contact area
O Other _____

*12. Did Accident occur in a crossing?: O Yes O No
If Yes, specify type below:
☐ Bridge crossing ⇨ Specify: O Cased O Uncased
☐ Railroad crossing ⇨ *(select all that apply)*
O Cased O Uncased O Bored/drilled
☐ Road crossing ⇨ *(select all that apply)*
O Cased O Uncased O Bored/drilled
☐ Water crossing
⇨ Specify: O Cased O Uncased
Name of body of water, if commonly known:
_____
Approx. water depth (ft) at the point of the Accident:
/___/___/___/___/
(select only one of the following)
O Shoreline/Bank crossing
O Below water, pipe in bored/drilled crossing
O Below water, pipe buried below bottom (NOT in bored/drilled crossing)
O Below water, pipe on or above bottom

If **Offshore**:

*13. Approximate water depth (ft.) at the point of the Accident:
/___/___/___/___/___/

*14. Origin of Accident:
☐ In State waters
⇨ Specify: State: /___/___/
Area: _____
Block/Tract #: /___/___/___/___/
Nearest County/Parish: _____
☐ On the Outer Continental Shelf (OCS)
⇨ Specify: Area: _____
Block #: /___/___/___/___/

*15. Area of Accident: *(select only one)*
☐ Shoreline/Bank crossing or shore approach
☐ Below water, pipe buried or jetted below seabed
☐ Below water, pipe on or above seabed
☐ Splash Zone of riser
☐ Portion of riser outside of Splash Zone, including riser bend
☐ Platform

PART C – ADDITIONAL FACILITY INFORMATION

*1. Is the pipeline or facility:
- ☐ Interstate
- ☐ Intrastate

*2. Part of system involved in Accident: *(select only one)*
- ☐ Onshore Breakout Tank or Storage Vessel, Including Attached Appurtenances ⇨ ○ Atmospheric or Low Pressure ○ Pressurized
- ☐ Onshore Terminal/Tank Farm Equipment and Piping
- ☐ Onshore Equipment and Piping Associated with Belowground Storage
- ☐ Onshore Pump/Meter Station Equipment and Piping
- ☐ Onshore Pipeline, Including Valve Sites
- ☐ Offshore Platform/Deepwater Port, Including Platform-mounted Equipment and Piping
- ☐ Offshore Pipeline, Including Riser and Riser Bend

*3. Item involved in Accident: *(select only one)*

☐ Pipe ⇨ Specify: ○ Pipe Body ○ Pipe Seam

3.a Nominal diameter of pipe (in): /__/__/./__/__/__/

3.b Wall thickness (in): /__/./__/__/__/

3.c SMYS (Specified Minimum Yield Strength) of pipe (psi): /__/__/__/,/__/__/__/

3.d Pipe specification: _____

3.e Pipe Seam ⇨ Specify:
○ Longitudinal ERW - High Frequency ○ Single SAW ○ Flash Welded
○ Longitudinal ERW - Low Frequency ○ DSAW ○ Continuous Welded
○ Longitudinal ERW – Unknown Frequency ○ Furnace Butt Welded
○ Spiral Welded ERW ○ Spiral Welded SAW ○ Spiral Welded DSAW
○ Lap Welded ○ Seamless ○ Other _____

3.f Pipe manufacturer: _____

3.g Year of manufacture: /__/__/__/__/

3.h Pipeline coating type at point of Accident
⇨ Specify:
○ Fusion Bonded Epoxy ○ Coal Tar ○ Asphalt ○ Polyolefin
○ Extruded Polyethylene ○ Field Applied Epoxy ○ Cold Applied Tape ○ Paint
○ Composite ○ None ○ Other _____

☐ Weld, including heat-affected zone ⇨ Specify: ○ Pipe Girth Weld ○ Other Butt Weld ○ Fillet Weld ○ Other_____

☐ Valve ○ Mainline ⇨ Specify: ○ Butterfly ○ Check ○ Gate ○ Plug ○ Ball ○ Globe
○ Other _____

3.i Mainline valve manufacturer: _____

3.j Year of manufacture: /__/__/__/__/

○ Relief Valve
○ Auxiliary or Other Valve

☐ Pump
☐ Meter/Prover
☐ Scraper/Pig Trap
☐ Sump/Separator
☐ Repair Sleeve or Clamp
☐ Hot Tap Equipment
☐ Stopple Fitting
☐ Flange
☐ Relief Line
☐ Auxiliary Piping (e.g. drain lines)
☐ Tubing
☐ Instrumentation

☐ Tank/Vessel ⇨ Specify: ○ Single Bottom System ○ Double Bottom System ○ Tank Shell ○ Chime
○ Roof/Roof Seal ○ Roof Drain System ○ Mixer ○ Pressure Vessel Head or Wall
○ Appurtenance ○ Other

☐ Other _____

4. Year item involved in Accident was installed: /__/__/__/__/__/

*5. Material involved in Accident: (*select only one)*

☐ Carbon Steel

☐ Material other than Carbon Steel ⇨ Specify: _____

*6. Type of Accident involved: *(select only one)*

☐ Mechanical Puncture ⇨ Approx. size: /__/__/__/__/./__/in. (axial) by /__/__/__/__/./__/in. (circumferential)

☐ Leak ⇨ Select Type: ○ Pinhole ○ Crack ○ Connection Failure ○ Seal or Packing ○ Other

☐ Rupture ⇨ Select Orientation: ○ Circumferential ○ Longitudinal ○ Other _____

Approx. size: /__/__/__/__/./__/ in. (widest opening) by /__/__/__/__/__/./__/in. (length circumferentially or axially)

☐ Overfill or Overflow

☐ Other ⇨ Describe: _____

PART D – ADDITIONAL CONSEQUENCE INFORMATION

1. Wildlife impact: ○ Yes ○ No

1.a If Yes, specify all that apply:

☐ Fish/aquatic
☐ Birds
☐ Terrestrial

*2. Soil contamination: ○ Yes ○ No

3. Long term impact assessment performed or planned: ○ Yes ○ No

4. Anticipated remediation: ○ Yes ○ No (not needed)

4.a If Yes, specify all that apply:

☐ Surface water ☐ Groundwater ☐ Soil ☐ Vegetation ☐ Wildlife

*5. Water contamination: ○ Yes ⇨ *(Complete 5.a – 5.c below)* ○ No

*5.a Specify all that apply:

☐ Ocean/Seawater
☐ Surface
☐ Groundwater
☐ Drinking water ⇨ *(Select one or both)* ○ Private Well ○ Public Water Intake

*5.b Estimated amount released in or reaching water: /___/___/___/,/___/___/___/./___/___/ Barrels

*5.c Name of body of water, if commonly known: _____

*6. At the location of this Accident, had the pipeline segment or facility been identified as one that "could affect" a High Consequence Area (HCA) as determined in the Operator's Integrity Management Program? ○ Yes ○ No

*7. Did the released commodity reach or occur in one or more High Consequence Area (HCA)? ○ Yes ○ No

7.a If Yes, specify HCA type(s): *(select all that apply)*

☐ Commercially Navigable Waterway
Was this HCA identified in the "could affect" determination for this Accident site in the Operator's Integrity Management Program?
○ Yes ○ No

☐ High Population Area
Was this HCA identified in the "could affect" determination for this Accident site in the Operator's Integrity Management Program?
○ Yes ○ No

☐ Other Populated Area
Was this HCA identified in the "could affect" determination for this Accident site in the Operator's Integrity Management Program?
○ Yes ○ No

☐ Unusually Sensitive Area (USA) – Drinking Water
Was this HCA identified in the "could affect" determination for this Accident site in the Operator's Integrity Management Program?
○ Yes ○ No

☐ Unusually Sensitive Area (USA) – Ecological
Was this HCA identified in the "could affect" determination for this Accident site in the Operator's Integrity Management Program?
○ Yes ○ No

*8. Estimated cost to Operator:

8.a Estimated cost of public and non-Operator private property damage paid/reimbursed by the Operator	$ /___/___/___/,/___/___/___/,/___/___/___/
8.b Estimated cost of commodity lost	$ /___/___/___/,/___/___/___/,/___/___/___/
8.c Estimated cost of Operator's property damage & repairs	$ /___/___/___/,/___/___/___/,/___/___/___/
8.d Estimated cost of Operator's emergency response	$ /___/___/___/,/___/___/___/,/___/___/___/
8.e Estimated cost of Operator's environmental remediation	$ /___/___/___/,/___/___/___/,/___/___/___/
8.f Estimated other costs	$ /___/___/___/,/___/___/___/,/___/___/___/
Describe	
8.g Estimated total costs (sum of above)	$ /___/___/___/,/___/___/___/,/___/___/___/

PART E – ADDITIONAL OPERATING INFORMATION

*1. Estimated pressure at the point and time of the Accident (psig): /___/___/,/___/___/___/

*2. Maximum Operating Pressure (MOP) at the point and time of the Accident (psig): /___/___/,/___/___/___/

*3. Describe the pressure on the system or facility relating to the Accident: *(select only one)*

- ☐ Pressure did not exceed MOP
- ☐ Pressure exceeded MOP, but did not exceed 110% of MOP
- ☐ Pressure exceeded 110% of MOP

*4. Not including pressure reductions required by PHMSA regulations (such as for repairs and pipe movement), was the system or facility relating to the Accident operating under an established pressure restriction with pressure limits below those normally allowed by the MOP?

- ☐ No
- ☐ Yes ⇨ (*Complete 4.a and 4.b below)*

*4.a Did the pressure exceed this established pressure restriction? ○ Yes ○ No

*4.b Was this pressure restriction mandated by PHMSA or the State? ○ PHMSA ○ State ○ Not mandated

*5. Was "Onshore Pipeline, Including Valve Sites" OR "Offshore Pipeline, Including Riser and Riser Bend" selected in PART C, Question 2?

- ☐ No
- ☐ Yes ⇨ (*Complete 5.a – 5.f below)*

5.a Type of upstream valve used to initially isolate release source: ○ Manual ○ Automatic ○ Remotely Controlled

5.b Type of downstream valve used to initially isolate release source: ○ Manual ○ Automatic ○ Remotely Controlled ○ Check Valve

5.c Length of segment initially isolated between valves (ft): /___/___/___/,/___/___/___/

5.d Is the pipeline configured to accommodate internal inspection tools?

- ☐ Yes
- ☐ No ⇨ Which physical features limit tool accommodation? *(select all that apply)*
  - ○ Changes in line pipe diameter
  - ○ Presence of unsuitable mainline valves
  - ○ Tight or mitered pipe bends
  - ○ Other passage restrictions (i.e. unbarred tee's, projecting instrumentation, etc.)
  - ○ Extra thick pipe wall (applicable only for magnetic flux leakage internal inspection tools)
  - ○ Other ⇨ Describe:_____

5.e For this pipeline, are there operational factors which significantly complicate the execution of an internal inspection tool run?

- ☐ No
- ☐ Yes ⇨ Which operational factors complicate execution? *(select all that apply)*
  - ○ Excessive debris or scale, wax, or other wall build-up
  - ○ Low operating pressure(s)
  - ○ Low flow or absence of flow
  - ○ Incompatible commodity
  - ○ Other ⇨ Describe:_____

5.f Function of pipeline system: *(select only one)*

- ☐ > 20% SMYS Regulated Trunkline/Transmission
- ☐ ≤ 20% SMYS Regulated Trunkline/Transmission
- ☐ ≤ 20% SMYS "Unregulated" Trunkline/Transmission
- ☐ > 20% SMYS Regulated Gathering
- ☐ ≤ 20% SMYS Regulated Gathering
- ☐ ≤ 20% SMYS "Unregulated" Gathering

*6. Was a Supervisory Control and Data Acquisition (SCADA)-based system in place on the pipeline or facility involved in the Accident?

☐ No

☐ Yes ⇨ 6.a Was it operating at the time of the Accident? ○ Yes ○ No

6.b Was it fully functional at the time of the Accident? ○ Yes ○ No

6.c Did SCADA-based information (such as alarm(s), alert(s), event(s), and/or volume calculations) assist with the detection of the Accident? ○ Yes ○ No

6.d Did SCADA-based information (such as alarm(s), alert(s), event(s), and/or volume calculations) assist with the confirmation of the Accident? ○ Yes ○ No

*7. Was a CPM leak detection system in place on the pipeline or facility involved in the Accident?

☐ No

☐ Yes ⇨ 7.a Was it operating at the time of the Accident? ○ Yes ○ No

7.b Was it fully functional at the time of the Accident? ○ Yes ○ No

7.c Did CPM leak detection system information (such as alarm(s), alert(s), event(s), and/or volume calculations) assist with the detection of the Accident? ○ Yes ○ No

7.d Did CPM leak detection system information (such as alarm(s), alert(s), event(s), and/or volume calculations) assist with the confirmation of the Accident? ○ Yes ○ No

*8. How was the Accident initially identified for the Operator? *(select only one)*

☐ CPM leak detection system or SCADA-based information (such as alarm(s), alert(s), event(s), and/or volume calculations)
☐ Static Shut-in Test or Other Pressure or Leak Test
☐ Controller
☐ Air Patrol
☐ Notification from Public
☐ Notification from Third Party that caused the Accident
☐ Local Operating Personnel, including contractors
☐ Ground Patrol by Operator or its contractor
☐ Notification from Emergency Responder
☐ Other _____

*8.a If "Controller", "Local Operating Personnel, including contractors", "Air Patrol", or "Ground Patrol by Operator or its contractor" is selected in Question 8, specify the following: *(select only one)*

○ Operator employee ○ Contractor working for the Operator

*9. Was an investigation initiated into whether or not the controller(s) or control room issues were the cause of or a contr buting factor to the Accident? *(select only one)*

☐ Yes, but the investigation of the control room and/or controller actions has not yet been completed by the Operator *(Supplemental Report required)*

☐ No, the facility was not monitored by a controller(s) at the time of the Accident

☐ No, the Operator did not find that an investigation of the controller(s) actions or control room issues was necessary due to: *(provide an explanation for why the Operator did not investigate)*

_____
_____
_____

☐ Yes, specify investigation result(s): *(select all that apply)*

○ Investigation reviewed work schedule rotations, continuous hours of service (while working for the Operator) and other factors associated with fatigue

○ Investigation did NOT review work schedule rotations, continuous hours of service (while working for the Operator) and other factors associated with fatigue *(provide an explanation for why not)*

_____
_____
_____

○ Investigation identified no control room issues
○ Investigation identified no controller issues
○ Investigation identified incorrect controller action or controller error
○ Investigation identified that fatigue may have affected the controller(s) involved or impacted the involved controller(s) response
○ Investigation identified incorrect procedures
○ Investigation identified incorrect control room equipment operation
○ Investigation identified maintenance activities that affected control room operations, procedures, and/or controller response
○ Investigation identified areas other than those above ⇨ Descr be: _____

_____
_____
_____

PART F – DRUG & ALCOHOL TESTING INFORMATION	

*1. As a result of this Accident, were any Operator employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?

O No

O Yes ⇨ *1.a Specify how many were tested: /___/___/

*1.b Specify how many failed: /___/___/

*2. As a result of this Accident, were any Operator contractor employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?

O No

O Yes ⇨ *2.a Specify how many were tested: /___/___/

*2.b Specify how many failed: /___/___/

PART G – APPARENT CAUSE	***Select only one box from PART G in the shaded column on the left representing the APPARENT Cause of the Accident, and answer the questions on the right. Describe secondary, contributing, or root causes of the Accident in the narrative (PART H).***

G1 - Corrosion Failure – *only one **sub-cause** can be picked from shaded left-hand column

☐ External Corrosion

*1. Results of visual examination:
O Localized Pitting O General Corrosion
O Other _____

*2. Type of corrosion: *(select all that apply)*
O Galvanic O Atmospheric O Stray Current O Microbiological O Selective Seam
O Other _____

*3. The type(s) of corrosion selected in Question 2 is based on the following: *(select all that apply)*
O Field examination O Determined by metallurgical analysis
O Other _____

*4. Was the failed item buried under the ground?
O Yes ⇨ *4.a Was failed item considered to be under cathodic protection at the time of the Accident?
O Yes ⇨ Year protection started: / / / / /
O No

*4.b Was shielding, tenting, or disbonding of coating evident at the point of the Accident?
O Yes O No

*4.c Has one or more Cathodic Protection Survey been conducted at the point of the Accident?
O Yes, CP Annual Survey ⇨ Most recent year conducted: / / / / /
O Yes, Close Interval Survey ⇨ Most recent year conducted: / / / / /
O Yes, Other CP Survey ⇨ Most recent year conducted: / / / / /
O No

O No ⇨ 4.d Was the failed item externally coated or painted? O Yes O No

*5. Was there observable damage to the coating or paint in the vicinity of the corrosion?
O Yes O No

☐ Internal Corrosion

*6. Results of visual examination:
O Localized Pitting O General Corrosion O Not cut open
O Other _____

*7. Cause of corrosion: *(select all that apply)*
O Corrosive Commodity O Water drop-out/Acid O Microbiological O Erosion
O Other _____

*8. The cause(s) of corrosion selected in Question 7 is based on the following: *(select all that apply)*
O Field examination O Determined by metallurgical analysis
O Other _____

*9. Location of corrosion: *(select all that apply)*
O Low point in pipe O E bow O Other_____

*10. Was the commodity treated with corrosion inhibitors or biocides? O Yes O No

11. Was the interior coated or lined with protective coating? O Yes O No

12. Were cleaning/dewatering pigs (or other operations) routinely utilized?
O Not applicable - Not mainline pipe O Yes O No

13. Were corrosion coupons routinely utilized?
O Not applicable - Not mainline pipe O Yes O No

Complete the following if any Corrosion Failure sub-cause is selected AND the "Item Involved in Accident" (from PART C, Question 3) is Tank/Vessel.

14. List the year of the most recent inspections:
14.a API Std 653 Out-of-Service Inspection / / / / / O No Out-of-Service Inspection completed
14.b API Std 653 In-Service Inspection / / / / / O No In-Service Inspection completed

Complete the following if any Corrosion Failure sub-cause is selected AND the "Item Involved in Accident" (from PART C, Question 3) is Pipe or Weld.

15. Has one or more internal inspection tool collected data at the point of the Accident?
O Yes O No

15.a. If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run:

O Magnetic Flux Leakage Tool /___/___/___/___/
O Ultrasonic /___/___/___/___/
O Geometry /___/___/___/___/
O Caliper /___/___/___/___/
O Crack /___/___/___/___/
O Hard Spot /___/___/___/___/
O Combination Tool /___/___/___/___/
O Transverse Field/Triaxial /___/___/___/___/
O Other _____ /___/___/___/___/

16. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?
O Yes ⇨ Most recent year tested: /___/___/___/___/ Test pressure (psig): /___/___/___/___/___/
O No

17. Has one or more Direct Assessment been conducted on this segment?
O Yes, and an investigative dig was conducted at the point of the Accident ⇨ Most recent year conducted: /___/___/___/___/
O Yes, but the point of the Accident was not identified as a dig site ⇨ Most recent year conducted: /___/___/___/___/
O No

18. Has one or more non-destructive examination been conducted at the point of the Accident since January 1, 2002?
O Yes O No

18.a If Yes, for each examination conducted since January 1, 2002, select type of non-destructive examination and indicate most recent year the examination was conducted:

O Radiography /___/___/___/___/
O Guided Wave Ultrasonic /___/___/___/___/
O Handheld Ultrasonic Tool /___/___/___/___/
O Wet Magnetic Particle Test /___/___/___/___/
O Dry Magnetic Particle Test /___/___/___/___/
O Other _____ /___/___/___/___/

G2 - Natural Force Damage - *only one **sub-cause** can be picked from shaded left-hand column

☐ **Earth Movement, NOT due to Heavy Rains/Floods**	1. Specify: O Earthquake O Subsidence O Landslide O Other _____
☐ **Heavy Rains/Floods**	2. Specify: O Washout/Scouring O Flotation O Mudslide O Other _____
☐ **Lightning**	3. Specify: O Direct hit O Secondary impact such as resulting nearby fires
☐ **Temperature**	4. Specify: O Thermal Stress O Frost Heave O Frozen Components O Other _____
☐ **High Winds**	
☐ **Other Natural Force Damage**	*5. Describe: _____

Complete the following if any Natural Force Damage sub-cause is selected.

*6. Were the natural forces causing the Accident generated in conjunction with an extreme weather event? O Yes O No

*6.a If Yes, specify: (*select all that apply*) O Hurricane O Tropical Storm O Tornado O Other _____

G3 – Excavation Damage - *only one **sub-cause** can be picked from shaded left-hand column

☐ **Excavation Damage by Operator (First Party)**

☐ **Excavation Damage by Operator's Contractor (Second Party)**

☐ **Excavation Damage by Third Party**

☐ **Previous Damage due to Excavation Activity**

Complete Questions 1-5 ONLY IF the "Item Involved in Accident" (from PART C, Question 3) is Pipe or Weld.

1. Has one or more internal inspection tool collected data at the point of the Accident?
   O Yes O No

   1.a If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run:

   - O Magnetic Flux Leakage / / / / /
   - O Ultrasonic / / / / /
   - O Geometry / / / / /
   - O Caliper / / / / /
   - O Crack / / / / /
   - O Hard Spot / / / / /
   - O Combination Tool / / / / /
   - O Transverse Field/Triaxial / / / / /
   - O Other _____ / / / / /

2. Do you have reason to believe that the internal inspection was completed BEFORE the damage was sustained? O Yes O No

3. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?

   O Yes ⇨ Most recent year tested: / / / / /
   Test pressure (psig): / / /, / / / /

   O No

4. Has one or more Direct Assessment been conducted on the pipeline segment?

   O Yes, and an investigative dig was conducted at the point of the Accident
   ⇨ Most recent year conducted: / / / / /

   O Yes, but the point of the Accident was not identified as a dig site
   ⇨ Most recent year conducted: / / / / /

   O No

5. Has one or more non-destructive examination been conducted at the point of the Accident since January 1, 2002?
   O Yes O No

   5.a If Yes, for each examination conducted since January 1, 2002, select type of non-destructive examination and indicate most recent year the examination was conducted:

   - O Radiography / / / / /
   - O Guided Wave Ultrasonic / / / / /
   - O Handheld Ultrasonic Tool / / / / /
   - O Wet Magnetic Particle Test / / / / /
   - O Dry Magnetic Particle Test / / / / /
   - O Other _____ / / / / /

Complete the following if Excavation Damage by Third Party is selected as the sub-cause.

6. Did the Operator get prior notification of the excavation activity? O Yes O No

   *6.a If Yes, Notification received from: *(select all that apply)* O One-Call System O Excavator O Contractor O Landowner

Complete the following mandatory CGA-DIRT Program questions if any Excavation Damage sub-cause is selected.

7. Do you want PHMSA to upload the following information to CGA-DIRT (www.cga-dirt.com)? ○Yes ○ No

*8. Right-of-Way where event occurred: *(select all that apply)*

☐ Public ⇨ Specify: ○ City Street ○ State Highway ○ County Road ○ Interstate Highway ○ Other

☐ Private ⇨ Specify: ○ Private Landowner ○ Private Business ○ Private Easement

☐ Pipeline Property/Easement
☐ Power/Transmission Line
☐ Railroad
☐ Dedicated Public Utility Easement
☐ Federal Land
☐ Data not collected
☐ Unknown/Other

*9. Type of excavator: *(select only one)*

○ Contractor ○ County ○ Developer ○ Farmer ○ Municipality ○ Occupant
○ Railroad ○ State ○ Utility ○ Data not collected ○ Unknown/Other

*10. Type of excavation equipment: *(select only one)*

○ Auger ○ Backhoe/Trackhoe ○ Boring ○ Drilling ○ Directional Drilling
○ Explosives ○ Farm Equipment ○ Grader/Scraper ○ Hand Tools ○ Milling Equipment
○ Probing Device ○ Trencher ○ Vacuum Equipment ○ Data not collected ○ Unknown/Other

*11. Type of work performed: *(select only one)*

○ Agriculture ○ Cable TV ○ Curb/Sidewalk ○ Building Construction ○ Building Demolition
○ Drainage ○ Driveway ○ Electric ○ Engineering/Surveying ○ Fencing
○ Grading ○ Irrigation ○ Landscaping ○ Liquid Pipeline ○ Milling
○ Natural Gas ○ Pole ○ Public Transit Authority ○ Railroad Maintenance ○ Road Work
○ Sewer (Sanitary/Storm) ○ Site Development ○ Steam ○ Storm Drain/Culvert ○Street Light
○ Telecommunications ○Traffic Signal ○ Traffic Sign ○ Water ○ Waterway Improvement
○ Data not collected ○ Unknown/Other

*12. Was the One-Call Center notified? ○ Yes ○ No

*12.a If Yes, specify ticket number: / / / / / / / / / / / / / / / / / / /

*12.b If this is a State where more than a single One-Call Center exists, list the name of the One-Call Center notified:

_____

*13. Type of Locator: ○ Utility Owner ○ Contract Locator ○ Data not collected ○ Unknown/Other

*14. Were facility locate marks vis ble in the area of excavation? ○ No ○ Yes ○ Data not collected ○ Unknown/Other

*15. Were facilities marked correctly? ○ No ○ Yes ○ Data not collected ○ Unknown/Other

*16. Did the damage cause an interruption in service? ○ No ○ Yes ○ Data not collected ○ Unknown/Other

*16.a If Yes, specify duration of the interruption: / / / / / hours

(This CGA-DIRT section continued on next page with Question 17.)

*17. Description of the CGA-DIRT Root Cause *(select only the one predominant first level CGA-DIRT Root Cause and then, where available as a choice, the one predominant second level CGA-DIRT Root Cause as well)*:

☐ One-Call Notification Practices Not Sufficient: *(select only one)*

- ○ No notification made to the One-Call Center
- ○ Notification to One-Call Center made, but not sufficient
- ○ Wrong information provided

☐ Locating Practices Not Sufficient: *(select only one)*

- ○ Facility could not be found/located
- ○ Facility marking or location not sufficient
- ○ Facility was not located or marked
- ○ Incorrect facility records/maps

☐ Excavation Practices Not Sufficient: *(select only one)*

- ○ Excavation practices not sufficient (other)
- ○ Failure to maintain clearance
- ○ Failure to maintain the marks
- ○ Failure to support exposed facilities
- ○ Failure to use hand tools where required
- ○ Failure to verify location by test-hole (pot-holing)
- ○ Improper backfilling

☐ One-Call Notification Center Error

☐ Abandoned Facility

☐ Deteriorated Facility

☐ Previous Damage

☐ Data Not Collected

☐ Other / None of the Above *(explain)*_____

_____

G4 - Other Outside Force Damage - *only one **sub-cause** can be picked from shaded left-hand column

☐ **Nearby Industrial, Man-made, or Other Fire/Explosion as Primary Cause of Accident**

☐ **Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation**

1. Vehicle/Equipment operated by: *(select only one)*
   ○ Operator ○ Operator's Contractor ○ Third Party

☐ **Damage by Boats, Barges, Drilling Rigs, or Other Maritime Equipment or Vessels Set Adrift or Which Have Otherwise Lost Their Mooring**

2. Select one or more of the following IF an extreme weather event was a factor:
   ○ Hurricane ○ Tropical Storm ○ Tornado
   ○ Heavy Rains/Flood ○ Other _____

☐ **Routine or Normal Fishing or Other Maritime Activity NOT Engaged in Excavation**

☐ **Electrical Arcing from Other Equipment or Facility**

☐ **Previous Mechanical Damage NOT Related to Excavation**

Complete Questions 3-7 ONLY IF the "Item Involved in Accident" (from PART C, Question 3) is Pipe or Weld.

3. Has one or more internal inspection tool collected data at the point of the Accident?
   ○ Yes ○ No

   3.a If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run:

   ○ Magnetic Flux Leakage /__/__/__/__/
   ○ Ultrasonic /__/__/__/__/
   ○ Geometry /__/__/__/__/
   ○ Caliper /__/__/__/__/
   ○ Crack /__/__/__/__/
   ○ Hard Spot /__/__/__/__/
   ○ Combination Tool /__/__/__/__/
   ○ Transverse Field/Triaxial /__/__/__/__/
   ○ Other _____ /__/__/__/__/

4. Do you have reason to believe that the internal inspection was completed BEFORE the damage was sustained? ○ Yes ○ No

5. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?

   ○ Yes ⇨ Most recent year tested: /__/__/__/__/
   Test pressure (psig): /__/__/,/__/__/__/
   ○ No

6. Has one or more Direct Assessment been conducted on the pipeline segment?

   ○ Yes, and an investigative dig was conducted at the point of the Accident
   ⇨ Most recent year conducted: /__/__/__/__/
   ○ Yes, but the point of the Accident was not identified as a dig site
   ⇨ Most recent year conducted: /__/__/__/__/
   ○ No

(This section continued on next page with Question 7.)

	7. Has one or more non-destructive examination been conducted at the point of the Accident since January 1, 2002? O Yes O No 7.a If Yes, for each examination conducted since January 1, 2002, select type of non-destructive examination and indicate most recent year the examination was conducted: O Radiography /__/__/__/__/ O Guided Wave Ultrasonic /__/__/__/__/ O Handheld Ultrasonic Tool /__/__/__/__/ O Wet Magnetic Particle Test /__/__/__/__/ O Dry Magnetic Particle Test /__/__/__/__/ O Other _____ /__/__/__/__/
☐ **Intentional Damage**	8. Specify: O Vandalism O Terrorism O Theft of transported commodity O Theft of equipment O Other _____
☐ **Other Outside Force Damage**	*9. Descr be: _____

G5 - Material Failure of Pipe or Weld

Use this section to report material failures ONLY IF the "Item Involved in Accident" (from PART C, Question 3) is "Pipe" or "Weld."

*Only one **sub-cause** can be picked from shaded left-hand column

1. The sub-cause selected below is based on the following: *(select all that apply)*

☐ Field Examination ☐ Determined by Metallurgical Analysis ☐ Other Analysis_____

☐ Sub-cause is Tentative or Suspected; Still Under Investigation *(Supplemental Report required)*

☐ **Construction-, Installation-, or Fabrication-related**

☐ **Original Manufacturing-related (NOT girth weld or other welds formed in the field)**

2. List contributing factors: *(select all that apply)*

☐ Fatigue- or Vibration-related:
- O Mechanically-induced prior to installation (such as during transport of pipe)
- O Mechanical Vibration
- O Pressure-related
- O Thermal
- O Other _____

☐ Mechanical Stress

☐ Other _____

☐ **Environmental Cracking-related**

3. Specify: O Stress Corrosion Cracking O Sulfide Stress Cracking O Hydrogen Stress Cracking O Other _____

Complete the following if any Material Failure of Pipe or Weld sub-cause is selected.

*4. Additional factors: *(select all that apply)* O Dent O Gouge O Pipe Bend O Arc Burn O Crack O Lack of Fusion O Lamination O Buckle O Wrinkle O Misalignment O Burnt Steel O Other _____

*5. Has one or more internal inspection tool collected data at the point of the Accident? O Yes O No

*5.a If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run:

O Magnetic Flux Leakage Tool	/__/__/__/__/
O Ultrasonic	/__/__/__/__/
O Geometry	/__/__/__/__/
O Caliper	/__/__/__/__/
O Crack	/__/__/__/__/
O Hard Spot	/__/__/__/__/
O Combination Tool	/__/__/__/__/
O Transverse Field/Triaxial	/__/__/__/__/
O Other _____	/__/__/__/__/

*6. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?

O Yes ⇨ Most recent year tested: /__/__/__/__/ Test pressure (psig): /__/__/,/__/__/__/

O No

*7. Has one or more Direct Assessment been conducted on the pipeline segment?

O Yes, and an investigative dig was conducted at the point of the Accident ⇨ Most recent year conducted: /__/__/__/__/

O Yes, but the point of the Accident was not identified as a dig site ⇨ Most recent year conducted: /__/__/__/__/

O No

*8. Has one or more non-destructive examination(s) been conducted at the point of the Accident since January 1, 2002?

O Yes O No

*8.a If Yes, for each examination conducted since January 1, 2002, select type of non-destructive examination and indicate most recent year the examination was conducted:

O Radiography	/__/__/__/__/
O Guided Wave Ultrasonic	/__/__/__/__/
O Handheld Ultrasonic Tool	/__/__/__/__/
O Wet Magnetic Particle Test	/__/__/__/__/
O Dry Magnetic Particle Test	/__/__/__/__/
O Other _____	/__/__/__/__/

G6 - Equipment Failure - *only one **sub-cause** can be picked from shaded left-hand column

☐ **Malfunction of Control/Relief Equipment**	1. Specify: *(select all that apply)* ○ Control Valve ○ Instrumentation ○ SCADA ○ Communications ○ Block Valve ○ Check Valve ○ Relief Valve ○ Power Failure ○ Stopple/Control Fitting ○ ESD System Failure ○ Other _____
☐ **Pump or Pump-related Equipment**	2. Specify: ○ Seal/Packing Failure ○ Body Failure ○ Crack in Body ○ Appurtenance Failure ○ Other _____
☐ **Threaded Connection/Coupling Failure**	3. Specify: ○ Pipe Nipple ○ Valve Threads ○ Mechanical Coupling ○ Threaded Pipe Collar ○ Threaded Fitting ○ Other _____
☐ **Non-threaded Connection Failure**	4. Specify: ○ O-Ring ○ Gasket ○ Seal (NOT pump seal) or Packing ○ Other _____
☐ **Defective or Loose Tubing or Fitting**	
☐ **Failure of Equipment Body (except Pump), Tank Plate, or other Material**	
☐ **Other Equipment Failure**	*5. Describe: _____ _____

Complete the following if any Equipment Failure sub-cause is selected.

*6. Additional factors that contributed to the equipment failure: *(select all that apply)*

- ○ Excessive v bration
- ○ Overpressurization
- ○ No support or loss of support
- ○ Manufacturing defect
- ○ Loss of electricity
- ○ Improper installation
- ○ Mismatched items (different manufacturer for tubing and tubing fittings)
- ○ Dissimilar metals
- ○ Breakdown of soft goods due to compatibility issues with transported commodity
- ○ Valve vault or valve can contributed to the release
- ○ Alarm/status failure
- ○ Misalignment
- ○ Thermal stress
- ○ Other _____

G7 - Incorrect Operation - *only one **sub-cause** can be picked from shaded left-hand column

☐ **Damage by Operator or Operator's Contractor NOT Related to Excavation and NOT due to Motorized Vehicle/Equipment Damage**	
☐ **Tank, Vessel, or Sump/Separator Allowed or Caused to Overfill or Overflow**	1. Specify: ○ Valve misalignment ○ Incorrect reference data/calculation ○ Miscommunication ○ Inadequate monitoring ○ Other _____
☐ **Valve Left or Placed in Wrong Position, but NOT Resulting in a Tank, Vessel, or Sump/Separator Overflow or Facility Overpressure**	
☐ **Pipeline or Equipment Overpressured**	
☐ **Equipment Not Installed Properly**	
☐ **Wrong Equipment Specified or Installed**	
☐ **Other Incorrect Operation**	*2. Describe: _____

Complete the following if any Incorrect Operation sub-cause is selected.

*3. Was this Accident related to: *(select all that apply)*
- ○ Inadequate procedure
- ○ No procedure established
- ○ Failure to follow procedure
- ○ Other: _____

*4. What category type was the activity that caused the Accident:
- ○ Construction
- ○ Commissioning
- ○ Decommissioning
- ○ Right-of-Way activities
- ○ Routine maintenance
- ○ Other maintenance
- ○ Normal operating conditions
- ○ Non-routine operating conditions (abnormal operations or emergencies)

*5. Was the task(s) that led to the Accident identified as a covered task in your Operator Qualification Program? ○ Yes ○ No

*5.a If Yes, were the individuals performing the task(s) qualified for the task(s)?
- ○ Yes, they were qualified for the task(s)
- ○ No, but they were performing the task(s) under the direction and observation of a qualified individual
- ○ No, they were not qualified for the task(s) nor were they performing the task(s) under the direction and observation of a qualified individual

G8 – Other Accident Cause - *only one **sub-cause** can be picked from shaded left-hand column

☐ **Miscellaneous**	*1. Describe: _____ _____
☐ **Unknown**	*2. Specify: ○ Investigation complete, cause of Accident unknown ○ Still under investigation, cause of Accident to be determined* *(*Supplemental Report required)*

PART H – NARRATIVE DESCRIPTION OF THE ACCIDENT *(Attach additional sheets as necessary)*

***PART I – PREPARER AND AUTHORIZED SIGNATURE**

*Preparer's Name (type or print)

Preparer's Telephone Number

Preparer's Title (type or print)

Preparer's E-mail Address

Preparer's Facsimile Number

Authorized Signature

*Date

Au horized Signature Telephone Number

*Authorized Signature's Name (type or print)

Authorized Signature's Title (type or print)

Au horized Signature's E-mail Address

INSTRUCTIONS FOR FORM PHMSA F 7000-1 (Rev. 01-2010)
ACCIDENT REPORT - HAZARDOUS LIQUID PIPELINE SYSTEMS

Revised (11/2010)

GENERAL INSTRUCTIONS

Each hazardous liquid pipeline operator shall file a written report for an accident that meets the criteria in 49 CFR §195.50 as soon as practicable but not more than 30 days after discovery of the accident, using the appropriate form. Hazardous liquid releases during maintenance activities need not be reported if the spill was less than 5 barrels, not otherwise reportable under 49 CFR §195.50, did not result in water pollution as described by 49 CFR §195.52(a)(4), was confined to company property or pipeline right-of-way, and was cleaned up promptly. Any spill of 5 gallons or more to water shall be reported.

If you need copies of the Form PHMSA F 7000-1 and/or instructions they can be found on the Pipeline Safety Community main page, http://phmsa.dot.gov/pipeline, by clicking the Library hyperlink and then the Forms hyperlink under the "Mini Menu" on the right of the web page. The applicable forms are listed in the section titled Accidents/Incidents/Annual Reporting Forms. If you have questions about this report or these instructions, please call (202) 366-8075. Please type or print all entries when submitting forms by mail or Fax.

195.50 Reporting accidents.

An accident report is required for each failure in a pipeline system subject to this part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

(a) Explosion or fire not intentionally set by the operator.

(b) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if the release is:

(1) Not otherwise reportable under this section;

(2) Not one described in §195.52(a)(4);

(3) Confined to company property or pipeline right-of-way; and

(4) Cleaned up promptly;

(c) Death of any person;

(d) Personal injury necessitating hospitalization;

(e) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding $50,000.

195.52 Telephonic Notice of Certain Accidents.

(a) At the earliest practicable moment following discovery of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in §195.50, the operator of the system shall give notice, in accordance with paragraph (b) of this section, of any failure that:

(1) Caused a death or a personal injury requiring hospitalization;

(2) Resulted in either a fire or explosion not intentionally set by the operator;

(3) Caused estimated property damage, including cost of cleanup and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding $50,000;

(4) Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines; or

(5) In the judgment of the operator was significant even though it did not meet the criteria of any other paragraph of this section.

(b) Reports made under paragraph (a) of this section are made by telephone to 800-424-8802 (for those without 800 access: 202-267-2675) and must include the following information:

(1) Name and address of the operator.

(2) Name and telephone number of the reporter.

(3) The location of the failure.

(4) The time of the failure.

(5) The fatalities and personal injuries, if any.

(6) All other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages.

Telephonic reports are assigned an NRC number, which operators should note. **When applicable, National Response Center call information must be reported in Question 6 of the Form PHMSA F 7000-1.**

§ 195.54 Accident reports.

(a) Each operator that experiences an accident that is required to be reported under §195.50 shall as soon as practicable, but not later than 30 days after discovery of the accident, prepare and file an accident report on DOT Form 7000–1, or a facsimile.

(b) Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000–1, it shall file a supplemental report within 30 days.

REPORTING METHODS

Use one of the following methods to submit your report. We strongly encourage online reporting over hardcopy submissions. If you prefer, you can mail or fax your completed reports to DOT/PHMSA.

1. Online

a. Navigate to the new **Electronic Incident Accident (EIA) System** at the following URL http://pipelineonlinereporting.phmsa.dot.gov/.
b. Enter Operator ID and PIN (*the name that appears is the operator name assigned to the operator ID and PIN and is automatically populated by our database and cannot be changed by the operator at the time of filing*).
c. Under "**Create Reports**" on the left side of the screen, select the type of report you would like to create (i.e., gas transmission or gas distribution incident, or hazardous liquid accident) and proceed with entering your data. **Note**: *Data fields marked with a single asterisk are considered required fields that must be completed before the system will accept your initial filing.*
d. Click "**Submit**" when finished with your filing to have your report uploaded to our database; or click "**Save**" which doesn't submit the report to PHMSA but stores it in a draft status to allow you to come back to complete your filing at a later time. **Note**: *The "Save" feature will allow you to start a report and save a draft of it which you can print out to gather additional information and then come back to accurately complete your data entry before submitting it to PHMSA.*
e. Once you hit [Submit], the system will return you to the initial view of the screen that lists your [Saved Incident/Accident Reports] in the top portion of the screen and your [Submitted Incident/Accident Reports] in the bottom portion of the screen. **Note**: *To confirm that your report was successfully submitted to PHMSA, look for it in the bottom portion of the screen where you can also view a PDF of what you submitted.*

Note: **Supplemental Report Filing** – follow steps 1.a and 1.b above and then select a report from the [Submitted Incident/Accident Reports] lists as described in step 1.e. The report will default to supplemental and pre-populate data fields with data you previously submitted. At this point, you can amend your data and re-submit the report to PHMSA.

If you submit your report online, PLEASE DO NOT MAIL OR FAX the completed report to DOT as this may result in duplicate entries.

2. Mail to:

DOT/PHMSA Office of Pipeline Safety
Information Resources Manager,
1200 New Jersey Ave., SE
East Building, 2nd Floor, (PHP-20)
Room Number E22-321
Washington, DC 20590

3. Fax to: Information Resources Manager at (202) 366-4566.

30-DAY WRITTEN REPORT RETRACTION

An operator who submits a 30-day written report for an accident and upon subsequent investigation determines the accident did not meet the criteria in 49 CFR 195.50 should request to have the report retracted. Requests to retract a 30-day written report should be submitted on operator letterhead and mailed or faxed to the Information Resources Manager at the address/fax number above. Letters to request retraction may also be submitted as email attachments to InformationResourcesManager@dot.gov. Requests should include the following information:

a: The Report ID, the unique 8-digit identifier assigned by PHMSA,
b. Operator name,
c: PHMSA-issued operator ID number,
d. Date of the accident,
e. Location of the accident (e.g., for onshore accidents: city, county, state), and
f. A brief statement as to why the 30-day written report should be retracted.

SPECIAL INSTRUCTIONS

1. Certain data fields must be completed before an Original Report will be accepted. The data fields that must be completed for an Original Report to be accepted are indicated on the form by a single asterisk (*). If filing a hardcopy of this report, the report will not be accepted by PHMSA unless all of these fields have been completed. If filing on-line, your Original Report will not be able to be submitted until the required information has been provided, although your partially completed form can be saved on-line so that you can return at a later time to provide the missing information.

2. An entry should be made in each applicable space or check box, unless otherwise directed by the section instructions.

3. If the data is unavailable, enter "unknown" for text fields and leave numeric fields and fields using check boxes or "radio" buttons blank.

4. If possible**,** provide an **estimate** in lieu of answering a question with "unknown" or leaving the field blank. Estimates should be based on best-available information and reasonable effort.

5. For unknown or estimated data entries, the operator should file a supplemental report when additional information becomes available to finalize the report.

6. If the question is not applicable, please enter "N/A" for text fields and leave numeric fields and fields using check boxes or "radio" buttons blank.

7. For questions requiring numeric answers, all data fields should be filled in using zeroes when appropriate. When decimal points are required, **the decimal point should be placed in a separate block** in the data field.

   Examples:

(Part C, item 3.a,) Nominal diameter of pipe (in):	/0/0/2/4/	(24 inches)
	/3/./5/	(3.5 inches)
(Part C, item 3.b), Wall thickness (in)	/0/./3/1/2/	(0.312 inches)
(Part C, item 3.c), SMYS	/0/5/2/,/0/0/0/	(52,000 psi)

8. If **OTHER** is checked for any answer to a question, please include an explanation or description on the line provided next to the item checked.

9. Pay close attention to each question for the phrase:
   a. ***(select all that apply)***
   b. ***(select only one)***
   If the phrase does not exist for a given question, then "select only one" is the default instruction. "Select all that apply" means that you should choose all answers that are applicable. "Select only one" means that you should select the single, primary or most applicable answer. DO NOT SELECT MORE ANSWERS THAN REQUESTED.

10. **Date format** = mm/dd/yy or for year = /yyyy/

11. **Time format:** All times are reported as a 24-hour clock:

    Time format Examples:

    a. (0000) = midnight = /0/0/0/0/
    b. (0800) = 8:00 a.m. = /0/8/0/0/
    c. (1200) = Noon = /1/2/0/0/

d. (1715) = 5:15 p.m. = /1/7/1/5/
e. (2200) = 10:00 p.m. = /2/2/0/0/

12. **Local time** always refers to time at the site of the accident.

SPECIFIC INSTRUCTIONS

PART A – GENERAL REPORT INFORMATION

Report Type: ***(select all that apply)***

Check the appropriate report box or boxes to indicate the type of report being filed. Depending on the descriptions below, the following combinations of boxes may be selected:

- Original Report only
- Original Report plus Final Report
- Supplemental Report only
- Supplemental Report plus Final Report

☐ **Original Report**
Select this type of report if this is the FIRST report filed for this accident.

If all of the information requested is known and provided at the time the initial report is filed, including final property damages and accident cause information, check the box for "Final Report" as well as the box for "Original Report," indicating that no further information will be forthcoming.

☐ **Supplemental Report**
Select this type of report only if you have already filed an "Original Report" AND you are now providing new, updated, and/or corrected information. Multiple supplements are to be submitted as needed in order to provide new, updated, and/or corrected information as it becomes available.
In cases where an incident results in long-term remediation, an operator may cease filing Supplemental Reports in the following situations and, instead, file a Final Report even when additional remediation costs and recovery of released commodity are still occurring:

1. When the incident response consists only of long-term remediation and/or monitoring which is being conducted under the auspices of an authorized governmental agency or entity.
2. When the estimated final costs and volume of commodity recovered can be predicted with a reasonable degree of certainty.
3. When the volume of commodity recovered over time is consistently decreasing to the point where an estimated total volume of commodity recovered can be predicted with a reasonable degree of accuracy.
4. When the operator can justify (and explain in the Part H – Narrative) that the

continuation of Supplemental Report filings in the future will not provide any essential information which will be critically different than that contained in a Final Report filed currently.

In any of these cases, though, if the reported total volume of commodity released or other previously reported data other than "Estimated cost of Operator's environmental remediation" or "Estimated volume of commodity recovered" is found to be inaccurate, a Supplemental Report is still required.

For Supplemental Reports filed by fax or mail, please check the **Supplemental Report** box, complete Part A, Items 1 through 6, and then enter information that has changed or is being added. Please do not enter previously submitted information that has not changed other than Items 1-6, which are needed to provide a way to identify previously filed reports.

For Supplemental Reports filed online, all data previously submitted will automatically populate in the form. Page through the form to make edits and additions where needed.

Operators are encouraged to file supplemental reports within one year in those instances where the supplemental report is used to update information from investigations that were still ongoing when the prior report was filed.

☐ **Final Report**

Select this type of report if you are filing an "Original Report" for which no further information will be forthcoming (as described under "Original Report" above) or if you have already filed an "Original Report" AND you are now providing new, updated, and/or corrected information via a "Supplemental Report" AND you are reasonably certain that no further information will be forthcoming. (Note: If an Operator files one of the two types of "Final" Reports and then subsequently finds that new information needs to be provided, it should submit another "Supplemental Report" and select the appropriate box or boxes – "Supplemental + Final" (if appropriate) – for the newly submitted report and include an explanation in the PART H Narrative.)

Supplemental reports must be filed within 30 days following the Operator's awareness of new, additional, or updated information. Failure to comply with these requirements can result in enforcement actions, including the assessment of civil penalties not to exceed $100,000 for each violation for each day that such violation persists up to a maximum of $1,000,000

Required Fields for Small Releases:

If the release is at least 5 gallons but is less than 5 barrels with no additional consequences (see below), complete only the fields indicated by light-grey shading. If the spill is to water as described in 49 CFR §195.52(a)(4) or is otherwise reportable under §195.50, then the entire Form F 7000-1 must be completed.

The entire form must be completed for any releases that

- Involve death or personal injury requiring hospitalization; or
- Involve fire or explosion; or
- Are 5 barrels or more; or

- Have property damage greater than $50,000: or
- Result in pollution of a body of water.

If any of these events occurred, complete the entire Form F 7000-1.

In Part A, answer questions from 1 thru 18 by providing the requested information or by checking the appropriate box.

1. Operator's OPS -Issued Operator Identification Number (OPID):

The Pipeline and Hazardous Materials Safety Administration (PHMSA) assigns the operator's identification number. Most OPIDs are 5 digits. Older OPIDs may contain fewer digits. If your OPID contains fewer than 5 digits, insert leading zeros to fill all blanks. Contact us at (202) 366-8075 if you need assistance with an identification number during our business hours of 8:30 AM to 5:00 PM Eastern Time.

2. Name of Operator

This is the company name used when registering for an Operator ID and PIN in the Online Data Entry System. For online entries, the Name of Operator should be automatically filled in based on the Operator Identification Number entered in question 1. If the name that appears does not coincide with the Operator ID, contact PHMSA at the number provided in Question 1.

3. Address of Operator

Enter the address of the operator's business office to which any correspondence related to the accident report should be sent.

4. Local time (24-hour clock) and date of the Accident.

For pipeline systems crossing multiple time zones, enter the time at the location of the accident.

See page 5 for examples of **Date format** and **Time format** expressed as a 24-hour clock

(b) (7)(F), (b) (3)

[redacted]

(b) (7)(F), (b) (3) [redacted]

All locations in the United States will have a negative longitude coordinate**, which has already been printed on the form**.

If you cannot locate the accident with a GPS or some other means, the U.S. Census Bureau provides a tool for determining latitude and longitude, (http://tiger.census.gov/cgi-bin/mapbrowse-tbl). You can use the online tool to identify the geographic location of the accident. The tool displays the latitude and longitude in decimal degrees below the map. Any questions regarding the required format, conversion or how to use the tool noted above can be directed to Amy Nelson (202.493.0591 or amy.nelson@dot.gov).

6. National Response Center (NRC) Report Number

Accidents meeting the criteria outlined in §195.52 are to be reported directly to the **24-hour National Response Center (NRC): at 1-800-424-8802** at the earliest practicable moment (generally within 2 hours). The number of that telephonic report is to be entered in Question 6.

7. Local time (24-hr clock) and date of initial telephonic report to the National Response Center:

Enter the time (local time at site of the accident) and date of the telephonic report of accident. The time should be shown by 24-hour clock notation (see page 5 for examples).

8. Commodity Released

Select only one primary description of the commodity and then, where applicable, the secondary description of the commodity, based on the predominant volume released. Only releases of transported commodities are reportable.

☐ **Crude Oil**

☐ **Refined and/or Petroleum Product (non-HVL) which is a Liquid at Ambient Conditions**

> **Refined and/or Petroleum Product** includes gasoline, diesel, jet fuel, kerosene, fuel oils, or other refined or petroleum products which are a liquid at ambient conditions. They are flammable, toxic, or corrosive products obtained from distilling or processing of crude oil, unfinished oils, natural gas liquids, blend stocks, and other miscellaneous hydrocarbon compounds. For a non-HVL petrochemical feedstock, such as propylene, report as “other” and specify the name of the commodity (e.g., “propylene”) in the space provided.

☐ **HVL or Other Flammable or Toxic Fluid which is a Gas at Ambient Conditions**

> **Highly Volatile Liquids (HVLs)** are hazardous liquids or liquid mixtures which will form a vapor cloud when released to the atmosphere and have a vapor pressure exceeding 276 kPa at 37.8 C.

Other Flammable or Toxic Fluids are those defined under 49 CFR 173.120 Class 3—Definitions

Other flammable or toxic fluids which fall under this category include gases at ambient conditions, such as anhydrous ammonia (NH_3) and propane. For a petrochemical feedstock, such as ethane or ethylene, which is also classified as a highly volatile liquid, report as "Other HVL" and specify the appropriate name (e.g., "ethane" or "ethylene") in the space provided.

☐ **CO_2 (Carbon Dioxide)**

☐ **Biofuel/Alternate Fuel (including ethanol blends)**

Fuel Grade Ethanol is denatured ethanol before it has been mixed with a petroleum product or other hydrocarbon; sometimes also referred to as neat ethanol.

Ethanol Blend is ethanol plus a petroleum product such as gasoline. Such mixtures may be referred to as E10 or E85, for example, representing a 10% or 85% blend respectively. In the space provided, specify the percentage of ethanol in the mixture. Blends greater than 95% ethanol should be reported as Fuel Grade Ethanol.

Biodiesel is a diesel liquid distilled from biological feedstocks vs. crude oil. Biodiesel is typically shipped as a blend mixed with a petroleum product. Report the percentage biodiesel in the blend as shown. For pure biodiesel, report 100.

9. Estimated volume of commodity released unintentionally:

An estimate of the volume released may be based on a variety and/or combination of inputs, including

- calculations made by hydraulic engineers
- volume added to the pipeline segment to repack the line when the line is placed back in service
- measured volume of free phase commodity recovered, with allowances for commodity that is not recovered.
- volume calculated to be absorbed by soil or water
- volume calculated to have been lost to evaporation (e.g., for gasoline spills)

Report all estimated volumes in BARRELS. Barrel means a unit of measurement equal to **42 U.S. standard gallons**. The table below converts gallons to barrels.

If estimated volume is		Report		If estimated volume is		Report	
5	gallons	**0.12**	barrels	24	gallons	**0.57**	barrels
6	gallons	**0.14**	barrels	25	gallons	**0.60**	barrels
7	gallons	**0.17**	barrels	26	gallons	**0.62**	barrels
8	gallons	**0.19**	barrels	27	gallons	**0.64**	barrels
9	gallons	**0.21**	barrels	28	gallons	**0.67**	barrels
10	gallons	**0.24**	barrels	29	gallons	**0.69**	barrels
11	gallons	**0.26**	barrels	30	gallons	**0.71**	barrels
12	gallons	**0.29**	barrels	31	gallons	**0.74**	barrels
13	gallons	**0.31**	barrels	32	gallons	**0.76**	barrels
14	gallons	**0.33**	barrels	33	gallons	**0.79**	barrels
15	gallons	**0.36**	barrels	34	gallons	**0.81**	barrels
16	gallons	**0.38**	barrels	35	gallons	**0.83**	barrels
17	gallons	**0.41**	barrels	36	gallons	**0.86**	barrels
18	gallons	**0.43**	barrels	37	gallons	**0.88**	barrels
19	gallons	**0.45**	barrels	38	gallons	**0.91**	barrels
20	gallons	**0.48**	barrels	39	gallons	**0.93**	barrels
21	gallons	**0.50**	barrels	40	gallons	**0.95**	barrels
22	gallons	**0.52**	barrels	41	gallons	**0.98**	barrels
23	gallons	**0.55**	barrels	42	gallons	**1.000**	barrels

10. Estimated volume of intentional and/or controlled release/blowdown:

Estimate the amount of commodity that was released during any intentional release or controlled blowdown conducted as part of responding to or recovering from the incident. Intentional and controlled blowdown implies a level of control of the site and situation by the Operator such that the area and the public are protected during the controlled release.

11. Estimated volume of commodity recovered:

Recovered means the commodity is no longer in the environment. The commodity could have been removed by: absorbent pads or similar mechanisms; transferring to temporary storage such as a vacuum truck, a frac tank, or similar vessel; soil removal; bio-remediation; or other similar means of removal or recovery. The volume can be estimated based on a variety or combination of the measurement of free phase commodity recovered, the amount calculated to be absorbed by soil or water that was removed from the environment, measurement of oil extracted from absorbent pads, etc. For special considerations related to long-term remediation, see the instructions accompanying Supplemental Report under Part A – General Report Information.

Report all estimated volumes in BARRELS. See conversion table above to convert from gallons to barrels.

12. Were there fatalities?

If a person dies at the time of the accident or within 30 days of the initial accident date due to injuries sustained as a result of the accident, report as a fatality. If a person dies

subsequent to an injury more than 30 days past the accident date, report as an injury. This aligns with the Department of Transportation's general guidelines for all modes for reporting deaths and injuries.

Contractor employees working for the operator means people hired to work for or on behalf of the operator of the pipeline.

Non-operator emergency responders means people responding to render professional aid at the accident scene including on-duty fire fighters, rescue workers, EMTs, police officers, etc. "Good Samaritans" that stop to assist should be reported as "General public."

Workers Working on the Right of Way, but NOT Associated with this Operator means people authorized to work in or near the right-of-way, but not hired by or working on behalf of the operator of the pipeline. This includes all work conducted within the right of way including work associated with other underground facilities sharing the right of way, building/road construction in or across the right of way, or farming. This category most often includes employees of other pipelines or underground facilities operators, or their contractors, working in or near a shared right-of-way. Workers performing work near, but not on, the right of way and who are affected should be reported as general public.

13. Were there injuries requiring inpatient hospitalization?
Injuries requiring inpatient hospitalization mean injuries sustained as a result of the accident which require both hospital admission *and* at least one overnight stay.

14. Was the pipeline/facility shut down due to the Accident?
Report any shutdowns that occur as a result of the accident (including but not limited to those required for damage assessment, repair, and clean-up). Instances in which an accident was caused by a release that did not involve damage to the pipeline (e.g., incorrect operations) and in which no need for repairs resulted need not be reported as being shutdown, even though the pipeline may have been shutdown as a precautionary measure to inspect for damages.

If No is selected, explain the reason that no shutdown was needed in the blank provided.

If Yes is selected, complete questions 14.a and 14.b.

14.a. Local time (24hr clock) and date of shutdown
For pipeline systems crossing multiple time zones, enter the time at the location of the accident.

14.b. Local time pipeline/facility restarted
Report the time the pipeline/facility was restarted (if applicable). If the pipeline or facility has not been restarted at the time of reporting, check "Still shut down" and then include the restart time in a future Supplemental Report.

15. Did the Commodity Ignite?
Ignite means the commodity caught fire**.**

16. Did the Commodity Explode?
Explode means the release of the transported commodity resulted in a sudden and violent release of energy, whether accompanied by a fire involving the released commodity or not.

17. Number of General Public Evacuated:
The number of people evacuated should be estimated based on operator knowledge, or police, fire or other emergency responder reports or estimates. If there was no evacuation involving the general public, report "0." If an estimate is not possible for some reason, leave blank but include an explanation of why it was not possible in the Part H Narrative.

18. Time sequence (use local time, 24-hour clock)

Enter the time the operator became aware that an event constituted an accident (i.e., identified the accident) and the time operator personnel or contract resources (i.e., personnel and/or equipment) arrived on site. All times should be local times at the location of the accident.

PART B – ADDITIONAL LOCATION INFORMATION

1. Was the origin of the Accident onshore?
Answer Yes or No as appropriate and complete only the designated questions.

For onshore pipelines

2 – 5. Accident Location
Provide the state, zip code, city, and county/parish in which the accident occurred.

6. Operator-Designated Location:

This is intended to be the designation that the operator would use to identify the location of the accident on its pipeline system. Enter the appropriate milepost/valve station or survey station number. This designator is intended to allow PHMSA personnel to both return to the physical location of the accident using the operator's own maps and identification systems as well as to identify the "paper" location of the accident when reviewing operator maps and records.

7. Pipeline/Facility Name

Multiple pipeline systems and/or facilities are often operated by a single operator. This information identifies the particular pipeline system or pipeline facility name commonly used by the operator on which the accident occurred, for example, the "West Line 24" Pipeline", or "Gulf Coast Pipeline", or "Wooster Terminal".

8. Segment name/ID

Within a given pipeline system and/or facility, there are typically multiple segment or station identifiers, names, or ID's which are commonly used by the operator. The information reported here helps locate and/or record the more precise accident location, for example, "Segment 4-32", or "MP 4.5 to Wayne County Line", or "Dublin Pump Station", or "Witte Meter Station".

9. Was the Accident on Federal Lands other than Outer Continental Shelf?

Federal Lands other than Outer Continental Shelf means all lands the United States owns, including military reservations, except lands in National Parks and lands held in trust for Native Americans. Accidents at Federal buildings, such as Federal Court Houses, Custom Houses, and other Federal office buildings and warehouses, are NOT to be reported as being on Federal Lands.

10. Location of Accident

Operator-controlled Property would normally apply to an operator's facility, which may or may not have controlled access, but which is often fenced or otherwise marked with discernible boundaries. This "operator-controlled property" does not refer to the pipeline right-of-way, which is a separate choice for this question.

11. Area of Accident (as found)

Underground means pipe, components or other facilities installed below the natural ground level, road bed, or below the underwater natural bottom.

Under pavement includes under streets, sidewalks, paved roads, driveways and parking lots.

Exposed due to Excavation means that a normally buried pipeline had been exposed by any party (operator, operator's contractor, or third party) preparatory to or as a result of excavation. The cause of the release, however, may or may not necessarily be related to excavation damage. This category could include a corrosion leak not previously evidenced by stained vegetation, but found during an ILI dig, or a release caused by a non-excavation vehicle where contact happened to occur while the pipeline was exposed for a repair or examination. Natural forces might also damage a pipeline that happened to be temporarily exposed. In each case, the cause should be appropriately reported in section G of this form.

Aboveground means pipe, components or other facilities that are above the natural grade.

Typical aboveground facility piping includes any pipe or components installed aboveground such as those at pump stations, valve sites, and breakout tank farms.

Transition area means the junction of differing material or media between pipes, components, or facilities such as those installed at a belowground-aboveground junction (soil/air interface), another environmental interface, or in close contact to supporting elements such as those at water crossings, pump stations and break out tank farms.

12. Did Accident occur in a crossing?

Use **Bridge Crossing** if the pipeline is suspended above a body of water or roadway, railroad right-of-way, etc., either on a separately designed pipeline bridge or as a part of or connected to a road, railroad, or passenger bridge.

Use **Railroad Crossing** or **Road Crossing**, as appropriate, if the pipeline is buried beneath rail bed or road bed.

Use **Water Crossing** if the pipeline is in the water, beneath the water, in contact with the natural ground of the lake bed, etc., or buried beneath the bed of a lake, reservoir, stream or creek, whether the crossing happens to be flowing water at the time of the accident or not. The name of the body of water should be provided if it is commonly known and understood among the local population. (The purpose of this information is to allow persons familiar with the area in which the accident occurred to identify the location and understand it in its local context. Research to identify names that are not commonly used is not necessary since such names would not fulfill the intended purpose. If a body of water does not have a name that is commonly used and understood in the local area, this field should be left blank).

For **Approximate Water Depth (ft)** of the lake, reservoir, etc., estimate the typical water depth at the location of the accident, allowing for seasonal, weather-related and other factors which may affect the water depth from time to time.

For offshore pipelines

13. Approximate Water Depth (ft.), at the point of the Accident:
This should be the estimated depth from the surface of the water to the seabed at the point of the accident regardless of whether the pipeline is below/on the bottom, underwater but suspended above the bottom, or above the surface (e.g., on a platform).

14. Origin of the Accident

Area and Tract/Block numbers should be provided for either State or OCS waters, whichever is applicable.

For Nearest County/Parish, as with the name of an onshore body of water (see question 12 above), the data collected is intended to allow persons familiar with the area in which the accident occurred to identify the location and understand it in its local context. Accordingly, it is not necessary to take measurements to determine which county/parish is "nearest" in cases where the accident location is approximately equidistant from two (or more). In such cases, the name of one of the nearby counties/parishes should be provided.

PART C – ADDITIONAL FACILITY INFORMATION

1. Is the pipeline or facility [Interstate or Intrastate]?

As defined in section 195.2, "**Interstate pipeline** means a pipeline or that part of a pipeline that is used in transportation of hazardous liquids or carbon dioxide in interstate or foreign commerce."

As defined in section 195.2, "**Intrastate pipeline** means a pipeline or that part of a pipeline to which [part 195] applies that is not an interstate pipeline.

Operators may refer to Appendix A of Part 195 for further guidance.

3. Item involved in Accident

Pipe (whether pipe body or pipe seam) means the pipe through which the commodity is transported, not including auxiliary piping, tubing or instrumentation.

Nominal diameter of pipe is also called **Nominal pipe size.** It is the diameter in whole number inches (except for pipe less than 4") used to describe the pipe size; for example, 8-5/8 pipe has a nominal pipe size of 8". Decimals are unnecessary for this measure (except for pipe less than 4").

Enter **pipe wall thickness** in inches. Wall thickness is typically less than one inch, and is standard among different pipeline types and manufacturers. Accordingly, use three decimal places to report wall thickness: 0.312, 0.281, etc.

SMYS means specified minimum yield strength and is the yield strength prescribed by the specification under which the material is purchased from the manufacturer.

Pipe Specification is the specification to which the pipe was manufactured, such as API 5L or ASTM A106.

Pipe seam means the longitudinal seam (longitudinal weld) created during manufacture of the joint of pipe.

Pipe Seam Type Abbreviations
SAW means submerged arc weld
ERW means electric-resistance weld
DSAW means double submerged arc weld

Auxiliary piping means piping, usually small in diameter that supports the operation of the mainline or facility piping and does not include tubing. Examples of auxiliary piping include discharge and drain lines, sample lines, etc.

If the accident occurred on an item not provided in this section, check the OTHER box and specify in the space provided the item that failed.

6. Type of Accident involved (select only one):

Mechanical puncture means a puncture of the pipeline, typically by a piece of equipment such as would occur if the pipeline were pierced by directional drilling or a backhoe bucket tooth. Not all excavation-related damage will be a "mechanical puncture." (Precise

measurement of size – e.g., micrometer – is not needed. Approximate measurements can be provided in inches and one decimal.)

Leak means a failure resulting in an unintentional release of the transported commodity that is often small in size, usually resulting in a low flow release of low volume, although large volume leaks can and do occur on occasion.

Rupture means a loss of containment that immediately impairs the operation of the pipeline. Pipeline ruptures often result in a higher flow release of larger volume. The terms "circumferential" and "longitudinal" refer to the general direction or orientation of the rupture relative the pipe's axis. They do not exclusively refer to a failure involving a circumferential weld such as a girth weld, or to a failure involving a longitudinal weld such as a pipe seam. (Precise measurement of size – e.g., micrometer – is not needed. Approximate measurements can be provided in inches and one decimal.)

PART D – ADDITIONAL CONSEQUENCE INFORMATION

Per 195.450, High Consequence Area means:

1. A *commercially navigable waterway,* which means a waterway where a substantial likelihood of commercial navigation exists;
2. A *high population area,* which means an urbanized area as defined and delineated by the Census Bureau that contains 50,000 or more people and has a population density of at least 1,000 people per square mile;
3. An *other populated area,* which means a place as defined and delineated by the Census Bureau that contains a concentrated population, such as an incorporated or unincorporated city, town, village, or other designated residential or commercial area;
4. An *unusually sensitive area,* as defined in § 195.6

5.b Estimated amount released in or reaching water

An estimate of the volume released in or reaching water may be based on a variety and/or combination of inputs, including those mentioned above for Part A, Questions 9 and 10.

5.c Name of body of water, if commonly known:

The name of the body of water should be provided if it is commonly known and understood among the local population. (The purpose of this information is to allow persons familiar with the area in which the accident occurred to identify the location and understand it in its local context. Research to identify names that are not commonly used is not necessary since such names would not fulfill the intended purpose. If a body of water does not have a name that is commonly used and understood in the local area, this field should be left blank).

6. At the location of this Accident, had the pipeline segment or facility been identified as one that "could affect" a High Consequence Area (HCA) as determined in the Operator's Integrity Management Program?

This question should be answered based on the classification of the involved segment in the operator's integrity management (IM) program at the time of the accident, whether or not consequences to an HCA ensued. It is possible that a release on a pipeline segment that "could affect" an HCA might not actually affect an HCA. It is also possible that releases from segments thought not able to affect an HCA might have such an affect. This could indicate a deficiency in the operator's IM program for identifying segments that can affect HCAs, and all of this information is useful for PHMSA's overall evaluations concerning the efficacy of IM regulation.

7. Did the released commodity reach or occur in one or more High Consequence Area (HCA)?

Guidance available from the pipeline industry for its own spill reporting system is pertinent here. Please see **http://committees.api.org/pipeline/ppts/docs/Advisories/2004-1AdvisoryHCAReporting.pdf**

Generally, a spilled commodity will have "reached" an HCA if the spill zone intersects the boundaries of the HCA polygon as mapped by the National Pipeline Mapping System. The HCA maps should be available as a part of each operator's Integrity Management Program as per Part 195.452.

7.a. HCA Type (**select all that apply**)
Refer to the definitions in 195.450, reproduced above. Leave this question blank if the released commodity did not reach or occur in a High Consequence Area.

8. Estimated cost to Operator:

All relevant costs to the operator must be included on the initial written accident report as well as supplemental reports. This includes (but is not limited to) costs due to property damage to the operator's facilities and to the property of others, commodity lost, facility repair and replacement, and environmental cleanup and damage. Do not report costs incurred for facility repair, replacement, or change that is not related to the accident and done solely for convenience. An example of doing work solely for convenience is working on non-leaking facilities unearthed because of the accident. Litigation and other legal expenses related to the accident are not reportable.

Operators should report costs based on the best estimate available at the time a report is submitted. It is likely that an estimate of final repair costs may not be available when the initial report must be submitted (30 days, per Section 195.54). The best available estimate of these costs should be included in the initial report. For convenience, this estimate can be revised, if needed, when supplemental reports are filed for other reasons, however, when no other changes are forthcoming, supplemental reports should be filed as new cost information becomes available. If supplemental reports are not submitted for other reasons, a supplemental report should be filed for the purpose of correcting the estimated cost if these costs differ from those already reported by 20 percent or $20,000, whichever is greater.

Public and Non-operator private property damage estimates generally include physical damage to the property of others, the cost of environmental investigation and remediation of a site not owned or operated by the Operator, laboratory costs, third party expenses such as engineers or scientists, and other reasonable costs, excluding litigation and other legal expenses related to the accident.

Paid/reimbursed means that the entity experiencing the property damage was compensated by the operator or operator's representative for the damage or the cost to repair the damage.

Cost of commodity lost includes the cost of the commodity not recovered and/or the cost of recovered commodity downgraded to a lower value or re-processed, and should be based on the volume reported in Part A, Questions 9 and 10.

Operator's property damage estimates generally include physical damage to the property of Operator or Owner Company such as the estimated installed value of the damaged pipe, coating, component, materials or equipment due to the accident, excluding litigation and other legal expenses related to the accident.

When estimating the **Cost of repairs** to company facilities, the standard shall be the cost necessary to safely restore property to its predefined level of service. These costs may include the cost of repair sleeves or clamps, re-routing of piping, or the removal from service of an appurtenance, tank, or pipeline component. When more comprehensive repairs or improvements are justified but not required for continued operation, the cost of such repairs or replacement is not attributable to the accident. Costs associated with improvements to the pipeline to mitigate the risk of future failures are not included.

The following examples are provided for clarity and guidance:

Tank accident - Property damage estimates would include the cost to remove the tank from service, sufficiently clean the tank, repair the tank to a standard operating capability, and then return the tank to service. Costs associated with improvements to the tank to mitigate the risk of future failures are not included.

Pipeline accident - Property damage estimates include the cost to access, excavate and repair the pipeline using methods, materials, and labor necessary to re-establish operations at a predetermined level. Costs associated with improvements to the pipeline to mitigate the risk of future failures are not included.

Estimated costs of **Operator's emergency response** include emergency response operations necessary to return the accident site to a safe state, actions to minimize the volume of commodity released and conduct reconnaissance, and actions to identify the extent of accident impacts and contain, control, mitigate, recover, and remove the commodity from the environment, to the maximum extent practicable. They include materials, supplies, labor, and benefits. Costs related to stakeholder outreach, media response, etc. should not be included. The estimated costs of long-term remediation activities should be included in Environmental Remediation estimates.

Environmental remediation includes the estimated cost to remediate a site such as those associated with engineering, scientists, laboratory costs, installation of long-term recovery

systems, etc. For special considerations related to long-term remediation, see the instructions accompanying Supplemental Report under Part A – General Report Information.

Other costs should not include estimated cost categories separately listed above.

Costs should be reported in only one category and should not be double-counted. Costs can be split between two or more categories when they overlap more than one reporting category.

PART E – ADDITIONAL OPERATING INFORMATION

4. Not including pressure reductions required by PHMSA regulations (such as for repairs and pipe movement), was the system or facility relating to the Accident operating under an established pressure restriction with pressure limits below those normally allowed by the MOP?

Consider both voluntary and mandated pressure restrictions. A pressure restriction should be considered mandated by PHMSA or a state regulator if it was directed by an order or other formal correspondence. Pressure reductions imposed by the operator as a result of regulatory requirements, e.g., a pressure reduction taken because an anomaly identified during an IM assessment could not be repaired within the required schedule (195.452(h)(3)), should not be considered mandated by PHMSA.

5.a. Type of upstream valve used to initially isolate release source
Identify the type of valve used to initially isolate the release on the upstream side. In general, this will be the first upstream valve selected by the Operator to minimize the release volume but may not be the closest to the accident site.

5.b. Type of downstream valve used to initially isolate release source
Identify the type of valve used to initially isolate the release on the downstream side. In general, this will be the first downstream valve selected by the Operator to minimize the release volume but may not be the closest to the accident site.

5.c. Length of segment isolated between valves (ft):
Identify the length in feet between the valves identified in item 5.a and 5.b that were initially used to isolate the spill area.

5.f. Function of pipeline system

Gathering means a crude oil pipeline 8 5/8 inches or less nominal outside diameter that transports petroleum from a production facility.

Trunkline/Transmission means all other pipeline assets not meeting the gathering definition.

SMYS means specified minimum yield strength and is the yield strength prescribed by the specification under which the material is purchased from the manufacturer.

Not all rural pipelines or gathering lines operating at less than 20% of SMYS are subject to part 195 safety requirements. Reporting requirements in part 195 subpart B, however, are applicable to all rural low-stress pipelines beginning January 5, 2009 (rule change published in the Federal Register June 3, 2008, 73FR31646). The purpose of this rule change was to allow PHMSA to collect data that might be used to determine whether rural low-stress pipelines and gathering lines not now subject to other regulations should be made subject to them. Low-stress rural pipelines and low-stress rural gathering lines that are not subject to the safety requirements of part 195 are considered unregulated, for purposes of this question, even though accidents on these pipelines are required to be reported.

Accidents reported on "UNregulated" rural low-stress pipelines and "Unregulated" rural low-stress gathering lines must be identified so that the data may be separated out to be used for the purpose intended. Accordingly, for accidents occurring on pipelines operating at less than or equal to 20% SMYS, Operators should indicate whether that pipe is "Regulated" (i.e., subject to all part 195 requirements; this includes pipe in non-rural areas and regulated rural pipelines) or "UNregulated."

6. Was a Supervisory Control and Data Acquisition (SCADA)-based system in place on the pipeline or facility involved in the Accident?

This does not mean a system exclusively for leak detection.

6.a. Was it operating at the time of the Accident?
Was the SCADA system in operation at the time of the accident?

6.b. Was it fully functional at the time of the Accident?
Was the SCADA system capable of performing all of its functions, whether or not it was actually in operation at the time of the accident? If no, describe functions that were not operational in the Narrative Part H

6.c and d. Did SCADA-based information (such as alarm(s), alert(s), event(s), and/or volume calculations) assist with the detection (or confirmation) of the Accident?

Check yes if SCADA-based information was used to confirm the accident even if the initial report or identification may have come from other sources. Use of SCADA data for subsequent estimation of amount of commodity lost, etc. is not considered use to confirm the accident.

Check No if data from SCADA was not used to assist with identification of the accident.

7. Was a CPM leak detection system in place on the pipeline or facility involved in the Accident?

This means a system exclusively for leak detection.

Follow instructions for question 6 (SCADA) above,

8. How was the Accident initially identified for the Operator? (select only one)

Controller per the definition in API RP 1168 means a qualified individual whose function within a shift is to remotely monitor and/or control the operations of entire or multiple sections of pipeline systems via a SCADA system from a pipeline control room, and who has operational authority and accountability for the daily remote operational functions of pipeline systems.

Local Operating Personnel including contractors means employees or contractors working on behalf of the operator outside the control room.

9. Was an investigation initiated into whether or not the controller(s) or control room issues were the cause of or a contributing factor to the Accident?

Check only one of the boxes to indicate whether an investigation was/is being conducted (Yes) or was not conducted (No). If an investigation has been completed, select all the factors that apply in describing the results of the investigation.

Cause means an action or lack of action that directly led to or resulted in the pipeline accident.

Contributing factor means an action or lack of action that when added to the existing pipeline circumstances heightened the likelihood of the release and/or added to the impact of the release.

Controller Error means that the controller failed to identify a circumstance indicative of a release event, such as an abnormal operating condition, alarm, pressure drop, change in flow rate, or other similar event.

Incorrect Controller action means that the controller errantly operated the means for controlling an event. Examples include opening or closing the wrong valve, or hitting the wrong switch or button.

PART F – DRUG & ALCOHOL TESTING INFORMATION

Requirements for post-accident drug and alcohol tests are in 49 CFR 199.105 and 225 respectively. If the accident circumstances were such that tests were not required by these sections, and if no tests were conducted, check no. If tests were administered, check yes and report separately the number of operator employees and contractors working for the operator who were tested and who failed.

PART G – APPARENT CAUSE

In PART G – Apparent Cause
Complete only one of the eight sections listed under G1 thru G8

After identifying the main cause category as designated by G1 thru G8, select the one, single sub-cause that best describes the apparent cause of the accident in the shaded column on the left. Answer the corresponding questions that accompany your selected sub-cause, and describe any secondary, contributing, or root causes of the accident in the narrative (PART H).

G1 – Corrosion Failure

Corrosion includes a leak or failure caused by galvanic, atmospheric, stray current, microbiological, or other corrosive action, and, for the purposes of this reporting, includes selective seam corrosion. A corrosion leak is not limited to a hole in the pipe. If the bonnet or packing gland on a valve or flange on piping deteriorates or becomes loose and leaks due to corrosion or failure of bolts, it is classified as Corrosion. (If the bonnet, packing, or other gasket has deteriorated to failure before the end of its expected life but not due to corrosive action, it is classified as an Equipment Failure – G6.)

External Corrosion

4.a. Under cathodic protection means cathodic protection in accordance with Paragraphs 195.563 or 195.573(b). Recognizing that older pipelines may have had cathodic protection added over a number of years, provide an estimate if the exact year cathodic protection started is unknown.

Internal Corrosion

9. Location of corrosion
A **low point in pipe** includes portions of the pipe contour in which water might settle out. This includes, but is not limited to, the low point of vertical bends at a crossing of a foreign line or road/railroad, etc., an elbow, a drop out or low point drain.

10. Was the commodity treated with corrosion inhibitors or biocides?
Answer yes if corrosion inhibitors or biocides were included in the commodities transported.

12. Were cleaning/dewatering pigs (or other operations) routinely utilized?
13. Were corrosion coupons routinely utilized?

For purposes of these questions, “routinely” refers to an action that is performed on more than a sporadic or one-time basis as part of a regular program with the intent to ensure that water build-up and/or settling and internal corrosion do not occur.

Either External or Internal Corrosion

14. List the year of the most recent inspections:

Complete this question only when any corrosion failure sub-cause is selected and the item involved in the accident (as reported in Part C, Question 3) is tank/vessel. Do not complete if the item involved is pipe or weld.

15.a. If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run:

Magnetic Flux Leakage Tool is an in-line inspection tool using an imposed magnetic flux to detect instances of pipe wall loss from corrosion. Includes low- and high-resolution MFL tools. Does not include transverse flux MFL tools, which are a separate choice in this question.

Ultrasonic refers to an in-line inspection tool that uses ultrasonic technology to measure wall thickness and detect instances of wall loss.

Transverse Field/Triaxial tools are specialized magnetic flux leakage tools that use a flux oriented to improve ability to detect crack anomalies.

Combination Tool refers to any in-line inspection tool that uses a combination of these inspection technologies in a single tool.

16. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?
Information from the initial post-construction hydrostatic test need not be reported.

17. Has one or more Direct Assessment been conducted on this segment?

This refers to direct assessment as defined in 49 CFR 195.553. Instances in which one or more indirect monitoring tools (e.g., close interval survey, DCVG) have been used that might be used as part of direct assessment but which were not used as part of the direct assessment process defined in 195.553 do not constitute a Direct Assessment for purposes of this question.

G2 – Natural Force Damage

This category includes all outside forces attributable to causes NOT involving humans.

Earth Movement, NOT due to Heavy Rains/Floods refers to accidents caused by land shifts such as earthquakes, subsidence, or landslides, but not mudslides which are presumed to be initiated by heavy rains or floods.

Heavy Rains/Floods refer to all water-related accident causes. While mudslides involve earth movement, report them here since typically they are an effect of heavy rains or floods.

Lightning includes both damage and/or fire caused by a direct lighting strike and damage and/or fire as a secondary effect from a lightning strike in the area. An example of such a secondary effect would be a forest fire started by lightning that results in damage to a

pipeline system asset which results in an accident.

Temperature refers to those causes that are related to ambient temperature effects, either heat or cold, where temperature was the initial cause.

Thermal stress refers to mechanical stress induced in a pipe or component when some or all of its parts are not free to expand or contract in response to changes in temperature.

Frozen components would include accidents where components are inoperable because of freezing and those due to cracking of a piece of equipment due to expansion of water during a freeze cycle.

High Winds includes damage caused by wind-induced forces. Select this category if the damage is due to the force of the wind itself. Damage caused by impact from objects blown by wind would be reported as Section G4, "Other Outside Force Damage."

G3 – Excavation Damage

This section covers damage caused by the operator, operator's contractor, or entities unrelated to the operator during excavation and which results in an immediate release of the transported commodity. For damage from forces OTHER than excavation which results in an immediate release, use "Natural Force Damage", Section G2, or "Other Outside Force Damage", Section G4, as appropriate. For a strike or other damage to a pipeline or facility that results in a later release, report the accident in Section G4 as "Rupture or Failure Due to Previous Mechanical Damage."

Excavation Damage by Operator (First Party)
Check this item if the accident was caused as a result of excavation by a direct employee of the operator.

Excavation Damage by Operator's Contractor (Second Party)
Check this item if the accident was caused as a result of excavation by the operator's contractor or agent or other party working for the operator.

Excavation Damage by Third Party
Check this item if the accident was caused by excavation damage resulting from actions by personnel or other third parties not working for or acting on behalf of the operator or its agent.

Previous Damage due to Excavation Activity

1.a. If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run:

Magnetic Flux Leakage Tool is an in-line inspection tool using an imposed magnetic flux to detect instances of pipe wall loss from corrosion. Includes low- and high-resolution MFL

tools. Does not include transverse flux MFL tools, which are a separate choice in this question.

Ultrasonic refers to an in-line inspection tool that uses ultrasonic technology to measure wall thickness and detect instances of wall loss.

Transverse Field/Triaxial tools are specialized magnetic flux leakage tools that use a flux oriented to improve ability to detect crack anomalies.

Combination Tool refers to any in-line inspection tool that uses a combination of these inspection technologies in a single tool.

3. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?
Information from the initial post-construction hydrostatic test need not be reported.

4. Has one or more Direct Assessment been conducted on this segment?

This refers to direct assessment as defined in 49 CFR 195.553. Instances in which one or more indirect monitoring tools (e.g., close interval survey, DCVG) have been used that might be used as part of direct assessment but which were not used as part of the direct assessment process defined in 195.553 do not constitute a Direct Assessment for purposes of this question.

7. – 17. Complete these questions for any excavation damage sub-cause. Instructions for answering these questions can be found at CGA's web site, https://www.damagereporting.org/dr/control/userGuide.do.

G4 – Other Outside Force Damage

This section covers accidents caused by outside force damage, other than excavation damage or natural forces. Check the most appropriate one sub-cause in this section that applies and answer any accompanying questions.

Nearby Industrial, Man-made or other Fire/Explosion as Primary Cause of Accident applies to situations where the fire occurred before and caused the release**.** An example of such an accident would be an explosion or fire at a neighboring facility or installation (chemical plant, tank farm, other industrial facility) that results in a release at the operator's facility. (Note that an accident report is required only if the release resulted in reportable consequences, per 195.50). This section should not be used if the release occurred first and then the hydrocarbon ignited. If the fire is known to have been started as a result of a lightning strike, the accident's cause should be classified under Section G2, "Natural Force Damage." Arson events directed at harming the pipeline or the operator should be reported as "Intentional Damage" in this section. Forest fires that are caused by human activity and result in a release should be reported in this section.

Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation. An example of this sub-cause would be a stopple tee that releases commodity when damaged by a pickup truck maneuvering near the pipeline. Other motorized vehicles or equipment include tractors, backhoes, bulldozers and other tracked vehicles, and heavy equipment that can move. Include under this sub-cause accidents caused by vehicles operated by the pipeline operator, the pipeline operator's contractor, or a third party, and specify the vehicle/equipment operator's affiliation. Pipeline accidents resulting from vehicular traffic loading or other contact should also be reported in this category. If the activity that caused the release involved digging, drilling, boring, grading, cultivation or similar activities, report in Section G3, "Excavation Damage".

Damage by Boats, Barges, Drilling Rigs, or Other Maritime Equipment or Vessels Set Adrift or Which Have Otherwise Lost Their Mooring. This sub-cause includes impacts by maritime equipment or vessels (including their anchors or anchor chains or other attached equipment) that have lost their moorings and are carried into the pipeline facility by the current. This sub-cause also includes maritime equipment or vessels set adrift as a result of severe weather events and carried into the pipeline facility by waves, currents, or high winds. In such cases, also indicate the type of severe weather event. Do not report in this sub-cause accidents which are caused by the impact of maritime equipment or vessels while they are engaged in their normal or routine activities; such accidents should be reported as "Routine or Normal Fishing or Other Maritime Activity NOT Engaged in Excavation" so long as those activities are not excavation activities. If those activities are excavation activities such as dredging or bank stabilization or renewal, the accident should be reported in Section G3, "Excavation Damage".

Routine or Normal Fishing or Other Maritime Activity NOT Engaged in Excavation. This sub-cause includes accidents due to shrimping, purseining, oil drilling, or oilfield workover rigs, including anchor strikes, and other routine or normal maritime-related activities UNLESS the movement of the maritime asset was due to a severe weather event (this type of accident should be reported under "Damage by Boats, Barges, Drilling Rigs, or Other Maritime Equipment or Vessels Set Adrift or Which Have Otherwise Lost Their Mooring") or the accident was caused by excavation activity such as the **dredging** of waterways or bodies of water (this type of accident should be reported under Section G3, "Excavation Damage").

Previous Mechanical Damage NOT Related to Excavation. This sub-cause covers accidents where damage occurred at some time prior to the release, and would include prior excavation damage, prior outside force damage of an unknown nature, prior natural force damage, and prior damage from other outside forces. Accidents resulting from damage sustained during construction, installation, or fabrication of the pipe or a weld should be reported under Section G5, "Material Failure of Pipe or Weld."

Is there reason to believe that the damage resulted from excavation activity? The answer to this question might come from the condition of the pipe when it is examined or from records of excavation at the site. Dents and gouges in the 10:00-to-2:00 o'clock positions on the pipe, for instance, may indicate an earlier strike, as might marks from the bucket or tracks of an earth moving machine or similar pieces of equipment.

Intentional Damage

Vandalism means willful or malicious destruction of the operator's pipeline facility or equipment. This category would include pranks, systematic damage inflicted to harass the operator, motor vehicle damage that was inflicted intentionally, and a variety of other intentional acts.

Terrorism, per 28 C.F.R. § 0.85 General Functions, includes the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. Operators selecting this item are encouraged to also notify the FBI.

Theft means damage by any individual or entity, by any mechanism, specifically to steal, or attempt to steal, the transported commodity or pipeline equipment.

Other
Describe in the space provided and, if necessary, provide additional explanation in Part H.

G5 – Material Failure of Pipe or Weld

Use this section to report material failures only if "Item Involved in accident" (Part C, Question 3) is "**Pipe**" (whether pipe body or pipe seam) or "**Weld**."

This section includes leaks, ruptures or other failures from defects within the material of the pipe body or within the pipe seam or other weld due to faulty manufacturing procedures, defects resulting from poor construction/installation/fabrication practices, and in-service stresses such as vibration, fatigue and environmental cracking.

Construction-, Installation-, or Fabrication-related includes leaks in or failures of originally sound material due to force being applied during construction or installation that caused a dent, gouge, excessive stress, or some other defect that eventually failed resulting in an accident. Included are leaks in or failures of wrinkle bends, field welds, and damage sustained in transportation to the construction or fabrication site. Not included are failures due to seam defects.

Original Manufacturing-related (NOT girth weld or other welds formed in the field) means an inherent flaw in the material or weld that occurred in the manufacture or at a point prior to construction, fabrication or installation. Therefore, this option is not appropriate for wrinkle bends, field welds, girth welds, or other joins fabricated in the field. Use this option for failures such as those due to defects of the longitudinal weld or inclusions in the pipe body.

If **Construction, Installation, Fabrication-related** or **Original Manufacturing-related** is selected, then select the failure mechanism.

Examples of Mechanical Stress include failures related to overburden or loss of support.

G6 – Equipment Failure

This section applies to failures of items **other than** Pipe Body, Pipe Seam, or Welds.

Malfunction of Control/Relief Equipment
Examples of this type of accident cause include: overpressurization resulting from malfunction of a control or alarm device; relief valve malfunction; valves failing to open or close on command; or valves which opened or closed when not commanded to do so. If overpressurization or some other aspect of this accident was caused by incorrect operation, the accident should be reported under Section G7, "Incorrect Operation."

ESD System Failure means failure of an emergency shutdown system.

G7 – Incorrect Operation

These types of accidents most often occur during operating, maintenance, or repair activities. Some examples of this type of accident are tank overfills, improper valve selection or operation, inadvertent overpressurization, or improper selection or installation of equipment. The unintentional ignition of the transported commodity during a welding or maintenance activity would also be included in this sub-cause. These types of accidents often involve training or judgment errors.

G8 – Other Accident Cause

This section is provided for accident causes that do not fit in any of the main cause categories listed in Sections G1 through G7.

If the accident cause is known but doesn't fit in any category in Sections G1 through G7, check the **Miscellaneous** box and enter a description of the accident and continue in Part H - Narrative Description of the Accident, if more space is needed.

If the accident cause is unknown at the time of filing this report, check the **Unknown** box in this section and select one reason from the accompanying two choices. If the investigation is not completed and the cause of the incident is thus still to be determined, file a supplemental report once the investigation is completed to report the apparent cause.

PART H – NARRATIVE DESCRIPTION OF THE ACCIDENT

(Attach additional sheets as necessary)

Concisely describe the accident, including the facts, circumstances, and conditions that may have contributed directly or indirectly to causing the accident. Include secondary and contributing causes when possible, or any other factors associated with the cause that are

deemed pertinent. Use this section to clarify or explain unusual conditions, to provide sketches or drawings, and to explain any estimated data. Operators submitting reports on-line will be afforded the opportunity to attach/upload files containing sketches, drawings, or additional data.

If you checked the Miscellaneous block in Section G8, the narrative should describe the accident in detail, including all known or suspected causes and possible contributing factors.

Operators should use the narrative to describe any secondary causes that they consider important but which could not be reported in section G since only the primary cause is reported there.

PART I – PREPARER AND AUTHORIZED SIGNATURE

The Preparer is the person who compiled the data and prepared the responses to the report and who is to be contacted for more information (preferably the person most knowledgeable about the information in the report or who knows how to contact the person most knowledgeable). Please enter the Preparer's e-mail address if the Preparer has one, and the phone and fax numbers used by the Preparer.

An Authorized Signature must be obtained from an officer, manager, or other person whom the operator has designated to review and approve (and sign and date) the report. This individual is responsible for assuring the accuracy and completeness of the reported data. In addition to their title, a phone number and email address are to be provided for the individual signing as the Authorized Signature.

ATTACHMENT D

FACILITY INSPECTION FORM AND SPILL RESPONSE EQUIPMENT INVENTORY LIST

Oiltanking

MONTHLY SPCC INSPECTION FORM

Inspector Name/Title:_____

Inspection Date:_____

Subject of the Inspection:
Oil-containing Storage and Transfer Systems (e.g., tanks, containers, drums, reservoirs; pumps, valves, piping, tank truck transfer equipment; secondary containment systems)

		YES	NO	NA
1.	Has any leakage from the secondary containment systems been detected?			
2.	Has any damage of the secondary containment systems been detected?			
3.	Are containment valves leaking?			
4.	Has any leakage been detected at the tank's seams, connections, or gaskets?			
5.	Has any leakage been detected at joints, connections, or valves in the aboveground transfer lines?			
6.	Has any damage to transfer equipment supports been detected?			
7.	Is the secondary containment free of standing liquids?			
8.	Is the sump system in good operating condition?			
9.	Are the drain valves closed and locked?			
10.	Are all the systems in good operating condition?			
11.	Is the necessary response equipment available and is it in good operating condition?			
12.	Did any discharges of oil occur at the facility since the last inspection?			
13.	If yes, did the discharge reach waters of the state and cause a film or sheen upon or discoloration of the surface of the water or adjoining shoreline?			
14.	Or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shoreline of the surface water flowing from the facility?			
15.	Was the incident properly reported, responded to, and adequately remediated and the records maintained on-site?			

If any of the above questions were answered by marking the highlighted cell "X", describe the resolution and remedial actions taken (i.e., repair work orders) here (attach additional sheets if necessary):

MAINTAIN COMPLETED FORMS ON-SITE FOR 5 YEARS.

MONTHLY SPCC INSPECTION CHECKLISTS

Tank Inspection Checklist*

Check tanks for leaks, specifically looking for:
(1) Drip marks;
(2) Discoloration of tanks;
(3) Puddles containing stored material;
(4) Corrosion;
(5) Cracks;
(6) Seal of insulation around manways & nozzles;
(7) Mixer motor and/or internal steam heating coils operational status; and
(8) Localized dead vegetation.

Check foundation for:
(1) Cracks;
(2) Discoloration;
(3) Puddles containing stored material;
(4) Settling;
(5) Gaps between tank and foundation;
(6) Damage caused by vegetation roots; &
(7) Washout near concrete ring.

Check piping for:
(1) Droplets of stored material;
(2) Discoloration;
(3) Corrosion;
(4) Bowing of pipe between supports;
(5) Evidence of stored material seepage on valves or seals; and
(6) Localized dead vegetation.

**Note: For complete list of tanks used at the facility, see Attachment B.*

Secondary Containment Checklist**

Dike or berm system:
(1) Level of precipitation in dike/available capacity;
(2) Operational status of drainage valves;
(3) Drainage valves closed and locked;
(4) Dike or berm permeability;
(5) Debris;
(6) Erosion;
(7) Permeability of the earthen floor of diked area;
(8) Location/status of pipes, inlets, drainage beneath tanks, etc.; and
(9) Site drainage away from Tank.

Secondary containment:
(1) Cracks;
(2) Discoloration;
(3) Presence of stored material (standing liquid);
(4) Corrosion; and
(5) Valve conditions.

***Note: For complete list of secondary containment areas utilized at the facility, see Attachment B.*

Response Equipment Checklist

Using the OTH Spill Response Equipment Inventory list provided on the following page, describe each type of equipment, checking for the following:

(1) Inventory (item and quantity);
(2) Storage location;
(3) Accessibility (time to access and respond);
(4) Operational status/condition;
(5) Actual use/testing (last test date and frequency of testing); and
(6) Shelf life (present age, expected replacement date).

Please note any discrepancies between the attached list and the actual equipment available.

Response Equipment Inspection Form

Use this form to document appropriate inspection of on-site response equipment, checking for availability and adequacy of condition.

Inspection date:																								
Inspector's name:																								
Inspect all items for appropriate quantity, location, access, proper operating conductions (test as necessary), and reorder/replace supplies, as necessary (Check "Yes" if appropriate inspection was conducted and no corrective action required; check "No" if any discrepancy/deficiency noted)																								
	Yes	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**
Fire Fighting Equipment	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■
PPE	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■
First Aid Kits	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■
Spill Containment Equipment	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■
Spill Recovery Items	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■
Communication Devices	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■	☐	■

- Note any discrepancies/deficiencies (*identified by the shaded check box* ■) necessary corrective actions and dates completed. Use the Emergency Response Equipment List to verify actual equipment availability.
- Update the Emergency Response Equipment List in *Attachment D and Figure 6 of the Integrated Contingency Plan (ICP),* as necessary.

OTH SPILL RESPONSE EQUIPMENT INVENTORY

Equipment Information	Qty	Description	Time to Deploy (hrs)	Storage Location
Boom - Beta IB*	1 ACME OKC 2,300 ft. long	ACME OKC 1,800 ft long	0.25	B-Dock Mobile Spill Response Trailer, 8-dock
Pump	1	2" Diesel Trash Pump (300 gal/min)	1	Mobile Spill Response Trailer
Boats	2	Equipped with 25-35 hp motors	0.5	Boat Shed & on trailer for mobile response
Absorbent pads	1,100	Oil absorbent pads	Immediately	#3 Boiler
Particulate Sorbent	500 lbs	Particulate Absorbent Material		#3 Boiler
Oil/water separator	1	Approximately 66,830 gal capacity.	0.5	See Figure 4
Portable CIMA radios	Varies	Used by firefighters	Immediately	See Figure 6
Portable UHF radios	14	Hand held radios used by operations staff	Immediately	Control Room
Fire fighting truck & apparatus	-	Fire Truck; bunker gear; SCBA (4)	0.5	North & South areas
Fire extinguishers	82	Dry chemicals extinguishers; Purple K hand-helds; Purple K wheeled; ABC hand-helds; water extinguisher; halon extinguishers	Immediately	See Figure 5
Personal Protective Equipment (PPE)	-	Hats, boots, jackets, pants, face masks, gloves, filter respirators (24), Tyvek suits (25-50), LEL Meter (2), H_2S Meter (2), benzene draeger tubes (5)	Immediately	Inside Fire House
Heavy Equipment	-	(2)dozers, tractor, trackhoe, (2)cranes, backhoe, forklift, cherry picker	Immediately	Maintenance Area

* All boom is 6" floatation, 12" skirt, 5/16" top tension cable, 22 oz. Jaton Fabric, 1/4" Galvanized Chain Ballast, Quick Latch Coupler each end, 100 ft. sections.

I, hereby certify that the OTH personnel and equipment, outlined in Section 4.2 of this plan and in the Table above, are owned, operated, or under the direct control of the OTH facility and are available within the identified response times.

Randy Condra, Safety Coordinator — Date 7/19/13

ATTACHMENT E

RESPONSE EQUIPMENT DEPLOYMENT DRILL FORM

SEMI-ANNUAL EQUIPMENT DEPLOYMENT DRILL LOG

Name, Title of Person Conducting the Drill:_____

Date drill was conducted: _____

The following persons (by title) participated in the drill (**mark all that apply**):		The drill consisted of the following procedures (**mark all that apply**):	
	Operators	Spill boom deployment	
	Shift Supervisors	Radio Checkout	
	Safety Coordinator	Pump Operation	
	Operations Manager	Oil/Water Separator System Operation	
	Dockman	Utilization of Absorbent Materials	
	RTMs	Fire Extinguisher Checkout	
		Fire System Checkout	
		Facility Warning System Checkout	

Evaluation:_____

Changes to Be Implemented:_____

Time Table for Implementation: _____

Management Reviewer Signature:		Date:	
Reviewer's Name:		Reviewer's Title:	

ATTACHMENT F

FACILITY DRILLS/EXERCISES LOG FORMS

PIC/QI NOTIFICATION DRILL LOG

Name, Title of Person Conducting the Drill:_____

Date drill was conducted: _____

Company:_____

Response Coordinator:_____

Emergency Scenario:_____

Local Response Team's Response Time:_____

Contracted Personnel Response Time:_____

Facility Personnel Response Time:_____

Notes:_____

_____

_____

Changes to be Implemented:_____

_____

_____

_____

Time Table for Implementation:_____

_____

_____

Management Reviewer Signature:		Date:	
Reviewer's Name:		Reviewer's Title:	

SPILL MANAGEMENT TEAM TABLETOP EXERCISE LOG

Name, Title of Person Conducting the Exercise:_____

Date exercise was conducted*: _____
**Comprehensive tabletop drill is conducted every three years.*

The following persons (by title) participated in the drill (**mark all that apply**):		The items checked below constitute the drill agenda (**mark all that apply**):	
	Operators	Worst-case discharge	
	RTMs	Evacuation incidents (i.e., fires, explosions, etc.)	
	Operations Foreman	Maximum most probable discharge	
	EVP & COO	Average most probable discharge	
	Operations Manager	Other potential discharge incidents as the management team deems advisable to review	
	Safety Coordinator	Temporary storage requirements	
	General Manager of Admin. & Finance	Recovery and waste disposal	
		On-site equipment deployment for transfer spills	
		On-site equipment maintenance	
		OSROs – update and review of status of capability to respond	

Evaluation:_____

_____

_____

Changes to Be Implemented:_____

_____

_____

_____

Time Table for Implementation: _____

_____

Management Reviewer Signature:		Date:	
Reviewer's Name:		Reviewer's Title:	

CAPTAIN OF THE PORT AND OTHER "UNANNOUNCED" AND "ANNOUNCED" DRILLS

Attention terminal personnel: The USCG COTP ma y request the facility to participate in an unannounced drill.

DATE OF DRILL:		**DATE OF LAST DRILL:**	
TYPE OF DRILL: (Announced or Unannounced)		**TYPE OF LAST DRILL:** (Announced or Unannounced)	
Agency Conducting the Drill:			
Agency Person to Contact:			
Telephone/fax/email:			
Name/Title of Person Making This Entry:			
Date of this entry:			

DATE OF DRILL:		**DATE OF LAST DRILL:**	
TYPE OF DRILL: (Announced or Unannounced)		**TYPE OF LAST DRILL:** (Announced or Unannounced)	
Agency Conducting the Drill:			
Agency Person to Contact:			
Telephone/fax/email:			
Name/Title of Person Making This Entry:			
Date of this entry:			

DATE OF DRILL:		**DATE OF LAST DRILL:**	
TYPE OF DRILL: (Announced or Unannounced)		**TYPE OF LAST DRILL:** (Announced or Unannounced)	
Agency Conducting the Drill:			
Agency Person to Contact:			
Telephone/fax/email:			
Name/Title of Person Making This Entry:			
Date of this entry:			

DRILL LOG FORM

DATE OF DRILL:		
TYPE OF DRILL:		
Agency or Agencies Involved, if any:	Agency Contact Person Name/Title	Contact Person Phone Number
Spill Contractor(s)/ Cooperatives Involved, if any:	Contact Person Name/Title	Contact Person Phone Number
Name/Title of Facility Personnel Participating:	Agency Contact Person Name/Title	Contact Person Phone Number
Comments (attach additional sheets if necessary:		
Name/Title of Person Making This Entry:		
Signature and Date:		

ATTACHMENT G

RESPONSE TEAM TRAINING AND MEETING LOG FORMS

Oiltanking

OILTANKING HOUSTON, L.P.
HOUSTON, TEXAS

YEAR: _____ **TRAINED BY:** _____

EMPLOYEE NAME	RESPONSE TRAINING/DATE & NUMBER OF HOURS	PREVENTION TRAINING/DATE & NUMBER OF HOURS

ATTACHMENT H

FACILITY DISCHARGE PREVENTION AND RESPONSE CERTIFICATION FROM TGLO

TEXAS GENERAL LAND OFFICE
JERRY PATTERSON, COMMISSIONER

July 23, 2003

Mr. Bart Bundy
Oiltanking Houston, L.P.
15602 Jacintoport Blvd.
Houston, TX 77015

Dear Mr. Bundy:

Having satisfied regulatory requirements pursuant to the Oil Spill Prevention and Response Act 1991 (OSPRA), please find enclosed a Discharge Prevention and Response Certificate, numbered **20314**, for your Jacintoport Port facility. The certificate should be displayed in an accessible location to allow verification by Texas General Land Office personnel. The certificate will be valid for 5 years as long as all required preparedness elements are maintained.

Compliance with this certificate requires your facility to maintain a high level of oil pollution prevention and response awareness. Please feel free to contact our Compliance Coordinator, Jay Veselka, at (281) 470-6597 with any questions you may have regarding facility certification or any other oil spill prevention and response matter.

Sincerely,

Richard A. Arnhart
Director
Oil Spill Prevention and Response Program

RAA:dfw
Enc.

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495
Post Office Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 800-998-4GLO
www.glo.state.tx.us

ATTACHMENT I

OUTSIDE SPILL RESPONSE CONTRACT ORGANIZATIONS INFORMATION

GARNER

GARNER ENVIRONMENTAL SERVICES, INC.
HOUSTON CORPORATE OFFICE: 1717 W. 13TH STREET, DEER PARK, TX 77536 • 281-930-1200 • 800-424-1716
ISO 9001-2000 CERTIFIED

May 18, 2005

EMERGENCY RESPONSE

PLANT SERVICE

WASTE MANAGEMENT

REMEDIATION

HEALTH/SAFETY TRAINING

EQUIPMENT SALES

TRANSPORTATION

SEWER CLEANING

DEWATERING

Ms. Marisol Alfaro
Oiltanking Houston, Inc.
15631 Jacinto Port Blvd.
Houston, TX 77015
Ph: 281.457.7900
Fax: 713.943.5215

Re: Letter of Intent to Respond

Ms. Alfaro:

Thank you for your recent inquiry concerning Garner Environmental Services, Inc. emergency response capabilities. Per your request, Garner Environmental Services is pleased to offer OILTANKING HOUSTON, INC. our response services to respond in the event of an accidental release on an as needed, first come first served basis, from our DEER PARK, TEXAS facility, as a first responder for the facility(ies) listed in Attachment 1. Per 33 CFR §154.1045(c)(1) and (c)(2) and 33 CFR §155, Appendix B, Para. 2.2.6, all time and equipment requirements will be met for AMPD coverage. Response time to this facility is based on a 35 mph rate of travel over land routes and 5 kph over water routes. Refer to Attachment 1 for Response Tier and Time Levels.

Should a response effort be required, please contact the 24-hour Emergency Response Telephone number listed on Attachment 1.

Attached are Garner Environmental Services, Inc.'s U.S. Coast Guard OSRO classification letter and the Texas General Land Office DCO certificate for incorporation in your facility plan.

Sincerely,

Otis L. Chambers Jr

Otis L. Chambers
Executive Vice President

OC/fl

Enclosure

GARNER
ENVIRONMENTAL
SERVICES, INC.

1717 West 13th Street, Deer Park, Texas 77536 · Phone: (281) 930-1200 · FAX: (281) 478-0296
ISO 9001 - 2000 Certified

Attachment 1

Tier Response Level and Response Time

Garner Response Facility **Contact / Telephone Nr.** **Geographic Area**	**Mileage**	**Tier Level**	**Response Time**
Deer Park, Texas Michael Carpenter / (281) 930-1200 or (800) 424-1716 ***Response Address:*** Oiltanking Houston, Inc. 15602 Jacinto Port Boulevard Houston, TX 77015	12 mi.	1	53 mins.

ARTICLE 14
PARTIES BOUND

The covenants and agreements contained in this Agreement shall apply to, inure to the benefit of, and be binding upon the Parties hereto and upon their respective subsidiaries, affiliates, successors, and assigns. This Agreement shall not be interpreted or deemed to confer rights or benefits on persons not a party hereto.

ARTICLE 15
EXECUTION IN COUNTERPARTS

This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one (1) and the same instrument.

ARTICLE 16
ENTIRE AGREEMENT

This instrument together with all documents described herein constitutes and expresses the entire agreement and understanding between COMPANY and CONTRACTOR, and any modification hereto must be made in writing and agreed to by both Parties; provided, however, that the scope of a particular job and the designation of representatives may be defined, amended, and modified as set forth herein.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

GARNER ENVIRONMENTAL SERVICES, INC.

By: Otis Chambers BFC
(Signature)

OTIS CHAMBERS

EXECUTIVE VICE-PRESIDENT
(Title)

Date: 10/24/00

Oiltanking Houston Inc.

By: _____
(Signature)

Kim M. Ivy
(Typed/Printed Name)

Vice President Finance
(Title)

Date: October 24, 2000

GARNER

GARNER ENVIRONMENTAL SERVICES, INC.
HOUSTON CORPORATE OFFICE: 1717 W. 13TH STREET, DEER PARK, TX 77536 • 281-930-1200 • 800-424-1716
ISO 9001-2000 CERTIFIED

May 18, 2005

EMERGENCY RESPONSE

PLANT SERVICE

WASTE MANAGEMENT

REMEDIATION

HEALTH/SAFETY TRAINING

EQUIPMENT SALES

TRANSPORTATION

SEWER CLEANING

DEWATERING

Ms. Marisol Alfaro
Oiltanking Houston, Inc.
15631 Jacinto Port Blvd.
Houston, TX 77015
Ph: 281.457.7900
Fax: 713.943.5215

Re: Request for Information

Ms. Alfaro:

Pursuant to your request, please find enclosed on copy of the following document(s):

- ☐ IRS Form W-9
- ■ Letter of Intent to Respond
- ☐ PREP Report
- ■ Response Equipment List, Rev. 04/02
- ■ Response Rate Schedule, Rev. 01/05
- ■ Texas General Land Office DCO Certificate
- ☐ Texas Sales Tax Resale Certificate
- ■ U.S. Coast Guard OSRO Certificate
- ☐ Other

Thank you for allowing us to be of service to you. If you have any questions or require additional information, please do not hesitate to contact me at (281) 930-4445.

Sincerely,

Faith Loughner

Faith Loughner
Legal Assistant

/fl

Enclosures

U.S. Department of Homeland Security

United States Coast Guard

Commanding Officer
National Strike Force
Coordination Center

1461 N. Road St. (US 17N)
Elizabeth City, NC 27909
Staff Symbol:
Phone: (252) 331-6000
FAX: (252) 331-6012

16450
04-0027
November 1, 2004

Garner Environmental Services
Attention: Otis Chambers
1717 West 13th Street
Deer Park, TX 77536

Dear Otis Chambers,

This letter serves as the official statement by the National Strike Force Coordination Center of your classification as an Oil Spill Removal Organization (OSRO) as outlined in the Coast Guard OSRO Classification Guidelines dated 27 April 2001. A copy of this letter will be kept in your company file on these premises. Please feel free to contact my staff anytime you would like to visit and review your file.

Enclosure (1) is a copy of the classification summary sheet that identifies the classifications you received based on the resource data that you provided. This summary contains your classifications by operating area and selected COTP zones. These classifications were determined using core resource and legal/attestation documents you provided. Enclosure (2) contains Response Resource Assessment Branch (formerly the OSRO Branch) and Response Resource Inventory (RRI) contact information.

This notification reflects the information contained in the RRI as of September 23, 2004. Any equipment updates, which may have been submitted by your company in the interim, are not yet reflected in this classification notification. Currently the RRAB is developing processes to more uniformly address common OSRO issues such as changes in company ownership and the acquisition of additional resources. In the event that there is a change in your company's classification, you will receive another letter attesting to your latest classification levels.

A summary of the resource totals for Temporary Storage Capacity (TSC), Effective Daily Recovery Capacity (EDRC), and shoreline protection & containment booming can be forwarded to you upon request. A synopsis of the OSRO Classification standing, along with other useful information, is available on our web site:

http://www.uscg.mil/hq/nsfweb/nsfcc/ops/OSRO/links/osroinfoonclssifiedosro.html

If you would like more information regarding your classifications or any other matter, please contact the Response Resource Assessment Branch.

Sincerely,

A.M. CRICKARD
Chief, Logistics Inventory Division
U.S. Coast Guard
By direction

2 Enclosures

NSF U.S. COAST GUARD GARNER ENVIRONMENTAL SERVICES, INC.

OSRO Classifications by Company

0027 Garner Environmental Services

COTP: CORPUS CHRISTI

☑ High Volume Port

Alternate City:

	Facilities MM	Facilities WI	Facilities W2	Facilities W3	Vessels MM	Vessels WI	Vessels W2	Vessels W3
River/Canal	☑	☑	☑	☑	☑	☑	☑	☑
Inland	☑	☐	☑	☑	☑	☑	☑	☑
Open Ocean	☐	☐	☑	☑	☐	☐	☑	☑
Offshore	☐	☐	☑	☑	☐	☐	☑	☑
Nearshore	☐	☐	☑	☑	☐	☐	☑	☑

COTP: HOUSTON

☑ High Volume Port

Alternate City:

	Facilities MM	Facilities WI	Facilities W2	Facilities W3	Vessels MM	Vessels WI	Vessels W2	Vessels W3
River/Canal	☑	☑	☑	☑	☑	☑	☑	☑
Inland	☑	☑	☑	☑	☑	☑	☑	☑
Open Ocean	☐	☐	☑	☑	☐	☐	☑	☑
Offshore	☐	☐	☑	☑	☐	☐	☑	☑
Nearshore	☐	☐	☑	☑	☐	☐	☑	☑

COTP: MOBILE

☐ High Volume Port

Alternate City:

	Facilities MM	Facilities WI	Facilities W2	Facilities W3	Vessels MM	Vessels WI	Vessels W2	Vessels W3
River/Canal	☑	☑	☑	☑	☑	☑	☑	☑
Inland	☑	☑	☑	☑	☑	☑	☑	☑
Open Ocean	☐	☐	☑	☑	☑	☑	☑	☑
Offshore	☐	☐	☑	☑	☑	☑	☑	☑
Nearshore	☐	☐	☑	☑	☑	☑	☑	☑

COTP: MOBILE (PANAMA CITY, FL)

☐ High Volume Port

Alternate City:

	Facilities MM	Facilities WI	Facilities W2	Facilities W3	Vessels MM	Vessels WI	Vessels W2	Vessels W3
River/Canal	☑	☑	☑	☑	☑	☑	☑	☑
Inland	☑	☑	☑	☑	☑	☑	☑	☑
Open Ocean	☐	☐	☑	☑	☑	☑	☑	☑
Offshore	☐	☐	☑	☑	☑	☑	☑	☑
Nearshore	☐	☐	☑	☑	☑	☑	☑	☑

COTP: MORGAN CITY

☐ High Volume Port

Alternate City:

	Facilities MM	Facilities WI	Facilities W2	Facilities W3	Vessels MM	Vessels WI	Vessels W2	Vessels W3
River/Canal	☑	☑	☑	☑	☑	☑	☑	☑
Inland	☑	☑	☑	☑	☑	☑	☑	☑
Open Ocean	☐	☐	☑	☑	☑	☑	☑	☑
Offshore	☐	☐	☑	☑	☑	☑	☑	☑
Nearshore	☐	☐	☑	☑	☑	☑	☑	☑

COTP: NEW ORLEANS

☑ High Volume Port

Alternate City:

	Facilities MM	Facilities WI	Facilities W2	Facilities W3	Vessels MM	Vessels WI	Vessels W2	Vessels W3
River/Canal	☑	☑	☑	☑	☑	☑	☑	☑
Inland	☑	☑	☑	☑	☑	☑	☑	☑
Open Ocean	☐	☐	☑	☑	☐	☐	☑	☑
Offshore	☐	☐	☑	☑	☐	☐	☑	☑
Nearshore	☐	☐	☑	☑	☐	☐	☑	☑

COTP: PORT ARTHUR

☑ High Volume Port

Alternate City:

	Facilities MM	Facilities WI	Facilities W2	Facilities W3	Vessels MM	Vessels WI	Vessels W2	Vessels W3
River/Canal	☑	☑	☑	☑	☑	☑	☑	☑
Inland	☑	☑	☑	☑	☑	☑	☑	☑
Open Ocean	☐	☐	☑	☑	☐	☐	☑	☑
Offshore	☐	☐	☑	☑	☐	☐	☑	☑
Nearshore	☐	☐	☑	☑	☐	☐	☑	☑

COTP: TAMPA

☐ High Volume Port

Alternate City:

	Facilities MM	Facilities WI	Facilities W2	Facilities W3	Vessels MM	Vessels WI	Vessels W2	Vessels W3
River/Canal	☑	☑	☑	☑	☑	☑	☑	☑
Inland	☑	☐	☑	☑	☑	☑	☑	☑
Open Ocean	☐	☐	☑	☑	☐	☐	☑	☑
Offshore	☐	☐	☑	☑	☐	☐	☑	☑
Nearshore	☐	☐	☑	☑	☐	☐	☑	☑

1-800-424-1716

Official Status as of: Thursday, September 23, 2004

Date: **September 1, 2003**

DCO # 509

Discharge Cleanup Organization Certificate

Garner Environmental Services

Deer Park, Texas

This certificate carries with it the need to maintain a high level of response preparedness, to respond in a timely, professional manner, and to notify the Texas General Land Office of any change in the Holder's ability to accomplish this mission. Certification is for three years from the above date.

Commissioner
Texas General Land Office

Deputy Commissioner
Oil Spill Prevention and Response

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY): 04/20/2005

PRODUCER
JOHN L. WORTHAM & SON, L.P.
P.O. BOX 1388
HOUSTON, TEXAS 77251-1388

068271-17-434 bjb - bhaffeld

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
GARNER ENVIRONMENTAL SERVICES, INC.
ATTN: MS. BOBBIE K. WOOD
1717 W. 13TH. STREET
DEER PARK, TX 77536

INSURER A: Zurich American Insurance Company
INSURER B: Steadfast Insurance Company
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY ✓ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☑ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ✓ POLICY ☐ PRO-JECT ☐ LOC	GLO289312707	04/21/2005	04/21/2006	EACH OCCURRENCE FIRE DAMAGE (Any one fire) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
A A	AUTOMOBILE LIABILITY ☐ ANY AUTO ✓ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ✓ HIRED AUTOS ✓ NON-OWNED AUTOS	BAP289312607 (O/S - MCS 90 APPLIES) TAP289312507 (TEXAS - MCS 90 APPLIES)	04/21/2005 04/21/2005	04/21/2006 04/21/2006	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
	GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
B	EXCESS LIABILITY ✓ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ✓ RETENTION $ 10,000	SEO289312907	04/21/2005	04/21/2006	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 5,000,000 $ $ $
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WC289312607 ALL STATES EXCEPT MONOPOLISTIC	04/21/2005	04/21/2006	✓ WC STATU-TORY LIMITS ☐ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ 1,000,000 $ 1,000,000 $ 1,000,000
B	OTHER CONTRACTORS POLLUTION	PEC289322407 CLMS MADE RETRO DATE 4/21/93	04/21/2005	04/21/2006	$1,000,000 EACH CLAIM $1,000,000 TOTAL ALL CLAIMS	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

AUTOMOBILE PHYSICAL DAMAGE APPLIES ON SPECIFIC VEHICLES $1000 DED.COMPREHENSIVE & COLLISION. bLANKET ADDITIONAL INSURED IS APPLICABLE UNDER ALL POLICIES EXCEPT WORKERS COMPENSATION AND CONTRACTORS POLLUTION AS REQUIRED BY WRITTEN CONTRACT. WAIVER OF SUBROGATION IS APPLICABLE UNDER ALL POLICIES EXCEPT CONTRACTORS POLLUTION AS REQUIRED BY WRITTEN CONTRACT. BLANKET ADDITIONAL INSURED UNDER SECTION B APPLIES TO POLICY PEC289322407 CONTRACTORS POLLUTION AS REQUIRED BY WRITTEN CONTRACT.

CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER:

MASTER

CANCELLATION (BELOW & SEE REVERSE)

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE ISSUER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
JOHN L. WORTHAM & SON, L.P.

ACORD 25-S (7/97)

U.S. Department of Homeland Security

United States Coast Guard

Commanding Officer
United States Coast Guard
Marine Safety Unit Galveston

P.O. Box 0149
Galveston, Texas 77553-0149
Phone: (409) 766-5400
Fax: (409) 766-5468

16611
AUG 17 2004

Garner Environmental Services, Inc.
Attn: Eric Arentsen
3197 Main Street
La Marque, TX 77568

Subj: FACILITY RESPONSE PLAN AND OPERATIONS MANUAL

Dear Mr. Arentsen:

Your facility response plan submitted to meet the requirements of the Oil Pollution Act of 1990, is approved. In addition, your operations manual submitted to meet the requirements of 33 Code of Federal Regulations (CFR) 154.310 (a-d) is also approved.

I commend your efforts in developing a response plan and operations manual that reflect your company's operating procedures and organizational structure. I remind you that your plans are vital working documents and that implementing the plans will help ensure effective oil transfers and aid in oil spill response and mitigation. Please be sure that all parties with responsibilities under the plans are familiar with the plan's procedures and requirements.

You are reminded that Garner Environmental Services, Inc. in La Marque, Texas, is prohibited from handling, storing, transferring, or lightering oil unless its operation is in full compliance with these plans. Compliance includes ensuring the required resources are in place and available through contract or other approved means. In addition, the facility must have a copy of the plan at the marine transportation related portion of your facility. We recommend placing this copy with your facility's operations manual.

Your response plan's approval will remain valid for 5 years from the date of this letter. You must review your response plan annually and resubmit the plan to the Coast Guard for approval prior to the end of the approval period as required by 33 CFR Part 154.1065. In addition your operations manual must be kept current and readily available for examination as required by 33 CFR 154.300(b)(1)(2).

Sincerely,

Zachary A. Kinnaird
Marine Science Technician, Third Class
United States Coast Guard

Mobile Facility Operations Manual

08 August 2004

To: Commanding Officer U.S. Coast Guard Marine Safety Office
P.O. Box 0149
Galveston, TX 77550

From: GARNER ENVIRONMENTAL SERVICES, INC.
3197 Main Street
LaMarque, Texas 77568

Re: Letter of Intent

To Whom It May Concern:

Garner Environmental Services, Inc. intends to establish and operate a mobile facility for the collection and transportation of waste and oily bilge and hazardous materials from vessels to a mobile facility as defined in 33CFR 154.105. Lynn Garner is owner and operator of Garner Environmental Services, Inc., and can be reached by contacting the Deer Park Office. Garner Environmental Services, Inc. has two office locations in the Houston – Galveston COTP. These offices are located at:

A. 1717 West 13th Street Deer Park, Texas 77536 PH# (281) 930-1200 Fax: (281) 478-0296
B. 3197 Main Street La Marque, Texas 77568 PH# (409) 935-0308 Fax: (409) 935-0678.

Sincerely,

Garner Environmental Services, Inc.

Otis L. Chambers Executive Vice-President

Mobile Facility Operations Manual

08 August 2004

General Information and Introduction

This operations manual applies to the two mobile transportation related facilities operated by:

1. Garner Environmental Services, Inc. 1717 West 13th Street
   Deer Park, Texas 77536 Telephone: (281) 930-1200 Fax: (281) 478-0296
2. Garner Environmental Services, Inc. 3197 Main Street
   La Marque, Texas 77568 Telephone: (409) 935-0308 Fax: (409) 935-0678

Garner Environmental Services, Inc. (GES) is a Texas corporation. incorporated to provide spill clean-up, transfer and removal of liquids from vessels at locations adjacent to shore. Garner Environmental Services, Inc. owns vacuum trucks, transport trucks and other equipment required to make these transfer operations. Garner Environmental Services, Inc. will take the required actions to contain and mitigate the incident if one should occur for ourselves or for one of our customers should they request our assistance. For regulatory purposes, Garner Environmental Services, Inc. assumes the role of 'Responsible Party' in order to respond to the requirements of the applicable law and regulation during operations directly involving vessels. Personnel designated in this document as 'Qualified Individuals (QI)' or 'Alternate Qualified Individual' and personnel operating equipment during operations involving vessels will be employees of Garner Environmental Services, Inc. This plan is written to comply with 33 CFR parts 154.300 and 156.100 and other information available at this time.

Plan Review and Update Procedures

At a minimum of once a year this manual will be reviewed and updated as necessary. Additionally any change in the operation of the subject facility will result in review of the plan. In the event of a discharge, the plan and facilities equipment will be reviewed by all affected company employees for the purpose of analysis of actions and equipment experiences during the event. Updating of the plan and, procedures may result from this review. Any changes made to the plan will be submitted to the COTP and recorded on the Record of Changes page when accepted. This facility response plan covers the Houston – Galveston COPT zone.

Mobile Facility Operations Manual

08 August 2004

GARNER ENVIRONMENTAL SERVICES, INC.

Garner Environmental services, Inc.
Spill Response Plan Record of Revisions

Revision #	Date	Entered By
#1	Aug 08,2004	Eric T. Arentsen

Major Change: All references to MSDS for Fuel Oil #6 and Diesel Fuel removed.
Changes Approved by Chief Carpenter and MST3 Kinnaird, MSU Galveston.

#2	14 Sep, 2004	Eric T. Arentsen

Page 3 item 5 to include MARPOL I and II
Page 9 item C - Captain of the Port Policy for Over Top Liquid Cargo Transfers

#3	29 Sep 2004	Eric T. Arentsen

Amended Page 9 & 10 Item 23

Mobile Facility Operations Manual

08 August 2004

TABLE OF CONTENTS

Mobile Facility Operations Manual

08 August 2004

NOTE: The term facility in this manual refers to the Mobile Facility Vacuum Truck(s) as stated in 33 Code of Federal Regulations part 154.105 definitions.

1. **Geographic Locations** - 33 CFR 154.310(a)(1)

A. Garner Environmental Services, Inc. Deer Park - is located at 1717 West 13th Street, Deer Park Texas 77536, at Latitude 29° 42. 050" North, Longitude 95° 08.388" West, 1 mile south of Highway 225

B. Garner Environmental Services, Inc. LaMarque and is located at 3197 Main Street, La Marque, TX 77568, at Latitude 29° 21.450 North, Longitude 95° 59.636 West and is located 2.4 miles west of IH-45 South.

2. **Physical Description** - 33 CFR 154.310(a)(2)

A. Deer Park, Texas

The office building is located 1 mile south of Highway 225. The facility consists of a single story warehouse building of all metal construction. The black vacuum trucks vary in capacity from 80 barrels to a maximum of 120 barrels. (see Figure I page 10)

B. La Marque, Texas

The office buildings are located 2.4 miles west of IH-45 south. The facility consists of two (2) single story buildings, a combination office and warehouse building and a warehouse building, of all metal construction. The black vacuum trucks vary in capacity from 80 barrels to a maximum of 120 barrels. (see Figure I page 10)

3. **Facility Hours of Operation** - 33 CFR 154.310(a)(3)

Garner Environmental Services, Inc. operates as a 24 hour service. All equipment is fully maintained and operated 24 hours a day, 7 days a week. The Deer Park, Texas office telephone number is (281) 930-1200 or 1-800-424-1716 and the La Marque, Texas office telephone number is (409) 935-0308 or 1-800-935-0308.

4. **Sizes, Type and Number of Vessels Used in Transfer** - 33 CFR 154.310(a)(4)

Not Required as per 33 CFR 154.100(d)(7)

5. **Cargo Information Material Safety Data Sheet** (MSDS) - 33 CFR 154.310(a)(5)

Material Safety Data Sheet (MSDS) -33 CFR 154.310(a)(5) which includes MARPOL I (waste) and MARPOL II (pre-wash), and 46 CFR 153.907 will be obtained from the vessel's personnel by the vacuum truck operator. If the transfer involves slops there will not be a MSDS for the transfer. However if there is a specific product that is being transferred a MSDS will be obtained from the vessel. All personnel involved the transfer will read and follow all instructions for safe handling of the product, health hazards present, personal protective clothing required, and any other hazards that may exist. All transfer personnel will sign their name on the safety tailgate form acknowledging recognition of any known hazards. Garner Environmental Services, Inc. does not transport a product of their own, primarily the product transferred is a hydrocarbon based product mixed with water (vessel slops).

A. Cargo Spill or Leak or Personnel Exposure 33 CFR 154.310(a)(5)(ii)(f)

If personnel are exposed to a product first aid should be conducted as stated on the cargo specific MSDS. If a MSDS is not being used for the transfer the exposed personnel shall notify the QI, Alt QI or the Safety Department for first aid information. In case of a spill or leak of volatile products which produce a possibility of explosion or fire, the operator shall:

1. Stop pumping immediately.
2. Remove all sources of ignition. Do not operate vehicle engine until the danger is no longer present.
3. Remove all personnel up-wind of the spill.
4. Notify the Qualified Individual or the Alternate Qualified Individual as the case may require, (Ref. pages 4-5 # 7).
5. If warranted, notify the fire response resources.
6. If warranted, notify the local Coast Guard for port safety actions.

B. Fire Fighting Equipment and Procedures - 33 CFR 154.310 (a)(5)(ii)(g)
See MSDS (pages 12-17 and 18-22) for cargo specific information and then follow the following procedures. The port has adequate fire fighting equipment on its docks and each vacuum truck is equipped with one C02 B-II fire extinguisher. Other approved fire extinguishing agents, e.g., dry chemical and Halon may be used. In the event that a fire should occur while transferring product, the operator shall be concerned with the safety of personnel first. If possible, without endangering life, the operator should:

1. Evacuate unnecessary personnel from the area.
2. Shut down the transfer operations immediately. Stop the pump, secure valves if possible.
3. Remove sources of ignition. Do not operate vacuum truck.
4. Phone for fire fighting resources.
5. Notify other appropriate persons as listed on page 4-5
6. Attempt to extinguish the fire with vacuum truck fire extinguisher if this is possible without endangering life.
7. Keep all unnecessary personnel away from the operations area. Do not enter area where the fire occurred until certain it is safe to do so.
8. When certain that the danger of additional fire is past, commence repair and clean-up procedures using existing resources. Coordinate with vessel personnel to stop the spread of product if is safe to do so. (33 CFR 154.310(a)(5)(g)

6. **Number of Persons on Duty During Transfer Operations and Their Duties** - -33 CFR 154.310 (a)(6) During transfer operations, there will be one (1) operator Person-in-Charge (PIC) at the vacuum truck available to open and close the suction valve on the truck as necessary . A (2) second person will be on the deck of the vessel with to assist ship personnel with commands to the truck and a (3) third person will act as floater and assist as necessary . The truck operator will watch the truck gauge and when the tank shows 3/4 full, he will notify the vessel to shut down the transfer operation. At this time, there will be sufficient room in the tank for displacing balance, outage and draining materials contained in the hoses.

7. **Emergency Telephone Numbers** - 33 CFR 154.310 (a)(7)
In the event of an oil spillage into the water or an imminent threat of spillage into the water, the vacuum truck operator shall after notifying the Qualified Individual or Alternate Qualified Individual. The qualified individual or his/her alternate will then notify the appropriate governmental agency(s).

A. Garner Environmental Services, Inc., Deer Park, Texas (281) 930-1200; La Marque, TX (409) 935-0308.
B. U.S. National Response Center 1-800-424-8802
C. Texas General Land Office Response Center 1-813-248-0585
D. Texas Commission On Environmental Quality 1-800-832-8224

E. U.S. Coast Guard, Houston MSO, (713) 671-5100; Galveston MSU (409) 766-5400.
F. In case of fire or threat of fire call the Refinery Terminal Fire Department or the local Fire Department at 911.
G. In case of personal injury notify, Emergency Medical Services at 911.
H. In the event of a Hazardous or Toxic Release, notify Local Emergency Planning Committee (LEPC) at 911.
I.

	Qualified Individual	Alternate Qualified Individual
La Marque, Texas Office	Kim Albright 409-935-0308 office (b) (6) cell	Curtis Galloway 409-935-0308 office (b) (6) cell
Deer Park, Texas Office	John Pavlicek 281-930-1200 office (b) (6) cell	Clyde McKissack 281-930-1200 713-724-4862

8. **Unmanned vessels** - 33 CFR 154.310(a)(8)
Not Required as per 33 CFR 154.100(d)(7)

9. **Communication System** - 33 CFR 154.310(a)(9)
An intrinsically safe radio will be used by the facility PIC and the vessel PIC. The radios will be supplied by the vessel. If the vessel is unable to supply radios hand and voice signals will be used.

10. **Personnel Shelter** - 33 CFR § 154.310(a)(10)
The vacuum truck cab will be utilized as a shelter against inclement weather. In the event of an emergency inside a company's plant or on a company's dock Garner Environmental Services, Inc. personnel will follow the safety procedures for evacuating to personnel shelters or from the company's property as set forth by that company polices.

11. **Description of Discharge Collection and Slop Reception** - 33 CFR 154.310(a)(11)
Not Required as per 33 CFR 154.100(d)(11)

12. **Emergency Shut-Down** -33 CFR 154.310(a)(12)
A. In the event of an emergency shut-down (see Figure I, legend key item B for location of emergency shut-down device, page 10) during a transfer that loading product to a vacuum truck, the operator will notify ships personnel to shut off the ships pump and secure their main valve. After shut-down of main valve, the operator will close the valve at the vacuum truck. Both the facility PIC and the vessels PIC will assess the situation and if it is possible then drain the transfer line to vacuum truck.
B. Garner Environmental Services, Inc. does not normally transfer product to vessels. In the event that a special circumstance would arise that it would be necessary, the vacuum truck PIC would notify the vessel PIC and then shut down the pump that this being used to transfer the product. The vacuum truck PIC would then close all valves in the transfer line on the truck and notify the vessels PIC to close the main valve at the ships manifold. Both the facility PIC and the vessels PIC will assess the situation and if it is possible then drain back the transfer line to either to vacuum truck or to the vessel.

13. Monitoring Devices - 33 CFR 154.310(a)(13)

Monitoring devices are not used by Garner Environmental Services, Inc. since the COTP of Houston – Galveston does not require them.

14. Boom Deployment Strategy- 33 CFR 154.310(a)(14)

A. 9,100 feet of 18" containment boom is available from Garner Environmental Services, Inc. Arrival of the containment boom on the scene will be within one (1) hour of notification. Garner Environmental Services, Inc. will provide personnel to deploy the boom to contain the spilled product. Containment boom will not be deployed by the vacuum truck operator.

B. The containment boom will be so place to prevent the product from escaping from' the area of the spill. The specific procedures will be dependent on the location of the spill, the direction of the current (mostly tidal flow), and wind direction to a lesser degree. If the product is between the vessel and the shore, it may be possible to contain the spill in this area. The boom will be placed so that the vessel is on one side of the spill and the shore on the other. Deployment of the boom will be in the direction of the current flow between the vessel and the shore. If the product has escaped into open water, the boom may be deployed to divert the product to the shoreline below the spill area. The speed of the current will determine the angle of boom placement to the current. The boom may also be used to divert a spill from environmentally or economically sensitive areas. The boom's effectiveness can be very time sensitive, therefore, it is very important to get help as soon as possible in any spill situation.

15. Fire Extinguishing Equipment - 33 CFR 154.735(d)

Vacuum trucks used to transfer product from a vessel are equipped with one fire extinguisher which is attached between the back of the drivers cab and the control box on the left side of the truck (see Figure I page 10 legend item Y). The extinguisher is of the dry chemical type. To use these extinguisher, the operator needs to pull the pin, ground the canister, squeeze the handle, and aim the hose stream at the base of the fire sweeping back and forth until the fire is out.

16. Maximum Working Pressure - 33 CFR 154.310(a)(16)

The working pressure, and the relief valve on the vacuum trucks are tested at 35 psi by a Texas DOT certified testing agent. The normal operating suction pressure of the vacuum truck is 30 psi. The maximum allowable working pressure for the transfer hoses is 150 psi. Vacuum hoses are hydrostatically tested annually to 225 psi.

17. Operational Procedures

A. Upon boarding a vessel, a Material Safety Data Sheet (MSDS) will be obtained from the vessel's personnel involved in the transfer. If the transfer involves slops there will not be an MSDS for the transfer. However if there is a specific product that is being transferred a MSDS will be obtained from the vessel. All personnel involved will read and follow all instructions for safe handling of product, to include health hazards present, personal protective clothing required, and any other hazards that may exist. All facility personnel will sign their name on the safety tailgate form acknowledging recognition of any known hazards. Both the facility PIC and the vessels PIC will begin to fill out the Declaration of Inspection (DOI)

B. A sample may or may not will be taken of the product depending on our customers needs. If a sample is taken, lab tests will be performed on the product to be transferred.

C. The person in charge of the transfer will check the quantity of product in the ship's tanks to verify that enough equipment is on hand to complete the work. Flange adapters if needed will be bolted to the ship's manifold discharge, wheel chocks put in place, a drip pan or bucket (if vessel is not equipped with drip discharge containment) will be placed under the manifold and any hose

connections, connect the hose quick-disconnects to the flange or adapter and the other end to the vacuum truck manifold connection and then a drip pan or bucket placed under the connection. Warning signs will be set up (i.e., NO SMOKING, NO OPEN LIGHTS, NO UNAUTHORIZED PERSONNEL, etc.). The vacuum truck operator will open the main tank valve on the vacuum truck and ship's personnel will be signaled or radioed that the vacuum truck is ready to receive. He will instruct ship's personnel to open the discharge valve and start transfer operations. When the ship's personnel activate the valve and a flow of product is started, the vacuum truck operator will check all connections for leaks. When the vacuum truck is 3/4 full (leaving sufficient room in the truck to remove the product remaining in the hoses) and all the cargo has not been off-loaded, the operator will instruct the vessel's personnel to stop the flow of product and secure the vessels main valve. The hoses will then be cleared by means of suction, gravity or blow down from vessel. A second valve may be added to the vacuum truck at the manifold to allow the vacuum truck to disconnect without clearing the line. If that happens another vacuum truck will take its place and continue the transfer.

D. When the ship's tanks are empty, the ship's personnel will close the valve on the ship, and crack the vessels bleeder valve. Then place suction, or have the line blown which will remove the rest of the product from the transfer hoses The vacuum truck operator will disconnect hoses from the truck, place caps on all hoses, remove wheel chocks and load the hoses on the trailer. The facility PIC will insure that all equipment is stored properly before he holds a final meeting with the vessel PIC to complete the DOI.

E. After the transfer is completed but before leaving the area of transfer (preferably away from the water or means for a liquid to gain access to the water) The driver will perform a slosh test to insure that the load is safe to transport. After the slosh test is performed the driver will get out of the vacuum truck and inspect his vehicle to insure that there is no leakage of product or other items amiss.

F. The driver will then transport the material on the selected route. On arrival at the disposal site, or new location the driver will present the manifest and samples (if any) prior to off-loading. When the vacuum truck is empty of all product, and washed out, it will be returned to the Garner office.

G. In the event of an emergency the facility PIC and vessel PIC will follow the procedure set forth for conducting an emergency shut down and then notify the QI or alternate QI of the situation.

18. Reporting Discharge and Containment – 33 CFR 154(a)(18)

It is important to notify the Qualified Individual or Alternate Qualified Individual as soon as it is known a spill is threatening the water or has entered the water. If the Qualified Individual or Alternate Qualified Individual is unavailable, the operator shall notify Garner Environmental Services, Inc. to reduce response time. Additionally, Garner Environmental Services, Inc. personnel will fill out as much information as they can on the "Information on Discharge Involved Parties" (see page 12) then make proper notifications to the U.S. Coast Guard as soon as possible. Garner Environmental Services, Inc. will be on the scene within one (1) hour to contain and clean the spill as needed. The vacuum truck operator will immediately begin clean-up operations and continue to do so until the response team arrives on the scene. Absorbent boom will be deployed by the vacuum truck operator if possible or necessary. Garner Environmental Services Inc. carries 200 ft. of 8 inch absorbent boom with them for each regulated over the water transfer.

A. Transfer operations will not resume until all repairs have been made, the operator is sure no vapor problems exist and approval is received from the local USCG.

B. The facility personnel are aware that Garner Environmental Services, Inc. first concerned is for personnel safety. The next concern is preventing product from reaching the water. If the product does not enter the water, the regulatory requirements, expense, and effort are greatly reduced. If

the product does enter the water or threaten entry, quick and effective action will reduce the cost and effort required to prevent damage to the environment significantly. The company is dedicated to preventing environmental harm.

19. **Summary of Oil Pollution/Hazardous Material Laws & Regulations** – 33 CFR 154310(a)(19)
Not Required as per 33 CFR 154.100(d)(7)

20. **Shielding of Portable Lighting Regulations** - 33 CFR 154.310(a)(20)
Portable lights are not normally necessary however if the occasion does arise intrinsically safe lighting will be used or vessel deck lights that do not interfere with navigation on adjacent waterways ways.

21. **Training and Qualification Program** 33 CFR 154.310(a)(21), 154.1026(a)-(3)
A. To become the person-in-charge of a transfer operation the trainee must meet the following:
1. Have more than 48 hours of experience in transfer equipment operation.
2. Received 40 hours of Hazardous Material training as prescribed in 29 CFR 1910.120
3. Be familiar with 33 CFR parts 154 and 156.
4. Have the knowledge and is experienced with transfer systems and controls to conduct the transfer in accordance with Garner Environmental Services, Inc. operations manual.
5. Is designated in writing by Garner Environmental Services, Inc. as a person-in-charge.
6. Knows how to make proper notifications in the even of a spill or release of product.
B. To become a QI or Alt QI the person must:
1. Be available 24 hours a day and be able to arrive at the facility within a reasonable amount of time. All QI's and Alt QI's live in the Houston-Galveston and speak fluent English..
2. Be identified in the response plan and be familiar with the Garner Environmental Response Plan and be trained in the responsibilities of:
A. Activating and engage in contacting with a oil spill removal organization.
B. Being able to act as a liaison with the Federal On-Scene Coordinator.
C. Able to obligate funds required to carry out response activities.

22. **Hose Markings and Certificate of Inspections and Tests** - 33 CFR 154.310(a)(22)
A. Oil and chemical hoses are specifically identified by the words "Oil Service or Hazmat Service See List" and are cleaned out after use. Only the specified hoses which are located on the transfer trailer will be used during the product transfer.
B. Records, Certificates of Inspections and Tests can be obtained by contacting Garner Environmental Services, Inc.

23. **Tank Cleaning and Stripping Operations** -33 CFR 154.310(a)(23)
The Code of Federal Regulations (CFR), specifically forbids tank vessels to load cargo through tank ullages utilizing temporary connections and/or hoses. Title 33 CFR 156.120(g) requires that the transfer system be attached to a fixed connection on the vessel and the facility. Title 46 CFR 35.35--20k(d) requires all cargo connections be made to the vessel's pipeline. Should exigent circumstances warrant a deviation from the above regulations, a written request for an "over

the top" transfer must be submitted to the Captain of the Port Houston-Galveston this office for approval.

A. A pipe is lead through the manhole of the slop tank using a specially designed flanged manhole cover. A hose is connected to the pipe and then to the vacuum truck. The pipe is then used to strip the remaining liquid from the slop tank, pumping it to the vacuum truck in the same manner as in the first operation. The opportunity for spillage is the same as in the first operation, with the same preventative measures to apply. A failure of the pipe suction device would be the same as any other piping failure and should be covered by the vessel's responsible plan. This procedure will only be used once all guidelines have been met regarding the Captain of the Port Policy for over top liquid cargo transfers dated November 13, 1997 and Garner Environmental Services, Inc. has received written approval from the Captain of the Port Houston-Galveston to conduct the transfer.

B. This mobile transfer facility operates to (1) remove product from vessel slop tanks, (2) on an occasional basis to remove remaining quantities of product from vessel tanks (i.e. stripping operations), and (3) removal of product from vessel tanks in the event of a spill or possible spill.

C. A vacuum truck is place shore side to the vessel and a hose (usually 3"though a 2" can be used as well) is lead to the slop tank fitting on the vessel. Either the vessel pump, a portable pump, or the vacuum truck pump takes suction on the slop tank and the liquids flow to the vacuum truck tank. The hose pressure should not exceed 35 psi. The driver will ensure that his approach to the shore is carefully executed and that the truck is parked in a secure location. The chosen location, when possible should assure that any failure which may occur, will provide an opportunity to contain the product. When the truck driver is operating in a location, he shall familiarize himself with his surroundings and use natural containment areas to this end.

D. Either the method used for the slop tanks, or the stripping method may be used. Additional possibilities may include the use of a submersible pump or the use of the vessel's pumping system. The possibility of a spill from the mobile facility equipment would be the same as in the first operation with the same response as outlined.

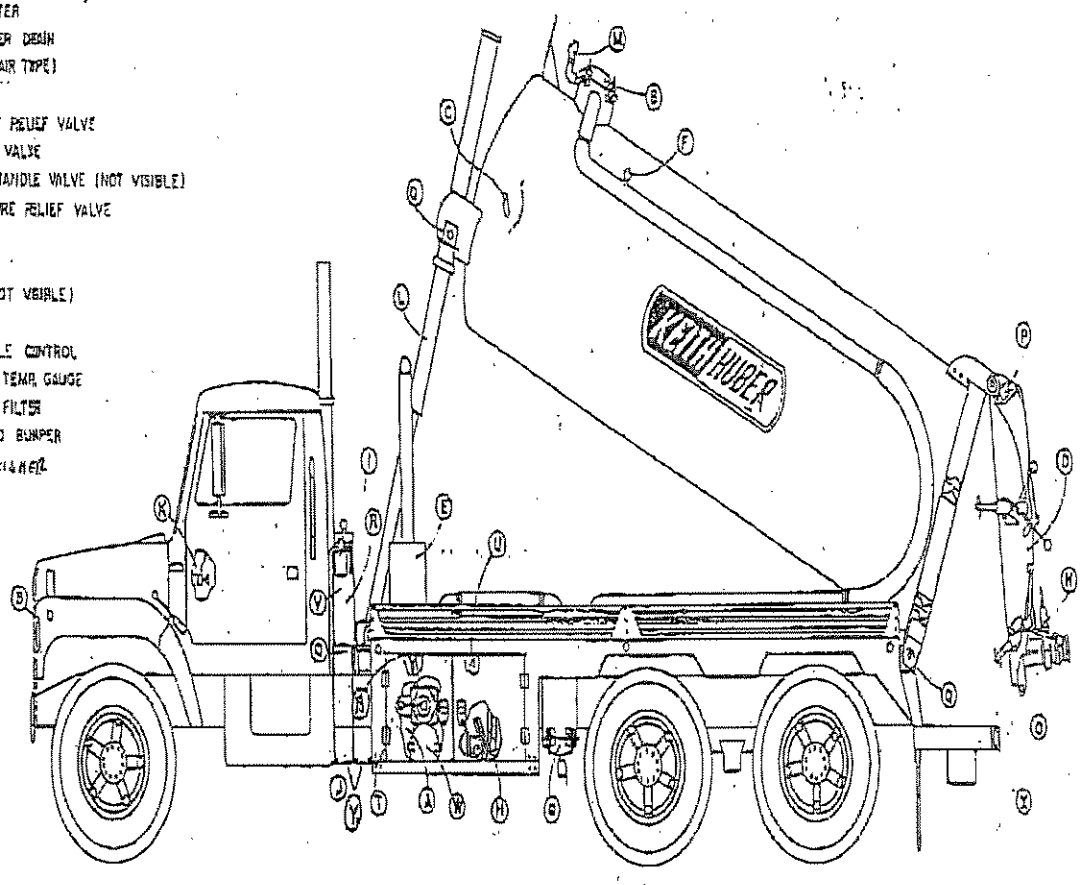
Mobile Facility Operations Manual

08 August 2004

GARNER ENVIRONMENTAL SERVICES, INC.

Figure 1

A - VACUUM PUMP
B - PRIMARY SHUT-OFF DOME
C - LIQUID LEVEL INDICATOR
D - FULL REAR DOOR
E - EXHAUST MUFFLER - OIL / AIR SEPERATOR
F - VACUUM / PRESSURE GAUGE
G - SECONDARY SHUT-OFF / MOISTURE TRAP
H - HYDRAULIC SYSTEM CONTROL
I - RETURN LINE FILTER
J - EXHAUST MUFFLER DRAIN
K - PTO CONTROL (AIR TYPE)
L - LIFT CYLINDER
M - AUTO. PRESSURE RELIEF VALVE
N - 6" BRASS STEM VALVE
O - 4" BRASS SIDE HANDLE VALVE (NOT VISIBLE)
P - MANUAL PRESSURE RELIEF VALVE
Q - GREASE FITTING
R - OIL RESERVOIR
S - OIL COOLER (NOT VEIBLE)
T - PUMP, OIL FILL
U - THROTTLE CABLE CONTROL
V - OIL LEVEL AND TEMP. GAUGE
W - VACUUM PUMP FILTER
X - DOT APPROVED BUMPER
Y - FIRE EXTINGUISHER

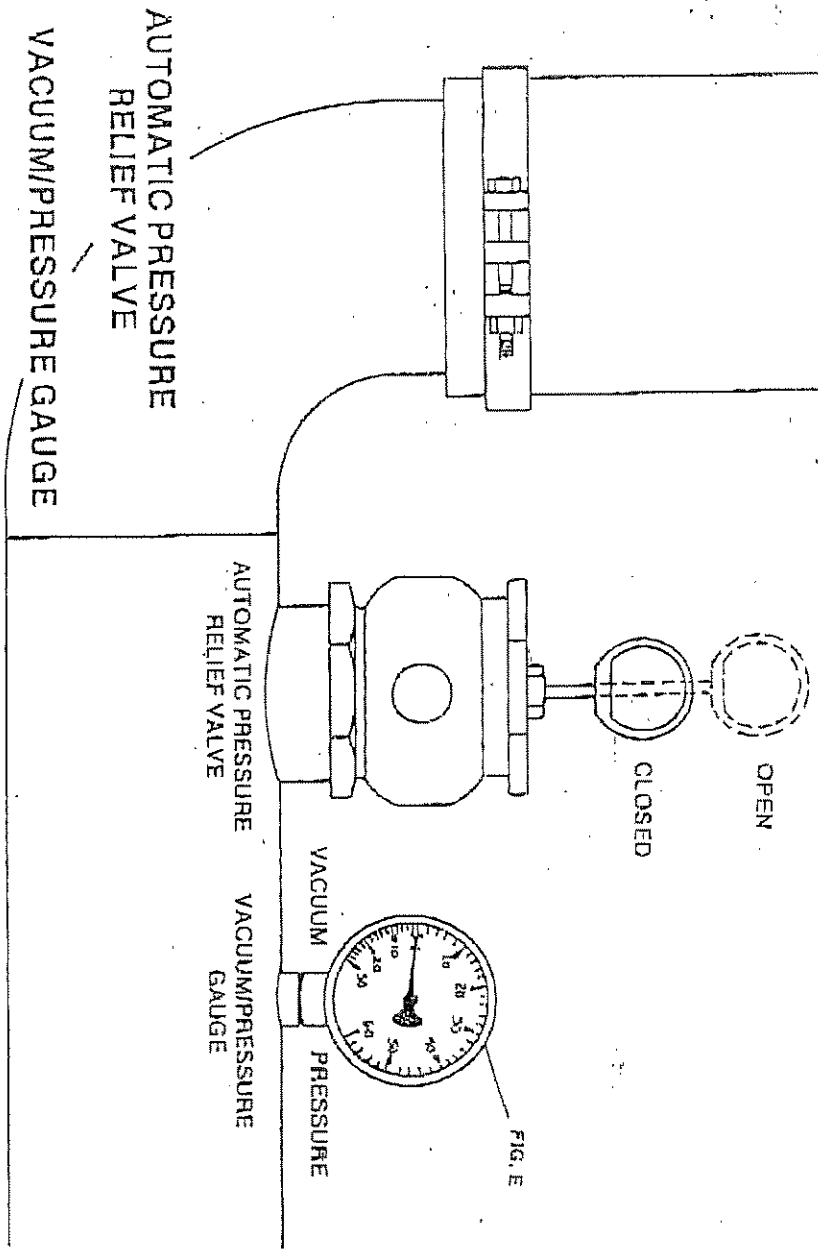


KEITH HUBER INC.

Figure 1

GARNER ENVIRONMENTAL SERVICES, INC.

Figure 1B



Mobile Facility Operations Manual

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GARNER ENVIRONMENTAL SERVICES, INC.

Information On Discharge Involved Parties

Reporting Party

Name _____

Phone Numbers _____

Company _____

Position _____

Address _____

_____

_____

Suspected Responsiable Party

Name _____

Phone Numbers _____

Company _____

Position _____

Address _____

_____

_____

Was Material Discharged Yes / No
Has the Responsible Party be notified Yes / No

Source or cause of Incident _____

Date of Incident _____ Time of Incident _____

Incident Address/Loacation _____ Nearest City _____

_____ Distance From City _____

Storage Tank Container Type – Above Ground (Y / N) Below Ground (Y / N) Unknown

_____ Facility Capacity _____ BBLS / GAL

Tank Capacity _____ BBLS / GAL Mile Post or River Mile _____

Latitude (Degrees) _____ Longitude (Degrees) _____

Discharge Quanity	Unit Of Measure	Discharged Material	Quanity In Water
_____	_____	_____	_____

Action Taken to Correct or Migate Incident _____

Number of Persons Injured _____ Number of Fatalities _____

Evactions Nessesary (Y / N) Number Evacuated _____

Was there any damage (Y / N) Damage in Dollars _____

Any Information about the incident not elsewhere in the report above _____

Caller Notifactions	USCG (NRC) & EPA	TGLO	TECQ
	1-800-424-8802	1-813-248-0585	1-800-832-8224

Initial Notification Must NOT be Delayed Pending Collection of ALL Information

GARNER ENVIRONMENTAL SERVICES, INC.

1717 West 13th Street
Deer Park, Texas 77536
(281) 930-1200
(800) 424-1716

RESPONSE RATE SCHEDULE
DOMESTIC

Corporate Operations	Response Rate Schedule Domestic	Schedule Rev. January 2005

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SPILL PERSONNEL PHONE LIST

	HOME	PAGER	MOBILE
DEER PARK – Office / Phone: (281) 930-1200 / (800) 424-1716 Fax: (281) 478-0296			
Spill Response			
Michael Carpenter	(b) (6)	(866) 768-3133	(b) (6)
Clyde McKissack		(281) 322-5527	
Haz-Mat Incidents			
Michael Carpenter		(866) 768-3133	
Camilo Olivieri			
Dispatcher			
Bruce Dumesnil		(281) 322-5623	
Safety			
Scotty Bourgeois			
Logan Reininger		(281) 322- 5505	
PORT ARTHUR – Office / Phone: (409) 983-5646 / (800) 983-7634 Fax: (409) 983-5851			
Elbert Simmons	(b) (6)	(409) 723-7772	(b) (6)
Tony Waldrop		(409) 723-7774	
LA MARQUE/GALVESTON – Office / Phone: (409) 935-0308 / (800) 935-0308 Fax: (409) 935-0678			
Kim Albright	(b) (6)	(888) 509-2929	(b) (6)
Curtis Galloway		(409) 933-7101	
NEW ORLEANS – Office / Phone: (504) 254-2444 / (800) 975-2444 Fax: (504) 254-3004			
Kenny Sconza	(b) (6)	(504) 668-0528	(b) (6)
Sammy Jones		(504) 668-0588	
Walter Diamond		(504) 668-0595	

Corporate	Response Rate Schedule Domestic	Schedule
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Automotive Equipment

Automotive Equipment Hourly Rates charges are portal to portal. A four (4) hour minimum time will be charged on all call-outs. A mileage charge of $0.50 per mile after the first 50 miles will be added for all automotive equipment, except for automobiles and pick-up trucks which will have a mileage charge of $0.35 per mile added. A Fuel Surcharge of 15% of the hourly/ Daily Equipment/Vehicle rate will be charged on all Motorized Equipment.

Equipment Decontamination / Washout

Time and Material charges are portal to portal and will continue through decontamination and/or washout of any and all equipment used on the job.

Haz-Mat Rates

Haz-Mat rates will be charged when the material being dealt with has a hazard rating of two or greater on the NFPA 704 labeling system or hazardous material identifying system, or if a job requires the use of respiratory protection.

Insurance

The rates in this RATE SCHEDULE include insurance coverage for Worker's Compensation, General Liability, Pollution and Automobile Liability. A Certificate of Insurance will be forwarded upon request. These rates do not include work performed under the U.S. Longshoremen's and Harbor Workers Act (33 USC ss 901-950). For work performed under this statute, an additional 69% surcharge per $100.00 of wages will be assessed on labor **only.**

Personnel

Experienced consulting, supervisory, technical instructor and equipment operating personnel are available for complete emergency spill response and spill cleanup operations and vacuum service, 24 hours a day, 7 days a week. Normal hours of operation are from 0730 (7:30 a.m.) through 1600 (4:00 p.m.) daily, Monday through Friday.

All labor charges will be in accordance with Garner Environmental Services, Inc. service receipts. Charges for personnel are portal-to-portal. Garner Environmental Services, Inc. will invoice for personnel and the time required to mobilize, service, repair, and restock all vehicles and equipment used in the performance of the services for customer. Overtime for personnel will be charged at time and a half between 1600 (4:00 pm) through 0730 (7:30 am) Monday through Thursday; weekends from 1600 (4:00 p.m.) Friday through 0730 (7:30 am) Monday. **DOUBLE TIME RATES** will be charged for all National Holidays. **4-Hour Minimum Service Charge On All Labor Call-Outs.**

In the event Garner Environmental Services, Inc. responds to a request from a governmental agency and/or third party and/or Customer and/or on behalf of Customer for record gathering and/or litigation support services, including but not limited to testifying at any proceeding, deposition, hearing or trial, and whether during the performance of services or any time after, Customer hereby agrees to and will pay to GESI, in accordance with the payment terms herein, the charges for the personnel provided and/or requested and/or required in the amount corresponding to the personnel designation in this rate sheet and will further reimburse GESI for reasonable expenses incurred as a result including for transportation, parking and/or lodging, if necessary.

Replacement of Damaged or Contaminated Equipment

If, during performance of a service and/or services for a customer, equipment and/or material sustain damage which renders the equipment and/or material beyond repair or renders decontamination impossible, said equipment and/or material will be subject to a replacement charge at Garner Environmental Services, Inc.'s cost plus 15% unless said damage was sustained as a result of misuse by Garner Environmental Services, Inc. personnel.

Roll-Off Boxes

Roll-Off Box delivery and pickup charges vary according to the distance from the site location. The cost for roll-off box liners is $50.00 each. Box Liners are not mandatory, but if the Roll-Off Box requires cleaning at the end of the rental period, the customer will incur the cleaning charges.

All rates listed in this schedule are subject to change without notice.

Stand-By Rates

Stand-By Rates will be equal to the daily rates in this schedule unless otherwise agreed to in writing on a case-by-case basis. Full rates will apply for personnel and per diem.

Subcontract Services / Third-Party Services

When Garner Environmental Services, Inc.'s equipment is available, Garner Environmental Services, Inc. will use and bill Customer for said equipment at rates published in the rate schedule. For any item that is identified on Garner Environmental Services, Inc.'s rate sheet and which Garner acquires through or from a third party vendor or supplier, Customer will pay to Garner Environmental Services, Inc. the higher of Garner Environmental Services, Inc.'s rate or Garner Environmental Services, Inc.'s cost plus a 20% handling charge.

A 20% handling charge will apply and be invoiced for all shipping and transportation of equipment, materials and goods regardless of whether such equipment, materials and goods appear on Garner Environmental Services, Inc.'s rate schedule. In addition, for all items not listed on Garner Environmental Services, Inc.'s rate schedule, including but not limited to personnel, equipment, materials and goods, laboratory services, testing services, damage waivers and/or other services, said items will be billed at Garner Environmental Services, Inc.'s cost plus a 20% handling charge.

Cost, as used herein, is defined as the amount invoiced to Garner Environmental Services, Inc. by a third-party supplier of material and/or goods and/or material and/or labor and/or equipment and/or services.

Taxes

All domestic federal, state and municipal taxes, except income taxes and ad-valorem taxes, now and hereinafter imposed with respect to services rendered, to rental equipment, to the processing, manufacture, repair, and to the delivery and transportation of equipment and supplies will be added to and become part of the total price payable by the Customer. If a Customer claims an exemption from payment of Texas Sales and Use Tax, the Customer will be required to render an Exemption Certificate or a Resale Certificate to Garner Environmental Services, Inc. for said exemption to apply to the services rendered. If for any reason the services rendered result in the assessment of foreign income taxes, excise taxes, or other fees alleged as owing to a foreign state or government, the Customer will pay directly the amount of any assessment or fee. In the event Company pays any such foreign tax or fee directly, Customer will promptly reimburse Company for same.

Terms

The term of payment for all invoices is *Net Payment Due Immediately Upon Receipt of invoice in United States Dollars (US $)*. The balance of any invoice not timely paid will accrue a finance charge computed at the periodic rate of one and one-half percent (1.5%) per month (18% per annum) beginning on the first day of the first month following any delinquency. Customer is obligated to make payment to Garner Environmental Services, Inc. at its principal office at 1717 West 13th Street, Deer Park, TX 77536 in Harris County, Texas.

Place of Performance

The procurement of Garner Environmental Services, Inc.'s services may not be in the same county as the work site area. Customer is obligated to make payment to Garner Environmental Services, Inc. in Harris County, Texas for services provided. Because this agreement has been procured in Harris County, Texas and is being managed and administered from Garner Environmental Services, Inc.'s central office in Harris County, Texas, this agreement is being performed in Harris County, Texas. The validity, interpretation and performance of the services and payment and the contents herein are to be interpreted and enforced pursuant to the laws of the State of Texas and any suit in connection herewith will be filed in Harris County, Texas.

Travel, Lodging and Per Diem

For all employees who do not reside in the local commuting area for the work site, Garner Environmental Services, Inc. will be reimbursed for costs incurred for employee travel to and from the work site on the basis of Garner Environmental Services, Inc.'s incurred costs plus 20% for all commercial transportation. A minimum Per Diem charge of $110.00 per day for all employees who do not reside in the local commuting area of the work site will be due for each day that such employee is present in the locale of the work site.

All rates listed in this schedule are subject to change without notice.

Corporate	Response Rate Schedule Domestic	Schedule
Operations		Rev. January 2005

PERSONNEL

		Hourly Rate Regular	Overtime
Spill			
PERS-1001	Project/Operations Manager	125.00	187.50
PERS-1002	Health & Safety Manager	100.00	150.00
PERS-1003	Site Manager/Superintendent	70.00	105.00
PERS-1004	Site Safety Officer	55.00	82.50
PERS-1006	EMT / Paramedics	45.00	67.50
PERS-1020	Project Accountant	65.00	97.50
PERS-1019	Disposal Coordinator	35.00	52.50
PERS-1013	Resource Coordinator	42.00	63.00
PERS-1008	Industrial Hygiene Supervisor	55.00	82.50
PERS-1009	Industrial Hygiene Technician	45.00	67.50
PERS-1017	Field Clerk	30.00	45.00
PERS-1005	Supervisor	55.00	82.50
PERS-1007	Foreman	42.00	63.00
PERS-1016	Technician	33.00	49.50
PERS-1014	Operator, Heavy Equipment	40.00	60.00
PERS-1015	Operator, Response Equipment	35.00	52.50
PERS-1010	Mechanic	40.00	60.00
Haz-Mat			
PERS-1005-HM	Supervisor, Haz-Mat	75.00	112.50
PERS-1007-HM	Foreman, Haz-Mat	55.00	82.50
PERS-1016-HM	Technician, Haz-Mat	45.00	67.50
PERS-1014-HM	Operator, Heavy Equipment, Haz-Mat	55.00	82.50
PERS-1015-HM	Operator, Response Equipment, Haz-Mat	50.00	75.00
PERS-1016-TS	Technician, Sampling	45.00	67.50
Rescue			
PERS-1011	Rescue Supervisor	60.00	82.50
PERS-1012	Rescue Technician	50.00	75.00

EQUIPMENT

Automotive Equipment

		Hourly Rate
AUTO-1001	Super Sucker, 80 bbl Capacity (See Note)	125.00
AUTO-1002	Cyclone Unit	50.00
AUTO-1003	Vacuum Truck, 70 bbl Capacity, Stainless Steel Unit (See Note)	Cost Plus 20%
AUTO-1004	Vacuum Truck, 70 bbl Capacity (See Note) (GES Owned)	70.00
AUTO-1004R	Vacuum Truck, 70 bbl Capacity (3rd Party Rental)	Cost Plus 20 %
AUTO-1005	Vacuum Truck, 130 bbl Capacity (See Note)	Cost Plus 20%
AUTO-1006	Vacuum Truck, Liquid Ring (See Note)(GES Owned)	150.00

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Automotive Equipment (Cont.)

		Hourly Rate
AUTO-1007	Roll-Off Truck (See Note)	Cost Plus 20%
AUTO-1008	Meyers Unit, Truck Mounted (See Note)	60.00/hr
AUTO-1009	Mini Roll-Off Unit (See Note)	60.00/day
	(Note: Operator Included)	
AUTO-1027	Safety-Vac	60.00/day
AUTO-1010	ATV, 4-Wheel	275.00/day
AUTO-1011	ATV Utility Trailer	75.00/day
AUTO-1012	Automobile	75.00/day
AUTO-1013	Backhoe (plus mobilization & demobilization) (GES owned)	425.00/day
AUTO-1013	Backhoe (plus mobilization & demobilization) ((3rd Party Rental)	Cost Plus 20%
AUTO-1017	Meyers Unit, Trailer Mounted	350.00/day
AUTO-1018	Pick-Up Truck, 1 ton or smaller	115.00/day
AUTO-1020	Pick-Up Truck, 1 ton, w/liftgate	130.00/day
AUTO-1023	Pick-Up Truck, 1 ton, 4x4	220.00/day
AUTO-1024	Skid-Steer Loader (GES Owned)	350.00/day
AUTO-1040	Trailer HazMat Response 36'	500.00/day
AUTO-1028	Tractor/Trailer, Haz-Mat Response Unit, 32'	750.00/day
AUTO-1025	Trailer, Boom, 20 foot	75.00/day
AUTO-1026	Trailer, Equipment Hauler, Gooseneck, 24 foot	75.00/day
AUTO-1029	Trailer, Haz-Mat Response, 24'	350.00/day
AUTO-1033	Trailer, Haz-Mat Transfer	500.00/day
AUTO-1035	Trailer, Rescue/Emergency Response	175.00/day
AUTO-1030	Trailer, Response, Gooseneck, 32' Oil Response	300.00/day
AUTO-1031	Trailer, Transfer, Ship to Shore	125.00/day
AUTO-1032	Trailer, Utility	75.00/day
AUTO-1036	Trailer, Box 53'	100.00/day
AUTO-1037	Trailer, Box 40'	100.00/day
COMM-1006	MCC #1 Mobile Command & Control Trailer + Fuel	1,700.00/day
COMM-1010	Command Trailer, 48'	1,800.00/day
AUTO-1024-R	Skid-Steer Loader, (3rd Party Rental, Mobilization & Demobilization)	Cost +20%
AUTO-1038	Mileage (after the first 50 miles (except automobiles & pick-up trucks)	0.50 per mile
AUTO-1039	Mileage (after the first 50 miles for automobiles & pickup trucks)	0.35 per mile

Marine Equipment

		Daily Rate
MAR-1001	Airboat	Cost plus 20%
MAR-1002	Deck Barge, 30', w/twin 200hp engines, radar	800.00
MAR-1003	Fast Response Boat, 30', w/twin 200hp engines, radar, 20 bbl store cap	800.00
MAR-1004	Flat Boat, w/o motor	115.00
MAR-1005	Flat Boat, 14' to 16' w/motor	225.00
MAR-1010	Flat Boat (Dock) 12'	75.00
MAR-1006	Piroque	30.00
MAR-1007	Fast Response Boat, 24'	400.00
MAR-1011	Fast Response 28'	400.00

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Containment Boom

		Daily Rate
CBM-1004	Containment Boom, 18"	1.40 ft.
CBM-1006	Containment Boom, 12"	1.00 ft.
CBM-1005	Mini-Boom	.75 ft.
CBMA-18	Boom Anchor, 18 lb.	41.00
CBMA-22	Boom Anchor, 22 lb.	54.00
CBMA-40	Boom Anchor, 40 lb.	135.00
CBMA-75	Boom Anchor, 65 lb.	252.00
CBMA-100	Boom Anchor, 85 lb.	349.00
CBMA-1012	Boom Lights	20.00
CBMA-1013	Anchor buoys/markers	20.00

Skimmers

		Daily Rate
SKIM-1002-70	Drum Skimmer, 70 gpm	600.00
SKIM-NO-1003-20	Drum Skimmer, 20 gpm	450.00
SKIM-1005	Skimmer, Acme Mdl 39-TG4, Gasoline Powered	200.00
SKIM-1006	Skimmer, Acme Mdl 39-T, Vacuum / or Douglas Engineering Skim Pak	150.00
SKIM-1008	Skimmer, Marco, "*Harbor 25*"	5,000.00
SKIM-1009	Skimmer, Marco, "*Sidewinder 14*"	4,200.00
SKIM-1010	Oleophilic Pad Replacement, *Marco Skimmer*	Cost +20%
SKIM-1012	RF Weir Skimmer	225.00
SKIM-1013	VSP Screw Pump Skimmer	1,800.00
SKIM-1014	Desmi Mini Max	250.00

Sorbent Material

		Unit Rate
GES-BMC	BMC Absorb-N-Dry Absorbent	8.00
GES-B510	Boom, Sorbent, 5" x 10', 4 boom bale	102.05
GES-B510SN	Boom, Sorbent, Anti-Shed, Sock Net, 5"x 10'	100.00
GES-B810	Boom, Sorbent, 8" x 10', 4 boom bale	180.50
GES-B810SN	Boom, Sorbent, Anti-Shed, Sock Net, 8" x 10'	155.00
GES-UB510	Boom, Sorbent, Universal, 5" x 10', 4 boom bale	134.05
GES-UB810	Boom, Sorbent, Universal, 8" x 10', 4 boom bale	201.10
GES-GS-25	Cell-U-Sorb, 20 lb bag	31.00
GES-EX-SORB	Peat Moss Sorbent, 2 cf x 20 lb bag	39.25
GES-GS-22	Floor Gator, Granular, 50 lb bag	26.95
GES-IM0077	Imbiber Bead Packet, 36 per case	231.65
GES-IM1421	Imbiber Bead Pillow, 3 per case	217.20
GES-IM2142	Imbiber Bead Blanket, 2 per case	235.30
GES-IR300	Industrial Rug, Sorbent, 36" x 300'	278.30
GES-GATOR030	Oil Gator, 30 lb bag	45.05
GES-OSGP30	Oil Sponge GP, General Purpose, 30 lb bag	28.75
GES-P100	Pad, Sorbent, 17" x 19" x 3/8", 100 pad bale	72.00
GES-P200	Pad, Sorbent, 17" x 19" x $^{3}/_{16}$", 200 pad bale	76.00
GES-Q100-P	Pad, Sorbent, Perforated, 17" x 19" x 3/8"	62.50
GES-Q70	Pad, Sorbent, Blue, 17" x 19" x 3/16"	79.50
GES-UQ100	Pad, Sorbent, Universal, Gray, 17" x 19" x 3/8", 100 pad bale	104.60
GES-HAZPIL10	Pillow, Haz-Mat, Universal, 3" x 18" x 24", 10 pillow bale	120.65
GES-HAZPIL17	Pillow, Haz-Mat, Universal, 3" x 11" x 17", 17 pillow bale	134.05
GES-PIL10	Pillow, Sorbent, 14" x 25", 10 pillow bale	101.90

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Sorbent Material (Cont.)

		Unit Rate
GES-R144	Roll, Sorbent, 38" x 144' x 3/8", 1 roll bale	144.30
GES-OS15	Snare, Viscous Oil, 30 count	60.00
GES-OSB50	Snare Boom, Viscous Oil, 50'	73.75
GES-OSB100	Snare Boom, Viscous Oil, 100'	186.50
GES-OD40	Sorbent, All-Purpose, Oil-Dry	12.90
GES-SPHAGSORB2	Sphag Sorb, 2 cf x 24 lb bag	42.25
GES-SW100	Sweep, Sorbent, 17" x 100', 1 sweep bale	110.60
GES-2950	Zorbent, Absorbent Material	62.50

Pumps and Hoses

		Daily Rate
PUMP-1001	Pump, 1"	100.00
PUMP-1004	Pump, 2"	90.00
PUMP-1007	Pump, 2" Acme Mdl 39-G4 Floating Wash Pump	150.00
PUMP-1002	Pump, 2" Blackmere Vane, (Hydraulic)	200.00
PUMP-1003	Pump, 2" Diaphragm	90.00
PUMP-1006	Pump, 2" Stainless Steel Diaphragm	250.00
PUMP-1010	Pump, 3"	100.00
PUMP-1009	Pump, 3" Diaphragm, Diesel	100.00
PUMP-1012	Vacuum Unit, Dual Venturi head	75.00
PUMP-1011	Rebuild Kit, Diaphragm Pump	500.00 Each
PUMP-1013	Pump, Diaphragm 3"	150.00
PUMP-1014	Pump, Hand Plastic	20.00 Each
PUMP-1008	Pump, Wash (with suction & discharge hose & nozzle)	90.00
MSE-1038	Hose, Chemical Resistant, 3" x 20'	20.00
MSE-1037	Hose, Chemical Resistant, 2" x 20'	20.00
MSE-1051	Hose, Chemical Resistant, 1" x 10'	20.00
MSE-1039	Hose, Chemical Resistant, Hard Gum Rubber, 6" x 25'	28.00
MSE-1040	Hose, Fire, 50' section	50.00
MSE-1041	Hose, Metal, Flex, 6" x 25'	25.00
MSE-1042	Hose, Solid Metal, Joint Pipe, 6" x 12'	22.00
MSE-1043	Hose, Suction/Discharge, 2" x 25'	8.00
MSE-1044	Hose, Suction/Discharge, 3" x 20'	8.00
MSE-1047	Hose, ADS 6"	1.75 Foot
MSE- 1052	Hose, Air 1" x 50'	12.00
MSE-1053	Hose, Air ¾ x 50'	12.00
MSE-1054	Hose, Garden/water	12.00

Communications Equipment

		Daily Rate
COMM-1001	Cellular Telephone (Each)	25.00
COMM-1002	Computer, Laptop/Desktop w/Printer	125.00
COMM-1003	Fax Machine	25.00
COMM-1004	GPS, Hand Held	25.00
COMM-1005	ICOM Aircraft Radio, Hand Held	Cost plus 20%
	(NOTE: Any items not returned to the Command Unit upon completion of work will be charged back to the customer at cost plus 20 %.)	
COMM-1007	Radio Portable	Cost plus 20%
COMM-1008	VHF Marine Radio, Hand Held	Cost plus 20%
COMM-1009	VHF Mobile Radio Marine Radio w/8' Antenna	Cost plus 20%

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Haz-Mat Equipment

		Daily Rate
MSE-1005	Betz Emergency Off-Loading Valve	500.00
HMS-1003	Chlorine Emergency Kit "A"	500.00
HMS-1004	Chlorine Emergency Kit "B"	750.00
HMS-1005	Chlorine Emergency Kit "C"	1,000.00
MSE-1010	Compressor, Corken, 2"	1,500.00
MSE-1025	Transfer Equipment	500.00
HME-1005	Vacuum Cleaner, Stainless Steel, Mercury, HEPA	250.00
HMS-1001	Cylinder Refill, Nitrogen, Each	50.00
MSE-1018	Decontamination Kit (Pool, Brush, Bucket, Soap), Each	50.00

Miscellaneous Equipment

		Daily Rate
MSE-1004	Back-Pack Blower	30.00
MSE-1006	Camera, Digital	50.00
MSE-1006-1	Photo-Processing, Each Frame	2.50
MSE-1007	Camera, Video, Event Recording	250.00
MSE-1009	Chain Saw	75.00
MSE-1049	Compressor, Air, 11.8 cfm, 90 psi output + fuel (GES Owned)	185.00
MSE-1002	Air Compressor, 375 cfm, + fuel	Cost +20%
MSE-1003	Air Compressor, 185 cfm, + fuel	Cost +20%
MSE-1011	Compressor, Hydraulic, 2"	200.00
MSE-1048	Drum Crusher	250.00
MSE-1013	Drum Dolly	25.00
MSE-1015	Drum, Grabber Forklift	100.00
MSE-1016	Drum Pump, Poly	25.00
MSE-1017	Drum Sling	25.00
MSE-1005	Visquine	65.00
MSE-1050	Eye Wash Station	25.00
MSE-1055	Lights, Explosion Proof	Cost plus 20%
MSE-1020	Generator, 4 kw	100.00
MSE-1046	Hand Tool (Pitch Fork, Rake, Shovel, Squeegee, etc)	17.00
MSE-1023	Power Pack, Hydraulic, 50 hp or less	500.00
MSE-1026	Saw, Air Powered	75.00
MSE-1027	Saw, Portable	75.00
MSE-1028	Scare Cannon plus Fuel	60.00
MSE-1029	Sewer Plug	100.00
MSE-1030	Sprayer, Pump, Hand-Held	30.00
MSE-1001	Stainless Steel Stinger, 2"	50.00
MSE-1031	Steam Cleaner (3,000 psi or less)	cost plus 20%
MSE-1032	Vacuum Cleaner, Wet/Dry	50.00
MSE-1033	Vapor Lights, High Intensity	65.00
MSE-1034	Weed Eater	75.00
MSE-1035	Wheelbarrow	25.00
MSE-1056	Ladder (straight, Rope, Folding)	25.00
MSE-1057	Ladder (Extension)	35.00
MSE-1058	Chemical, Tape Roll	35.00

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Monitoring Equipment

		Daily Rate
MTE-1014	3M 3500 Passive VOC Monitoring Badges	Cost plus 20%
MTE-1017	Passive Badges, Other	Cost plus 20%
MTE-1021	25mm Particulate Sampling Cassette	Cost plus 20%
MTE-1022	37mm Three Piece HEPA Particulate Sampling Cassette	Cost plus 20%
MTE-1001	4-Gas Meters	95.00
MTE-1002	5-Gas Meters	Cost plus 20%
MTE-1004	Anemometer / Mass Air Sensor	Cost plus 20%
MTE-1005	Audio Dosimeter	Cost plus 20%
MTE-1006	Black Light, Mercury Detection	40.00
MTE-1007	Crowcon Monitor, 5 gas	150.00
MTE-1008	Drager CMS Unit	300.00
MTE-1038	Drager CMS Chips	Cost plus 20%
MTE-1015	Colorimetric Tube Hand Pump	30.00
MTE-1025	Drager PID Chips, Test Specific	Cost plus 20%
MTE-1016	Colorimetric Tubes	Cost plus 20%
MTE-1034	FID Detector, Handheld	200.00
MTE-1037	FID Detector Hydrogen Refill	35.00
MTE-1009	Infrared Sensor	Cost plus 20%
MTE-1020	Intrinsically Safe Thermometer (laser)	15.00
MTE-1003	Jerome Mercury Vapor Analyzer	175.00
MTE-1011	ph Meter	30.00
MTE-1039	Ph Strips Box	10.00
MTE-1012	Photoionization Detector (PID), MiniRae	75.00
MTE-1036	Photoionization Detector, Ultra (PID), Ultra MiniRae	100.00
MTE-1010	Radiation Monitor	75.00
MTE-1013	Wibget – Portable Heat Stress Monitor	Cost plus 20%
MTE-1023	Chemsticks	15.00
PPE-1035	Smart Strips	35.00
MSE-1024	Coconut Charcoal VOC Sampling Tubes	5.00
MTE-1030	Single Calibration Gas – One (1) Calibration	20.00
MTE-1031	Quad Gas Calibration Gas – One (1) Calibration	25.00
MTE-1032	Tedlar Bag w/Stainless Fittings – 1 Liter	26.00
MTE-1033	Tedlar Bag w/Stainless Fittings – 5 Liter	40.00
MTE-1028	Glassware, Additional	Cost plus 20%
MTE-1040	Hamby Soil Sampling Test	25.00/ea.

Rescue Equipment

		Daily Rate
MSE-1012	Confined Space Rescue Kit	75.00
MSE-1045	Coppus Blower	50.00
MSE-1059	Air Horn 6"	25.00
PPE-1020	Harness, Safety, w/lanyard	25.00
PPE-1030	Safety Lifeline	15.00
PPE-1036	Retrieval, System Tripod	75.00
PPE-1037	Replacement of Equipment	Cost Plus 20%

Personal Protective Equipment

		Daily Rate
PPE-1005	Bunker Gear (Pants, Coat, Gloves, Helmet, Boots)	150.00
PPE-1006	Chest Waders	35.00
PPE-1007	Cool Vest	50.00

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Personal Protective Equipment (Cont.)

		Daily Rate
PPE-1008	Coveralls, Poly-Coated Tyvek Hood and Boots, Each	16.00
PPE-1009	Coveralls, Saranex, Each	18.00
PPE-1010	Coveralls, Tyvek, Each	10.00
PPE-1021	Level A, Responder, Each	900.00
PPE-1022	Level B, Fully-Encapsulated (CPF 4), Each	225.00
PPE-1024	(CPF 3), Each	75.00
PPE-1026	(CPF 2), Each	45.00
PPE-1027	(CPF 1), Each	20.00
PPE-1034	Level D, PPE, Each	35.00
PPE-1033	Slicker Suit, Rain, Each	25.00
PPE-1038	Suit, Acid Each	47.50

Boots

		Unit Rate
PPE-1002	Boot, Chemical, NFPA Approved, Pair	90.00
PPE-1003	Boot, Rubber, Steel-toe, Pair	45.00
PPE-1004	Booties, Latex, Pair	7.00

Gloves

		Unit Rate
PPE-1011	Glove, Latex, Sample, Pair	1.00
PPE-1012	Glove, Leather, Pair	5.95
PPE-1013	Glove, Neoprene, Pair	5.95
PPE-1029	Glove, Nitrile, Inner, Pair	1.00
PPE-1015	Glove, Nitrile, Outer, Pair	3.75
PPE-1017	Glove, *"Black Knight"*,(PVC) Pair	3.25
PPE-1018	Glove, *"Silver Shield"*, Pair	8.00
PPE-1019	Glove, Liner, Cotton, Pair	1.00
PPE-1039	Glove, Butyl	25.00
PPE-1040	Glove, Viton	75.00
PPE-1041	Glove, Natural Rubber	3.00

Respiratory Protection

		Unit Rate
HME-1001	Air Regulator	50.00/day
HME-1002	Breathing Air Cylinder	10.00/day
HME-1011	Breathing Air Hose, 50' Section	12.00/day
HME-1003	Escape Mask	25.00/day
HME-1004	Escape Pack	125.00/day
HME-1007	Full-Face Respirator	25.00/day
HME-1009	Self-Contained Breathing Apparatus (SCBA)	125.00/day
HME-1008	Half-Face Respirator (Organic Mask, Disposable), Each	25.00
HME-1010	Half-Face Respirator w/o cartridges, Each	12.50
PPE-1028	Respirator Cartridge, HEPA, Each	7.50
PPE-1031	Respirator Cartridge, HEPA/OV/AG, Pair	24.00
PPE-1032	Respirator Cartridge, Mercury Vapor, Pair	30.00
PPE- 1042	Cart, Air w/two Air Cylinder	75.00/day
PPE1043	Breathing Air Cylinder Refill	Cost Plus 20%
AUTO-1015	Breathing Air Trailer	Cost +20%

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Sampling and Testing Equipment and Supplies

		Unit Rate
ST-1003	Drum Thief Sampling Tubes	16.00
ST-1004	Haz-Cat Sampling Kit, per test	35.00
ST-1017	Hydrocarbon Test Kit	47.65
ST-1007	Mercury Test Kit	225.00
ST-1008	PCB Wipe Test Kit	30.00
ST-1009	Personnel Sampling Pump	50.00
ST-1010	Pipettes, Glass	2.00
ST-1011	pH Paper (Roll or Box)	20.00
ST-1013	Sample Bomb	120.00
ST-1014	Sample Jars	5.00
ST-1015	Sample Storage	15.00
ST-1016	Soil Sampling Kit	35.00
ST-1018	Shippers, Sample Jar (plus postage)	50.00
ST-1006	Lab Analysis, Accredited Third Party	Cost +20%

Storage

		Daily Rate
STR-1003	Roll-Off Box, Open Top	15.00
STR-1004	Roll-Off Box, Roll Top	30.00
STR-1005	Roll-Off Box, Vacuum Box	50.00
STR-1006	Storage Tank, Poly, 500 gl capacity	30.00
STR-1007	Tarp, Roll-Off Box	8.00
STR-1009	Tote, Poly, 250 gl	15.00
STR-1010	Tote, Poly 275 gl Replacement Each	350.00
STR-1002	Frac Tank Mobilization, Decontamination and Demobilization	Cost +20%
STR-1001	Frac Tank	Cost +20%
MSS-1008	Box Liner, Roll-Off Box	50.00
MSS-1011	Drum Liner, Plastic Bag, 55 gl x 6 ml, 50 per roll	60.00
GES-LP5	Drum, Poly, 5 gl, w/lid	16.10
GES-LP20SL	Drum, Poly, O/H 20 gl w/screw-on lid	62.50
GES-PDOH30	Drum, Poly, 30 gl, w/lid	45.00
GES-PDOH25	Drum, Poly, O/H, R/C, Nestable, 25 gl	58.30
GES-PDOH55	Drum, Poly, O/H, R/C, w/fittings, 55 gl	55.00
GES-PDOHN30	Drum, Poly, O/H, R/C, Nestable, w/fittings, 30 gl	65.00
GES-PDOHN55	Drum, Poly, O/H, R/C, Nestable, w/fittings, 55 gl	55.00
GES-PDTH55	Drum, Poly, T/H, w/bungs, 55 gl	55.00
GES-OP95	Drum, Poly, Overpack, 95 gl	200.00
GES-OP95M	Drum, Poly, Overpack, 95 gl, Metric	327.50
GES-OP110	Drum, Poly, Overpack, 110 gl	350.00
GES-CTSD55	Drum, Steel, T/H, 55 gl	59.00
GES-OTSD55	Drum, Steel, O/H, R/C, 55 gl	55.00
GES-OTSD55-RC	Drum, Steel, O/H, R/C, Reconditioned, 55 gl	55.00
GES-SOP85	Drum, Steel, Overpack, 85 gl	175.00
GES-SOP110	Drum, Steel, Overpack, 110 gl	670.30

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MATERIAL

Chemicals

		Unit Rate
GES-ACETIC-5	Acetic Acid, Glacial, 5 gl pail	87.35
GES-ACETIC-GL-55	Acetic Acid, Glacial, 55 gl. Drum	528.75
GES-ACETIC-56PCT-55	Acetic Acid, Industrial Grade, 56% pure, 55 gl drum	315.00
GES-ACIDIC-5	Acidic Acid, 5 gl	82.50
GES-BA50	Boric Acid, 5%, 50 lb bag	96.55
GES-BCC#1-250	Petro-Clean, Spill Control Liquid, 250 gl tote	9,375.00
GES-BCC#1-1	Petro-Clean, Spill Control Liquid, 1 gl	37.50
GES-BCC#1-5	Petro-Clean, Spill Control Liquid, 5 gl pail	200.65
GES-BCC1-55	Petro-Clean, Spill Control Liquid, 55 gl drum	2,062.50
GES-BRAT-A+	A+ Microbes, 1 lb	57.50
GES-BRAT-B	B Microbes, 1 lb	57.50
GES-BRAT-Z	Z Microbes, 1 lb	57.50
GES-CAUSOD55DRY	Caustic Soda, Pearls, 50 lb bag	50.15
GES-COREXIT-9500-55	Corexit EC9500A Oil Spill Dispersant, 55 gl drum	1,192.95
GES-COREXIT-9527-55	Corexit EC9527A Oil Spill Dispersant, 55 gl drum	1,127.50
GES-COREXIT-9580-55	Corexit EC9580A Oil Spill Beach Cleaner, 55 gl drum	727.65
GES-CITRIC50B	Citric Acid, 50%, Grade B, 575 lb drum	1,048.40
GES-DGR1	Degreaser/Solvent, 1 gl container	46.35
GES-DRYBSTR	Dry Booster, 1 lb	57.50
GES-FW-MRED	Degreaser, *"Mighty Red", 1 gl*	9.20
GES-PES51-1	D-Limonene (Orange Terpenes) 1 gal.	37.50
GES-Pes51-55	D-Limonene (Orange Terpenes) 55 gal drum	2,062.50
GES-MAGOXI-50	Magnesium Oxide (50 lb bag)	45.00
GES-MBELSC1	Micro-Blaze, Emergency Liquid Spill Control, 1 gl	26.50
GES-MBELSC250	Micro-Blaze, Emergency Liquid Spill Control, 250 gl tote	10,758.50
GES-MBELSC5	Micro-Blaze, Emergency Liquid Spill Control, 5 gl bucket	132.50
GES-MBOL5	Micro-Blaze Out, Firefighting Agent, 5 gl pail	215.15
GES-PES-51	Organic Bio-Cleanser, Oil Release Agent	3,372.50
GES-SEABRAT-5	Seabrat, Spill Control Liquid, 5 gl pail	328.15
GES-SA50D	Soda Ash, Dense, 50 lb bag	22.80
GES-SB50	Sodium Bicarbonate, 50 lb bag	36.20
GES-FW-SODHCH	Sodium Hypochlorite, Liquid, 1 gl	2.10
GES-AMM	Ammonia	2.50 gal
GES-BLEACH	Bleach	2.50 gal
GES-ECOSORB	Ecosorb (Mercapthan Neutralization)	80.00 gal
GES-SODCARB	Sodium Carbonate (Fly Ash)	Cost plus 20%
GES-CALCARB	Calcium Carbonate	Cost plus 20%
GES-QUAT128	Quat 128	15.00 gal
GES-REAGENT	Reagent, Miscellaneous	Cost +20%

All rates listed in this schedule are subject to change without notice.

Corporate	Response Rate Schedule Domestic	Schedule
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Miscellaneous Material

		Unit Rate
MSM-1001	Diesel Fuel	Current Price
MSM-1002	Gasoline	Current Price
MSM-1003	A Fuel Surcharge of 15% of the hourly/ Daily Equipment /Vehicle rate will be charged on all Motorized Equipment.	
MSS-1002	Barricade Tape, Roll each	23.10
MSS-1001	Duct Tape, 2" x 60 yd each	7.60
MSS-1009	Epoxy Stick, Sealant each	9.45
GES-010.1732	Excelsior, Baled, #732 Spur Cut, 75# Avg. each	26.20
GES-010.2732.23	Excelsior, Pony Bale, #732 23 LG 55# Avg. each	21.00
MSS-1010	Heat Stress Supplies Each	10.00
MSS-1003	Rags/Wipes, Colored, 50 lb box each	52.50
GES-CR25	Rope, Cotton, 1/4" x 100' each	14.35
MSS-1006	Rope, Polypro, 1/2" x 600' each	75.00
MSS-1007	Rope, Polypro, 1/4" x 600' each	26.25
GES-PC1	Pollution Can, 20 gl, each	20.10
MSS-1005	Visquine Sheeting, 20' x 100' x 6 ml each	65.00
MSS-1014	Fence Post	Cost Plus 20 %
MSS-1015	Air Tools	25.00 Day
MSS-1016	Carbon Filters plus Carbon	Cost Plus 20%
MSS-1017	Sand Filters plus Sand	Cost Plus 20 %
MSS-1018	Tofteegorg Spray Head	250.00
MSS-1019	Portable Heaters, Each	15.00
MSS-1020	Port a Cool Fan, Each	35.00
MSS-1021	Tank Inhibitor Injector	250.00
MSS-1022	Break Area (tent, bench, chairs, ice chest) Day	25.00

GARNER ENVIRONMENTAL SERVICES, INC.
1717 West 13th Street
Deer Park, Texas 77536
Telephone: (281) 930-1200
Fax: (281) 478-0296

RESPONSE EQUIPMENT LISTING

Corporate	Response Equipment Listing	Equipment Listing
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BOOM TYPE CODE		END CONNECTOR CODE	
F	Fence	**ASTM**	ASTM Std (D962-86)
FR	Fire	**BOLT**	Bolt Connector
PI	Inflatable (Press)	**HP**	Hinge & Pin
SI	Inflatable (Self)	**Z**	Quick-Connect Z
MR	Marsh (Upper air chamber with lower water chamber	**RC**	Raised Channel
		SNAV	Slide (US Navy)
R	Round	**SLOT**	Slotted Tube
SB	Weir Boom	**US1**	Universal Slide Type 1
OT	Other	**US2**	Universal Slide Type 2

CONTAINMENT BOOM

Name of Manufacturer	Model Number	Boom Type Code	Invent Length (feet)	Skirt Size (in.)	Float Size (in.)	End Connector Type Code	Time to Deploy	Storage Location	Owner
Acme Products Co.	OK CORRAL	R	22,0000	12	6	Z	6.0	Deer Park	Garner
Acme Products Co.	SUPER-MINI	R	400	4	2.5	BOLT	2.0	Deer Park	Garner
Acme Products Co.	OK CORRAL	R	10,000	12	6	Z	6.0	La Marque	Garner
Acme Products Co.	OK CORRAL	R	800	28	8	Z	1.0	La Marque	Garner
Acme Products Co.	OK CORRAL	R	5,000	12	6	Z	2.5	Port Arthur	Garner
Acme Products Co.	SUPER-MINI	R	100	4	2.5	BOLT	0.5	Port Arthur	Garner
Acme Products Co.	OK CORRAL	R	4000	34	8	Z	2.0	Port Arthur	Garner`
Acme Products Co.	OK CORRAL	R	2000	34	8	Z	2.0	New Orleans	Garner
Acme Products Co.	OK CORRAL	R	10,000	12	6	Z	6.0	New Orleans	Garner
Acme Products Co.	MINI-BOOM	R	700	4	2.5	BOLT	1.0	New Orleans	Garner

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BOOM EQUIPMENT

Name of Manufacturer	Model Number	Equipment Type	Quantity	Storage Location	Owner
Norfloat	A2	Buoy, Anchor Marker, Inflatable, 18” dia.	25	Deer Park	Garner
Polycord	600x1/4	Rope, Polypropylene, 1/4" x 600'	5	Deer Park	Garner
Polycord	600x1/2	Rope, Polypropylene, 1/2" x 600'	5	Deer Park	Garner
U.S. Anchor Mfg., Inc.	22#	Anchor, Galvanized Steel, 22 lb., Danforth Style	11	Deer Park	Garner
U.S. Anchor Mfg., Inc.	40#	Anchor, Galvanized Steel, 40 lb., Danforth Style	6	Deer Park	Garner
U.S. Anchor Mfg., Inc.	75#	Anchor, Galvanized Steel, 75 lb., Danforth Style	8	Deer Park	Garner
U.S Anchor Mfg. Inc.	100#	Anchor, Galvanized Steel, 100 Lb. Danforth Style	13	Deer Park	Garner
Norfloat	A2	Buoy, Anchor Marker, Inflatable, 18” dia.	25	La Marque	Garner
Polycord	600 x1/4	Rope Polypropylene, 1/4” x 600’	5	La Marque	Garner
Polycord	600 x ½	Rope Polypropylene, 1/2 “ x 600’	5	La Marque	Garner
U.S. Anchor Mfg., Inc.	22#	Anchor, Galvanized Steel, 22 lb., Danforth Style	8	La Marque	Garner
U.S. Anchor Mfg., Inc.	40#	Anchor, Galvanized Steel, 40 lb., Danforth Style	5	La Marque	Garner
Norfloat	A2	Buoy, Anchor Marker, Inflatable, 18” dia.	15	Port Arthur	Garner
Polycord	600 x 1/4	Rope Polypropylene 1/4 “ x 600 ‘	5	Port Arthur	Garner
Polycord	600 x 1/2	Rope Polypropylene 1/2 “ x 600’	5	Port Arthur	Garner
U.S. Anchor Mfg., Inc.	22 #	Anchor, Galvanized Steel, 22 lb., Danforth Style	12	Port Arthur	Garner
U.S. Anchor Mfg., Inc.	75#	Anchor, Galvanized Steel, 75 lb., Danforth Style	6	Port Arthur	Garner
U.S. Anchor Mfg., Inc.	100#	Anchor, Galvanized Steel, 75 lb., Danforth Style	4	Port Arthur	Garner
Norfloat	A2	Buoy, Anchor Marker, Inflatable, 18” dia.	20	N. Orleans	Garner
Polycord	600 x1/4	Rope Polypropylene, 1/4” x 600’	5	N. Orleans	Garner
Polycord	600 x ½	Rope Polypropylene, 1/2 “ x 600’	5	N. Orleans	Garner
U.S. Anchor Mfg., Inc.	22 #	Anchor, Galvanized Steel, 18 lb., Danforth Style	20	N. Orleans	Garner
U.S. Anchor Mfg., Inc.	40 #	Anchor, Galvanized Steel, 22 lb., Danforth Style	8	N. Orleans	Garner
U.S. Anchor Mfg. Inc.	100 #	Anchor, Galvanized Steel, 100 #, Danforth Style	10	N. Orleans	Garner

Corporate	Response Equipment Listing	Equipment Listing
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COMMUNICATIONS TYPE CODES			
AF	Aviation Frequency	**MF**	Marine Frequency
CP	Cellular Phone	**PAG**	Pager
COM	Command Post	**PHH**	Portable Hand Held
MOD	Computer w/modem	**SSB**	Single Side Band
FAX	Facsimile	**TP**	Telephone
FBS	Fixed Base Station	**OT**	Other

COMMUNICATIONS EQUIPMENT

Name of Manufacturer	Model Number	Comm Type	Nr. of Units	Frequency	Band	Range (miles)	Field Tunable		Storage Location	Owner
							Yes	No		
Motorola	A05J	PAG	20	931.462	FM	150		X	Deer Park	Garner
Motorola	F09LF	CP	40	152.840	FM	200		X	Deer Park	Garner
40' Garner Command Post		COM	1					X	Deer Park	Garner
26' Communications Trailer	MCC1	COM	1	931.462			X		La Marque	Garner
Motorola	A05J	PAG	20	931.462	FM	150		X	La Marque	Garner
Motorola	F09LF	PHH	20					X	La Marque	Garner
Motorola	A05J	PAG	12	931.462	FM	150		X	Port Arthur	Garner
Motorola	F09LF	CP	12	152.840	FM	200		X	Port Arthur	Garner
Motorola	MTS	PHH	12	896.901	FM	30		X	N. Orleans	Garner
Standard	HX 1505	PHH	4		MF	30		X	N.Orleans	Garner
Nokia	5160	PHH	7		CP			X	N.Orleans	Garner
RS	TRQ507	OT	3		FM	150		X	N.Orleans	Garner
Motorola	Ao5j	Page	8	931.462	Fm			X	N.Orleans	Garner

Corporate	Response Equipment Listing	Equipment Listing
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RESPONSE VEHICLES

Name of Manufacturer	Response Vehicle	Number of Units	Wide Load Permit Needed		Storage Location	Owner
			Yes	No		
Ford/Chevy	Pick-up Truck, 1 ton	24		X	Deer Park	Garner
Sooner	Emergency Response Trailer, 32'	3		X	Deer Park	Garner
Modern Mfg.	Spill Trailer, 16' Lo-Boy	5		X	Deer Park	Garner
Containment Sys. & Gooseneck	Emergency Haz-Mat Response Trailers 32' & 24'	2		X	Deer Park	Garner
Falcon	Trailer, 20', Stand-by/Rescue	2		X	Deer Park	Garner
Pace	28' Rescue Standby & Command Post	1		X	Deer Park	Garner
Ford/Chevy	Pick-up Truck, 1 ton	13		X	La Marque	Garner
Garner	Roll-Off Box, 20 yd;	2		X	La Marque	Garner
Sooner	Emergency Response Trailer, 32'	1		X	La Marque	Garner
Sooner	Boom Trailer, 28' Gooseneck	5		X	La Marque	Garner
Modern Mfg.	Spill Trailer, 16' Lo-Boy	4		X	La Marque	Garner
Modern Mfg.	Spill Trailer, 20'	2		X	La Marque	Garner
Ford	Pick-up Truck, 1 ton	7		X	Port Arthur	Garner
Sooner	Emergency Response Trailer, 32"	1		X	Port Arthur	Garner
Modern Mfg.	Trailer, Spill Response, 16' Lo-Boy	1		X	Port Arthur	Garner
Modern Mfg.	Trailer, Boom, Gooseneck, 24'	3		X	Port Arthur	Garner
Gemini Cargo	Trailer, Haz-Mat, 19'	1		X	Port Arthur	Garner
Ford/Chevy	Pick-up Truck, 1 ton	7		X	N. Orleans	Garner
Modern Mfg.	Spill Trailer, 20' Lo-Boy	2		X	N. Orleans	Garner
	53' Box Van Trailer (5,000' 18" Boom)	1			N. Orleans	Garner
	36' Haz Mat Response Trailer	1			N. Orleans	Garner
	Roll Off Box Trailer	1			N. Orleans	Garner
	21' Oil Spill Response Trailer (Boat/Boom/ Sorbents)	1			N. Orleans	Garner
	20' Response Trailer (Industrial Response)	1			N. Orleans	Garner
	32' Boom Trailers	2			N. Orleans	Garner
	8' Utility Trailers	1			N. Orleans	Garner
Sooner	Spill Trailer 32 ' Response	1		X	N. Orleans	Garner

Corporate	Response Equipment Listing	Equipment Listing
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AIR MONITORING EQUIPMENT

Name of Manufacturer	Miscellaneous Equipment	Number of Units	Storage Location	Owner
Rae Systems	Q-RAE	4	Deer Park	Garner
Rae Systems	Mini RAE 2000	2	Deer Park	Garner
Rae Systems	Ultra Rae	1	Deer Park	Garner
MSA	5 Star	3	Deer Park	Garner
MSA	Watchman	1	Deer Park	Garner
Airzona Instruments	Jerome X431	2	Deer Park	Garner
Elmer Perkins	Micro FID	1	Deer Park	Garner
Draeger	CMS	2	Deer Park	Garner
Ludlum	Model # 3	2	Deer Park	Garner
MSA	4-Gas Meter	3	La Marque	Garner
Draeger	Accuro Pump	1	La Marque	Garner
Rae	Photo-Ionisation Detector	1	La Marque	Garner
	Mercury Vapor Analyzer	1	N. Orleans	Garner
	Radiation Monitor	1	N. Orleans	Garner
	Solar Radiation Monitor	1	N. Orleans	Garner
	Weather Station	2	N. Orleans	Garner
	Infrared Thermometer	1	N. Orleans	Garner
	GPS Units	2	N. Orleans	Garner
Aim	4-Gas Monitor	2	N. Orleans	Garner
Draeger	Accuro Pump	2	N. Orleans	Garner
Draeger	CMS Meter	1	N. Orleans	Garner
Rae	Mini-Rae 2000 Portable VOC Meter	2	N. Orleans	Garner
Quest	Single Gas Personal Meter	1	N. Orleans	Garner
MSA	Escort Particulate Air Monitor	1	N. Orleans	Garner
Sper Scientific	PH Meter	1	N. Orleans	Garner
Dexsil	PetroFlag Hydrocarbon Test Kit	1	N. Orleans	Garner
Chlorine	AC/ Kit	1	N. Orleans	Garner

Corporate	Response Equipment Listing	Equipment Listing
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SPECIALITY EQUIPMENT

Name of Manufacturer		Number of Units	Storage Location	Owner
	Self Contained Breathing Apparatus(SCBA) with 12 extra bottles / Scott	12	Deer Park	Garner
	Self Contained Breathing Apparatus (SCBA) with12 extra bottles / Dreager	12	Deer Park	Garner
	Bezt Valve / Off Loading Valve	2	Deer Park	Garner
	Chorine Emergency Kit A	1	Deer Park	Garner
	Chorine Emergency Kit B	1	Deer Park	Garner
	Chorine Emergency Kit C	1	Deer Park	Garner
	Vacuum Cleaner / Stainless Steel, Mercury, HEPA	2	Deer Park	Garner
	Cameras / Digital	10	Deer Park	Garner
	Confine Space Rescue Kits	3	Deer Park	Garner
	Coppus Blowers	2	Deer Park	Garner
	Air Compressors 11.8 cfm 90 psi	6	Deer Park	Garner
	Drum Crushers / Diesel Power	2	Deer Park	Garner
	Drum Crabber	5	Deer Park	Garner
	Generators	2	Deer Park	Garner
	Scare Guns	3	Deer Park	Garner
	Decontamination Pools 20” x 100’	2	Deer Park	Garner
	Fan, Ventilation 48’	3	Deer Park	Garner
	Honda Four Wheeler	1	Deer Park	Garner
	Light Stands	5	Deer Park	Garner
	Self Contained Breathing Apparatus (SCBA) with Extra bottles	9	La Marque	Garner
	Air Compressors (Portable)	3	La Marque	Garner
	HEPA Vacuums	3	La Marque	Garner
	Cameras / Digital	3	La Marque	Garner
	Artic Cat Four Wheeler	2	La Marque	Garner
	Generators	4	La Marque	Garner
	Self Contain Breathing Apparatus (SCBA)	10	Port Arthur	Garner
	Cameras / Digital	1	Port Arthur	Garner
	Coppus Blowers	1	Port Arthur	Garner

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SPECIALITY EQUIPMENT				
	Air Compressors	3	Port Arthur	Garner
	Generators	1	Port Arthur	Garner
	Scare Guns	4	Port Arthur	Garner
	Pressure Washers	1	Port Arthur	Garner
	Explosion Proof Lights	1	Port Arthur	Garner
	Weed Eaters	1	Port Arthur	Garner
	Chlorine Emergency Kit “C”	1	N. Orleans	Garner
	Midland Kit	1	N. Orleans	Garner
	Railcar Haz Hammock	1	N. Orleans	Garner
	Mercury Vacuum	1	N. Orleans	Garner
	Carbon Filter Systems	1	N. Orleans	Garner
	Sand Filter Systems	2	N. Orleans	Garner
	Wet & Dry Vacuum with HEPA Filter	1	N. Orleans	Garner
	100 Watt Explosion Proof Light Sets	2	N. Orleans	Garner
	Decon Pools 4’ x4’ x14’ 5”	2	N. Orleans	Garner
	Spill Guard 6’ x 4’ x8”	1	N. Orleans	Garner
	Drum Dolly	3	N. Orleans	Garner
	3/4 “ Core Sampler	1	N. Orleans	Garner
	Soil Sampler (boring) Kit	1	N. Orleans	Garner
	Self Contained Breathing Apparatus (SCBA)	9	N. Orleans	Garner
	Generators (Portable)	3	N. Orleans	Garner
	Weed Eaters	5	N. Orleans	Garner
	Steam Cleaners	3	N. Orleans	Garner
	Air Compressors (Portable)	2	N. Orleans	Garner
	Light Stand (Portable)	2	N. Orleans	Garner
	Coppus Blower	1	N. Orleans	Garner
	Chain Saw	1	N. Orleans	Garner
	Tank Truck Emergency Transfer Valve	1	N. Orleans	Garner
	Tank/Railcar Injector Vessel	1	N. Orleans	Garner
	Tank/Railcar Wash Head System	1	N. Orleans	Garner
	Tank / Railcar Manifold	1	N. Orleans	Garner

Corporate	Response Equipment Listing	Equipment Listing
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	Air Horn, 6”	1	N. Orleans	Garner
	Fan Ventilation, 48”	1	N. Orleans	Garner
	Fan Ventilation, 16” Port A Cool with water Mister	1	N. Orleans	Garner
	Digital Cameras	4	N. Orleans	Garner

Corporate	Response Equipment Listing	Equipment Listing
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A	Auger/Screw	**D**	Diesel
C	Fire	**E**	Electric
P	Parastolic	**G**	Gasoline
R	Reciprocating	**H**	Hydraulic
I	Rotary/Flexible impeller	**P**	Pneumatic
OT	Other	**OT**	Other

PUMP EQUIPMENT

Name of Manufacturer	Model Number	Pump Type Code	Drive Type Code	Suction/ Discharge Size (inches)	Mfg. Pump Rate (gpm)	Quantity	Storage Location	Owner
Honda	WXT-20	C	G	2.0	180	4	Deer Park	Garner
Yanmar	LD-40/2	C	D	2.0	180	2	Deer Park	Garner
Honda	WXT-30	C	G	3.0	275	1	Deer Park	Garner
Wilden	Model M	OT	P	3.0	240	5	Deer Park	Garner
Honda	WXT-20	C	G	2.0	180	3	La Marque	Garner
Yanmar	LD-40/2	C	D	2.0	180	5	La Marque	Garner
Wilden	Model M	OT	P	3.0	240	7	La Marque	Garner
Acme Products Co., Inc.	FS-150A	I	G	1.5	275	1	Port Arthur	Garner
Honda	WXT-20	C	G	2.0	180	6	Port Arthur	Garner
Yanmar	LD-40/3	C	D	2.0	200	2	Port Arthur	Garner
Versa-Matic		OT	P	2.0	140	1	N. Orleans	Garner
Versa-Matic		OT	P	1.5	140	1	N. Orleans	Garner
Honda	EPT2	C	G	3.0	275	1	N. Orleans	Garner
Honda	FLOTO	C	G	2.0	180	2	N. Orleans	Garner
Wisconsin/Multi Quip		C	D	3.0	185	1	N. Orleans	Garner
Yamada	POLY	C	P	3.0	200	1	N. Orleans	Garner
Various		C	D	2.0	200	5	N. Orleans	Garner
Various		C	G	2.0	190	2	N. Orleans	Garner
Versamatic	STAINLESS	C	P	2.0	140	2	N. Orleans	Garner

Corporate	Response Equipment Listing	Equipment Listing
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RESPONSE BOAT TYPE CODES		TRANPORTATION METHOD CODES	
BAY	Bay Waters	NT	Normal Trailer
JB	Jon Boat	WO	Water Only
LFB	Large Flat Bottom	WL	Wide load Trailer
OFF	Offshore	OT	Other
PRO	Protected Waters		
TC	Towing Capable		
OT	Other		

RESPONSE BOATS

Name of Manufacturer	Model Number	Boat Type Code	Horse Power	Normal Crew Size	Length / Beam	Draft Limit	Number of Boats	Transport Method Code	Storage Location	Owner
Alumacraft	12	PRO	0	1	12	1’	2	NT	Deer Park	Garner
Custom Flat	1650	JB	25	2	16'	1'	4	NT	Deer Park	Garner
Custom Flat	20	LFB	40	2	20' / 6'	2'	1	NT	Deer Park	Garner
Custom Build	30	LFB	400	3	30’ x 10’	1’	1	WL	Deer Park	Garner
Custom Build	30	BAY	400	3	30’ / 8’	2’	1	NT	Deer Park	Garner
Alumaweld	1650	JB	25	3	16' / 6'	1'	4	NT	La Marque	Garner
Custom Boat Mfg.	1649R	JB	30	2	16' / 6'	2'	1	NT	La Marque	Garner
Alumaweld	24	JB	40	2	24’ / 6	1.6	1	NT	La Marque	Garner
Broadhead	24	BAY	150	3	24’ / 8’	2’	1	NT	La Marque	Garner
Alumaweld	1650	JB	25	2	16' / 6'	1'	5	NT	Port Arthur	Garner
Alumaweld	20	BAY	40	2	20' / 0'	2'	1	NT	Port Arthur	Garner
Alumaweld	1450	JB	25	2	14' / 0"	2"	1	NT	Port Arthur	Garner
Lobell	28’	BAY	200	3	28’ / 8’	2’	1	NT	Port Arthur	Garner
Silver Ships	30’	BAY	400	3	30’ / 8’	2	1	NT	N. Orleans	Garner
Custom Boat Mfg.	1650	JB	25	2	16' / 6'	1'	6	NT	N. Orleans	Garner
Deck Barge Boat	30’	OT	150	3	30' / 10'	1’	1	WL	N. Orleans	Garner
Duracraft	21’	LFB	40	3	21' / 6'	1’	1	NT	N. Orleans	Garner
Pirogue	12’	OT	0	1	12' / 2"	3"	2	NT	N. Orleans	Garner
Various	12’	JB	25	1	12' / 3"	1'	2	NT	N. Orleans	Garner

Corporate	Response Equipment Listing	Equipment Listing
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SKIMMER TYPE CODES			
FS	Floating Suction	**HIP**	Hydrodynamic Inclined Plane
IV	Induced Vortex	**OB**	Oleophilic Belt
OD	Oleophilic Disk	**OR**	Oleophilic Rod
PW	Paddle-Wheel	**SK**	Sock
W	Weir	**OT**	Other

SKIMMER EQUIPMENT

Name of Manufacturer	Model Number	Skimmer Type Code	Number of Units	Mfg. Recovery Rate (gpm)	Hose Size Suction/Discharge (inches)	Time to Deploy	Storage Location	Owner
Acme Products Co., Inc.	FS400ASK-39T	W	3	275	3.0	1.5	Deer Park	Garner
Douglas Engineering	4200SH Skim-Pak	FS	2	5 - 68	2.0	5	Deer Park	Garner
DiscOil Company	DISCOIL	OD	1	70	2.0	.5	Deer Park	Garner
Crucial Inc.	1D18P-23	OT	2	25	2.0	.5	Deer Park	Garner
Crucial Inc.	1D18P-36	OT	3	36	2.0	.5	Deer Park	Garner
Marco	Sidewinder 14	OB	1	70	3.0	.5	Deer Park	Garner
De Smithske (DESMI)	D-2	FS	3	500	6.0	1.5	Deer Park	Garner/DEMS
Crucial Inc.	VSP-3”	W	2	550	3.0	1.5	Deer Park	Garner
Crucial Inc.	RF-Floating Head	W	1	200	3.0	1	Deer Park	Garner
Acme Products Co., Inc.	FS400ASK-39T	W	1	275	3.0	1.0	La Marque	Garner
DiscOil Company	DISCOIL	OD	1	70	2.0	.5	La Marque	Garner
Crucial Inc.	1D18P-23	OT	3	25	2.0	.5	La Marque	Garner
Acme Products Co., Inc.	FS400ASK-39T	W	1	275	3.0	.5	Port Arthur	Garner
Crucial Inc.	1D18P-23	OT	2	25	2.0	.5	Port Arthur	Garner
De Smithske (DESMI)	D-2	FS	2	500	6.0	1.5	Port Arthur	Garner
DiscOil Company	DISCOIL	OD	1	70	2.0	.5	N. Orleans	Garner
Douglas Engineering	4200SH Skim-Pak	FS	2	5 - 68	2.0	.5	N. Orleans	Garner
Marco	Harbor 28	OB	1	70	2.0	.5	N. Orleans	Garner
Elastec	Mini Max, 20"	OT	1	20	2.0	1.	N. Orleans	Garner
De Smithske (DESMI)	D-2	FS	1	500	6.0	1.5	N. Orleans	Garner/DEMS

Corporate	Response Equipment Listing	Equipment Listing
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PU	Portable Vacuum Pump Units	**D**	Diesel
SS	Super Sucker	**E**	Electric
VT	Vacuum Truck	**G**	Gasoline
OT	Other	**H**	Hydraulic
		P	Pneumatic
		OT	Other

VACUUM SYSTEM EQUIPMENT

Name of Manufacturer	Model Number	System Type Code	Drive Type Code	Suction (inches)	Number of Units	Mfg. Recovery Rate (gpm)	Storage Capacity (gallon)	Hose Invent (feet)	Storage Location	Owner
Safety Vac	449222	OT	D	14	1	40	(b) (7)(F), (b) (3)	200	Deer Park	Garner
Keith/Huber	LN8000	VT	D	27.0	6	80		3200	La Marque	Garner
Ford	Meyers	OT	D		2	80		500	La Marque	Garner
Super Products & Guzzler	5027	SS	D		1	450			La Marque	Garner
Keith/Huber	LN8000	VT	D	27.0	1	80		500	Port Arthur	Garner
Dual Venturi Vacuum Heads					2				N. Orleans	Garner

Corporate	Response Equipment Listing	Equipment Listing
Operations		Rev. 04/05

SORBENT TYPE CODE		COMPOSITION CODE	
B	Boom	**M**	Mineral
PAD	Pad	**NO**	Natural Organic
PT	Particulate	**S**	Synthetic
ST	Sheet	**OT**	Other
SW	Sweep		
OT	Other		

SORBENTS

Name of Manufacturer	Model Number	Sorbent Type Code	Composition Type Code	Normal Inventory	Special Appl. Equip. Needed		Special Rcvg. Equip. Needed		Storage Location	Owner
					Yes	No	Yes	No		
Crucial, Inc.	OS-15	OT	S	1000		X		X	Deer Park	Garner
Complete Environmental Products	GES-P100	PAD	S	1000		X		X	Deer Park	Garner
Complete Environmental Products	GES-P200	PAD	S	250		X		X	Deer Park	Garner
Complete Environmental Products	GES-EP100	PAD	S	500		X		X	Deer Park	Garner
Complete Environmental Products	GES-P50	PAD	S	150		X		X	Deer Park	Garner
Complete Environmental Products	GES-B510	B	S	300		X		X	Deer Park	Garner
Complete Environmental Products	GES-B810	B	S	500		X		X	Deer Park	Garner
Complete Environmental Products	GES-R144	ST	S	150		X		X	Deer Park	Garner
Complete Environmental Products	GES-SW100	SW	S	300		X		X	Deer Park	Garner
Complete Environmental Products	GES-PART25	PT	S	10		X		X	Deer Park	Garner
Crucial, Inc.	OS-15	OT	S	150		X		X	La Marque	Garner
Complete Environmental Products	GES-P00	PAD	S	250		X		X	La Marque	Garner
Complete Environmental Products	GES-P200	PAD	S	100		X		X	La Marque	Garner
Complete Environmental Products	GES-P50	PAD	S	100		X		X	La Marque	Garner
Complete Environmental Products	GES-B510	B	S	100		X		X	La Marque	Garner
Complete Environmental Products	GES-B810	B	S	125		X		X	La Marque	Garner
Complete Environmental Products	GES-R144	ST	S	125		X		X	La Marque	Garner
Complete Environmental Products	GES-SW100	SW	S	150		X		X	La Marque	Garner
Complete Environmental Products	GES-PART25	P	S	10		X		X	La Marque	Garner

Corporate	Response Equipment Listing	Equipment Listing
Operations		Rev. 04/05

SORBENTS

Name of Manufacturer	Model Number	Sorbent Type Code	Composition Type Code	Normal Inventory	Special Appl. Equip. Needed		Special Rcvg. Equip. Needed		Storage Location	Owner
					Yes	No	Yes	No		
Crucial, Inc.	OS-15	OT	S	150		X		X	Port Arthur	Garner
Complete Environmental Products	GES-P100	PAD	S	100		X		X	Port Arthur	Garner
Complete Environmental Products	GES-P200	PAD	S	75		X		X	Port Arthur	Garner
Complete Environmental Products	GES-B510	B	S	100		X		X	Port Arthur	Garner
Complete Environmental Products	GES-B810	B	S	50		X		X	Port Arthur	Garner
Complete Environmental Products	GES-R144	ST	S	25		X		X	Port Arthur	Garner
Complete Environmental Products	GES-SW100	SW	S	50		X		X	Port Arthur	Garner
Crucial, Inc.	OS-15	OT	S	250		X		X	N. Orleans	Garner
Complete Environmental Products	GES-P100	PAD	S	325		X		X	N. Orleans	Garner
Complete Environmental Products	GES-P200	PAD	S	200		X		X	N. Orleans	Garner
Complete Environmental Products	GES-EP100	PAD	S	500		X		X	N. Orleans	Garner
Complete Environmental Products	GES-B510	B	S	100		X		X	N. Orleans	Garner
Complete Environmental Products	GES-B810	B	S	150		X		X	N. Orleans	Garner
Complete Environmental Products	GES-R144	ST	S	50		X		X	N. Orleans	Garner
Complete Environmental Products	GES-SW100	SW	S	100		X		X	N. Orleans	Garner

ATTACHMENT J

RECORD OF CHANGES

No.	Date of Change	Change Affected…	Nature of Change	Change Authorized By
RECORD OF CHANGES MADE TO THE FACILITY RESPONSE PLAN (OPA-90)				
1.	1/95	Misc.	EPA letter with final Ruling, USCG	OTH
2.	2/95	3-8, 1-9	North Channel LEPC	OTH
3.	2/95	9-7	Outfall Nos.	OTH
4.	8/95	1-15, 2-5, 3- 72, 3-73, 7-6, 8-15	Update Facility Personnel & Telephone Numbers	OTH
5.	1/96	1-8	CIMA Telephone Number Update	OTH
6.	1/96	3-74	Update Facility Personnel & Telephone Numbers	OTH
7.	1/96	3-75	Control Room Duties	OTH
8.	1/97	1-7 through 1-10, 1-18, 1-19, 2-4, 3-6 through 3-9, 3-26, 3-84	QI, OSRO Class, and Telephone Numbers Updated	OTH
9.	1/98 2/98	Misc.	EPA Letter USCG	OTH
10.	1/98 2/98	i, iii	Changes to Plan and Update Responsibility	OTH
11.	1/98 2/98	1-3, 1-7 through 1-10	Telephone Number Updates	OTH
12.	1/98 2/98	1-15, 2-5, 3-2, 3-6 through 3-9, 7-6, 8-15	Update OSC, QI and QI Alt. Information, Update Telephone Numbers	OTH
13.	1/98 2/98	9-3, App. H	Site Specific Updates, Site Safety Plan	OTH
14.	4/99	1-9	Update Fire Marshall Telephone Number	OTH
15.	4/99	3-82	Add Mitigation Command Center	OTH
16.	4/99	5-2, 5-3	Add Small & Medium Discharge Scenario and Adverse Weather Scenario	OTH
17.	4/99	7-37	Permit Explanation for Waste	OTH
18.	4/99	8-4, Section 9	Change Fuel in Motor for Boat, Add diagrams	OTH
19.	1/00 2/00	1-8, 1-15, 3-7, 1-8, 1-15, 1-16, 1-18, 1-23, 1-27, 1-32, 3-71, 3-84	Update Clean Channel Contact Information, change finance and planning alternate, update facility personnel responsibilities and information, updated chart, updated personnel titles, update QI	OTH
20.	3/00	2-1, 2-2, 2-4, 2-7, 2-8, 3-7, 3-72, 3-79, 4-1, 4-3, 4-6	Update General facility description, dike area and tank capacity chart, address and first valve location, added Dock #8, substantial expansion, update contact information and telephone numbers, personnel title changes, update tanks and volumes	OTH

No.	Date of Change	Change Affected…	Nature of Change	Change Authorized By
21.	4/00	4-9, 4-12A, 4-19, 4-20, 4-25, 4-27, Section 9, 9-10A & 9-10B, 9-13	Update tank dimensions and capacities, insert new 300 & 500 tank areas, add transfer operations, update inbound and outbound volumes, add new ship dock, add new manifold areas, update diagrams, insert manifold "300" and "500" areas, update discharge areas	OTH
22.	2/02	1-7, 1-9, 1-15, 2-1, 2-5, 2-7, 2-8, 3-6, 4-3, 9-2	Update Alt. QI Information, Name and telephone changes, add dock 7, add construction date, update maps as appropriate	OTH
23.	5/03	i, 1-7 through 1-10, 1-18 through 1-20, 1-27, 1-46, 2-2, 2-4, 2-5, 2-6, 2-8, 3-2, 3-6 through 3-9, 3-22, 3-26, 3-74, 3-75, 3-76, 3-79, 3-82, 3-84, 4-18, 4-25, 4-32, 4-34, 4-36, 4 ERM 4 through 4 ERM 7, 4 ERM 12, 16, 17, 5-2, 5-3, 5-13 through 5-16, App. A	Record of changes, update telephone numbers, remove Clean Channel, updated operators and telephone numbers, expanded pages, updated equipment, added 200 dike area, title changes, added new construction, replaced Alt. QI, updated personnel, page reduction, add new dike areas and docks, update property owner and contact information, updated businesses, telephone number updates, general plan layout updated	OTH
24.	5/04	1-2, 1-5, 1-7, 1-9, 1-10, 1-14 through 1-20, 1-23, 1-25, 1-26, 1-35, ERM 7, 1-41, 2-1, 2-2, 2-4, 2-7, 3-4, 3-6, 3-8, 3-9, 3-14, 3-71 through 3-75, 3-79, 3-81, 3-82, 3-84, 3-85, 4-1, 4-2, 4-3, 4-6, 4-7 through 4-20, 4-25, 4-34, 4-37, 4-39, ERM 4 through ERM 9, 5-1, 5-10, 5-11, 5-13 through 5-19, 5-23, 5-25 through 5-28, 7-2, 7-3, 7-15 through 7-20, 7-26, 7-27, 7-28, 7-40, 7-41, 7-43, 7-44, 8-15, 8-19, 8-21, Sec. 9 and App. A	Update agency name, remove CCA, update names and telephone numbers, update contact list, update emergency assistance list, update personnel roles, titles and responsibilities, add dispersant language, update response personnel and telephone numbers, update evacuation procedures and refuge areas, update industrial water intakes, update facility boom equip. list, update facility description, remove dike area table, add "400" manifold, update first valve location, update dock information, update control room information, update transfer operations information, replace SPCC summary, replace text with SPCC dike area storage/containment, update inbound/outbound shipments, update private and industrial water intakes info., update discharge scenarios, update oils handled by facility, update worst case discharge, revise manifold pipe ID, correct discharge volumes, update tank numbers, volumes and calcs., update contractor info., remove hazardous liquid removal info., update site diagrams/map	OTH
25.	5/05	Entire plan	Combined within the Integrated Contingency Plan	OTH

No.	Date of Change	Change Affected…	Nature of Change	Change Authorized By
RECORD OF CHANGES MADE TO THE FACILITY SPCC PLAN				
1.	10/95	All	Amendment	OTH
2.	12/02	All	Previously certified plan is replaced with current plan to address facility expansion, new regulations, and new P.E. certification	OTH
3.	11/04	TOC, pp. 4, 7-9, 11-29, 32; Figures 1 & 3; Attachments B, D, E; Appendices I, IV-VII.	Add new tanks; revise tank farm configurations; recalculate secondary containment capacities; update emergency notification phone numbers; update stormwater inspection form; replace TGLO regulations with current version; and include new P.E. certification	OTH
RECORD OF CHANGES MADE TO THE FACILITY PIPELINE OPA-90 FRP				
1.	1/96	New	NCP & ACP Consistency (see Attached)	RSPA
2.	1/96	New	Appendices IV & V	RSPA
3.	1/96	New	Attachments G & H	RSPA
4.	1/96	2-2, 5-1, 9-3, 9-8	Update LEPC and TNRCC (TCEQ)	PTO & OTH
5.	1/96	2-6	Notification	RSPA
6.	1/96	3-1, 3-2	Add Equipment & Revise Spill Detection	RSPA
7.	1/96	4-1	Revise Response	RSPA
8.	1/96	6-1	Recordkeeping PREP Training	RSPA
9.	1/96	7-1	Recordkeeping PREP Drills	RSPA
10.	5/97	4-1	Section 4 Revised	OTH
11.	6/97	TOC, Introduction, ACP, Tabs	Revisions	OTH
12.	6/97	4-1	Revisions	DOT
13.	6/97	Appendices III & IV	Additional Information, Identified ACP	OTH
14.	12/98	1-1, 1-2, 2-1, 2-2, 2-3, 2-5, 2-6, 2-7, 5-1, 5-2, 5-3, 5-4, 9-1, 9-2, 9-3, 9-4, 9-16, 9-18, Appendices II & III, Sections 1-9	Updated personnel, title, and telephone number information; additional text; updated insurance information; reformatting; title updates	OTH
15.	5/05	Entire Plan	Combined within the Integrated Contingency Plan	OTH

No.	Date of Change	Change Affected…	Nature of Change	Change Authorized By
RECORD OF CHANGES MADE TO THE ICP				
1.	6/05	Att.B, Fig. 1-7	Update PE Certification; update figures 1-7	BB
2.	12/01/05	i, ix, x, xi, 1-5, 1-6, 3-1, 4-1 thru 4-4, 7-3, 7-7, 9-3, 10-1 thru 10-7, Att D, Att F, Att K, Fig. 4, Fig. 6, App. III	Administrative title change, Barge dock name & desc., figure designation, contact info, cathodic protection & steam coil lang., reg. references, update Monthly SPCC Checklists; SPCC SW Inspection Form, update equipment location fig., & update RSPA DOT reg. references	BB/GT
3.	03/01/06	Req. Reg. Actions, TOC, xii, xiii, 1-7, 2-1, 4-2, 4-3, 4-4, 4-5, 5-28, 7-1, 7-6, 7-7, 8-1, 10-1 thru 10-8, Att.D, Att. L	Include actions for RCRA Compliance; Add references to RCRA document (Att.L); update DOT office name to PHMSA; Update Internal Notification info and Response Agency info; New Response Equip. Inspection form; update Regional Response Team reference; update language for annual review; include RCRA regulations to regulatory cross-reference; correct USCG regulatory cross references.	BB
4.	04/24/06	1-2, 4-3, 5-4, 5-14, 5-25, 10-3	Add 24-hour office number and specific location of MSDS's	BB
5.	01/10/07	x,xi, 1-2, 1-3, 1-6, 4-3, 9-2, Att. B, Att. C, Att. D, Figure 2	Added 2006 construction of 5 new tanks in 400 manifold, changed number of storage tanks, corrected spelling error, changed names and titles, changed #6 dock to #8 dock, included 4 new tanks in 200 manifold for construction in 2007, revised facility layout map, updated Waste Bunker Weekly Inspection Form	BB
6.	03/09/07	4-3, 4-5, 5-6, 5-7, 5-26, 5-30, 6-1, 8-2	Update Emergency Response phone numbers; add LEPC coordination during evacuation; clarification of environmentally sensitive area planning; add history of spill enforcement actions; clarification of facility components and operations that were evaluated when calculating discharge scenarios; identify responsible person for spill prevention; clarify retention of personnel training records	BB
7.	5/23/08	1-2 -1-9, 4-1,4-2,10-1 -10-9, 2-6 -2-8, 4-3 -4-5, 5-10, 5-14, 6-1, 6-2, Att. B	Update General Facility Information; added footer note to Annex 2 table; update regulatory compliance; update Senario; update Emergency Response phone numbers; update Worst Case discharge; update discharge history reports; update PE Certification; update containment units	BB

No.	Date of Change	Change Affected…	Nature of Change	Change Authorized By
8.	5/19/09	Cover Page, 1-3, 1-8, 2-3, 4-1, 4-2, 4-3, 4-4, 4-5, 6-1, Fig. 7, Att. B, Att. J	Update Revision Date, changed number of storage tanks and updated pipeline length, added pipeline segment 6, changed primary radio band, corrected footer, update Emergency Personnel Contact, update Federal, State, and Local Agencies Notifications, update Discharge History Reports, update Pipeline Map, update PE Certification, update SPCC Area 200N Calculations, update Record of Changes	BB
9.	5/10/11 Rev9	Cover Page, Acronyms, 4-1, 4-3, 7-8, Att. B, Att. C, Att. J, App. I, App. II, App. III, App. VII	Update Revision Date, deleted RSPA, update Notification, update Emergency Personnel Contact, update Employee Response Personnel Training, update SPCC containment area to remove Tank Truck Rack Storage Area, update Form 7000-1, update Record of Changes, update 40 CFR 110 and 112, update 33 CFR 154, update 40 CFR 154, update 16 TAC Part 1 Chapter 8.	RC
10.	5/29/12 Rev10	Cover Page, TOC, 1-2, 1-3, 1-7, 5-2, 5-4, 5-5, 5-24, 5-30, 5-33, 6-1, 6-2, 7-1, 7-2, 7-3, 7-7, 7-8, Att. B, Figure 2, Figures 4-6, Att. J	Update Revision Date, update page numbers, update General Facility Identification Information, update Notification, added Pipeline Certification Number, update Response Management System Job Descriptions, update Discharge History Reports, update QI Notification Drill Logs, update Spill Management Team Tabletop Exercise Logs, update Employee Response Personnel Training, update SPCC containment area to add new Tanks, update Site Plot Plan, update Site Drainage Maps, update Emergency Evacuation Routes, update Emergency Response Equipment Location Map, and update Record of Changes.	RC
11.	7/19/13 Rev11	Cover Page, i, x, xi, 1-2 through 1-9, 2-1 through 2-8, 4-3, 5-10, 5-14, 6-2; Figures 2-4, Figures 6 and 7, Att. B, Att. D, Att. J., Att. K	Update Revision Date, update Table of contents; update President Information, update Signature Page, update General Facility Identification Information, update Pipeline Information Summary, update current and added New Pipeline Segments, update Core Plan, update Emergency Personnel Contact Information, update Worst-Case Discharge From Pipeline Operations, update Size Of The Discharge, added history of spill enforcement actions; update Site Plot Plan, added One Line Electrical Diagram Map, update Site Drainage Maps, update Emergency Response Equipment Location Map, update Pipeline Location Map, update SPCC containment area to add new Tanks, update Professional Engineer's Certification, update OTH Spill Response Equipment Inventory, update Record of Changes, and update Accumulated Stormwater Inspection Form.	RC

No.	Date of Change	Change Affected…	Nature of Change	Change Authorized By
12.	10/18/13 Rev 12	Cover Page, 10-1 to 10-9, Att. B, and Att. J	Update Revision Date, update Annex 8 – Regulatory Compliance and Cross-Reference Matrices, update Appelt Terminal Breakout Tanks and Containment Units, update Professional Engineer's Certification, and update Record of Changes	RC
13.				

ATTACHMENT K

ACCUMULATED STORMWATER INSPECTION FORM

ACCUMULATED STORMWATER INSPECTION FORM

Tank Farm ID	Valve No. *	Valve Opened (Date/Time)	Valve Closed (Date/Time)	Accumulated rainwater is visually inspected and determined to be:		Signature of Facility Supervisor authorizing the discharge	Any non-compliance with the inspection protocol must be described here as well as measures taken to address the situation.
				Clear (Yes/No)	Free of color, odor, floating, settled, and suspended solids, foam and oil sheen (Yes/No)		
100 North	#1						
	#2						
	#3						
	#4						
100 South	#1						
	#2						
	#3						
	#4						
	#5						
200 Tank Farm	#1						
	#2						
300 Tank Farm	#1						
400 Tank Farm	#1						
C Tank Farm	#1						
	#2						
	#3						
	#4						
	#5						
	#6						
	#7						
D Tank Farm	#1						
	#2						
	#3						
500 Tank Farm	#1						
600 Tank Farm	#1						
Truck Rack	#1						
O/W Separator	#1						

* For valve locations, see Figure 4 details.

ATTACHMENT L

RCRA COMPLIANCE PROGRAM

REQUIRED RCRA COMPLIANCE ACTIONS

Action	Required Timeframe / Recommended Frequency	Reference
SCHEDULED REQUIREMENTS		
➢ Document proof of arrangements made with local emergency response organizations	Upon plan implementation	Section 3.6 and Appendix I
➢ Conduct visual examination of hazardous and Class 1 waste storage containment areas	Weekly	Section 2.5.3 Attachment C
➢ Conduct response equipment inspection, testing, and maintenance	Recommended quarterly	Section 3.3 & *Att. D of the ICP*
➢ Conduct initial RCRA Compliance Program employee training	Within 6 months of employment	Section 5.2 and Attachments A
➢ Conduct RCRA Compliance Program refresher employee training	Annually	Section 5.3 and Attachment B
➢ Prepare and Submit Hazardous and Class 1 Waste Summary Report	Annually by March 1	Section 2.3
➢ Submit hazardous and Class 1 waste fees	Invoiced annually by TCEQ by September 1	Section 2.9
PERIODIC REQUIREMENTS		
➢ Prepare manifest prior to shipping hazardous and Class 1 waste to an off-site TSDF location	Per each shipment	Section 2.7.1
➢ Update waste determination records	Upon generation of a new waste stream	Section 2.1
➢ Update the Notice of Registration	Within 90-days of Change	Section 2.5
➢ Update this RCRA Compliance Program to reflect changes that would materially affect the potential for an on-site incident or change the necessary response, such as changes in: • facility operations and/or location; • response equipment inventory; • off-site agencies and response organizations notification phone list; • on-site emergency response personnel names, contact numbers and/or addresses; • other response procedures.	As needed	Section 4.8 and *Annex 2, Section 4.3 and Attachment D of the ICP*
➢ Record amendments made to this RCRA Compliance Program	Upon Revision	Section 4.8 and *Attachment J of ICP*
➢ Forward revised pages of this RCRA Compliance Program to local emergency response organizations	Upon Revision	Page iv, Section 4.7, and Appendix I
➢ Prepare and submit a hazardous and Class 1 waste management unit closure notification	As needed	Section 2.8
➢ Retain all completed forms pertaining to implementation of this program on-site	For at least 3 years	Sections 2.7 and 5.5
➢ Report spills or releases of hazardous and Class 1 wastes	Per incident	Section 4.2 and *Attachment C of the ICP*
➢ Record telephone notifications of federal, state, and/or local response organizations in case of a spill or release	Per incident	Section 4.2 and *Attachment C of the ICP*

* Sections of the RCRA Compliance Program in *italics* reference the Integrated Contingency Plan prepared for the Oiltanking facility.

RCRA COMPLIANCE PROGRAM

Prepared For
OILTANKING HOUSTON, L.P.
Houston, Texas

Prepared By
THE WCM GROUP, INC.
Humble, Texas

Issued: March 2006

TABLE OF CONTENTS

ATTACHMENTS

APPENDICES

FIGURES

RCRA COMPLIANCE PROGRAM

DISTRIBUTION LIST

LOCATION	DOCUMENT NUMBER
SAFETY COORDINATOR	1
OPERATIONS MANAGER	2
EVP & COO	3
HOUSTON TERMINAL CONTROL ROOM	4
EMERGENCY CONTROL ROOM	5
ENVIRONMENTAL MANAGER	6
USCG COTP MSO HOUSTON-GALVESTON	7 AND 8
US EPA REGION VI	9
US DOT, PHMSA	10 AND 11
HARRIS CO. SHERIFF DEPARTMENT	12
CHANNELVIEW VOLUNTEER FIRE DEPARTMENT	13
BAYSHORE MEDICAL CENTER (HOSPITAL)	14
NORTH CHANNEL LEPC	15
THE WCM GROUP, INC.	16

1.0 INTRODUCTION

1.1 PURPOSE

This RCRA Compliance Program has been designed to outline and address state and federal requirements applicable to large quantity generators (LQG's) of hazardous waste. Pertinent Environmental Protection Agency (EPA) regulations are found in Title 40 of the Code of Federal Regulations (CFR) Parts 262 and 265. Copies of the applicable federal and state regulations and guidance documents are found in Appendices III and Appendices V of the ICP, respectively. The Texas Commission on Environmental Quality (TCEQ) has adopted and incorporated portions of the federal regulations into Title 30 of the Texas Administrative Code (TAC), Chapter 335 along with other state specific requirements.

In compliance with 40 CFR 265 Subpart D, the Contingency Planning provisions of this plan (section 4.0) have been prepared to minimize hazards to human health and the environment during emergency situations. These provisions must be carried out immediately whenever there is a fire, explosion, release of hazardous waste or material, bomb threat, flash flooding, tornado, or other event that could threaten human health or the environment. The remainder of this document has been prepared to address how the facility will maintain compliance with other requirements applicable to LQG's of hazardous waste.

1.2 APPLICABILITY

The Oiltanking Houston, L.P. (Oiltanking) facility is located at 15602 Jacintoport Boulevard, Houston, TX 77015. The facility is a LQG of hazardous waste and, therefore, is required to comply with the applicable federal regulations as promulgated in 40 CFR 262 and 265.

As a LQG of hazardous waste, the generator standards of 40 CFR 262 apply to this facility, as well as the following additional requirements as indicated in 40 CFR 262.34:

- 40 CFR 265.16 – Personnel Training;
- 40 CFR 265 Subpart C – Preparedness and Prevention;
- 40 CFR 265 Subpart D – Contingency Plan and Emergency Procedures;
- 40 CFR 265 Subpart I – Use and Management of Containers; and
- 40 CFR 268.7 – LDR: Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities.

1.3 STATUS

As a LQG of RCRA hazardous waste with storage of that waste for less than 90-days, the facility has applied for and obtained an EPA identification number (EPA ID No. TXD074189549). The Texas Commission on Environmental Quality (TCEQ) requires facilities that generate industrial solid waste in the State of Texas obtain a Solid Waste Registration Number by filing a Notice of Registration (NOR). The site-specific NOR (Solid Waste Registration ID 31952), which reflects the facility's hazardous waste generator status and lists the hazardous and non-hazardous wastes generated on-site,

as well as active and inactive waste management units, is maintained on-site. The facility manages hazardous waste on-site in accordance with 40 CFR 262.34 (pertaining to accumulation time) and 40 CFR 265 Subpart I (pertaining to use and management of containers).

2.0 RCRA GENERAL COMPLIANCE REQUIREMENTS

As a LQG, the facility may accumulate hazardous waste on-site for ninety (90) days or less without a permit and without having interim status, provided that it complies with certain requirements of 40 CFR 265 and state requirements of 30 TAC 335. The following sections provide a brief overview of the RCRA standards applicable to the operations conducted at the facility.

2.1 WASTE DETERMINATION

Each generator of industrial solid waste is required to determine if that waste is hazardous or non-hazardous either by testing the waste or by applying "process knowledge" to the system that generates the waste [40 CFR 262.11 and 30 TAC 335 Subpart R]. The basis for the determination should be documented in writing and kept on file at the facility. Although there are numerous exceptions and exclusions listed in the regulations, in general, a solid waste is a hazardous waste if it is a listed hazardous waste in 40 CFR 261.31-261.33 or if it exhibits one or more of the four characteristics: ignitability, corrosivity, reactivity, or toxicity (40 CFR 261.21-261.24, respectively). In Texas, non-hazardous industrial solid waste is required to be further classified as either Class 1, 2, or 3 non-hazardous [30 TAC 335].

A flow diagram of the waste determination process in accordance with federal and state regulations is found in Appendix VI of the facility's Integrated Contingency Plan (ICP).

Definitions of the RCRA hazardous waste characteristics are as follows:

1. Ignitability (40 CFR 261.21):
   a) Is a liquid and has a flash point of less than 140°F by a Pensky-Martens Closed Cup Tester.
   b) Is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, adsorption of moisture, or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.
   c) It is an ignitable compressed gas.
   d) It is an oxidizer.

2. Corrosivity (40 CFR 261.22):
   a) Is a liquid and $12.5 \leq pH \leq 2$.
   b) Is a liquid that corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.025 inch) per year.

3. Reactivity (40 CFR 261.23):
   a) Is normally unstable and readily undergoes violent change without detonating.
   b) It reacts violently with water.

c) It forms potentially explosive mixture with water.

d) When mixed with water, it generates toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

e) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

f) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.

g) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.

h) It is a forbidden explosive or a Class A explosive (49 CFR 173.51) or a Class B (49 CFR 173.88) explosive.

4. Toxicity (40 CFR 261.24):

If using the Toxicity Characteristic Leaching Procedure, Test Method 1311 in "Test Methods for Evaluation Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, the extract from a representative sample of the waste contains any of the contaminants listed in 40 CFR 261.24, Table 1, at concentrations equal to, or greater than, the respective value given in the table.

Process knowledge classification involves obtaining detailed information on a waste from existing published or documented waste analyses data sources or studies conducted on hazardous waste generated by processes similar to that which generated the subject waste.

When using process descriptions and existing data for waste determination, a facility should carefully scrutinize whether:

a) There are differences between the processes documented and the actual waste generating processes; and

b) The data used are accurate and current, including:

(i) whether wastes are newly regulated as hazardous wastes;

(ii) whether existing data are sufficient to identify new constituent concentration limits; and

(iii) the information is based on currently valid analytical techniques.

2.2 DEFINITION OF HAZARDOUS WASTE GENERATOR STATUS

Upon determining that the industrial solid waste generated on-site is hazardous or non hazardous Class 1 waste, the facility is responsible for identifying its proper waste generator status as a Conditionally Exempt Small Quantity Generator (CESQG), Small Quantity Generator (SQG), or Large Quantity Generator (LQG). The appropriate generator status is determined on a calendar month basis and depends upon the total

amount of hazardous and/or Class 1 waste generated, as summarized in the table below.

MONTHLY GENERATION LIMIT (PER CALENDAR MONTH)			
Type of Waste	**Conditionally Exempt Small Quantity Generator (CESQG) 40 CFR 261.5**	**Small Quantity Generator (SQG) 40 CFR 262.34(d)**	**Large Quantity Generator (LQG) 40 CFR 262.34(a-c)**
Class 1 Non-hazardous	>100 kg (>220 lbs)	NA	NA
Hazardous and Class 1 Waste	Less than or equal to 100 kg (≤220 lbs)	>100 & <1,000 kg (220 – 2,200 lbs)	1,000 kg or more (2,200 lbs)
Acutely Hazardous Waste Listed in 40 CFR 261.31, 261.32, or 261.33(e)	Less than or equal to 1 kg (≤2.2 lbs)	Less than or equal to 1 kg (≤2.2 lbs)	No limit
Waste Resulting from Clean-up of an Acutely Hazardous Waste Spill	Less than or equal to 100 kg (≤220 lbs)	Less than or equal to 100 kg (≤220 lbs)	No limit

2.3 WASTE GENERATOR REGISTRATION

SQGs and LQGs of hazardous waste are not authorized to treat, store, dispose of, transport, or offer for transportation hazardous waste without having received an EPA identification number [40 CFR 262.12]. EPA assigns generator ID numbers upon receipt of properly completed and signed *EPA Notification of Regulated Waste Activity Form* No. 8700-12. **This facility has been issued EPA ID No. TXD074189549.**

SQGs and LQGs of hazardous waste, as well as CESQGs of Class 1 industrial non-hazardous waste must notify the TCEQ that storage, processing, or disposal activities are planned, at least 90 days prior to engaging in such activities [30 TAC 335.6]. SQGs of hazardous waste and CESQGs of non-hazardous Class 1 industrial waste are required to provide notification either electronically via *State of Texas Environmental Electronic Reporting System* (STEERS) or in writing by using TCEQ Form No. 0002, "*Notification for Hazardous or Industrial Waste Management*." LQGs are required to submit the appropriate notifications via STEERS only (see Section 2.6.6). Upon receipt of the notification of hazardous and/or Class 1 waste generating activities, the agency will issue a Notice of Registration (NOR) with a site-specific Solid Waste Registration (SWR) Number. **This facility has been issued SWR No. 31952.**

2.4 NOTICE OF REGISTRATION (NOR)

Per requirements of 30 TAC 335.6, SQGs, LQGs, and CESQGs (who generate 100 kg (220 lbs) or more of non-hazardous Class 1 waste) must notify the TCEQ that storage, processing, or disposal activities are planned, at least ninety (90) days prior to engaging in such activities. The notification is to be provided in writing or by utilizing the electronic notification and reporting system known as "STEERS". Upon receipt of the notification, the agency will issue a Notice of Registration (NOR) with a site-specific solid waste generator ID number. In case of changes in facility operations that affect the accuracy of information documented in the NOR, the facility is required to notify TCEQ of such

changes within ninety (90) days. Examples of such changes include the addition of a new waste code or waste management unit, a change to the facility contact, a change in waste generation status, etc. At this time, NOR changes cannot be made via STEERS to inactivate or reactivate waste management units, change the capacity of a non-permitted waste management unit, nor reactivate a waste code. These types of changes require a written request letter to the agency. For current information on how to use STEERS, visit TCEQ's website at:

http://www.tceq.state.tx.us/permitting/steers/steers.html

2.5 HAZARDOUS WASTE STORAGE REQUIREMENTS

A LQG may accumulate hazardous waste on-site for 90 days or less without a permit and without having interim status provided that the following requirements are met [40 CFR 262.34(a)]:

1. The waste is placed:
   a) In containers, and the generator complies with the applicable requirements of 40 CFR 265 Subpart I; and/or
   b) In tanks, and the generator complies with the applicable requirements of 40 CFR 265 Subpart J, except parts 265.197(c) and 265.200; and/or
   c) On drip pads, and the generator complies with 40 CFR 265 Subpart W; and/or
   d) In containment buildings, and the generator complies with 40 CFR 265 Subpart DD.
2. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container and tank.
3. While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "HAZARDOUS WASTE".
4. The generator complies with the requirements for owners or operators as promulgated in 40 CFR 265 Subpart C – *Preparedness and Prevention*, Subpart D – *Contingency Plan and Emergency Procedures*, 265.16 – *Personnel Training*, and 268.7(a)(4) – *Land Disposal Restrictions, Requirements for Generators*.

2.5.1 Accumulation Requirements

The following table provides an outline of regulated waste accumulation limits that vary depending upon generator status:

HAZARDOUS WASTE ACCUMULATION LIMITS			
Type of Accumulation Limit	**Conditionally Exempt Small Quantity Generator (CESQG) 40 CFR 261.5**	**Small Quantity Generator (SQG) 40 CFR 262.34(d)**	**Large Quantity Generator (LQG) 40 CFR 262.34(a-c)**
On-site Hazardous and Class 1 Waste Accumulation Time Limit	No limit	Less than or equal to 180 days (Less than or equal to 270 days if waste must be transported more than 200 miles for disposal)	Less than or equal to 90 days
Total Hazardous Waste Quantity Limit	1,000 kg (2,200 lbs)	6,000 kg (13,200 lbs)	No limit

2.5.2 Satellite Accumulation Area Requirements

A generator may accumulate as much as 55 gallons of hazardous waste, or Class I waste, or one (1) quart of acutely hazardous waste in containers at or near the point of generation where waste initially accumulates which is under the control of the operator of the process generating the waste without a permit or interim status provided [40 CFR 262.34(c)]:

- The hazardous waste is stored in a container in good condition. If the container begins to leak, it is to be transferred to a container that is in good condition.
- The waste is stored in a container that is lined with a material that will not react with, and is otherwise compatible with, the waste.
- The container remains closed during storage, except when it is necessary to add or remove waste.
- The container is marked with either the words "Hazardous Waste", or other words that identify the contents of the container.
- Once the amount of accumulated waste in a satellite area reaches 55 gallons of hazardous or Class 1 or one quart of acutely hazardous waste, the generator is to date the waste label and move the container to the central waste accumulation area within three (3) days (note that the date upon which accumulation begins is the date when the 55-gallon and/or one-quart thresholds were reached).

2.5.3 Container Storage Requirements

LQG's and SQG's of hazardous waste must meet the following container management requirements for their on-site storage of hazardous waste in containers [40 CFR 265 Subpart I].

- If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste

from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements.

- The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

- A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

- A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

- The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

  Facility personnel conduct inspections of the areas where hazardous waste storage containers are stored at least on a **weekly** basis (i.e., once per week) [40 CFR 265.174]. The inspections are designed to promptly identify any leaks or signs of deterioration caused by corrosion or other factors. Results of such inspections are recorded on a form found in *Attachment D of the ICP*, and completed records are maintained on-site for at least three (3) years.

- LQG's must store containers of ignitable or reactive waste at least 50 feet from the facility property line.

- Incompatible wastes, or incompatible wastes and materials, must not be placed in the same container, unless the general requirements of §265.17(b) are complied with to avoid threatening human health and the environment.

- Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material, unless the general requirements of §265.17(b) are complied with to avoid threatening human health and the environment.
-

- A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

- LQG's shall manage all hazardous waste placed in a container in accordance with the applicable RCRA requirements relative to air emission standards for process vents, equipment leaks, tanks, surface impoundments, and containers.

2.5.4 Tank Storage Requirements

At this time, Oiltanking does not use any tanks to store hazardous or Class 1 wastes; therefore the requirements of 40 CFR 265 Subpart J do not apply to the facility.

2.6 PRE-TRANSPORTATION REQUIREMENTS

Prior to transportation of hazardous and Class 1 waste or offering these wastes for transportation off-site, the generator is required to comply with packaging, labeling, marking, and placarding requirements in accordance with 40 CFR 262.30 – 262.32 and Department of Transportation (DOT) regulations under 49 CFR Subchapter C. Containers (110 gallons or less) are required to be marked with the following information (per 49 CFR 172.304):

- "HAZARDOUS WASTE: Federal and state law prohibits improper disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency";
- Generator's Name and Address; and
- Manifest Document Number.

Although it is not required by regulation that the EPA waste code number be included on the labels, it is recommended.

2.7 RECORDKEEPING AND REPORTING

Generators are required to maintain various records on-site pertaining to generation and management of hazardous waste. Those requirements are outlined in the sections below.

2.7.1 Manifesting

SQGs and LQGs of hazardous waste as well as CESQGs of Class 1 non-hazardous industrial waste are required to prepare a manifest before the waste is transported for off-site treatment, storage, or disposal [40 CFR 262 Subpart B and 30 TAC 335.10]. The generator is required to designate on the manifest one facility which is permitted to handle the waste described on the manifest; it is also required that an alternate facility be designated to handle the waste. If an emergency prevents delivery of the waste to the primary and alternate facilities as designated, the generator is required to designate another facility or instruct the transporter to return the waste. Generators are required to ensure that all transporters offered the facility's hazardous waste for off-site transportation, as well as the destination facilities, are properly registered with the EPA and have valid EPA ID numbers.

If the State to which the shipment is manifested (*Consignment State*) supplies the manifest and requires its use, then the generator must use that manifest. If the Consignment State does not supply the manifest but the State in which the

generator is located (*Generator State*) supplies the manifest and requires its use, then the generator must use that State's manifest. If neither State supplies the manifest, then the generator may obtain the manifest from any source.

The manifest should consist of at least enough copies by which to provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and a final copy to be returned to the generator. Copies of the manifest are not required for each transporter. The generator must sign the manifest certification by hand, obtain the handwritten signature of the initial transporter along with date of acceptance on the manifest, and retain one copy on-site. The remaining copies of the manifest are given to the transporter.

For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must send at least three (3) appropriately dated and signed copies of the manifest to:

- the next non-rail transporter, if appropriate; or
- the designated facility if transported solely by rail; or
- the last rail transporter to handle the waste in the United States if exported by rail.

For shipments of hazardous waste to a designated facility in RCRA-authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure the following:

- that the designated facility agrees to sign and return the manifest to the generator; and
- that any out-of-state transporter agrees to sign and forward the manifest to the designated facility.

A Texas manifest is not required for shipments of Class 1 non-hazardous waste to a property within 50 miles that is effectively controlled by the same owner/operator who controls the operation that generated this waste [30 TAC 335.10(g)].

2.7.2 Manifest Exception Reporting

If the white copy of the manifest is not received from the disposal facility within forty-five (45) days of the initial shipment date, a written exception report is required to be sent to the TCEQ. No special form is needed for this report.

2.7.3 Manifest Records

The facility is required to keep a copy of each manifest for three (3) years or until a signed copy is received from the designated facility which received the waste [30 TAC 335.10]. This signed copy is to be retained on-site for at least three (3) years from the date the initial transporter accepted the waste. Generators are

required to receive written confirmation of acceptability of the hazardous waste from the operator of the hazardous waste receiving facility before shipping the hazardous waste. The confirmation needs to be maintained as part of the facility manifest records.

2.7.4 Tracking and Recordkeeping for LDR Wastes

The Land Disposal Restrictions (LDR) prohibit placement of hazardous waste on the land unless the waste meets specific treatment standards designed to reduce the mobility or toxicity of the hazardous constituents in the waste and, thus, ensure the protection of groundwater resources. For example, organic-bearing wastes are incinerated to destroy the toxic organic compounds or hazardous metal-bearing wastes are stabilized to reduce/prevent the mobility or leachability of hazardous constituents. The LDR program is promulgated in 40 CFR 268, which specifies how hazardous waste should be treated to satisfy the LDR's goal of groundwater protection. Associated tracking and recordkeeping requirements applicable to hazardous waste generators are found in 40 CFR 268.7(a).

The facility must determine whether or not the hazardous waste generated on-site is subject to LDR at the point of generation. If upon completing the waste determination, it is determined that the waste is subject to LDR and does not meet applicable treatment standards as specified in 40 CFR 268 Subpart D (which means it cannot be land disposed without further treatment), then the facility must notify the treatment facility in writing [40 CFR 268.7(a)(2)]. Such notice must accompany the manifest and must include the following information:

- The constituents of concern for F001-F005, F039, and D-listed wastes;
- Identification of the waste as a wastewater or non-wastewater;
- Waste analysis data (if available);
- When hazardous debris is to be treated by an alternative technology under 40 CFR 268.45, a statement to that effect and a list of the contaminants subject to treatment;
- For contaminated soil, a list of the constituents subject to treatment and a statement that the soil is a listed and/or characteristic hazardous waste that does or does not meet LDR standards;
- EPA Hazardous waste and manifest numbers; and
- For wastes not managed in a Clean Water Act (CWA) or CWA equivalent facility, the constituents of concern for F001-F005, F039, and underlying hazardous constituents unless the waste is to be treated and monitored for all constituents.

EPA has issued specific treatment standards for all restricted waste (wastewaters and non-wastewaters), which are listed in 40 CFR 268.40. To identify compliance with these treatment standards, a representative sample of the waste must be analyzed for the total concentration of each hazardous constituent identified in the corresponding treatment standard. The results of such analyses are to be compared to the levels given for the waste code. The

waste is prohibited from being land disposed if the specified levels of hazardous constituents in the treated waste were not achieved.

If the facility's waste already meets applicable treatment standards, the generator must submit a signed certification stating that the waste meets the applicable treatment standards [40 CFR 268.7(a)(3)]. This certification is to accompany the notification statement described above [40 CFR 268.7(a)(2)].

If the facility's waste qualifies for an exemption from a treatment standard, such as a national capacity variance, case-by-case extension, or no-migration exemption, the generator must submit to the disposal facility a written notification containing the following [40 CFR 268.7(a)(4)]:

- Statement: "This waste is not prohibited from land disposal";
- Waste analysis data (if available);
- Date the waste will become subject to LDR prohibitation;
- When hazardous debris is to be treated by an alternative technology under 40 CFR 268.45, a statement to that effect and the contaminants subject to treatment; and
- EPA hazardous waste and manifest numbers.

If the waste changes, the generator must send a new notice to the receiving facility to replace the earlier one in their files.

2.7.5 Waste Analysis Plan

The facility may treat hazardous waste generated on-site in accumulation tanks or containers, provided that the units are in compliance with 40 CFR 262.34 (see Section 2.5 of this RCRA Compliance Plan). If the treatment is intended to meet the LDR treatment standards, then the generator must prepare a Waste Analysis Plan (WAP). The WAP must justify the frequency of testing based on a detailed analysis of a representative sample of the waste. The plan must contain all information necessary for proper treatment of the waste in accordance with 40 CFR 268 and must be retained in the facility's records. If the treatment is conducted in exempted units, such as wastewater treatment units, elementary neutralization units, or totally enclosed treatment units, the generator must also prepare a WAP. If the generator is conducting partial treatment that is not intended to meet the LDR treatment standards, preparation of a WAP is not required.

2.7.6 Annual Waste Summary Reporting

In Texas, SQGs and LQGs of hazardous and CESQGs of non-hazardous Class 1 wastes (see Section 2.2) are subject to Annual Waste Summary (AWS) reporting [30 TAC 335.9]. AWS reports are required to detail the management of hazardous and Class 1 non-hazardous waste generated on-site or managed on-site during the reporting calendar year.

SQGs of hazardous waste and CESQGs of non-hazardous waste are required to complete and return the AWS forms by January 25 of each year unless they use STEERS to submit their report by March 1. The TCEQ publication RG-151, *Industrial and Hazardous Waste Annual Waste Summary Instructions* (Rev. 11-98), provides detail guidance on how to complete the required forms. A copy of this guidance document in AdobeReader© format can be downloaded from:

http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rg/rg-151_182189.pdf

LQGs are required to report their annual waste generating activities via STEERS by March 1 for the previous calendar year. Individual users of the STEERS system must pre-register with TCEQ by filing a completed STEERS Participation Agreement (SPA). A copy of this form may be obtained by emailing a request to STEERS@tceq.state.ts.us, by calling the STEERS help line at 512-239-6925, or electronically by following the instructions on:

https://www6.tceq.state.tx.us/ steers/help/spa/spamain.html

Current versions of the software are available on the TCEQ website at:

http://www.tceq.state.tx.us/permitting/steers/steers.html

2.7.7 Copies of Annual Waste Summary Reports

Copies of AWS reports are required to be maintained on-site for a period of at least three (3) years from the due date of the report.

2.7.8 Copies of Waste Determinations

Records of test results, waste analyses, and all other waste determination documentation records are required to be maintained on-site for at least three (3) years from the date that the waste was last sent to an on-site or off-site treatment, storage, or disposal facility. These records must be maintained for at least five (5) years in relation to LDR-regulated wastes.

2.7.9 Hazardous Waste Storage Area Inspection Records

Hazardous waste storage area inspections are conducted as described in Section 2.6.3 of this RCRA Compliance Plan. Weekly inspection records are required to be maintained relative to those areas that manage hazardous waste for a minimum of 3 years. These records may be filed in Appendix III of this document, or onsite under separate cover.

2.7.10 Training Records

The facility's Personnel Training Program is found in Section 0 of this RCRA Compliance Program. Training records are required to be maintained for facility personnel that manage hazardous waste. These records, at the minimum, should include the following:

- Job title and description for each employee by name;

- Written description of how much training each position will obtain; and
- Documentation of training received by employee name.

Training records for former employees are retained for three (3) years. Training records on current employees are retained until closure of the facility.

2.8 CLOSURE STANDARDS

For each hazardous waste management unit, generators must comply with certain disposal and decontamination requirements once they cease operating these units. LQGs are subject to the generic closure requirements promulgated in 40 CFR 265.111(a) and (b), 40 CFR 265.114, and the unit-specific closure requirements found in 40 CFR 265 Subpart I (as applicable to containers), Subpart J (as applicable to tanks), Subpart W (as applicable to drip pads), and Subpart DD (as applicable to containment buildings).

Closure requirements include removing and decontaminating all contaminated equipment, structures, and soil to minimize the need for further maintenance and prevent post-closure escape of hazardous waste. There are no specific closure requirements for SQGs and CESQGs, except that SQGs are subject to special requirements for accumulating hazardous waste in tanks, including closure (40 CFR 265.201).

In Texas, when a solid waste management unit is permanently taken out of service, it should be closed in accordance with the procedures described in 30 TAC 335.8 – *Closure and Remediation*. These procedures require the facility to:

- Notify the TCEQ in writing of planned closure activities;
- Perform closure or remediation activities which meet one of the risk reduction standards in 30 TAC 335 Subchapter S – Risk Standards (335.551 – 335.569);
- Demonstrate in writing to the TCEQ that closure has been completed; and
- Perform any necessary post-closure care and deed recordation activities.

2.9 FEES

An annual fee is charged on each generator of hazardous and Class 1 waste in the State of Texas. TCEQ uses the fees collected to carry out its responsibilities for regulating hazardous and industrial waste. Authority for the fee comes from the Texas Health and Safety Code, Chapter 361 and from 30 TAC 335, Subchapter J. The fee total is based on the amount of hazardous and Class 1 waste as reported in the Annual Waste Summary. The following table shows fee rates and maximum fees:

Class 1 Industrial Waste (Maximum fee $10,000)	
1 ton – 100 tons	$50
Over 100 tons	$0.50 per ton

Hazardous Waste (Maximum fee $50,000)	
1 ton – 50 tons	$100
Over 50 tons	$2.00 per ton

The fee is invoiced by TCEQ for each fiscal year, which runs from September 1 through August 31; however, the waste generation fee is based on waste the facility generated in the prior full calendar year. All invoices are due within thirty (30) days. Invoices overdue by sixty (60) days are assessed interest charges until the balance is paid. Interest is charged at the variable rate of prime plus one (1) percent.

3.0 PREPAREDNESS AND PREVENTION

As a LQG of hazardous and Class 1 waste, the facility may accumulate hazardous and Class 1 waste on-site for ninety (90) days or less without a permit and without having interim status, provided that it complies with certain requirements of 40 CFR 265. The following sections provide a brief overview of the RCRA standards applicable to the operations conducted at the facility. This Preparedness and Prevention portion of the RCRA Compliance Program describes the facility efforts to comply with 40 CFR part 265 Subpart C - *Preparedness and Prevention*. A copy of the most recent regulations is included as Appendix III to this RCRA Compliance Program.

3.1 MAINTENANCE AND OPERATION OF FACILITY

The facility is maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment [40 CFR 265.31].

3.2 REQUIRED EQUIPMENT

The facility is equipped with an audible fire alarm system that is capable of producing sound above the ambient noise level [40 CFR 265.32(a)]. In addition, a public address system is used to relay voice instructions during emergency situations.

Telephones are placed throughout the facility and are easily accessible by employees. Telephones can be used for summoning emergency assistance from the local police department, fire department, or local emergency response team by dialing **911** on the outside line [40 CFR 265.32(b)].

Portable fire extinguishers, fire control, spill control, and decontamination equipment is located throughout the facility as identified in *Attachment D of the ICP* [40 CFR 265.32(c)].

Water is available at adequate volume and pressure to operate the water spray systems [40 CFR 265.32(d)].

3.3 TESTING AND MAINTENANCE OF EQUIPMENT

Facility communication systems, fire protection equipment, spill control equipment, and decontamination equipment, as identified in *Attachment D of the ICP*, are inspected on a quarterly basis (including testing and maintenance as necessary) to ensure their availability and proper operation in times of emergency [40 CFR 265.33].

These inspections, including testing and maintenance, are recorded in the facility operating files and on a form found in *Attachment D of the ICP*. Records of these inspections are maintained on-site for a minimum of three (3) years.

3.4 ACCESS TO COMMUNICATIONS OR ALARM SYSTEM

Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation have immediate access to a two-way radio or telephone. The nearest supervisor can be notified by visual or voice contact, and would proceed to activate the public address system [40 CFR 265.34(a)].

If there is ever just one employee on the premises while the facility is operating, the employee has immediate access to a telephone capable of summoning external emergency assistance [40 CFR 265.34(b)].

3.5 REQUIRED AISLE SPACE

The facility maintains sufficient aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility in the event of an emergency [40 CFR 265.35]. For these purposes, sufficient aisle space shall mean a minimum of **three (3) feet clearance between containers** of hazardous or solid waste.

3.6 ARRANGEMENTS WITH LOCAL AUTHORITIES

The facility has attempted to familiarize local police departments, fire departments, hospitals, and emergency response teams with potential emergency incidents at the facility by supplying a copy of this Plan to each provider. Each provider was also invited to visit the facility for the express purpose of learning the layout of the above-referenced facility, properties of the hazardous materials handled throughout the facility, places where facility personnel would normally be working, entrances to roads and corridors within the facility, possible evacuation routes in the event of an emergency, and the types of injuries or illness which could result from fires, explosions, or hazardous material spills at the facility. Copies of the associated transmittal letters are enclosed in Appendix I.

Where more than one emergency responder is designated for a particular emergency service, they have been identified as either pr imary or alternate in Annex 2, page 4-5 of the Integrated Contingency Plan (ICP). The following table summarizes these arrangements:

ORGANIZATION	EMERGENCY SERVICE
Hospital	Provide Emergency Medical Services
Fire Department	Provide Fire Response Services
Police Department	Direct Traffic and Coordinate Evaluations – Off-site
LEPC	Assist with Remediation and Clean-up of Spills, Emergencies, and Releases

The facility must document, in the operating record, any refusal by state or local authorities to enter into arrangements [40 CFR 265.37(a)]. A copy of any such notice will also be retained in Appendix I of this RCRA Compliance Program.

All spill response contractors that may be called upon to respond to an emergency situation at the facility are advised as to the existence of this Plan and are encouraged to become familiar with the procedures described herein.

4.0 CONTINGENCY PLAN

This Contingency Plan is an integral part of the RCRA Compliance Program and has been designed, in accordance with 40 CFR 265 Subpart D, to minimize hazards to human health and the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. In compliance with 40 CFR 265.51(b), the provisions of this plan will be carried out immediately whenever there is a fire, explosion, or release of hazardous waste constituents, which could threaten human health or the environment.

This contingency plan contains the elements required in 40 CFR 265.52, 265.55, and 265.56. A copy of the applicable parts of 40 CFR 265 regulations is found in Appendix III of this document.

4.1 EMERGENCY PROCEDURES

Facility personnel will undertake the following actions in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility [40 CFR 265.52(a)].

The **Safety Coordinator** is the **Primary On-site Emergency Coordinator**. *Annex 2, Section 4.2 of the ICP* identifies the on-site personnel and their designated duties in case of an emergency. In the case of an emergency situation (i.e., fire, explosion, hazardous chemical release, bomb threat, hurricane, or tornado) or upon discovery of a spill/release of hazardous material, unauthorized discharge of water/wastewater, regardless of quantity, the Emergency Coordinator on duty must be notified immediately. The Emergency Coordinator is then responsible for ensuring that the following emergency response actions are completed (as appropriate):

1. Activate internal facility public address system and/or communication systems (two-way radio and cellular telephones) where applicable, to notify all facility personnel.

2. Notify the appropriate next in command facility responsible personnel and proceed with notification of the local, state, and federal response agencies (e.g., fire department, ambulance, etc.) with designated response roles, if their help is needed. Notification contact numbers and names are listed in *Annex 2, Section 4.3 of the ICP*. All notification telephone calls made to local, state, and federal agencies as well as response organizations must be recorded on a log form found in *Attachment C of the ICP*.

3. Whenever there is an explosion, release, or fire, the Emergency Coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials. The Emergency Coordinator may do this by observation or review of facility records and, if necessary, by chemical analysis.

   The findings of this identification procedure must be recorded in an incident report by utilizing a form similar to the one found in *Attachment C of the ICP*.

4. The Emergency Coordinator may dispatch properly trained personnel wearing appropriate protective clothing to attempt to stop the release/unauthorized discharge. This may be accomplished by blocking the path of the flow with earth,

sandbags, spill absorbent, or other barrier. In the event that closing a valve or shutting down a process may stop the discharge or release, this action must be taken immediately.

5. Concurrently, the Emergency Coordinator must assess possible hazards to human health or the environment that may result from the incident. This assessment must consider both direct and indirect effects of the incident, (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

6. If the Emergency Coordinator determines that the facility has had an explosion, release, or fire, which could threaten human health or the environment outside the facility, the Emergency Coordinator must report his findings to the appropriate local, state, and federal response organizations so that an area evacuation can be ordered.

7. During an emergency situation, the Emergency Coordinator must take all reasonable measures necessary to ensure that fires do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

8. The Emergency Coordinator must ensure that detergents or other surfactants are not used on oil spills in the water. Use of any dispersants can only be authorized by the Regional Response Team, the interagency group composed of federal and state agency representatives that coordinates oil spill responses [31 TAC 19.13(c)(10)].

9. If the facility stops operations in response to an incident, the Emergency Coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

10. Immediately after an emergency, the Emergency Coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from an incident at the facility.

11. The Emergency Coordinator must ensure that, in the affected area(s) of the facility:

    (a) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

    (b) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

12. Prior to the resumption of operations in the affected area, the **Primary Emergency Coordinator** or his designated representative must notify the TCEQ Regional office of the following:

    - No incompatible material is stored, treated, or disposed of in the affected area until cleanup procedures are complete; and
    - All listed emergency equipment has been cleaned and/or is fit for use.

13. **Within 30 days after the incident,** a written report on the incident must be submitted to the TCEQ Regional office as specified in Section 4.3.1 below.

4.2 IMMEDIATE NOTIFICATIONS

A spill or discharge of oil, petroleum product, used oil, hazardous substances, industrial solid waste, or other substances into the environment in an amount equal to or greater than the RQ requires the Emergency Coordinator to notify the National Response Center (NRC) at **800-424-8802** and the Texas State Emergency Response Center (SERC) at **800-832-8224** within 24 hours after the discovery of the spill or discharge.

Upon evaluating the situation, the emergency coordinator will proceed, as circumstances require, with additional notifications as outlined in the paragraphs below (additional notification telephone numbers are provided in *Annex 2, Section 4.3 of the ICP* and the Notification Log Sheet and a Spill/Release Reporting forms are found in *Attachment C of the ICP* for on-site use and reference).

(b) (7)(F), (b) (3)

[redacted]

4.2.2 Spill/Release Notification

If the Emergency Coordinator determines that the emergency incident involves a spill/release in excess of the applicable RQ, the Primary Emergency Coordinator must provide initial notification (within 24 hours after the discovery of the release [30 TAC 327.3]) to the appropriate authorities identified in *Annex 2, Section 4.3 of the ICP*. A form found in *Attachment C of the ICP* will be utilized for spill/release notification and recordkeeping purposes. A copy of the state-specific spill response regulations is found in *Appendix V of the ICP*.

When providing initial notification, the following information shall be made available [30 TAC 327.3(d)]:

- Name, address, and telephone number of reporter;
- Date, time, and location of the spill/release;
- Specific description or identification of the oil, petroleum product, hazardous substances, or other substances spilled/released;
- Duration of the incident;
- Estimate of the quantity spilled/released;
- Name of the surface water or a description of the waters in the State affected or threatened by the spill/release;
- Source of the spill/release;
- Cause of the spill/release;
- Extent of injuries, if any;
- Description of the extent of actual or potential water pollution or harmful impacts to the environment and an identification of any environmentally sensitive areas or natural resources at risk;
- Names, addresses, and telephone numbers of the responsible person and the contact person at the location of the spill/release (if different from the name, address, and telephone number of the person making the initial notification);
- Description of any actions that have been taken, are being taken, and will be taken to contain and respond to the spill/release;
- Any known or anticipated health risks;
- Identity of any governmental representatives, including local authorities or third parties, responding to the spill/release; and
- Any other information that may be significant to the response action.

As necessary, the Primary Emergency Coordinator must notify the TCEQ as soon as possible to provide and update information that would trigger a change in the response to the spill/release [30 TAC 327.3(e)].

4.2.3 Unauthorized Emissions Notification

If an emergency incident at the facility results in an unauthorized emission of any air contaminant (except carbon dioxide, water, nitrogen, methane, ethane, noble gases, hydrogen, and oxygen) that exceeds any air emission limitation in a permit, rule, or order of the State or as authorized by the Texas Clean Air Act (TCAA), the Primary Emergency Coordinator must notify the TCEQ Regional Office as soon as practicable but no later than 24 hours after the discovery of the unauthorized emissions event [30 TAC 101.201]. A copy of the state-specific emissions event reporting regulations is found in Appendix V of this RCRA Compliance Program.

When providing initial notification, the following information shall be made available [30 TAC 101.201(a)(2)]:

- Name of the owner/operator of the facility experiencing an emissions event;
- TCEQ air account number of the facility experiencing an emissions event, if an account number exists;
- Physical location of the point at which emissions to the atmosphere occurred;
- Common name of the process unit or area where the unauthorized emissions were released to the atmosphere;
- Date and time of the discovery of the emissions event;
- Estimated duration of the emissions event;
- Compound descriptive type of all individually listed compounds or mixtures of air contaminants in the definition of RQ in 30 TAC 101.1, which are known to have equaled or exceeded the RQ;
- Estimated total quantities and authorized emission limits for the released compounds or mixtures and, if applicable, the estimated opacity and the authorized opacity limit;
- Cause of the emissions event, if known, and
- Actions taken, or being taken, to correct the emissions event and minimize the emissions.

4.3 WRITTEN REPORTS

The Primary Emergency Coordinator or a designated representative must note in the operating record of the facility the time, date, and details of any incident that requires implementation of this Contingency Plan (Section 4.0). Additional follow-up written reports may be required to be submitted to the regulatory authorities depending on the type of emergency incident that occurred at the facility. These written reports, at a minimum, must contain the following information:

- Name, address, and telephone number of the owner/operator;
- Name, address, and telephone number of the facility;
- Date, time, and type of incident;
- Name and quantity of material(s) involved;
- Extent of injuries, if any;
- Cause of the incident;
- Actions taken, or being taken, to correct the situation and to minimize its reoccurrence;

- Assessment of actual or potential hazards to human health or the environment, where applicable; and
- Quantity and disposition of recovered material that resulted from the incident, including copies of waste shipping manifests and the name, address, and telephone number of the ultimate disposal sites.

4.3.1 Spill/Release Follow up Written Report

In case of an emergency incident that resulted in a spill/release of a hazardous substance to the environment that was initially reported to the proper authorities as outlined in Section 4.2.2 of this document, a follow-up written report must be submitted to TCEQ [30 TAC 327.5(c)]. The Primary Emergency Coordinator or a designated representative must prepare and submit written information, such as a letter, describing the details of the spill/release and supporting the adequacy of the response action to the TCEQ Regional Office within 30 work days of the discovery of the reportable spill/release. The written information must contain one of the following items:

- A statement that the spill/release response action has been completed and a description of how the response action was conducted. The statement shall include the initial report information as specified in Section 4.2.2 above; or
- A request for an extension of time to complete the response action, along with the reasons for the request. The request should also include a projected work schedule outlining the time required to complete the response action; or
- A statement that the spill/release response action has not been completed nor is it expected to be completed within the maximum allowable six (6) month extension. The statement should explain why completion of the response action is not feasible and include a projected work schedule outlining the remaining tasks to complete the response action.

4.3.2 Unauthorized Emissions Follow-up Written Report

If the facility experienced an unauthorized emissions event, the Primary Emergency Coordinator or a designated representative must prepare a final record of all reportable and non-reportable emissions events as soon as possible but no later than two (2) weeks after the end of an emissions event [30 TAC 101.201(b)]. The written final reports, at a minimum, must contain the following information:

- Name of the owner/operator of the facility experiencing an emissions event;
- TCEQ air account number of the facility experiencing an emissions event, if an account number exists;

- Physical location of the point at which emissions to the atmosphere occurred;
- Common name of the process unit or area where the unauthorized emissions were released to the atmosphere;
- Date and time of the discovery of the emissions event;
- Estimated duration of the emissions event;
- Compound descriptive type of all individually listed compounds or mixtures of air contaminants in the definition of RQ in 30 TAC 101.1, which are known to have been released during the emissions event;
- The estimated total quantities for the released compounds or mixtures and, if applicable, the estimated opacity and the authorized opacity limit;
- Basis used for determining the quantity of air contaminants emitted;
- Cause of the emissions event;
- Actions taken or being taken to correct the emissions event and minimize the emissions; and
- Any additional information necessary to evaluate the emissions event.

Starting January 1, 2004, the Primary Emergency Coordinator must electronically report all emissions events occurring at the facility by using an online form provided by TCEQ on its secure web server [30 TAC 101.201(g)]. Additional information and the TCEQ guidance on how to complete electronic submissions is found at:

http://www.tceq.state.tx.us/permitting/steers/events.html

4.4 EMERGENCY COORDINATOR AND RESPONSIBLE PERSONNEL

Annex 2, Section 4.3 of the ICP includes a list of names, addresses, and phone numbers for facility personnel authorized to act as primary and alternate emergency coordinators [40 CFR 265.52(d)]. This list is reviewed and updated regularly.

The **Safety Coordinator** is the designated Primary Emergency Coordinator for this facility and is located either on the facility premises or on call at all times [40 CFR 265.55]. The individuals identified in *Annex 2, Section 4.3 of the ICP* have the authority to commit those resources necessary to carry out the contingency plan, as well as the responsibility to coordinate the emergency response measures. In addition, these personnel are responsible for maintaining familiarity with the contingency plan, the facility operations and activities, the location and characteristics of handled wastes, the location of facility records, and the facility layout.

4.5 EMERGENCY EQUIPMENT LIST

A site-specific emergency equipment list is found in *Attachment D of the ICP* [40 CFR 265.52(e)] That list also identifies locations of the equipment within the facility and makes appropriate references to *Figure 6 of the ICP* for more detail. The equipment is periodically inspected and tested; the results of such inspections are recorded on the

form provided in *Attachment D of the ICP*. The equipment list is kept current and updated as changes occur. Records of changes in the equipment list are recorded in *Attachment J of the ICP*.

4.6 EVACUATION PLAN

(b) (7)(F), (b) (3)

[redacted]

4.7 COPIES OF CONTINGENCY PLAN

A current copy of this RCRA Compliance Program, which incorporates the applicable RCRA Contingency Planning requirements is maintained on-site at all times [40 CFR 265.53]. Copies of this RCRA Compliance Program have been submitted to the local police department, fire department, hospital, and local emergency response teams, as applicable, that may be called upon to provide emergency services [Appendix I].

4.8 AMENDMENT OF CONTINGENCY PLAN

This RCRA Compliance Program is periodically reviewed and amended, if necessary, whenever [40 CFR 265.54]:

- Applicable regulations are revised;
- The contingency plan fails in an emergency;
- The facility changes in its design, construction, operations, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
- There is a change in Emergency Coordinator or alternate or contact information relative to identified response organizations; or
- There is a change in emergency equipment.

The nature of changes made to this document and the associated pages and/or sections affected are recorded on a form found in *Attachment J of the ICP*. Updates to this document are also submitted at the time of revision to all locations identified on the RCRA Document Distribution List (pg. iv), which includes agencies and organizations identified in Appendix I.

5.0 PERSONNEL TRAINING PROGRAM

This section of the RCRA Compliance Program describes the facility efforts to comply with 40 CFR 265.16 - *Personnel Training*. A copy of the applicable regulations is found in Appendix III of this document. At a minimum, this training program is designed to ensure that facility personnel are able to respond to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems. Facility personnel who handle hazardous wastes are required to complete a hazardous waste training program, which will enable them to safely perform their duties in a manner that ensures the facility's compliance with applicable hazardous waste management regulations and procedures.

5.1 TRAINING PROGRAM

Facility personnel who handle hazardous waste complete a program of classroom instruction and on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with applicable requirements of 40 CFR 265. The program includes both introductory and continuing training for each position at the facility that is involved in hazardous waste management [40 CFR 265.16(a)]. The training received is documented and appropriate records are maintained in the facility files.

The training program is directed by a person adequately trained in hazardous waste management procedures. The program includes instructions on hazardous waste management procedures and contingency plan implementation relevant to the positions in which the trainees are employed.

Attachment A contains an outline of the training program. The program is designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with applicable emergency procedures, emergency equipment, and emergency systems, related to their responsibilities [40 CFR 265.16(c)]. Examples of information covered include:

- Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
- Key parameters for waste feed cut-off systems;
- Communications or alarm systems;
- Response to fires or explosions;
- Response to groundwater contamination incidents; and
- Shutdown of operations.

5.2 TRAINING REQUIRED

Facility personnel who handle hazardous waste complete the training program within six (6) months after their employment or re-assignment to a new position at the facility [40 CFR 265.16(e)]. Attachment B contains a signup sheet acknowledging the training received. Records documenting the training received by each employee are maintained in on-site files. Newly hired employees are not authorized to work in unsupervised

positions that involve handling of hazardous waste until the employees have completed the required initial training.

5.3 ANNUAL REVIEW

Facility personnel who manage hazardous waste take part in an annual review of the initial training. Documentation of such training is made on a form found in Attachment B [40 CFR 265.16(c)].

5.4 FACILITY DOCUMENTATION

The facility maintains a number of records to demonstrate its compliance with applicable RCRA requirements [40 CFR 265.16(d)]. A list of employee names and titles as related to facility hazardous waste positions along with a written description for each position is found in Appendix II.

A written description of the type and amount of both introductory and continuing training that is given to each person employed in the positions related to hazardous waste management is also found in Appendix II of this document.

Documentation of those employees who have completed an annual review of this RCRA Compliance Program and are familiar with the procedures outlined herein is maintained in on-site files (Attachment B includes a form that may be used for this purpose).

5.5 TRAINING RECORD RETENTION

Training records on current personnel are kept until closure of the facility [40 CFR 265.16(e)]. Training records on former employees are kept for at least three (3) years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the company.

6.0 POLLUTION PREVENTION

This section describes the facility's efforts to comply with the 1984 RCRA amendments [42USC 6922] that require facilities that generate and/or manage hazardous waste to certify that they have a "waste minimization program in place" (RCRA Sec. 3002[b], Sec. 3005[h]). Facilities located in the State of Texas are required to comply with the provisions promulgated in 30 TAC 335.471-335.480 pertaining to pollution prevention via source reduction and waste minimization.

6.1 REGULATORY REQUIREMENTS

Federal standards require each generator of hazardous waste to sign a certification, which is an integral part of a hazardous waste manifest (see Box 16 of the EPA Form 8700-22), stating that the facility has taken steps to reduce the volume or quantity and toxicity of the hazardous waste. Signing of a manifest by a LQG effectively certifies that the facility has a program in place to reduce the volume and toxicity of waste generated to the degree that has been determined to be economically practicable and that the selected practicable method of treatment, storage, or disposal currently available minimizes the present and future threat to human health and the environment. Alternatively, when a manifest is signed on behalf of a SQG the facility is certifying that it has made a good faith effort to minimize its waste generation and has selected the best waste management method that is available and affordable.

The Texas regulations of 30 TAC Subchapter Q (335.471 – 335.480) require pollution prevention source reduction and waste minimization planning for:

- LQGs and SQGs of hazardous and Class 1 waste; and
- SARA Section 313 covered facilities (for only the listed chemicals subject to Toxic Release Inventory (TRI) reporting that exceed threshold quantities established under Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986).

As such, those facilities are required to prepare a Pollution Prevention (P2) Plan [formerly known as a Source Reduction and Waste Minimization (SRWM) Plan] to address:

- Hazardous and Class 1 wastes generated; and
- TRI-reportable chemicals that exceed threshold reporting requirements pursuant to EPCRA.

As a LQG and TRI reporter, the facility has developed and implemented the site-specific P2 Plan maintained on-site under separate cover.

6.2 WASTE MINIMIZATION

Waste minimization includes source reduction and control, reuse, and recycling. Waste minimization focuses on preventing the generation of waste and reusing or recycling wastes when generation cannot be avoided. Waste minimization does not include the treatment or disposal of wastes.

According to the *EPA Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program* published in the May 28, 1993 Federal Register (58 FR 31114), a waste minimization program should consist of the following six basic elements:

1. Have top management support;
2. Identify waste generation and waste minimization costs;
3. Provide for periodic waste minimization assessments;
4. Provide for implementation of cost allocation system;
5. Encourage technology transfer; and
6. Provide for periodic evaluations of the program to identify areas for improvement.

Additional resources pertaining to pollution prevention waste minimization, source reduction and recycling techniques are available from the EPA and state-specific regulatory agency and can be obtain from the following web sites:

http://www.epa.gov/epaoswer/hazwaste/minimize/tools.htm
http://www.epa.gov/opptintr/p2home/
http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rg/rg-409_725127.pdf

6.3 POLLUTION PREVENTION GOALS

Waste minimization options for all wastes are considered on regulatory requirements and best available technologies. Generation of hazardous wastes is considered first. Source reduction (amount and toxicity reduction) is considered as a primary objective, while reuse and recycling is considered secondary. The primary goals of a successful Pollution Prevention (P2) program is to e liminate or reduce the amount of hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment prior to recycling, treat ment, or disposal and, thus, reduce hazards to public health.

6.4 BENEFITS OF P2 PROGRAM

The facility has a potential to acquire the following benefits upon successful implementation of its P2 program's goals as described in Section 6.3 above:

- Reduced regulatory requirements;
- Less hazardous waste manifests;
- Reduced container and tank management requirements;
- Reduced potential for criminal and civil prosecution;
- Reduced storage and disposal costs;
- Reduced health risks; and
- Protection of the environment.

ATTACHMENT A

RCRA PERSONNEL TRAINING PROGRAM OUTLINE

RCRA PERSONNEL TRAINING PROGRAM OUTLINE

I. RCRA GENERAL INFORMATION

A. General Requirements (40 CFR 265.16)
- Purpose
- Record of Job Titles
- Job Descriptions
- Training Records

B. Overview
- Applicable Regulations
- State and Federal Regulatory Agencies

C. Definitions
- Generator
- Hazardous Waste
- Disposal Facility
- Waste Management Unit
- Manifest
- Storage
- Transporter

D. Hazardous Waste Generated at Facility

E. Shipping and Reporting Requirements
- Manifest
- Annual Waste Summary Report

F. Pre-Transport Requirements
- Packaging
- Labeling
- Marking
- Placarding
- Manifest Preparation

G. Record Maintenance

II. EMERGENCY PROCEDURES

A. Emergency Response Contacts and Agreed Arrangements
B. Use, Inspection, Repairs, and Replacement of Facility Emergency Equipment
C. Location and Use of Communications and Alarm System
D. Response Procedures to Fires, Explosions, or Spills
E. Key Parameters for Automatic Waste Feed Cutoff Systems
F. Facility Shutdown Procedures
G. Preparation for Adverse Weather Conditions

III. EVACUATION PROCEDURES

A. Evacuation Alarm
B. Evacuation Procedures
C. Evacuation Routes

ATTACHMENT B

RCRA COMPLIANCE PROGRAM ACKNOWLEDGEMENT OF ANNUAL REVIEW BY EMPLOYEES

RCRA COMPLIANCE PROGRAM
ACKNOWLEDGEMENT OF ANNUAL REVIEW BY EMPLOYEES

Training Conducted By: _____

Date Training Conducted _____

I have reviewed the RCRA Compliance Program for the Oiltanking Houston L.P. facility, Houston, Texas facility and I understand the material as presented:

EMPLOYEE NAME	EMPLOYE JOB TITLE	EMPLOYEE SIGNATURE

Certificate of Completion

THIS IS TO CERTIFY THAT

_____

(Employee Name)

AN EMPLOYEE OF

Oiltanking

Has this _____ day of _____, _____,

SUCCESSFULLY COMPLETED THE EMPLOYEE HAZARDOUS MANAGEMENT AND EMERGENCY ACTION/FIRE PREVENTION TRAINING PROGRAM. THIS TRAINING WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS AND REQUIREMENTS OF 40 CFR 265.16 AND AS OUTLINED IN THE FACILITY'S RCRA COMPLIANCE PROGRAM.

_____

Signature of Qualified Instructor

PHMSA 00115717

ATTACHMENT C

HAZARDOUS WASTE STORAGE CONTAINER AREA

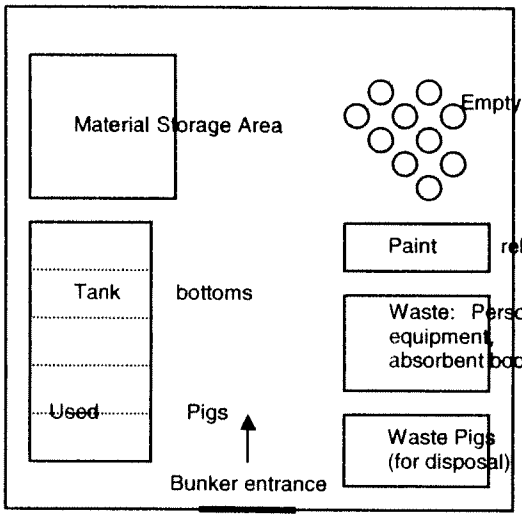
INSPECTION FORM

WASTE BUNKER WEEKLY INSPECTIONS

Waste Bunker Minimum Housekeeping Requirements

YEAR _____

1. All personal protective equipment, oily rags, absorbent booms, and pads need to be placed into plastic bags inside drums.
2. Use only drums and lids in good condition.
3. Install plastic liners in drums
4. Notify the environmental coordinator about any in-coming drums. (ex.: call at 281-457-7905 and leave a voice message).
5. All drums must have identification labels (Ex: drum number, content, where it came from, and date).
6. Waste needs to be classified per locations as follows:



WASTE BUNKER & MATERIAL STORAGE

7. Used pigs should always be placed inside dripping pans or into plastic bags.
8. Inspect drums for leaks, rust, identification tags, testing data, waste classification, and accumulation time.
9. Inspect building secondary containment.
10. Inspect roll off box(es) for leaks, rust, identification tag, testing data, waste classification, and accumulation time. Additionally, verify good condition on tail gate seal and hardware, tarp covers, and straps.
11. Verify compliance with question listed in the weekly waste storage area inspection form.

OBSERVATIONS OPTIONS (*)

WO-DATE: Work Order – dd/mm
OP-HSSE: Addressed at Operation and HSSE Meeting – dd/mm
T: Training – dd/mm

To implement corrective actions, one of the above abbreviations should be used to document the follow up. Also, fill out one of the follow up weekly waste storage area inspection form.

Week #	Inspection [date, Initials]	Observation (*)
1		
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FOLLOW UP WEEKLY WASTE STORAGE AREA INSPECTION FORM

INSTRUCTIONS: Complete this form **weekly**, and retain on-site for at least 3 years.

Inspector's name:										
Inspection date:										
Hazardous Waste Storage Area	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**	**Yes**	**No**
Are all containers closed? [40 CFR 265.173]	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are the labels visible from the aisle? [40 CFR 262.34(a)(2)]	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are all containers appropriately labeled with the start date for waste accumulation? [40 CFR 262.34(a)(2)]	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are all containers appropriately labeled with the words "Hazardous Waste"? [40 CFR 262.34(a)(3)]	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are all Hazardous Waste containers stored on-site for: 90 days if a LQG [40 CFR 262.34(a)]; or 180 days if a SQG [40 CFR 262.34(d)]?	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are all containers in good sound condition? (e.g., no signs of deterioration corrosion) [40 CFR265.171 & .174]	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are there signs of leaks or spills? [40 CFR 265.174]	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are all ignitable and reactive wastes stored ≥50 feet from the property line? [40 CFR 265.176]	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are all containers of hazardous waste separated from other incompatible materials (see 40 CFR 265 Appendix V for examples) by a dike, berm, wall, or other protective device? [40 CFR 265.177]	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Is sufficient aisle space (~3') being maintained for unobstructed movement of emergency response personnel and equipment? [40 CFR 265.35]	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Is there free standing liquid within the containment area?	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are there signs of secondary containment failure?	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Are proper caution signs posted?	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Describe any problems noted (*identified by the shaded check box* ☐) and document the date and details of remedial action taken to correct the situation (attach additional sheets if necessary or indicate here where the records are filed):

Supervisor's Signature

Date

APPENDIX I

CORRESPONDENCE BETWEEN FACILITY

AND LOCAL AUTHORITIES

CORRESPONDENCE BETWEEN FACILITY AND LOCAL AUTHORITIES

Harris County Sheriff's Office
1200 Baker Street
Houston, TX 77002
Telephone: 713-221-6000

Channelview Volunteer Fire Department
16229 Market Street
Channelview, TX 77530
Telephone: (281) 452-2954

Bayshore Medical Center (Hospital)
4000 Spencer Highway
Pasadena, Texas 77504
Telephone: 713-359-2000

North Channel Local Emergency Planning Committee (LEPC)
PO Box 1847
Channelview, TX 77530
Telephone: 713- 455-5372

ENVIRONMENTAL PROFESSIONALS

The WCM Group, Inc.

March 31, 2006

Channelview VFD
Fire Chief
16229 Market Street
Channelview, TX 77530

CERTIFIED MAIL
RECEIPT NUMBER
7001 0320 0000 8759 5146

Reference: Emergency Coordination Per Requirements of 40 CFR 265.37
Oiltanking Houston, L.P.
15631 Jacintoport Blvd., Houston, Texas 77015

To Whom It May Concern:

On behalf of Oiltanking Houston, L.P., The WCM Group, Inc. is submitting an attached copy of the RCRA Compliance Program as required in 40 CFR 265.37. In compliance with the requirements of 40 CFR 265.37, you are invited to enter into an arrangement with Oiltanking Houston, L.P. for the express purpose of learning the layout of the above-referenced facility, properties of the hazardous materials handled throughout the facility, places where facility personnel would normally be working, entrances to roads and corridors within the facility, and possible evacuation routes in the event of an emergency.

If you desire to accept this invitation, please call me at the number listed below to schedule an appointment. Failure to respond within thirty (30) days will indicate to us that you have declined to accept this invitation.

Should you have any questions regarding this matter, please do not hesitate to contact the Safety Coordinator for Oiltanking Houston, L.P. directly at 281-457-7914 or my office at 281-446-7070.

Sincerely,

Desiree' Westcott

Desireé D. Westcott
Director, Technical Services

DDW/tv
25539:2720018.lts.doc

Attachment

cc: B. Bundy

ENVIRONMENTAL PROFESSIONALS
WCM
The WCM Group, Inc.

March 31, 2006

Houston County Sheriff's Office
1200 Baker Street
Houston, TX 77002

CERTIFIED MAIL
RECEIPT NUMBER
7001 0320 0000 8759 5139

Reference: Emergency Coordination Per Requirements of 40 CFR 265.37
Oiltanking Houston, L.P.
15631 Jacintoport Blvd., Houston, Texas 77015

To Whom It May Concern:

On behalf of Oiltanking Houston, L.P., The WCM Group, Inc. is submitting an attached copy of the RCRA Compliance Program as required in 40 CFR 265.37. In compliance with the requirements of 40 CFR 265.37, you are invited to enter into an arrangement with Oiltanking Houston, L.P. for the express purpose of learning the layout of the above-referenced facility, properties of the hazardous materials handled throughout the facility, places where facility personnel would normally be working, entrances to roads and corridors within the facility, and possible evacuation routes in the event of an emergency.

If you desire to accept this invitation, please call me at the number listed below to schedule an appointment. Failure to respond within thirty (30) days will indicate to us that you have declined to accept this invitation.

Should you have any questions regarding this matter, please do not hesitate to contact the Safety Coordinator for Oiltanking Houston, L.P. directly at 281-457-7914 or my office at 281-446-7070.

Sincerely,

Desireé Westcott

Desireé D. Westcott
Director, Technical Services

DDW/tv
25539:2720018.lts.doc

Attachment

cc: B. Bundy

ENVIRONMENTAL PROFESSIONALS

The WCM Group, Inc.

March 31, 2006

North Channel LEPC
P.O. Box 1847
Channelview, TX 77530

CERTIFIED MAIL
RECEIPT NUMBER
7001 0320 0000 8759 5122

Reference: Emergency Coordination Per Requirements of 40 CFR 265.37
Oiltanking Houston, L.P.
15631 Jacintoport Blvd., Houston, Texas 77015

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Desireé Westcott

Desireé D. Westcott
Director, Technical Services

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Attachment

cc: B. Bundy

ENVIRONMENTAL PROFESSIONALS
WCM
The WCM Group, Inc.

March 31, 2006

Bayshore Medical Center
4000 Spencer Highway
Pasadena, TX 77504

Reference: Emergency Coordination Per Requirements of 40 CFR 265.37
Oiltanking Houston, L.P.
15631 Jacintoport Blvd., Houston, Texas 77015

To Whom It May Concern:

On behalf of Oiltanking Houston, L.P., The WCM Group, Inc. is submitting an attached copy of the RCRA Compliance Program as required in 40 CFR 265.37. In compliance with the requirements of 40 CFR 265.37, you are invited to enter into an arrangement with Oiltanking Houston, L.P. for the express purpose of learning the layout of the above-referenced facility, properties of the hazardous materials handled throughout the facility, places where facility personnel would normally be working, entrances to roads and corridors within the facility, and possible evacuation routes in the event of an emergency.

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Desiree' Westcott

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APPENDIX II

HAZARDOUS WASTE MANAGEMENT POSITIONS DESCRIPTIONS AND TRAINING REQUIREMENTS

HAZARDOUS WASTE MANAGEMENT POSITION DESCRIPTIONS AND TRAINING REQUIREMENTS

JOB TITLE	JOB DESCRIPTION			EMERGENCY ROLE	EMERGENCY RESPONSIBILITIES	INITIAL TRAINING	CONTINUING TRAINING ANNUALLY
	SKILL	EDUCATION	QUALIFICATION				
Safety Coordinator	RCRA Compliance	High School (Minimum)	5 years or more	On-site Primary Emergency Coordinator	✓ Oversee actions of the facility Emergency Coordinator. ✓ Provide necessary financial and manpower support. ✓ Responsible for release of information to the public and media on the emergency incident. ✓ Coordinate follows up communications with the authorities. ✓ Conduct investigation of the incident to determine cause and corrective action.	24 hours OSHA, RCRA, First Aid	OSHA refreshers, RCRA
Environmental Manager	RCRA Compliance	High School (Minimum)	5 years or more	Alternate On-site Emergency Coordinator	✓ Oversee the facility-wide implementation of RCRA Compliance Program. ✓ Act as Emergency Coordinator in the event of an emergency. ✓ Appoint alternate emergency coordinator(s). ✓ Ensure regular facility-wide employee training and keep records of each training session. ✓ Ensure necessary recordkeeping during and after an emergency. ✓ Ensure regular reviews and updates of the RCRA Compliance Program. ✓ Conduct investigation of the incident to determine cause and corrective action.	40 hours OSHA, RCRA, First Aid	8 hours OSHA, RCRA
Response Team Member	RCRA Compliance	High School Minimum	2 years or more	Emergency Response Crew	✓ Responsible to lead employees to safe areas, conduct head count, report if anyone is missing, administer first aid. ✓ Relay on-scene information to the coordinator.	24 hours OSHA, RCRA, First Aid	OSHA refreshers, RCRA

APPENDIX III

APPLICABLE PARTS OF 40 CFR 262 AND 40 CFR 265

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

Subpart A—General

Subpart B—The Manifest

Subpart C—Pre-Transport Requirements

Subpart D—Recordkeeping and Reporting

Subpart E—Exports of Hazardous Waste

Subpart F—Imports of Hazardous Waste

Subpart G—Farmers

Subpart H—Transfrontier shipments of hazardous waste for recovery within the OECD

Subpart I—New York State Public Utilities

Subpart J—University Laboratories XL Project—Laboratory Environmental Management Standard

AUTHORITY: 42 U.S.C 6906, 6912, 6922-6925, 6937, and 6938.

SOURCE: 45 FR 33142, May 19, 1980, unless otherwise noted.

Subpart A—General

§ 262.10 Purpose, scope, and applicability.

(a) These regulations establish standards for generators of hazardous waste.

(b) 40 CFR 261.5(c) and (d) must be used to determine the applicability of provisions of this part that are dependent on calculations of the quantity of hazardous waste generated per month.

(c) A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following sections of this part with respect to that waste: Section 262.11 for determining whether or not he has a hazardous waste, § 262.12 for obtaining an EPA identification number, § 262.34 for accumulation of hazardous waste, § 262.40 (c) and (d) for recordkeeping,

§ 262.43 for additional reporting, and if applicable, § 262.70 for farmers.

(d) Any person who exports or imports hazardous waste subject to the Federal manifesting requirements of part 262, or subject to the universal waste management standards of 40 CFR Part 273, or subject to State requirements analogous to 40 CFR Part 273, to or from the countries listed in § 262.58(a)(1) for recovery must comply with subpart H of this part.

(e) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this part.

(f) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of § 262.70 is not required to comply with other standards in this part or 40 CFR parts 270, 264, 265, or 268 with respect to such pesticides.

(g) A person who generates a hazardous waste as defined by 40 CFR part 261 is subject to the compliance requirements and penalties prescribed in section 3008 of the Act if he does not comply with the requirements of this part.

(h) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this part.

(i) Persons responding to an explosives or munitions emergency in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv) or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii) are not required to comply with the standards of this part.

(j) (1) Universities that are participating in the Laboratory XL project are the University of Massachusetts Boston in Boston, Massachusetts, Boston College in Chestnut Hill, Massachusetts, and the University of Vermont in Burlington, Vermont ("Universities"). The Universities generate laboratory wastes (as defined in § 262.102), some of which will be hazardous wastes. As long as the Universities comply with all the requirements of subpart J of this part the Universities' laboratories that are participating in the University Laboratories XL Project as identified in Table 1 of this section, are not subject to the provisions of §§ 262.11, 262.34(c), 40 CFR Parts 264 and 265, and the permit requirements of 40 CFR Part 270 with respect to said laboratory wastes.

TABLE 1—LABORATORY XL PROJECT PARTICIPANT INFORMATION

Institution	Approx. number of labs	Departments participating	Location of current hazardous waste accumulation areas
Boston College, Chestnut Hill, MA.	120	Chemistry, Biology, Geology, Physics, Psychology.	Merkert Chemistry Building, 2609 Beacon St., Boston, MA, Higgins Building, 140 Commonwealth Ave., Chestnut Hill, MA.
University of Massachusetts Boston, Boston, MA.	150	Chemistry, Biology, Psychology, Anthropology, Geology and Earth Sciences, and Environmental, Coastal and Ocean Sciences.	Science Building (Bldg. #080); McCormack Building (Bldg. #020); and Wheatley Building (Bldg. #010), 100 Morrissey Blvd., Boston, MA.
University of Vermont, Burlington, VT.	400	Colleges of: Agriculture and Life Sciences, Arts and Sciences, Medicine, and Engineering and Mathematics; and Schools of: Nursing, Allied Heath Sciences, and Natural Resources.	Given Bunker, 89 Beaumont Ave., Burlington, VT.

(2) Each University shall have the right to change its respective departments or the on-site location of its hazardous waste accumulation areas listed in Table 1 of this section upon written notice to the Regional Administrator for EPA-Region I and the appropriate state agency. Such written notice will be provided at least ten days prior to the effective date of any such changes.

(k) Generators in the Commonwealth of Massachusetts may comply with the State regulations regarding Class A recyclable materials in 310 C.M.R. 30.200,

when authorized by the EPA under 40 CFR part 271, with respect to those recyclable materials and matters covered by the authorization, instead of complying with the hazardous waste accumulation requirements of §262.34, the reporting requirements of §262.41, the storage facility operator requirements of 40 CFR parts 264 and 265 and the permitting requirements of 40 CFR part 270. Such generators must also comply with any other applicable requirements, including any applicable authorized State regulations governing hazardous wastes not being recycled and any applicable Federal requirements which are being directly implemented by the EPA within Massachusetts pursuant to the Hazardous and Solid Waste Amendments of 1984.

NOTE 1: The provisions of §262.34 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of §262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

NOTE 2: A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 40 CFR parts 264, 265, 266, 268, and 270.

[45 FR 33142, May 19, 1980, as amended at 45 FR 86970, Dec. 31, 1980; 47 FR 1251, Jan. 11, 1982; 48 FR 14294, Apr. 1, 1983; 53 FR 27164, July 19, 1988; 56 FR 3877, Jan. 31, 1991; 60 FR 25541, May 11, 1995; 61 FR 16309, Apr. 12, 1996; 62 FR 6651, Feb. 12, 1997; 64 FR 52392, Sept. 28, 1999; 69 FR 11813, Mar. 12, 2004]

§262.11 Hazardous waste determination.

A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method:

(a) He should first determine if the waste is excluded from regulation under 40 CFR 261.4.

(b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 CFR part 261.

NOTE: Even if the waste is listed, the generator still has an opportunity under 40 CFR 260.22 to demonstrate to the Administrator that the waste from his particular facility or operation is not a hazardous waste.

(c) For purposes of compliance with 40 CFR part 268, or if the waste is not listed in subpart D of 40 CFR part 261, the generator must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either:

(1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or

(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

(d) If the waste is determined to be hazardous, the generator must refer to parts 261, 264, 265, 266, 268, and 273 of this chapter for possible exclusions or restrictions pertaining to management of the specific waste.

[45 FR 33142, May 19, 1980, as amended at 45 FR 76624, Nov. 19, 1980; 51 FR 40637, Nov. 7, 1986; 55 FR 22684, June 1, 1990; 56 FR 3877, Jan. 31, 1991; 60 FR 25541, May 11, 1995]

§262.12 EPA identification numbers.

(a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

(b) A generator who has not received an EPA identification number may obtain one by applying to the Administrator using EPA form 8700–12. Upon receiving the request the Administrator will assign an EPA identification number to the generator.

(c) A generator must not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

Subpart B—The Manifest

§262.20 General requirements.

(a) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage, or disposal must prepare a Manifest OMB control number 2050–0039 on EPA form 8700–22, and, if necessary, EPA form 8700–22A, according to the instructions included in the appendix to part 262.

(b) A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste

in the event an emergency prevents delivery of the waste to the primary designated facility.

(d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.

(e) The requirements of this subpart do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:

(1) The waste is reclaimed under a contractual agreement pursuant to which:

(i) The type of waste and frequency of shipments are specified in the agreement;

(ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

(2) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.

(f) The requirements of this subpart and § 262.32(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 40 CFR 263.10(a), the generator or transporter must comply with the requirements for transporters set forth in 40 CFR 263.30 and 263.31 in the event of a discharge of hazardous waste on a public or private right-of-way.

[45 FR 33142, May 19, 1980, as amended at 49 FR 10500, Mar. 20, 1984; 51 FR 10175, Mar. 24, 1986; 53 FR 45090, Nov. 8, 1988; 62 FR 6651, Feb. 12, 1997]

§ 262.21 Acquisition of manifests.

(a) If the State to which the shipment is manifested (consignment State) supplies the manifest and requires its use, then the generator must use that manifest.

(b) If the consignment State does not supply the manifest, but the State in which the generator is located (generator State) supplies the manifest and requires its use, then the generator must use that State's manifest.

(c) If neither the generator State nor the consignment State supplies the manifest, then the generator may obtain the manifest from any source.

[49 FR 10500, Mar. 20, 1984]

§ 262.22 Number of copies.

The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

§ 262.23 Use of the manifest.

(a) The generator must:

(1) Sign the manifest certification by hand; and

(2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(3) Retain one copy, in accordance with § 262.40(a).

(b) The generator must give the transporter the remaining copies of the manifest.

(c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(d) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:

(1) The next non-rail transporter, if any; or

(2) The designated facility if transported solely by rail; or

(3) The last rail transporter to handle the waste in the United States if exported by rail.

(e) For shipments of hazardous waste to a designated facility in an authorized State which has not yet obtained

authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

NOTE: See § 263.20(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

[45 FR 33142, May 19, 1980, as amended at 45 FR 86973, Dec. 31, 1980; 55 FR 2354, Jan. 23, 1990]

Subpart C—Pre-Transport Requirements

§ 262.30 Packaging.

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable Department of Transportation regulations on packaging under 49 CFR parts 173, 178, and 179.

§ 262.31 Labeling.

Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR part 172.

§ 262.32 Marking.

(a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR part 172;

(b) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304:

HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.
Generator's Name and Address————.
Manifest Document Number————.

§ 262.33 Placarding.

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR part 172, subpart F.

§ 262.34 Accumulation time.

(a) Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

(1) The waste is placed:

(i) In containers and the generator complies with the applicable requirements of subparts I, AA, BB, and CC of 40 CFR part 265; and/or

(ii) In tanks and the generator complies with the applicable requirements of subparts J, AA, BB, and CC of 40 CFR part 265 except §§ 265.197(c) and 265.200; and/or

(iii) On drip pads and the generator complies with subpart W of 40 CFR part 265 and maintains the following records at the facility:

(A) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

(B) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

(iv) The waste is placed in containment buildings and the generator complies with subpart DD of 40 CFR part 265, has placed its professional engineer certification that the building complies with the design standards specified in 40 CFR 265.1101 in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

(A) A written description of procedures to ensure that each waste volume

remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or

(B) Documentation that the unit is emptied at least once every 90 days.

In addition, such a generator is exempt from all the requirements in subparts G and H of 40 CFR part 265, except for §§ 265.111 and 265.114.

(2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and

(4) The generator complies with the requirements for owners or operators in Subparts C and D in 40 CFR part 265, with § 265.16, and with 40 CFR 268.7(a)(5).

(b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR parts 264 and 265 and the permit requirements of 40 CFR part 270 unless he has been granted an extension to the 90-day period. Such extension may be granted by EPA if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Regional Administrator on-a case-by-case basis.

(c)(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of this section provided he:

(i) Complies with §§ 265.171, 265.172, and 265.173(a) of this chapter; and

(ii) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

(2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in § 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three day period the generator must continue to comply with paragraphs (c)(1)(i) through (ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:

(1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;

(2) The generator complies with the requirements of subpart I of part 265 of this chapter, except for §§ 265.176 and 265.178;

(3) The generator complies with the requirements of § 265.201 in subpart J of part 265;

(4) The generator complies with the requirements of paragraphs (a)(2) and (a)(3) of this section, the requirements of subpart C of part 265, the requirements of 40 CFR 268.7(a)(5); and

(5) The generator complies with the following requirements:

(i) At all times there must be at least one employee either on the premises or on call (*i.e.*, available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in paragraph (d)(5)(iv) of this section. This employee is the emergency coordinator.

(ii) The generator must post the following information next to the telephone:

(A) The name and telephone number of the emergency coordinator;

(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm.

(iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(iv) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:

(A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(B) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

(C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using their 24-hour toll free number 800/424–8802). The report must include the following information:

(*1*) The name, address, and U.S. EPA Identification Number of the generator;

(*2*) Date, time, and type of incident (*e.g.*, spill or fire);

(*3*) Quantity and type of hazardous waste involved in the incident;

(*4*) Extent of injuries, if any; and

(*5*) Estimated quantity and disposition of recovered materials, if any.

(e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that he complies with the requirements of paragraph (d) of this section.

(f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if he must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 40 CFR parts 264 and 265 and the permit requirements of 40 CFR part 270 unless he has been granted an extension to the 180-day (or 270-day if applicable) period. Such extension may be granted by EPA if hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Regional Administrator on a case-by-case basis.

(g) A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days without a permit or without having interim status provided that:

(1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;

(2) The F006 waste is legitimately recycled through metals recovery;

(3) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and

(4) The F006 waste is managed in accordance with the following:

(i) The F006 waste is placed:

(A) In containers and the generator complies with the applicable requirements of subparts I, AA, BB, and CC of 40 CFR part 265; and/or

(B) In tanks and the generator complies with the applicable requirements of subparts J, AA, BB, and CC of 40 CFR part 265, except §§ 265.197(c) and 265.200; and/or

(C) In containment buildings and the generator complies with subpart DD of 40 CFR part 265, and has placed its professional engineer certification that the building complies with the design standards specified in 40 CFR 265.1101

in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:

(*1*) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or

(*2*) *Documentation that the unit is emptied at least once every 180 days.*

(ii) In addition, such a generator is exempt from all the requirements in subparts G and H of 40 CFR part 265, except for §§ 265.111 and 265.114.

(iii) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(iv) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste;" and

(v) The generator complies with the requirements for owners or operators in subparts C and D in 40 CFR part 265, with 40 CFR 265.16, and with 40 CFR 268.7(a)(5).

(h) A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, and who must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than 90 days, but not more than 270 days without a permit or without having interim status if the generator complies with the requirements of paragraphs (g)(1) through (g)(4) of this section.

(i) A generator accumulating F006 in accordance with paragraphs (g) and (h) of this section who accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more), or who accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements of 40 CFR parts 264 and 265 and the permit requirements of 40 CFR part 270 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit. Such extensions and exceptions may be granted by EPA if F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the Regional Administrator on a case-by-case basis.

(j) A member of the Performance Track Program who generates 1000 kg or greater of hazardous waste per month (or one kilogram or more of acute hazardous waste) may accumulate hazardous waste on-site without a permit or interim status for an extended period of time, provided that:

(1) The generator accumulates the hazardous waste for no more than 180 days, or for no more than 270 days if the generator must transport the waste (or offer the waste for transport) more than 200 miles from the generating facility; and

(2) The generator first notifies the Regional Administrator and the Director of the authorized State in writing of its intent to begin accumulation of hazardous waste for extended time periods under the provisions of this section. Such advance notice must include:

(i) Name and EPA ID number of the facility, and specification of when the facility will begin accumulation of hazardous wastes for extended periods of time in accordance with this section; and

(ii) A description of the types of hazardous wastes that will be accumulated for extended periods of time, and the units that will be used for such extended accumulation; and

(iii) A Statement that the facility has made all changes to its operations, procedures, including emergency preparedness procedures, and equipment,

including equipment needed for emergency preparedness, that will be necessary to accommodate extended time periods for accumulating hazardous wastes; and

(iv) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under part 270 of this chapter to receive these wastes is not available within 200 miles of the generating facility; and

(3) The waste is managed in:

(i) Containers, in accordance with the applicable requirements of 40 CFR part 265 subpart I; or

(ii) Tanks, in accordance with the requirements of 40 CFR part 265, subpart J, and § 265.200; or

(iii) Drip pads, in accordance with subpart W of 40 CFR part 265; or

(iv) Containment buildings, in accordance with subpart DD of 40 CFR part 265; and

(4) The quantity of hazardous waste that is accumulated for extended time periods at the facility does not exceed 30,000 kg; and

(5) The generator maintains the following records at the facility for each unit used for extended accumulation times:

(i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 180 days (or 270 days, as applicable), a description of the waste generation and management practices at the facility showing that they are consistent with the extended accumulation time limit, and documentation that the procedures are complied with; or

(ii) Documentation that the unit is emptied at least once every 180 days (or 270 days, if applicable); and

(6) Each container or tank that is used for extended accumulation time periods is labeled or marked clearly with the words "Hazardous Waste," and for each container the date upon which each period of accumulation begins is clearly marked and visible for inspection; and

(7) The generator complies with the requirements for owners and operators in 40 CFR part 265, with § 265.16, and with § 268.7(a)(5). In addition, such a generator is exempt from all the requirements in subparts G and H of part 265, except for §§ 265.111 and 265.114; and

(8) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants released to the environment prior to its recycling, treatment, or disposal; and

(9) The generator includes the following with its Performance Track Annual Performance Report, which must be submitted to the Regional Administrator and the Director of the authorized State:

(i) Information on the total quantity of each hazardous waste generated at the facility that has been managed in the previous year according to extended accumulation time periods; and

(ii) Information for the previous year on the number of off-site shipments of hazardous wastes generated at the facility, the types and locations of destination facilities, how the wastes were managed at the destination facilities (*e.g.*, recycling, treatment, storage, or disposal), and what changes in on-site or off-site waste management practices have occurred as a result of extended accumulation times or other pollution prevention provisions of this section; and

(iii) Information for the previous year on any hazardous waste spills or accidents occurring at extended accumulation units at the facility, or during off-site transport of accumulated wastes; and

(iv) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under part 270 of this chapter to receive these wastes is not available within 200 miles of the generating facility; and

(k) If hazardous wastes must remain on-site at a Performance Track member facility for longer than 180 days (or 270 days, if applicable) due to unforseen, temporary, and uncontrollable circumstances, an extension to the extended accumulation time period of up to 30 days may be granted at the discretion of the Regional Administrator on a case-by-case basis.

(1) If a generator who is a member of the Performance Track Program withdraws from the Performance Track Program, or if the Regional Administrator terminates a generator's membership, the generator must return to compliance with all otherwise applicable hazardous waste regulations as soon as possible, but no later than six months after the date of withdrawal or termination.

[47 FR 1251, Jan. 11, 1982, as amended at 48 FR 14294, Apr. 1, 1983; 49 FR 49571, Dec. 20, 1984; 51 FR 10175, Mar. 24, 1986; 51 FR 25472, July 14, 1986; 55 FR 22684, June 1, 1990; 55 FR 50483, Dec. 6, 1990; 56 FR 3877, Jan. 31, 1991; 56 FR 30195, July 1, 1991; 57 FR 37264, Aug. 18, 1992; 59 FR 62926, Dec. 6, 1994; 61 FR 4911, Feb. 9, 1996; 61 FR 59950, Nov. 25, 1996; 64 FR 3388, Jan. 21, 1999; 64 FR 25414, May 11, 1999; 64 FR 56471, Oct. 20, 1999; 65 FR 12397, Mar. 8, 2000; 69 FR 21753, Apr. 22, 2004]

Subpart D—Recordkeeping and Reporting

§ 262.40 Recordkeeping.

(a) A generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

(b) A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.

(c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with § 262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

(d) The periods or retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

[45 FR 33142, May 19, 1980, as amended at 48 FR 3981, Jan. 28, 1983]

§ 262.41 Biennial report.

(a) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Regional Administrator by March 1 of each even numbered year. The Biennial Report must be submitted on EPA Form 8700-13A, must cover generator activities during the previous year, and must include the following information:

(1) The EPA identification number, name, and address of the generator;

(2) The calendar year covered by the report;

(3) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;

(4) The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States;

(5) A description, EPA hazardous waste number (from 40 CFR part 261, subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each such off-site facility to which waste was shipped.

(6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

(7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

(8) The certification signed by the generator or authorized representative.

(b) Any generator who treats, stores, or disposes of hazardous waste on-site must submit a biennial report covering those wastes in accordance with the provisions of 40 CFR parts 270, 264, 265, and 266. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth at 40 CFR 262.56.

[48 FR 3981, Jan. 28, 1983, as amended at 48 FR 14294, Apr. 1, 1983; 50 FR 28746, July 15, 1985; 51 FR 28682, Aug. 8, 1986]

§ 262.42 Exception reporting.

(a)(1) A generator of greater than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(2) A generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery;

(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(b) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

NOTE: The submission to EPA need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.

[52 FR 35898, Sept. 23, 1987]

§ 262.43 Additional reporting.

The Administrator, as he deems necessary under sections 2002(a) and 3002(6) of the Act, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 40 CFR part 261.

§ 262.44 Special requirements for generators of between 100 and 1000 kg/mo.

A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is subject only to the following requirements in this subpart:

(a) Section 262.40(a), (c), and (d), recordkeeping;

(b) Section 262.42(b), exception reporting; and

(c) Section 262.43, additional reporting.

[52 FR 35899, Sept. 23, 1987]

Subpart E—Exports of Hazardous Waste

SOURCE: 51 FR 28682, Aug. 8, 1986, unless otherwise noted.

§ 262.50 Applicability.

This subpart establishes requirements applicable to exports of hazardous waste. Except to the extent § 262.58 provides otherwise, a primary exporter of hazardous waste must comply with the special requirements of this subpart and a transporter transporting hazardous waste for export must comply with applicable requirements of part 263. Section 262.58 sets forth the requirements of international agreements between the United States and receiving countries which establish different notice, export, and enforcement procedures for the transportation, treatment, storage and disposal of hazardous waste for shipments between the United States and those countries.

§ 262.51 Definitions.

In addition to the definitions set forth at 40 CFR 260.10, the following definitions apply to this subpart:

Consignee means the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

EPA Acknowledgement of Consent means the cable sent to EPA from the

U.S. Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

Primary Exporter means any person who is required to originate the manifest for a shipment of hazardous waste in accordance with 40 CFR part 262, subpart B, or equivalent State provision, which specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

Receiving country means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short-term storage incidental to transportation).

Transit country means any foreign country, other than a receiving country, through which a hazardous waste is transported.

[53 FR 27164, July 19, 1988]

§ 262.52 General requirements.

Exports of hazardous waste are prohibited except in compliance with the applicable requirements of this subpart and part 263. Exports of hazardous waste are prohibited unless:

(a) Notification in accordance with § 262.53 has been provided;

(b) The receiving country has consented to accept the hazardous waste;

(c) A copy of the EPA Acknowledgment of Consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).

(d) The hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgment of Consent.

§ 262.53 Notification of intent to export.

(a) A primary exporter of hazardous waste must notify EPA of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:

(1) Name, mailing address, telephone number and EPA ID number of the primary exporter;

(2) By consignee, for each hazardous waste type:

(i) A description of the hazardous waste and the EPA hazardous waste number (from 40 CFR part 261, subparts C and D), U.S. DOT proper shipping name, hazard class and ID number (UN/NA) for each hazardous waste as identified in 49 CFR parts 171 through 177;

(ii) The estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported.

(iii) The estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22);

(iv) All points of entry to and departure from each foreign country through which the hazardous waste will pass;

(v) A description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.));

(vi) A description of the manner in which the hazardous waste will be treated, stored or disposed of in the receiving country (e.g., land or ocean incineration, other land disposal, ocean dumping, recycling);

(vii) The name and site address of the consignee and any alternate consignee; and

(viii) The name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling while there;

(b) Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, 1200

Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, Ariel Rios Bldg., 12th St. and Pennsylvania Ave., NW., Washington, DC. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export."

(c) Except for changes to the telephone number in paragraph (a)(1) of this section, changes to paragraph (a)(2)(v) of this section and decreases in the quantity indicated pursuant to paragraph (a)(2)(iii) of this section when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification), the primary exporter must provide EPA with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to paragraph (a)(2)(viii) of this section and in the ports of entry to and departure from transit countries pursuant to paragraph (a)(2)(iv) of this section) has been obtained and the primary exporter receives an EPA Acknowledgment of Consent reflecting the receiving country's consent to the changes.

(d) Upon request by EPA, a primary exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

(e) In conjunction with the Department of State, EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of paragraph (a) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by paragraph (a) of this section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

(f) Where the receiving country consents to the receipt of the hazardous waste, EPA will forward an EPA Acknowledgment of Consent to the primary exporter for purposes of §262.54(h). Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, EPA will notify the primary exporter in writing. EPA will also notify the primary exporter of any responses from transit countries.

[51 FR 28682, Aug. 8, 1986, as amended at 56 FR 43705, Sept. 4, 1991; 61 FR 16309, Apr. 12, 1996]

§262.54 Special manifest requirements.

A primary exporter must comply with the manifest requirements of 40 CFR 262.20 through 262.23 except that:

(a) In lieu of the name, site address and EPA ID number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee;

(b) In lieu of the name, site address and EPA ID number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee.

(c) In Special Handling Instructions and Additional Information, the primary exporter must identify the point of departure from the United States;

(d) The following statement must be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: "and conforms to the terms of the attached EPA Acknowledgment of Consent";

(e) In lieu of the requirements of §262.21, the primary exporter must obtain the manifest form from the primary exporter's State if that State supplies the manifest form and requires its use. If the primary exporter's State does not supply the manifest form, the primary exporter may obtain a manifest form from any source.

(f) The primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in 40 CFR 264.72(a)) between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.

(g) In lieu of the requirements of § 262.20(d), where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:

(1) Renotify EPA of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with § 262.53(c) and obtain an EPA Acknowledgment of Consent prior to delivery; or

(2) Instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and

(3) Instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.

(h) The primary exporter must attach a copy of the EPA Acknowledgment of Consent to the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an EPA Acknowledgment of Consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the copy of the EPA Acknowledgment of Consent to the shipping paper.

(i) The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with § 263.20(g)(4).

§ 262.55 Exception reports.

In lieu of the requirements of § 262.42, a primary exporter must file an exception report with the Administrator if:

(a) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within forty-five (45) days from the date it was accepted by the initial transporter;

(b) Within ninety (90) days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received;

(c) The waste is returned to the United States.

§ 262.56 Annual reports.

(a) Primary exporters of hazardous waste shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports shall include the following:

(1) The EPA identification number, name, and mailing and site address of the exporter;

(2) The calendar year covered by the report;

(3) The name and site address of each consignee;

(4) By consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from 40 CFR part 261, subpart C or D), DOT hazard class, the name and US EPA ID number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;

(5) Except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month, unless provided pursuant to § 262.41, in even numbered years:

(i) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

(ii) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

(6) A certification signed by the primary exporter which states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

(b) Annual reports submitted by mail should be sent to the following mailing address: Office of Enforcement and

Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered reports should be sent to: Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, Ariel Rios Bldg., 12th St. and Pennsylvania Ave., NW., Washington, DC.

[51 FR 28682, Aug. 8, 1986, as amended at 56 FR 43705, Sept. 4, 1991; 61 FR 16309, Apr. 12, 1996]

§ 262.57 Recordkeeping.

(a) For all exports a primary exporter must:

(1) Keep a copy of each notification of intent to export for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

(2) Keep a copy of each EPA Acknowledgment of Consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

(3) Keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three years from the date the hazardous waste was accepted by the initial transporter; and

(4) Keep a copy of each annual report for a period of at least three years from the due date of the report.

(b) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

§ 262.58 International agreements.

(a) Any person who exports or imports hazardous waste subject to Federal manifest requirements of Part 262, or subject to the universal waste management standards of 40 CFR Part 273, or subject to State requirements analogous to 40 CFR Part 273, to or from designated member countries of the Organization for Economic Cooperation and Development (OECD) as defined in paragraph (a)(1) of this section for purposes of recovery is subject to Subpart H of this part. The requirements of Subparts E and F do not apply.

(1) For the purposes of this Subpart, the designated OECD countries consist of Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom, and the United States.

(2) For the purposes of this Subpart, Canada and Mexico are considered OECD member countries only for the purpose of transit.

(b) Any person who exports hazardous waste to or imports hazardous waste from: a designated OECD member country for purposes other than recovery (*e.g.*, incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of subparts E and F of this part.

[61 FR 16310, Apr. 12, 1996]

Subpart F—Imports of Hazardous Waste

§ 262.60 Imports of hazardous waste.

(a) Any person who imports hazardous waste from a foreign country into the United States must comply with the requirements of this part and the special requirements of this subpart.

(b) When importing hazardous waste, a person must meet all the requirements of § 262.20(a) for the manifest except that:

(1) In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.

(2) In place of the generator's signature on the certification statement, the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter.

(c) A person who imports hazardous waste must obtain the manifest form from the consignment State if the State supplies the manifest and requires its use. If the consignment State does not supply the manifest form,

then the manifest form may be obtained from any source.

[51 FR 28685, Aug. 8, 1986]

Subpart G—Farmers

§ 262.70 Farmers.

A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this part or other standards in 40 CFR parts 264, 265, 268, or 270 for those wastes provided he triple rinses each emptied pesticide container in accordance with § 261.7(b)(3) and disposes of the pesticide residues on his own farm in a manner consisent with the disposal instructions on the pesticide label.

[53 FR 27165, July 19, 1988]

Subpart H—Transfrontier Shipments of Hazardous Waste for Recovery within the OECD

SOURCE: 61 FR 16310, Apr. 12, 1996, unless otherwise noted.

§ 262.80 Applicability.

(a) The requirements of this subpart apply to imports and exports of wastes that are considered hazardous under U.S. national procedures and are destined for recovery operations in the countries listed in § 262.58(a)(1). A waste is considered hazardous under U.S. national procedures if it meets the Federal definition of hazardous waste in 40 CFR 261.3 and it is subject to either the Federal manifesting requirements at 40 CFR Part 262, Subpart B, to the universal waste management standards of 40 CFR Part 273, or to State requirements analogous to 40 CFR Part 273.

(b) Any person (notifier, consignee, or recovery facility operator) who mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any notifier duties, if applicable, under this subpart.

§ 262.81 Definitions.

The following definitions apply to this subpart.

(a) *Competent authorities* means the regulatory authorities of concerned countries having jurisdiction over transfrontier movements of wastes destined for recovery operations.

(b) *Concerned countries* means the exporting and importing OECD member countries and any OECD member countries of transit.

(c) *Consignee* means the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country.

(d) *Country of transit* means any designated OECD country in § 262.58(a)(1) and (a)(2) other than the exporting or importing country across which a transfrontier movement of wastes is planned or takes place.

(e) *Exporting country* means any designated OECD member country in § 262.58(a)(1) from which a transfrontier movement of wastes is planned or has commenced.

(f) *Importing country* means any designated OECD country in § 262.58(a)(1) to which a transfrontier movement of wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.

(g) *Notifier* means the person under the jurisdiction of the exporting country who has, or will have at the time the planned transfrontier movement commences, possession or other forms of legal control of the wastes and who proposes their transfrontier movement for the ultimate purpose of submitting them to recovery operations. When the United States (U.S.) is the exporting country, notifier is interpreted to mean a person domiciled in the U.S.

(h) *OECD area* means all land or marine areas under the national jurisdiction of any designated OECD member country in § 262.58. When the regulations refer to shipments to or from an OECD country, this means OECD area.

(i) *Recognized trader* means a person who, with appropriate authorization of concerned countries, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person

then the manifest form may be obtained from any source.

[51 FR 28685, Aug. 8, 1986]

Subpart G—Farmers

§ 262.70 Farmers.

A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this part or other standards in 40 CFR parts 264, 265, 268, or 270 for those wastes provided he triple rinses each emptied pesticide container in accordance with § 261.7(b)(3) and disposes of the pesticide residues on his own farm in a manner consisent with the disposal instructions on the pesticide label.

[53 FR 27165, July 19, 1988]

Subpart H—Transfrontier Shipments of Hazardous Waste for Recovery within the OECD

SOURCE: 61 FR 16310, Apr. 12, 1996, unless otherwise noted.

§ 262.80 Applicability.

(a) The requirements of this subpart apply to imports and exports of wastes that are considered hazardous under U.S. national procedures and are destined for recovery operations in the countries listed in § 262.58(a)(1). A waste is considered hazardous under U.S. national procedures if it meets the Federal definition of hazardous waste in 40 CFR 261.3 and it is subject to either the Federal manifesting requirements at 40 CFR Part 262, Subpart B, to the universal waste management standards of 40 CFR Part 273, or to State requirements analogous to 40 CFR Part 273.

(b) Any person (notifier, consignee, or recovery facility operator) who mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any notifier duties, if applicable, under this subpart.

§ 262.81 Definitions.

The following definitions apply to this subpart.

(a) *Competent authorities* means the regulatory authorities of concerned countries having jurisdiction over transfrontier movements of wastes destined for recovery operations.

(b) *Concerned countries* means the exporting and importing OECD member countries and any OECD member countries of transit.

(c) *Consignee* means the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country.

(d) *Country of transit* means any designated OECD country in § 262.58(a)(1) and (a)(2) other than the exporting or importing country across which a transfrontier movement of wastes is planned or takes place.

(e) *Exporting country* means any designated OECD member country in § 262.58(a)(1) from which a transfrontier movement of wastes is planned or has commenced.

(f) *Importing country* means any designated OECD country in § 262.58(a)(1) to which a transfrontier movement of wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.

(g) *Notifier* means the person under the jurisdiction of the exporting country who has, or will have at the time the planned transfrontier movement commences, possession or other forms of legal control of the wastes and who proposes their transfrontier movement for the ultimate purpose of submitting them to recovery operations. When the United States (U.S.) is the exporting country, notifier is interpreted to mean a person domiciled in the U.S.

(h) *OECD area* means all land or marine areas under the national jurisdiction of any designated OECD member country in § 262.58. When the regulations refer to shipments to or from an OECD country, this means OECD area.

(i) *Recognized trader* means a person who, with appropriate authorization of concerned countries, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person

may act to arrange and facilitate transfrontier movements of wastes destined for recovery operations.

(j) *Recovery facility* means an entity which, under applicable domestic law, is operating or is authorized to operate in the importing country to receive wastes and to perform recovery operations on them.

(k) *Recovery operations* means activities leading to resource recovery, recycling, reclamation, direct re-use or alternative uses as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, (available from the Environmental Protection Agency, RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket # F–94–IEHF–FFFFF) and the Organisation for Economic Co-operation and Development, Environment Direcorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France) which include:

R1 Use as a fuel (other than in direct incineration) or other means to generate energy
R2 Solvent reclamation/regeneration
R3 Recycling/reclamation of organic substances which are not used as solvents
R4 Recycling/reclamation of metals and metal compounds
R5 Recycling/reclamation of other inorganic materials
R6 Regeneration of acids or bases
R7 Recovery of components used for pollution control
R8 Recovery of components from catalysts
R9 Used oil re-refining or other reuses of previously used oil
R10 Land treatment resulting in benefit to agriculture or ecological improvement
R11 Uses of residual materials obtained from any of the operations numbered R1–R10
R12 Exchange of wastes for submission to any of the operations numbered R1–R11
6R13 Accumulation of material intended for any operation in Table 2.B

(l) *Transfrontier movement* means any shipment of wastes destined for recovery operations from an area under the national jurisdiction of one OECD member country to an area under the national jurisdiction of another OECD member country.

§ 262.82 General conditions.

(a) *Scope.* The level of control for exports and imports of waste is indicated by assignment of the waste to a green, amber, or red list and by U.S. national procedures as defined in § 262.80(a). The green, amber, and red lists are incorporated by reference in § 262.89 (e).

(1) Wastes on the green list are subject to existing controls normally applied to commercial transactions, except as provided below:

(i) Green-list wastes that are considered hazardous under U.S. national procedures are subject to amber-list controls.

(ii) Green-list waste that are sufficiently contaminated or mixed with amber-list wastes, such that the waste or waste mixture is considered hazardous under U.S. national procedures, are subject to amber-list controls.

(iii) Green-list wastes that are sufficiently contaminated or mixed with other wastes subject to red-list controls such that the waste or waste mixture is considered hazardous under U.S. national procedures must be handled in accordance with the red-list controls.

(2) Wastes on the amber list that are considered hazardous under U.S. national procedures as defined in § 262.80(a) are subject to the amber-list controls of this Subpart.

(i) If amber-list wastes are sufficiently contaminated or mixed with other wastes subject to red-list controls such that the waste or waste mixture is considered hazardous under U.S. national procedures, the wastes must be handled in accordance with the red-list controls.

(ii) [Reserved]

(3) Wastes on the red list that are considered hazardous under U.S. national procedures as defined in § 262.80(a) are subject to the red-list controls of this subpart.

NOTE TO PARAGRAPH (a)(3): Some wastes on the amber or red lists are not listed or otherwise identified as hazardous under RCRA (*e.g.*, polychlorinated biphenyls) and therefore are not subject to the amber- or red-list controls of this subpart. Regardless of the status of the waste under RCRA, however, other Federal environmental statutes (e.g., the Toxic Substances Control Act) may restrict certain waste imports or exports. Such restrictions continue to apply without regard to this Subpart.

(4) Wastes not yet assigned to a list are eligible for transfrontier movements, as follows:

(i) If such wastes are considered hazardous under U.S. national procedures

as defined in §262.80(a), these wastes are subject to the red-list controls; or

(ii) If such wastes are not considered hazardous under U.S. national procedures as defined in §262.80(a), such wastes may move as though they appeared on the green list.

(b) *General conditions applicable to transfrontier movements of hazardous waste.*

(1) The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country;

(2) The transfrontier movement must be in compliance with applicable international transport agreements; and

NOTE TO PARAGRAPH (B)(2): These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

(3) Any transit of waste through a non-OECD member country must be conducted in compliance with all applicable international and national laws and regulations.

(c) *Provisions relating to re-export for recovery to a third country.* (1) Re-export of wastes subject to the amber-list control system from the U.S., as the importing country, to a third country listed in §262.58(a)(1) may occur only after a notifier in the U.S. provides notification to and obtains consent of the competent authorities in the third country, the original exporting country, and new transit countries. The notification must comply with the notice and consent procedures in §262.83 for all concerned countries and the original exporting country. The competent authorities of the original exporting country as well as the competent authorities of all other concerned countries have 30 days to object to the proposed movement.

(i) The 30-day period begins once the competent authorities of both the initial exporting country and new importing country issue Acknowledgements of Receipt of the notification.

(ii) The transfrontier movement may commence if no objection has been lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.

(2) Re-export of waste subject to the red-list control system from the original importing country to a third country listed in §262.58(a)(1) may occur only following notification of the competent authorities of the third country, the original exporting country, and new transit countries by a notifier in the original importing country in accordance with §262.83. The transfrontier movement may not proceed until receipt by the original importing country of written consent from the competent authorities of the third country, the original exporting country, and new transit countries.

(3) In the case of re-export of amber or red-list wastes to a country other than those in §262.58(a)(1), notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in paragraphs (c)(1) and (c)(2) of this section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first importing country.

§262.83 Notification and consent.

(a) *Applicability.* Consent must be obtained from the competent authorities of the relevant OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to this Subpart. Hazardous wastes subject to amber-list controls are subject to the requirements of paragraph (b) of this section; hazardous wastes subject to red-list controls are subject to the requirements of paragraph (c) of this section; and wastes not identified on any list are subject to the requirements of paragraph (d) of this section.

(b) *Amber-list wastes.* The export from the U.S. of hazardous wastes as described in §262.80(a) that appear on the amber list is prohibited unless the notification and consent requirements of paragraph (b)(1) or paragraph (b)(2) of this section are met.

(1) Transactions requiring specific consent:

(i) *Notification.* At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in paragraph (e) of this section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

(ii) *Tacit consent.* If no objection has been lodged by any concerned country (*i.e.*, exporting, importing, or transit countries) to a notification provided pursuant to paragraph (b)(1)(i) of this section within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transfrontier movement may commence. Tacit consent expires one calendar year after the close of the 30 day period; renotification and renewal of all consents is required for exports after that date.

(iii) *Written consent.* If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transfrontier movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.

(2) Shipments to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery:

(i) The notifier must provide EPA the information identified in paragraph (e) of this section in English, at least 10 days in advance of commencing shipment to a pre-approved facility. The notification should indicate that the recovery facility is pre-approved, and may apply to a single specific shipment or to multiple shipments as described in paragraph (b)(1)(i) of this section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, with the words "OECD Export Notification—Pre-approved Facility" prominently displayed on the envelope.

(ii) Shipments may commence after the notification required in paragraph (b)(1)(i) of this section has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries objects to the shipment.

(c) *Red-list wastes.* The export from the U.S. of hazardous wastes as described in §262.80(a) that appear on the red list is prohibited unless notice is given pursuant to paragraph (b)(1)(i) of this section and the notifier receives *written* consent from the importing country and any transit countries prior to commencement of the transfrontier movement.

(d) *Unlisted wastes.* Wastes not assigned to the green, amber, or red list that are considered hazardous under U.S. national procedures as defined in §262.80(a) are subject to the notification and consent requirements established for red-list wastes in accordance with paragraph (c) of this section. Unlisted wastes that are not considered hazardous under U.S. national procedures as defined in §262.80(a) are not subject to amber or red controls when exported or imported.

(e) *Notification information.* Notifications submitted under this section must include:

(1) Serial number or other accepted identifier of the notification form;

(2) Notifier name and EPA identification number (if applicable), address, and telephone and telefax numbers;

(3) Importing recovery facility name, address, telephone and telefax numbers, and technologies employed;

(4) Consignee name (if not the owner or operator of the recovery facility) address, and telephone and telefax numbers; whether the consignee will engage in waste exchange or storage prior to delivering the waste to the final recovery facility and identification of recovery operations to be employed at the final recovery facility;

(5) Intended transporters and/or their agents;

(6) Country of export and relevant competent authority, and point of departure;

(7) Countries of transit and relevant competent authorities and points of entry and departure;

(8) Country of import and relevant competent authority, and point of entry;

(9) Statement of whether the notification is a single notification or a general notification. If general, include period of validity requested;

(10) Date foreseen for commencement of transfrontier movement;

(11) Designation of waste type(s) from the appropriate list (amber or red and waste list code), descriptions of each waste type, estimated total quantity of each, RCRA waste code, and United Nations number for each waste type; and

(12) Certification/Declaration signed by the notifier that states:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement.

Name: _____

Signature: _____

Date: _____

NOTE TO PARAGRAPH (e)(12): The U.S. does not currently require financial assurance; however, U.S. exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.

§ 262.84 Tracking document.

(a) All U.S. parties subject to the contract provisions of § 262.85 must ensure that a tracking document meeting the conditions of § 262.84(b) accompanies each transfrontier shipment of wastes subject to amber-list or red-list controls from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored and/or exchanged by the consignee prior to shipment to the final recovery facility, except as provided in §§ 262.84(a)(1) and (2).

(1) For shipments of hazardous waste within the U.S. solely by water (bulk shipments only) the generator must forward the tracking document with the manifest to the last water (bulk shipment) transporter to handle the waste in the U.S. if exported by water, (in accordance with the manifest routing procedures at § 262.23(c)).

(2) For rail shipments of hazardous waste within the U.S. which originate at the site of generation, the generator must forward the tracking document with the manifest (in accordance with the routing procedures for the manifest in § 262.23(d)) to the next non-rail transporter, if any, or the last rail transporter to handle the waste in the U.S. if exported by rail.

(b) The tracking document must include all information required under § 262.83 (for notification), and the following:

(1) Date shipment commenced.

(2) Name (if not notifier), address, and telephone and telefax numbers of primary exporter.

(3) Company name and EPA ID number of all transporters.

(4) Identification (license, registered name or registration number) of means of transport, including types of packaging.

(5) Any special precautions to be taken by transporters.

(6) Certification/declaration signed by notifier that no objection to the shipment has been lodged as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are

or shall be in force covering the transfrontier movement, and that:

1. All necessary consents have been received; OR

2. The shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period; OR

3. The shipment is directed at a recovery facility pre-authorized for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the concerned countries.

(delete sentences that are not applicable)

Name: _____

Signature: _____

Date: _____

(7) Appropriate signatures for each custody transfer (e.g. transporter, consignee, and owner or operator of the recovery facility).

(c) Notifiers also must comply with the special manifest requirements of 40 CFR 262.54(a), (b), (c), (e), and (i) and consignees must comply with the import requirements of 40 CFR part 262, subpart F.

(d) Each U.S. person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the tracking document (*e.g.* transporter, consignee, and owner or operator of the recovery facility).

(e) Within 3 working days of the receipt of imports subject to this Subpart, the owner or operator of the U.S. recovery facility must send signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

§ 262.85 Contracts.

(a) Transfrontier movements of hazardous wastes subject to amber or red control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the notifier and the owner or operator of the recovery facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangement.

(b) Contracts or equivalent arrangements must specify the name and EPA ID number, where available, of:

(1) The generator of each type of waste;

(2) Each person who will have physical custody of the wastes;

(3) Each person who will have legal control of the wastes; and

(4) The recovery facility.

(c) Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify that:

(1) The person having actual possession or physical control over the wastes will immediately inform the notifier and the competent authorities of the exporting and importing countries and, if the wastes are located in a country of transit, the competent authorities of that country; and

(2) The person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging their return to the original country of export.

(d) Contracts must specify that the consignee will provide the notification required in § 262.82(c) prior to re-export of controlled wastes to a third country.

(e) Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any concerned country, in accordance with applicable national or international law requirements.

NOTE TO PARAGRAPH (e): Financial guarantees so required are intended to

provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The U.S. does not require such financial guarantees at this time; however, some OECD countries do. It is the responsibility of the notifier to ascertain and comply with such requirements; in some cases, transporters or consignees may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

(f) Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this subpart.

(g) Upon request by EPA, U.S. notifiers, consignees, or recovery facilities must submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted accordance with 40 CFR 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR 260.2.

NOTE TO PARAGRAPH (g): Although the U.S. does not require routine submission of contracts at this time, OECD Council Decision C(92)39/FINAL allows members to impose such requirements. When other OECD countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, EPA will request the required information; absent submission of such information, some OECD countries may deny consent for the proposed movement.

§ 262.86 Provisions relating to recognized traders.

(a) A recognized trader who takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable Federal laws.

(b) A recognized trader acting as a notifier or consignee for transfrontier shipments of waste must comply with all the requirements of this Subpart associated with being a notifier or consignee.

§ 262.87 Reporting and recordkeeping.

(a) *Annual reports.* For all waste movements subject to this Subpart, persons (*e.g.*, notifiers, recognized traders) who meet the definition of primary exporter in § 262.51 shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subpart, he may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD member countries is contained in a separate section). Such reports shall include the following:

(1) The EPA identification number, name, and mailing and site address of the notifier filing the report;

(2) The calendar year covered by the report;

(3) The name and site address of each final recovery facility;

(4) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from 40 CFR part 261, subpart C or D), designation of waste type(s) from OECD waste list and applicable waste code from the OECD lists, DOT hazard class, the name and U.S. EPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this Subpart, and number of shipments pursuant to each notification;

(5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters

of greater than 100kg but less than 1000kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to § 262.41:

(i) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

(ii) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

(6) A certification signed by the person acting as primary exporter that states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

(b) *Exception reports.* Any person who meets the definition of primary exporter in § 262.51 must file an exception report in lieu of the requirements of § 262.42 with the Administrator if any of the following occurs:

(1) He has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States, within forty-five (45) days from the date it was accepted by the initial transporter;

(2) Within ninety (90) days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received;

(3) The waste is returned to the United States.

(c) *Recordkeeping.* (1) Persons who meet the definition of primary exporter in § 262.51 shall keep the following records: § 262.89

(i) A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

(ii) A copy of each annual report for a period of at least three years from the due date of the report; and

(iii) A copy of any exception reports and a copy of each confirmation of delivery (*i.e.*, tracking documentation) sent by the recovery facility to the notifier for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.

(2) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

§ 262.88 Pre-approval for U.S. Recovery Facilities. [Reserved]

§ 262.89 OECD Waste Lists.

(a) *General.* For the purposes of this Subpart, a waste is considered hazardous under U.S. national procedures, and hence subject to this Subpart, if the waste:

(1) Meets the Federal definition of hazardous waste in 40 CFR 261.3; and

(2) Is subject to either the Federal RCRA manifesting requirements at 40 CFR part 262, subpart B, to the universal waste management standards of 40 CFR part 273, or to State requirements analogous to 40 CFR part 273.

(b) If a waste is hazardous under paragraph (a) of this section and it appears on the amber or red list, it is subject to amber- or red-list requirements respectively;

(c) If a waste is hazardous under paragraph (a) of this section and it does not appear on either amber or red lists, it is subject to red-list requirements.

(d) The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in § 262.82.

(e) The OECD Green List of Wastes (revised May 1994), Amber List of Wastes and Red List of Wastes (both

revised May 1993) as set forth in Appendix 3, Appendix 4 and Appendix 5, respectively, to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) are incorporated by reference. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 on July 11, 1996. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for inspection at: the U.S. Environmental Protection Agency, RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket # F-94-IEHF-FFFFF) or at the National Archives and Records Administration (NARA), and may be obtained from the Organisation for Economic Co-operation and Development, Environment Direcorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France. For information on the availability of this material at NARA, call 202-741-6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

[61 FR 16310, Apr. 12, 1996, as amended at 69 FR 18803, Apr. 9, 2004]

Subpart I—New York State Public Utilities

SOURCE: 64 FR 37636, July 12, 1999, unless otherwise noted.

§ 262.90 Project XL for Public Utilities in New York State.

(a) The following definitions apply to this section:

(1) A *Utility* is any company that operates wholesale and/or retail oil and gas pipelines, or any company that provides electric power or telephone service and is regulated by New York State's Public Service Commission or the New York Power Authority.

(2) A *right-of-way* is a fixed, integrated network of aboveground or underground conveyances, including land structures, fixed equipment, and other appurtenances, controlled or owned by a Utility, and used for the purpose of conveying its products or services to customers.

(3) A *remote location* is a location in New York State within a Utility's right-of-way network that is not permanently staffed.

(4) A *Utility's central collection facility (UCCF)* is a Utility-owned facility within the Utility's right-of-way network to which hazardous waste, generated by the Utility at remote locations within the same right-of-way network, is brought.

(b) A UCCF designated pursuant to paragraph (e) of this section may consolidate hazardous waste (with the exception of mixed waste) generated by that Utility at its remote locations (and at that UCCF) for up to 90 days without a permit or without having interim status, provided that:

(1) The Utility complies with all applicable requirements for generators in 40 CFR part 262 (except §262.34 (d) through (f)) for hazardous waste generated at its remote locations and at the UCCF, including the manifest and pretransport requirements for all shipments greater than 100 kilograms sent from a remote location to a UCCF.

(2) The Utility transports the hazardous waste from the remote location to a UCCF immediately after collection of all hazardous waste at the remote location is complete or when the staff collecting the hazardous waste leave the remote location, whichever comes first.

(3) The Utility complies with all applicable requirements for transporters in 40 CFR part 263 for each shipment of hazardous waste greater than 100 kilograms which is sent from remote location to the UCCF, and all applicable Department of Transportation requirements.

(4)(i) The Utility complies with 40 CFR 262.34 (a) through (c), regardless of the total quantity of hazardous waste generated or consolidated at the UCCF per calendar month;

(ii) The Utility complies with 40 CFR 264.178; and

(iii) Secondary containment is provided for all liquid hazardous waste consolidated in containers if:

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Subpart A—General

Subpart B—General Facility Standards

Subpart C—Preparedness and Prevention

Subpart D—Contingency Plan and Emergency Procedures

Subpart E—Manifest System, Recordkeeping, and Reporting

Subpart F—Ground-Water Monitoring

Subpart G—Closure and Post-Closure

Subpart H—Financial Requirements

Subpart I—Use and Management of Containers

Subpart J—Tank Systems

Subpart K—Surface Impoundments

Subpart L—Waste Piles

Subpart M—Land Treatment

Subpart N—Landfills

Subpart O—Incinerators

Subpart P—Thermal Treatment

Subpart Q—Chemical, Physical, and Biological Treatment

AUTHORITY: 42 U.S.C. 6905, 6906, 6912, 6922, 6923, 6924, 6925, 6935, 6936, and 6937, unless otherwise noted.

SOURCE: 45 FR 33232, May 19, 1980, unless otherwise noted.

Subpart A—General

§ 265.1 Purpose, scope, and applicability.

(a) The purpose of this part is to establish minimum national standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until

post-closure responsibilities are fulfilled.

(b) Except as provided in §265.1080(b), the standards of this part, and of 40 CFR 264.552, 264.553, and 264.554, apply to owners and operators of facilities that treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under section 3005(e) of RCRA and §270.10 of this chapter until either a permit is issued under section 3005 of RCRA or until applicable part 265 closure and post-closure responsibilities are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980 who have failed to provide timely notification as required by section 3010(a) of RCRA and/or failed to file Part A of the permit application as required by 40 CFR 270.10 (e) and (g). These standards apply to all treatment, storage and disposal of hazardous waste at these facilities after the effective date of these regulations, except as specifically provided otherwise in this part or part 261 of this chapter.

[*Comment:* As stated in section 3005(a) of RCRA, after the effective date of regulations under that section (i.e., parts 270 and 124 of this chapter), the treatment, storage and disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions, until final administrative disposition of the owner's and operator's permit application is made.]

(c) The requirements of this part do not apply to:

(1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act;

[*Comment:* These part 265 regulations do apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in paragraph (b) of this section.]

(2) [Reserved]

(3) The owner or operator of a POTW which treats, stores, or disposes of hazardous waste;

[*Comment:* The owner or operator of a facility under paragraphs (c)(1) through (3) of this section is subject to the requirements of part 264 of this chapter to the extent they are included in a permit by rule granted to such a person under part 122 of this chapter, or are required by §144.14 of this chapter.]

(4) A person who treats, stores, or disposes of hazardous waste in a State with a RCRA hazardous waste program authorized under subpart A or B of part 271 of this chapter, except that the requirements of this part will continue to apply:

(i) As stated in paragraph (c)(2) of this section, if the authorized State RCRA program does not cover disposal of hazardous waste by means of underground injection; or

(ii) To a person who treats, stores, or disposes of hazardous waste in a State authorized under subpart A or B of part 271 of this chapter if the State has not been authorized to carry out the requirements and prohibitions applicable to the treatment, storage, or disposal of hazardous waste at his facility which are imposed pursuant to the Hazardous and Solid Waste Act Amendments of 1984. The requirements and prohibitions that are applicable until a State receives authorization to carry them out include all Federal program requirements identified in §271.1(j);

(5) The owner or operator of a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this part by §261.5 of this chapter;

(6) The owner or operator of a facility managing recyclable materials described in §261.6 (a)(2), (3), and (4) of this chapter (except to the extent they are referred to in part 279 or subparts C, D, F, or G of part 266 of this chapter).

(7) A generator accumulating waste on-site in compliance with §262.34 of this chapter, except to the extent the requirements are included in §262.34 of this chapter;

(8) A farmer disposing of waste pesticides from his own use in compliance with §262.70 of this chapter; or

(9) The owner or operator of a totally enclosed treatment facility, as defined in §260.10.

(10) The owner or operator of an elementary neutralization unit or a

wastewater treatment unit as defined in § 260.10 of this chapter, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in § 268.40 of this chapter, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in § 265.17(b).

(11)(i) Except as provided in paragraph (c)(11)(ii) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

(A) A discharge of a hazardous waste;

(B) An imminent and substantial threat of a discharge of a hazardous waste;

(C) A discharge of a material which, when discharged, becomes a hazardous waste.

(D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10.

(ii) An owner or operator of a facility otherwise regulated by this part must comply with all applicable requirements of subparts C and D.

(iii) Any person who is covered by paragraph (c)(11)(i) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this part and parts 122 through 124 of this chapter for those activities.

(iv) In the case of an explosives or munitions emergency response, if a Federal, State, Tribal or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

(12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 40 CFR 262.30 at a transfer facility for a period of ten days or less.

(13) The addition of absorbent material to waste in a container (as defined in § 260.10 of this chapter) or the addition of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed in the containers; and §§ 265.17(b), 265.171, and 265.172 are complied with.

(14) Universal waste handlers and universal waste transporters (as defined in 40 CFR 260.10) handling the wastes listed below. These handlers are subject to regulation under 40 CFR part 273, when handling the below listed universal wastes.

(i) Batteries as described in 40 CFR 273.2;

(ii) Pesticides as described in § 273.3 of this chapter;

(iii) Thermostats as described in § 273.4 of this chapter; and

(iv) Lamps as described in § 273.5 of this chapter.

(15) A New York State Utility central collection facility consolidating hazardous waste in accordance with 40 CFR 262.90.

(d) The following hazardous wastes must not be managed at facilities subject to regulation under this part.

(1) EPA Hazardous Waste Nos. FO20, FO21, FO22, FO23, FO26, or FO27 unless:

(i) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

(ii) The waste is stored in tanks or containers;

(iii) The waste is stored or treated in waste piles that meet the requirements of § 264.250(c) as well as all other applicable requirements of subpart L of this part;

(iv) The waste is burned in incinerators that are certified pursuant to the standards and procedures in §265.352; or

(v) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in §265.383.

(e) The requirements of this part apply to owners or operators of all facilities which treat, store or dispose of hazardous waste referred to in 40 CFR part 268, and the 40 CFR part 268 standards are considered material conditions or requirements of the part 265 interim status standards.

(f) Section 266.205 of this chapter identifies when the requirements of this part apply to the storage of military munitions classified as solid waste under §266.202 of this chapter. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 40 CFR parts 260 through 270.

[45 FR 33232, May 19, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §265.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§§ 265.2–265.3 [Reserved]

§265.4 Imminent hazard action.

Notwithstanding any other provisions of these regulations, enforcement actions may be brought pursuant to section 7003 of RCRA.

Subpart B—General Facility Standards

§265.10 Applicability.

The regulations in this subpart apply to owners and operators of all hazardous waste facilities, except as §265.1 provides otherwise.

§265.11 Identification number.

Every facility owner or operator must apply to EPA for an EPA identification number in accordance with the EPA notification procedures (45 FR 12746).

§265.12 Required notices.

(a)(1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date of the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

(2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR part 262, subpart H must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460 and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.

(b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this part and part 270 of this chapter. (Also see §270.72 of this chapter.)

[*Comment:* An owner's or operator's failure to notify the new owner or operator of the requirements of this part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.]

[45 FR 33232, May 19, 1980, as amended at 48 FR 14295, Apr. 1, 1983; 50 FR 4514, Jan. 31, 1985; 61 FR 16315, Apr. 12, 1996]

§265.13 General waste analysis.

(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under §265.113(d), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance

with this part and part 268 of this chapter.

(2) The analysis may include data developed under part 261 of this chapter, and existing published or documented data on the hazardous waste or on waste generated from similar processes.

Comment: For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with paragraph (a)(1) of this section. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part of the information required by paragraph (a)(1) of this section, except as otherwise specified in 40 CFR 268.7 (b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this section.]

(3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

(i) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous wastes or non-hazardous wastes, if applicable, under § 265.113(d) has changed; and

(ii) For off-site facilities, when the results of the inspection required in paragraph (a)(4) of this section indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

(4) The owner or operator of an off-site facility must inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

(b) The owner or operator must develop and follow a written waste analysis plan which describes the procedures which he will carry out to comply with paragraph (a) of this section. He must keep this plan at the facility. At a minimum, the plan must specify:

(1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under § 265.113(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with paragraph (a) of this section);

(2) The test methods which will be used to test for these parameters;

(3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

(i) One of the sampling methods described in appendix I of part 261 of this chapter; or

(ii) An equivalent sampling method.

[*Comment:* See § 260.20(c) of this chapter for related discussion.]

(4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date;

(5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply; and

(6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in §§ 265.200, 265.225, 265.252, 265.273, 265.314, 265.341, 265.375, 265.402, 265.1034(d), 265.1063(d), 265.1084, and 268.7 of this chapter.

(7) For surface impoundments exempted from land disposal restrictions under § 268.4(a) of this chapter, the procedures and schedule for:

(i) The sampling of impoundment contents;

(ii) The analysis of test data; and,

(iii) The annual removal of residues which are not delisted under § 260.22 of this chapter or which exhibit a characteristic of hazardous waste and either:

(A) Do not meet applicable treatment standards of part 268, subpart D; or

(B) Where no treatment standards have been established;

(*1*) Such residues are prohibited from land disposal under § 268.32 or RCRA section 3004(d); or

(*2*) Such residues are prohibited from land disposal under § 268.33(f).

(8) For owners and operators seeking an exemption to the air emission standards of Subpart CC of this part in accordance with § 265.1083—

(i) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption.

(ii) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

(c) For off-site facilities, the waste analysis plan required in paragraph (b) of this section must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

(1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and

(2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985; 50 FR 18374, Apr. 30, 1985; 51 FR 40638, Nov. 7, 1986; 52 FR 25788, July 8, 1987; 54 FR 33396, Aug. 14, 1989; 55 FR 22685, June 1, 1990; 55 FR 25506, June 21, 1990; 56 FR 19290, Apr. 26, 1991; 57 FR 8088, Mar. 6, 1992; 57 FR 54461, Nov. 18, 1992; 59 FR 62935, Dec. 6, 1994; 61 FR 4913, Feb. 9, 1996]

§ 265.14 Security.

(a) The owner or operator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of his facility, *unless:*

(1) Physical contact with the waste, structures, or equipment with the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility, and

(2) Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of this part.

(b) Unless exempt under paragraphs (a)(1) and (2) of this section, a facility must have:

(1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards of facility personnel) which continuously monitors and controls entry onto the active portion of the facility; or

(2)(i) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and

(ii) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

[*Comment:* The requirements of paragraph (b) of this section are satisfied if the facility or plant within which the active portion is located itself has a surveillance system, or a barrier and a means to control entry, which complies with the requirements of paragraph (b)(1) or (2) of this section.]

(c) Unless exempt under paragraphs (a)(1) and (a)(2) of this section, a sign with the legend, "Danger—Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The legend must be written in English and in any other language predominant in the area surrounding the facility (e.g., facilities in counties bordering the Canadian province of Quebec must post signs in French; facilities in counties bordering Mexico must post signs in Spanish), and must be legible from a distance of at least 25 feet. Existing signs with a legend other than

"Danger—Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

[*Comment:* See § 265.117(b) for discussion of security requirements at disposal facilities during the post-closure care period.]

§ 265.15 General inspection requirements.

(a) The owner or operator must inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing—or may lead to: (1) Release of hazardous waste constituents to the environment or (2) a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(b)(1) The owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

(2) He must keep this schedule at the facility.

(3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

(4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in §§ 265.174, 265.193, 265.195, 265.226, 265.260, 265.278, 265.304, 265.347, 265.377, 265.403, 265.1033, 265.1052, 265.1053, 265.1058, and 265.1084 through 265.1090 of this part, where applicable.

(c) The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

(d) The owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985; 57 FR 3491, Jan. 29, 1992; 59 FR 62935, Dec. 6, 1994; 62 FR 64661, Dec. 8, 1997]

§ 265.16 Personnel training.

(a)(1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of this section.

(2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

(3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:

(i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(ii) Key parameters for automatic waste feed cut-off systems;

(iii) Communications or alarm systems;

(iv) Response to fires or explosions;

(v) Response to ground-water contamination incidents; and

(vi) Shutdown of operations.

(b) Facility personnel must successfuly complete the program required in paragraph (a) of this section within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of paragraph (a) of this section.

(c) Facility personnel must take part in an annual review of the initial training required in paragraph (a) of this section.

(d) The owner or operator must maintain the following documents and records at the facility:

(1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(2) A written job description for each position listed under paragraph (d)(1) of this Section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualiffcations, and duties of facility personnel assigned to each position;

(3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of this section;

(4) Records that document that the training or job experience required under paragraphs (a), (b), and (c) of this section has been given to, and completed by, facility personnel.

(e) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985]

§ 265.17 General requirements for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: Open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this part, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(1) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

(3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(4) Damage the structural integrity of the device or facility containing the waste; or

(5) Through other like means threaten human health or the environment.

§ 265.18 Location standards.

The placement of any hazardous waste in a salt dome, salt bed formation, underground mine or cave is prohibited, except for the Department of Energy Waste Isolation Pilot Project in New Mexico.

[50 FR 28749, July 15, 1985]

§ 265.19 Construction quality assurance program.

(a) *CQA program.* (1) A construction quality assurance (CQA) program is required for all surface impoundment, waste pile, and landfill units that are required to comply with §§ 265.221(a), 265.254, and 265.301(a). The program must ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.

(2) The CQA program must address the following physical components, where applicable:

(i) Foundations;

(ii) Dikes;

(iii) Low-permeability soil liners;

(iv) Geomembranes (flexible membrane liners);

(v) Leachate collection and removal systems and leak detection systems; and

(vi) Final cover systems.

(b) *Written CQA plan.* Before construction begins on a unit subject to the CQA program under paragraph (a) of this section, the owner or operator must develop a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan must include:

(1) Identification of applicable units, and a description of how they will be constructed.

(2) Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.

(3) A description of inspection and sampling activities for all unit components identified in paragraph (a)(2) of this section, including observations and tests that will be used before, during, and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover: Sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under § 265.73.

(c) *Contents of program.* (1) The CQA program must include observations, inspections, tests, and measurements sufficient to ensure:

(i) Structural stability and integrity of all components of the unit identified in paragraph (a)(2) of this section;

(ii) Proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components (e.g., pipes) according to design specifications;

(iii) Conformity of all materials used with design and other material specifications under §§ 264.221, 264.251, and 264.301 of this chapter.

(2) The CQA program shall include test fills for compacted soil liners, using the same compaction methods as in the full-scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of §§ 264.221(c)(1), 264.251(c)(1), and 264.301(c)(1) of this chapter in the field. Compliance with the hydraulic conductivity requirements must be verified by using in-situ testing on the constructed test fill. The test fill requirement is waived where data are sufficient to show that a constructed soil liner meets the hydraulic conductivity requirements of §§ 264.221(c)(1), 264.254(c)(1), and 264.301(c)(1) of this chapter in the field.

(d) *Certification.* The owner or operator of units subject to § 265.19 must submit to the Regional Administrator by certified mail or hand delivery, at least 30 days prior to receiving waste, a certification signed by the CQA officer that the CQA plan has been successfully carried out and that the unit meets the requirements of §§ 265.221(a), 265.254, or 265.301(a). The owner or operator may receive waste in the unit after 30 days from the Regional Administrator's receipt of the CQA certification unless the Regional Administrator determines in writing that the construction is not acceptable, or extends the review period for a maximum of 30 more days, or seeks additional information from the owner or operator

during this period. Documentation supporting the CQA officer's certification must be furnished to the Regional Administrator upon request.

[57 FR 3491, Jan. 29, 1992]

Subpart C—Preparedness and Prevention

§ 265.30 Applicability.

The regulations in this subpart apply to owners and operators of all hazardous waste facilities, except as § 265.1 provides otherwise.

§ 265.31 Maintenance and operation of facility.

Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

§ 265.32 Required equipment.

All facilities must be equipped with the following, *unless* none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

(b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

§ 265.33 Testing and maintenance of equipment.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

§ 265.34 Access to communications or alarm system.

(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, *unless* such a device is not required under § 265.32.

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, *unless* such a device is not required under § 265.32.

§ 265.35 Required aisle space.

The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, *unless* aisle space is not needed for any of these purposes.

§ 265.36 [Reserved]

§ 265.37 Arrangements with local authorities.

(a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

(1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated

hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

(2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

(3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

(4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

Subpart D—Contingency Plan and Emergency Procedures

§ 265.50 Applicability.

The regulations in this subpart apply to owners and operators of all hazardous waste facilities, except as § 265.1 provides otherwise.

§ 265.51 Purpose and implementation of contingency plan.

(a) Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985]

§ 265.52 Content of contingency plan.

(a) The contingency plan must describe the actions facility personnel must take to comply with §§ 265.51 and 265.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(b) If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with part 112 of this chapter, or part 1510 of chapter V, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this part.

(c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to § 265.37.

(d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see § 265.55), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be

blocked by releases of hazardous waste or fires).

[45 FR 33232, May 19, 1980, as amended at 46 FR 27480, May 20, 1981; 50 FR 4514, Jan. 31, 1985]

§ 265.53 Copies of contingency plan.

A copy of the contingency plan and all revisions to the plan must be:

(a) Maintained at the facility; and

(b) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985]

§ 265.54 Amendment of contingency plan.

The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

(a) Applicable regulations are revised;

(b) The plan fails in an emergency;

(c) The facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985]

§ 265.55 Emergency coordinator.

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

[*Comment:* The emergency coordinator's responsibilities are more fully spelled out in § 265.56. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility, and type and complexity of the facility.]

§ 265.56 Emergency procedures.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(2) Notify appropriate State or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials. He may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

(c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report his findings as follows:

(1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(2) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under part 1510 of this title), or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health, or the environment, outside the facility.

(e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

[*Comment:* Unless the owner or operator can demonstrate, in accordance with § 261.3(c) or (d) of this chapter, that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of parts 262, 263, and 265 of this chapter.]

(h) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(i) The owner or operator must notify the Regional Administrator, and appropriate State and local authorities, that the facility is in compliance with paragraph (h) of this section before operations are resumed in the affected area(s) of the facility.

(j) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:

(1) Name, address, and telephone number of the owner or operator;

(2) Name, address, and telephone number of the facility;

(3) Date, time, and type of incident (e.g., fire, explosion);

(4) Name and quantity of material(s) involved;

(5) The extent of injuries, if any;

(6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(7) Estimated quantity and disposition of recovered material that resulted from the incident.

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985]

Subpart E—Manifest System, Recordkeeping, and Reporting

§ 265.70 Applicability.

The regulations in this subpart apply to owners and operators of both on-site and off-site facilities, except as § 265.1 provides otherwise. Sections 265.71, 265.72, and 265.76 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, and to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under § 266.203(a) of this chapter.

[62 FR 6653, Feb. 12, 1997]

§ 265.71 Use of manifest system.

(a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his agent, must:

(1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

(2) Note any significant discrepancies in the manifest (as defined in §265.72(a)) on each copy of the manifest;

[*Comment:* The Agency does not intend that the owner or operator of a facility whose procedures under §265.13(c) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 265.72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.]

(3) Immediately give the transporter at least one copy of the signed manifest;

(4) Within 30 days after the delivery, send a copy of the manifest to the generator; and

(5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

(1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) Note any significant discrepancies (as defined in §265.72(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

[*Comment:* The Agency does not intend that the owner or operator of a facility whose procedures under §265.13(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 265.72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.]

(3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

[*Comment:* Section 262.23(c) of this chapter requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).]

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of part 262 of this chapter.

[*Comment:* The provisions of §262.34 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of §262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.]

(d) Within three working days of the receipt of a shipment subject to 40 CFR part 262, subpart H, the owner or operator of facility must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

[45 FR 33232, May 19, 1980, as amended at 45 FR 86970, 86974, Dec. 31, 1980; 50 FR 4514, Jan. 31, 1985; 61 FR 16315, Apr. 12, 1996]

§ 265.72 Manifest discrepancies.

(a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the

quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are: (1) For bulk waste, variations greater than 10 percent in weight, and (2) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985]

§ 265.73 Operating record.

(a) The owner or operator must keep a written operating record at his facility.

(b) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(1) A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by appendix I;

(2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

[*Comment:* See §§ 265.119, 265.279, and 265.309 for related requirements.]

(3) Records and results of waste analysis, waste determinations, and trial tests performed as specified in §§ 265.13, 265.200, 265.225, 265.252, 265.273, 265.314, 265.341, 265.375, 265.402, 265.1034, 265.1063, 265.1084, 268.4(a), and 268.7 of this chapter.

(4) Summary reports and details of all incidents that require implementing the contingency plan as specified in § 265.56(j);

(5) Records and results of inspections as required by § 265.15(d) (except these data need be kept only three years);

(6) Monitoring, testing or analytical data, and corrective action where required by subpart F of this part and by §§ 265.19, 265.90, 265.94, 265.191, 265.193, 265.195, 265.222, 265.223, 265.226, 265.255, 265.259, 265.260, 265.276, 265.278, 265.280(d)(1), 265.302 through 265.304, 265.347, 265.377, 265.1034(c) through 265.1034(f), 265.1035, 265.1063(d) through 265.1063(i), 265.1064, and 265.1083 through 265.1090 of this part.

[*Comment:* As required by § 265.94, monitoring data at disposal facilities must be kept throughout the post-closure period.]

(7) All closure cost estimates under § 265.142 and, for disposal facilities, all post-closure cost estimates under § 265.144.

(8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to § 268.5, monitoring data required pursuant to a petition under § 268.6, or a certification under § 268.8, and the applicable notice required by a generator under § 268.7(a).

(9) For an off-site treatment facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator under § 268.7 or § 268.8;

(10) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under § 268.7 or § 268.8;

(11) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under § 268.7 or § 268.8;

(12) For an on-site land disposal facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under § 268.7 or § 268.8.

(13) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator under § 268.7 or § 268.8; and

(14) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under § 268.7 or § 268.8.

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985; 50 FR 18374, Apr. 30, 1985; 51 FR 40638, Nov. 7, 1986; 53 FR 31211, Aug. 17, 1988; 54 FR 26648, June 23, 1989; 55 FR 25507, June 21, 1990; 56 FR 19290, Apr. 26, 1991; 57 FR 3492, Jan. 29, 1992; 59 FR 62935, Dec. 6, 1994; 62 FR 64661, Dec. 8, 1997]

§ 265.74 Availability, retention, and disposition of records.

(a) All records, including plans, required under this part must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of EPA who is duly designated by the Administrator.

(b) The retention period for all records required under this part is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Administrator.

(c) A copy of records of waste disposal locations and quantities under § 265.73(b)(2) must be submitted to the Regional Administrator and local land authority upon closure of the facility (see § 265.119).

[45 FR 33232, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985]

§ 265.75 Biennial report.

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. The biennial report must be submitted on EPA Form 8700–13B. The report must cover facility activities during the previous calendar year and must include the following information:

(a) The EPA identification number, name, and address of the facility;

(b) The calendar year covered by the report;

(c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;

(d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;

(e) The method of treatment, storage, or disposal for each hazardous waste;

(f) Monitoring data under § 265.94(a)(2)(ii) and (iii), and (b)(2), where required;

(g) The most recent closure cost estimate under § 265.142, and, for disposal facilities, the most recent post-closure cost estimate under § 265.144; and

(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

(i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.

(j) The certification signed by the owner or operator of the facility or his authorized representative.

[45 FR 33232, May 19, 1980, as amended at 48 FR 3982, Jan. 28, 1983; 50 FR 4514, Jan. 31, 1985; 51 FR 28556, Aug. 8, 1986]

§ 265.76 Unmanifested waste report.

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in § 263.20(e)(2) of this chapter, and if the waste is not excluded from the manifest requirement by § 261.5 of

this chapter, then the owner or operator must prepare and submit a single copy of a report to the Regional Administrator within fifteen days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated 'Unmanifested Waste Report' and include the following information:

(a) The EPA identification number, name, and address of the facility;

(b) The date the facility received the waste;

(c) The EPA identification number, name, and address of the generator and the transporter, if available;

(d) A description and the quantity of each unmanifested hazardous waste the facility received;

(e) The method of treatment, storage, or disposal for each hazardous waste;

(f) The certification signed by the owner or operator of the facility or his authorized representative; and

(g) A brief explanation of why the waste was unmanifested, if known.

[*Comment:* Small quantities of hazardous waste are excluded from regulation under this part and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the Agency suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the Agency suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.]

[45 FR 33232, May 19, 1980, as amended at 48 FR 3982, Jan. 28, 1983; 50 FR 4514, Jan. 31, 1985]

§ 265.77 Additional reports.

In addition to submitting the biennial report and unmanifested waste reports described in §§ 265.75 and 265.76, the owner or operator must also report to the Regional Administrator:

(a) Releases, fires, and explosions as specified in § 265.56(j);

(b) Ground-water contamination and monitoring data as specified in §§ 265.93 and 265.94; and

(c) Facility closure as specified in § 265.115.

(d) As otherwise required by Subparts AA, BB, and CC of this part.

[45 FR 33232, May 19, 1980, as amended at 48 FR 3982, Jan. 28, 1983; 55 FR 25507, June 21, 1990; 59 FR 62935, Dec. 6, 1994]

Subpart F—Ground-Water Monitoring

§ 265.90 Applicability.

(a) Within one year after the effective date of these regulations, the owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste must implement a ground-water monitoring program capable of determining the facility's impact on the quality of ground water in the uppermost aquifer underlying the facility, except as § 265.1 and paragraph (c) of this section provide otherwise.

(b) Except as paragraphs (c) and (d) of this section provide otherwise, the owner or operator must install, operate, and maintain a ground-water monitoring system which meets the requirements of § 265.91, and must comply with §§ 265.92 through 265.94. This ground-water monitoring program must be carried out during the active life of the facility, and for disposal facilities, during the post-closure care period as well.

(c) All or part of the ground-water monitoring requirements of this subpart may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial, or agricultural) or to surface water. This demonstration must be in writing, and must be kept at the facility. This demonstration must be certified by a qualified geologist or geotechnical engineer and must establish the following:

(1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer, by an evaluation of:

(i) A water balance of precipitation, evapotranspiration, runoff, and infiltration; and

(ii) Unsaturated zone characteristics (i.e., geologic materials, physical properties, and depth to ground water); and

(2) The potential for hazardous waste or hazardous waste constituents which enter the uppermost aquifer to migrate to a water supply well or surface water, by an evaluation of:

submit additional information as is deemed necessary to make this determination. Pending this determination, the owner or operator will be deemed to be in compliance with the requirements of §265.143, §265.145, or §265.147, as applicable.

(b) If a State-required mechanism is found acceptable as specified in paragraph (a) of this section except for the amount of funds available, the owner or operator may satisfy the requirements of this subpart by increasing the funds available through the State-required mechanism or using additional financial mechanisms as specified in this subpart. The amount of funds available through the State and Federal mechanisms must at least equal the amount required by this subpart.

§ 265.150 State assumption of responsibility.

(a) If a State either assumes legal responsibility for an owner's or operator's compliance with the closure, post-closure care, or liability requirements of this part or assures that funds will be available from State sources to cover those requirements, the owner or operator will be in compliance with the requirements of §265.143, §265.145, or §265.147 if the Regional Administrator determines that the State's assumption of responsibility is at least equivalent to the financial mechanisms specified in this subpart. The Regional Administrator will evaluate the equivalency of State guarantees principally in terms of (1) certainty of the availability of funds for the required closure or post-closure care activities or liability coverage and (2) the amount of funds that will be made available. The Regional Administrator may also consider other factors as he deems appropriate. The owner or operator must submit to the Regional Administrator a letter from the State describing the nature of the State's assumption of responsibility together with a letter from the owner or operator requesting that the State's assumption of responsibility be considered acceptable for meeting the requirements of this subpart. The letter from the State must include, or have attached to it, the following information: The facility's EPA Identification Number, name, and address, and the amount of funds for closure or post-closure care or liability coverage that are guaranteed by the State. The Regional Administrator will notify the owner or operator of his determination regarding the acceptability of the State's guarantee in lieu of financial mechanisms specified in this subpart. The Regional Administrator may require the owner or operator to submit additional information as is deemed necessary to make this determination. Pending this determination, the owner or operator will be deemed to be in compliance with the requirements of §§265.143, §265.145, or §265.147, as applicable.

(b) If a State's assumption of responsibility is found acceptable as specified in paragraph (a) of this section except for the amount of funds available, the owner or operator may satisfy the requirements of this subpart by use of both the State's assurance *and* additional financial mechanisms as specified in this subpart. The amount of funds available through the State and Federal mechanisms must at least equal the amount required by this subpart.

Subpart I—Use and Management of Containers

§ 265.170 Applicability.

The regulations in this subpart apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as §265.1 provides otherwise.

§ 265.171 Condition of containers.

If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.

§ 265.172 Compatibility of waste with container.

The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the

ability of the container to contain the waste is not impaired.

§ 265.173 Management of containers.

(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

(b) A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

[*Comment:* Re-use of containers in transportation is governed by U.S. Department of Transportation regulations, including those set forth in 49 CFR 173.28.]

[45 FR 33232, May 19, 1980, as amended at 45 FR 78529, Nov. 25, 1980]

§ 265.174 Inspections.

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

[*Comment:* See § 265.171 for remedial action required if deterioration or leaks are detected.]

§ 265.175 [Reserved]

§ 265.176 Special requirements for ignitable or reactive waste.

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

[*Comment:* See § 265.17(a) for additional requirements.]

§ 265.177 Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, (see appendix V for examples) must not be placed in the same container, unless § 265.17(b) is complied with.

(b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see appendix V for examples), unless § 265.17(b) is complied with.

(c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

[*Comment:* The purpose of this is to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous waste or hazardous waste constituents which could result from the mixing of incompatible wastes or materials if containers break or leak.]

§ 265.178 Air emission standards.

The owner or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of subparts AA, BB, and CC of this part.

[61 FR 59968, Nov. 25, 1996]

Subpart J—Tank Systems

SOURCE: 51 FR 25479, July 14, 1986, unless otherwise noted.

§ 265.190 Applicability.

The requirements of this subpart apply to owners and operators of facilities that use tank systems for storing or treating hazardous waste except as otherwise provided in paragraphs (a), (b), and (c) of this section or in § 265.1 of this part.

(a) Tank systems that are used to store or treat hazardous waste which contains no free liquids and that are situated inside a building with an impermeable floor are exempted from the requirements in § 265.193. To demonstrate the absence or presence of free liquids in the stored/treated waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW–846, as incorporated by reference in § 260.11 of this chapter.

(b) Tank systems, including sumps, as defined in § 260.10, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in § 265.193(a).

(c) Tanks, sumps, and other collection devices used in conjunction with drip pads, as defined in § 260.10 of this chapter and regulated under 40 CFR

part 265 subpart W, must meet the requirements of this subpart.

[51 FR 25479, July 14, 1986, as amended at 53 FR 34087, Sept. 2, 1988; 55 FR 50486, Dec. 6, 1990; 58 FR 46050, Aug. 31, 1993]

§ 265.191 Assessment of existing tank system's integrity.

(a) For each existing tank system that does not have secondary containment meeting the requirements of § 265.193, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in paragraph (c) of this section, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with § 270.11(d), that attests to the tank system's integrity by January 12, 1988.

(b) This assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be stored or treated to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

(1) Design standard(s), if available, according to which the tank and ancillary equipment were constructed;

(2) Hazardous characteristics of the waste(s) that have been or will be handled;

(3) Existing corrosion protection measures;

(4) Documented age of the tank system, if available, (otherwise, an estimate of the age); and

(5) Results of a leak test, internal inspection, or other tank integrity examination such that:

(i) For non-enterable underground tanks, this assessment must consist of a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects.

(ii) For other than non-enterable underground tanks and for ancillary equipment, this assessment must be either a leak test, as described above, or an internal inspection and/or other tank integrity examination certified by an independent, qualified, registered professional engineer in accordance with § 270.11(d) that addresses cracks, leaks, corrosion, and erosion.

[NOTE: The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," 4th edition, 1981, may be used, where applicable, as guidelines in conducting the integrity examination of an other than non-enterable underground tank system.]

(c) Tank systems that store or treat materials that become hazardous wastes subsequent to July 14, 1986 must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste.

(d) If, as a result of the assessment conducted in accordance with paragraph (a) of this section, a tank system is found to be leaking or unfit for use, the owner or operator must comply with the requirements of § 265.196.

§ 265.192 Design and installation of new tank systems or components.

(a) Owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with § 270.11(d) attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include, at a minimum, the following information:

(1) Design standard(s) according to which the tank(s) and ancillary equipment is or will be constructed.

(2) Hazardous characteristics of the waste(s) to be handled.

(3) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system is or will be in contact with the soil or with water, a determination by a corrosion expert of:

(i) Factors affecting the potential for corrosion, including but not limited to:
(A) Soil moisture content;
(B) Soil pH;
(C) Soil sulfides level;
(D) Soil resistivity;
(E) Structure to soil potential;
(F) Influence of nearby underground metal structures (e.g., piping);
(G) Stray electric current; and,
(H) Existing corrosion-protection measures (e.g., coating, cathodic protection), and
(ii) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:
(A) Corrosion-resistant materials of construction such as special alloys or fiberglass-reinforced plastic;
(B) Corrosion-resistant coating (such as epoxy or fiberglass) with cathodic protection (e.g., impressed current or sacrificial anodes); and
(C) Electrical isolation devices such as insulating joints and flanges.

NOTE: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP–02–85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in providing corrosion protection for tank systems.

(4) For underground tank system components that are likely to be affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and
(5) Design considerations to ensure that:
(i) Tank foundations will maintain the load of a full tank;
(ii) Tank systems will be anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone, or is located within a seismic fault zone; and
(iii) Tank systems will withstand the effects of frost heave.

(b) The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems, must inspect the system or component for the presence of any of the following items:
(1) Weld breaks;
(2) Punctures;
(3) Scrapes of protective coatings;
(4) Cracks;
(5) Corrosion;
(6) Other structural damage or inadequate construction or installation.

All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.

(c) New tank systems or components and piping that are placed underground and that are backfilled must be provided with a backfill material that is a noncorrosive, porous, homogeneous substance and that is carefully installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

(d) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system must be performed prior to the tank system being covered, enclosed, or placed in use.

(e) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction.

NOTE: The piping system installation procedures described in American Petroleum Institute (API) Publication 1615 (November 1979), "Installation of Underground Petroleum Storage Systems," or ANSI Standard B31.3, "Petroleum Refinery System," may be used, where applicable, as guidelines for proper installation of piping systems.

(f) The owner or operator must provide the type and degree of corrosion protection necessary, based on the information provided under paragraph

(a)(3) of this section, to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

(g) The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of paragraphs (b) through (f) of this section to attest that the tank system was properly designed and installed and that repairs, pursuant to paragraphs (b) and (d) of this section were performed. These written statements must also include the certification statement as required in § 270.11(d) of this chapter.

[51 FR 25479, July 14, 1986; 51 FR 29430, Aug. 15, 1986]

§ 265.193 Containment and detection of releases.

(a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this section must be provided (except as provided in paragraphs (f) and (g) of this section):

(1) For all new tank systems or components, prior to their being put into service;

(2) For all existing tanks used to store or treat EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after January 12, 1987;

(3) For those existing tank systems of known and documentable age, within two years after January 12, 1987, or when the tank systems have reached 15 years of age, whichever comes later;

(4) For those existing tank system for which the age cannot be documented, within eight years of January 12, 1987; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1987, whichever comes later; and

(5) For tank systems that store or treat materials that become hazardous wastes subsequent to January 12, 1987, within the time intervals required in paragraphs (a)(1) through (a)(4) of this section, except that the date that a material becomes a hazardous waste must be used in place of January 12, 1987.

(b) Secondary containment systems must be:

(1) Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and

(2) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

(c) To meet the requirements of paragraph (b) of this section, secondary containment systems must be at a minimum:

(1) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from nearby vehicular traffic);

(2) Placed on a foundation or base capable of providing support to the secondary containment system and resistance to pressure gradients above and below the system and capable of preventing failure due to settlement, compression, or uplift;

(3) Provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within 24 hours;

(4) Sloped or otherwise designed or operated to drain and remove liquids

resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health or the environment, if removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

NOTE: If the collected material is a hazardous waste under part 261 of this chapter, it is subject to management as a hazardous waste in accordance with all applicable requirements of parts 262 through 265 of this chapter. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of sections 301, 304, and 402 of the Clean Water Act, as amended. If discharged to Publicly Owned Treatment Works (POTWs), it is subject to the requirements of section 307 of the Clear Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR part 302.

(d) Secondary containment for tanks must include one or more of the following devices:

(1) A liner (external to the tank);

(2) A vault;

(3) A double-walled tank; or

(4) An equivalent device as approved by the Regional Administrator.

(e) In addition to the requirements of paragraphs (b), (c), and (d) of this section, secondary containment systems must satisfy the following requirements:

(1) External liner systems must be:

(i) Designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;

(ii) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

(iii) Free of cracks or gaps; and

(iv) Designed and installed to completely surround the tank and to cover all surrounding earth likely to come into contact with the waste if released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

(2) Vault systems must be:

(i) Designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;

(ii) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

(iii) Constructed with chemical-resistant water stops in place at all joints (if any);

(iv) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

(v) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

(A) Meets the definition of ignitable waste under §262.21 of this chapter, or

(B) Meets the definition of reactive waste under §262.21 of this chapter and may form an ignitable or explosive vapor; and

(vi) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

(3) Double-walled tanks must be:

(i) Designed as an integral structure (i.e., an inner tank within an outer shell) so that any release from the inner tank is contained by the outer shell;

(ii) Protected, if constructed of metal, from both corrosion of the primary tank interior and the external surface of the outer shell; and

(iii) Provided with a built-in, continuous leak detection system capable of detecting a release within 24 hours or at the earliest practicable time, if the owner or operator can demonstrate to the Regional Administrator, and the Regional Administrator concurs, that the existing leak detection technology or site conditions will not allow detection of a release within 24 hours.

NOTE: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tank" may be used as guidelines for aspects of the design of underground steel double-walled tanks.

(f) Ancillary equipment must be provided with full secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of paragraphs (b) and (c) of this section except for:

(1) Aboveground piping (exclusive of flanges, joints, valves, and connections) that are visually inspected for leaks on a daily basis;

(2) Welded flanges, welded joints, and welded connections that are visually inspected for leaks on a daily basis;

(3) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

(4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.

(g) The owner or operator may obtain a variance from the requirements of this Section if the Regional Administrator finds, as a result of a demonstration by the owner or operator, either: that alternative design and operating practices, together with location characteristics, will prevent the migration of hazardous waste or hazardous constituents into the ground water *or* surface water at least as effectively as secondary containment during the active life of the tank system *or* that in the event of a release that does migrate to ground water or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not, per a demonstration in accordance with paragraph (g)(2) of this section, be exempted from the secondary containment requirements of this section. Application for a variance as allowed in paragraph (g) of this section does not waive compliance with the requirements of this subpart for new tank systems.

(1) In deciding whether to grant a variance based on a demonstration of equivalent protection of ground water and surface water, the Regional Administrator will consider:

(i) The nature and quantity of the waste;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the thickness of soils between the tank system and ground water; and

(iv) All other factors that would influence the quality and mobility of the hazardous constituents and the potential for them to migrate to ground water or surface water.

(2) In deciding whether to grant a variance, based on a demonstration of no substantial present or potential hazard, the Regional Administrator will consider:

(i) The potential adverse effects on ground water, surface water, and land quality taking into account:

(A) The physical and chemical characteristics of the waste in the tank system, including its potential for migration,

(B) The hydrogeological characteristics of the facility and surrounding land,

(C) The potential for health risks caused by human exposure to waste constituents,

(D) The potential for damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents, and

(E) The persistence and permanence of the potential adverse effects;

(ii) The potential adverse effects of a release on ground-water quality, taking into account:

(A) The quantity and quality of ground water and the direction of ground-water flow,

(B) The proximity and withdrawal rates of water in the area,

(C) The current and future uses of ground water in the area, and

(D) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground-water quality;

(iii) The potential adverse effects of a release on surface water quality, taking into account:

(A) The quantity and quality of ground water and the direction of ground-water flow,

(B) The patterns of rainfall in the region,

(C) The proximity of the tank system to surface waters,

(D) The current and future uses of surface waters in the area and any water quality standards established for those surface waters, and

(E) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality; and

(iv) The potential adverse effects of a release on the land surrounding the tank system, taking into account:

(A) The patterns of rainfall in the region, and

(B) The current and future uses of the surrounding land.

(3) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of paragraph (g)(1) of this section, at which a release of hazardous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the variance), must:

(i) Comply with the requirements of §265.196, except paragraph (d); and

(ii) Decontaminate or remove contaminated soil to the extent necessary to:

(A) Enable the tank system, for which the variance was granted, to resume operation with the capability for the detection of and response to releases at least equivalent to the capability it had prior to the release, and

(B) Prevent the migration of hazardous waste or hazardous constituents to ground water or surface water; and

(iii) If contaminated soil cannot be removed or decontaminated in accordance with paragraph (g)(3)(ii) of this section, comply with the requirements of §265.197(b);

(4) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of paragraph (g)(1) of this section, at which a release of hazardous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the variance), must:

(i) Comply with the requirements of §265.196(a), (b), (c), and (d); and

(ii) Prevent the migration of hazardous waste or hazardous constituents to ground water or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed, or if ground water has been contaminated, the owner or operator must comply with the requirements of §265.197(b);

(iii) If repairing, replacing, or reinstalling the tank system, provide secondary containment in accordance with the requirements of paragraphs (a) through (f) of this section or reapply for a variance from secondary containment and meet the requirements for new tank systems in §265.192 if the tank system is replaced. The owner or operator must comply with these requirements even if contaminated soil can be decontaminated or removed, and ground water or surface water has not been contaminated.

(h) The following procedures must be followed in order to request a variance from secondary containment:

(1) The Regional Administrator must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in paragraph (g) of this section according to the following schedule:

(i) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with paragraph (a) of this section; and

(ii) For new tank systems, at least 30 days prior to entering into a contract for installation of the tank system.

(2) As part of the notification, the owner or operator must also submit to the Regional Administrator a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in paragraph (g)(1) or paragraph (g)(2) of this section.

(3) The demonstration for a variance must be completed and submitted to the Regional Administrator within 180

days after notifying the Regional Administrator of intent to conduct the demonstration.

(4) The Regional Administrator will inform the public, through a newspaper notice, of the availability of the demonstration for a variance. The notice shall be placed in a daily or weekly major local newspaper of general circulation and shall provide at least 30 days from the date of the notice for the public to review and comment on the demonstration for a variance. The Regional Administrator also will hold a public hearing, in response to a request or at his own discretion, whenever such a hearing might clarify one or more issues concerning the demonstration for a variance. Public notice of the hearing will be given at least 30 days prior to the date of the hearing and may be given at the same time as notice of the opportunity for the public to review and comment on the demonstration. These two notices may be combined.

(5) The Regional Administrator will approve or disapprove the request for a variance within 90 days of receipt of the demonstration from the owner or operator and will notify in writing the owner or operator and each person who submitted written comments or requested notice of the variance decision. If the demonstration for a variance is incomplete or does not include sufficient information, the 90-day time period will begin when the Regional Administrator receives a complete demonstration, including all information necessary to make a final determination. If the public comment period in paragraph (h)(4) of this section is extended, the 90-day time period will be similarly extended.

(i) All tank systems, until such time as secondary containment meeting the requirements of this section is provided, must comply with the following:

(1) For non-enterable underground tanks, a leak test that meets the requirements of §265.191(b)(5) must be conducted at least annually;

(2) For other than non-enterable underground tanks and for all ancillary equipment, an annual leak test, as described in paragraph (i)(1) of this section, or an internal inspection or other tank integrity examination by an independent, qualified, registered professional engineer that addresses cracks, leaks, corrosion, and erosion must be conducted at least annually. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed.

NOTE: The practices described in the American Petroleum Institute (API) Publication Guide for Inspection of Refining Equipment, Chapter XIII, "Atmospheric and Low Pressure Storage Tanks," 4th edition, 1981, may be used, when applicable, as guidelines for assessing the overall condition of the tank system.

(3) The owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with paragraphs (i)(1) through (i)(3) of this section.

(4) If a tank system or component is found to be leaking or unfit-for-use as a result of the leak test or assessment in paragraphs (i)(1) through (i)(3) of this section, the owner or operator must comply with the requirements of §265.196.

[51 FR 25479, July 14, 1986; 51 FR 29430, Aug. 15, 1986, as amended at 53 FR 34087, Sept. 2, 1988]

§265.194 General operating requirements.

(a) Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the secondary containment system to rupture, leak, corrode, or otherwise fail.

(b) The owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or secondary containment systems. These include at a minimum:

(1) Spill prevention controls (e.g , check valves, dry discount couplings);

(2) Overfill prevention controls (e.g , level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

(3) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

(c) The owner or operator must comply with the requirements of §265.196 if a leak or spill occurs in the tank system.

§ 265.195 Inspections.

(a) The owner or operator must inspect, where present, at least once each operating day:

(1) Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order;

(2) The aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

(3) Data gathered from monitoring equipment and leak-detection equipment, (e.g., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and

(4) The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation);

NOTE: Section 265.15(c) requires the owner or operator to remedy any deterioration or malfunction he finds. Section 265.196 requires the owner or operator to notify the Regional Administrator within 24 hours of confirming a release. Also, 40 CFR part 302 may require the owner or operator to notify the National Response Center of a release.

(b) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

(1) The proper operation of the cathodic protection system must be confirmed within six months after initial installation, and annually thereafter; and

(2) All sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

NOTE: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP–02–85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.

(c) The owner or operator must document in the operating record of the facility an inspection of those items in paragraphs (a) and (b) of this section.

§ 265.196 Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(a) *Cessation of use; prevent flow or addition of wastes.* The owner or operator must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

(b) *Removal of waste from tank system or secondary containment system.* (1) If the release was from the tank system, the owner or operator must, within 24 hours after detection of the leak or, if the owner or operator demonstrates that that is not possible, at the earliest practicable time remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.

(2) If the release was to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

(c) *Containment of visible releases to the environment.* The owner or operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(1) Prevent further migration of the leak or spill to soils or surface water; and

(2) Remove, and properly dispose of, any visible contamination of the soil or surface water.

(d) *Notifications, reports.* (1) Any release to the environment, except as provided in paragraph (d)(2) of this section, must be reported to the Regional Administrator within 24 hours of detection. If the release has been reported

pursuant to 40 CFR part 302, that report will satisfy this requirement.

(2) A leak or spill of hazardous waste that is:

(i) Less than or equal to a quantity of one (1) pound, and

(ii) Immediately contained and cleaned-up is exempted from the requirements of this paragraph.

(3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Regional Administrator:

(i) Likely route of migration of the release;

(ii) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

(iii) Results of any monitoring or sampling conducted in connection with the release, (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Regional Administrator as soon as they become available;

(iv) Proximity to downgradient drinking water, surface water, and population areas; and

(v) Description of response actions taken or planned.

(e) *Provision of secondary containment, repair, or closure.* (1) Unless the owner or operator satisfies the requirements of paragraphs (e) (2) through (4) of this section, the tank system must be closed in accordance with § 265.197.

(2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner/operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

(3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

(4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner/operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of § 265.193 before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of paragraph (f) of this section are satisfied. If a component is replaced to comply with the requirements of this subparagraph, that component must satisfy the requirements for new tank systems or components in §§ 265.192 and 265.193. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with § 265.193 prior to being returned to use.

(f) *Certification of major repairs.* If the owner or operator has repaired a tank system in accordance with paragraph (e) of this section, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, registered professional engineer in accordance with § 270.11(d) that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Regional Administrator within seven days after returning the tank system to use.

NOTE: The Regional Administrator may, on the basis of any information received that there is or has been a release of hazardous waste or hazardous constituents into the environment, issue an order under RCRA section 3004(v), 3008(h), or 7003(a) requiring corrective action or such other response as deemed necessary to protect human health or the environment.

NOTE: See § 265.15(c) for the requirements necessary to remedy a failure. Also, 40 CFR Part 302 requires the owner or operator to notify the National Response Center of a release of any "reportable quantity."

[51 FR 25479, July 14, 1986, as amended at 53 FR 34087, Sept. 2, 1988]

§ 265.197 Closure and post-closure care.

(a) At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste, unless §261.3(d) of this Chapter applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in subparts G and H of this part.

(b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in paragraph (a) of this section, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (§265.310) In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator must meet all of the requirements for landfills specified in subparts G and H of this part.

(c) If an owner or operator has a tank system which does not have secondary containment that meets the requirements of §265.193(b) through (f) and which is not exempt from the secondary containment requirements in accordance with §265.193(g), then,

(1) The closure plan for the tank system must include both a plan for complying with paragraph (a) of this section and a contingent plan for complying with paragraph (b) of this section.

(2) A contingent post-closure plan for complying with paragraph (b) of this section must be prepared and submitted as part of the permit application.

(3) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan, if these costs are greater than the costs of complying with the closure plan prepared for the expected closure under paragraph (a) of this section.

(4) Financial assurance must be based on the cost estimates in paragraph (c)(3) of this section.

(5) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure, and financial responsibility requirements for landfills under subparts G and H of this part.

§ 265.198 Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in a tank system, unless:

(1) The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that:

(i) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste under §§261.21 or 261.23 of this chapter; and

(ii) Section 265.17(b) is complied with; or

(2) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

(3) The tank system is used solely for emergencies.

(b) The owner or operator of a facility where ignitable or reactive waste is stored or treated in tanks must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in Tables 2–1 through 2–6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981), (incorporated by reference, see §260.11).

§ 265.199 Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible waste and materials, must not be placed in the same tank system, unless §265.17(b) is complied with.

(b) Hazardous waste must not be placed in a tank system that has not been decontaminated and that previously held an incompatible waste or

material, unless §265.17(b) is complied with.

§ 265.200 Waste analysis and trial tests.

In addition to performing the waste analysis required by §265.13, the owner or operator must, whenever a tank system is to be used to treat chemically or to store a hazardous waste that is substantially different from waste previously treated or stored in that tank system; or treat chemically a hazardous waste with a substantially different process than any previously used in that tank system:

(a) Conduct waste analyses and trial treatment or storage tests (e.g., bench-scale or pilot-plant scale tests); or

(b) Obtain written, documented information on similar waste under similar operating conditions to show that the proposed treatment or storage will meet the requirements of §265.194(a).

NOTE: Section 265.13 requires the waste analysis plan to include analyses needed to comply with §§265.198 and 265.199. Section 265.73 requires the owner or operator to place the results from each waste analysis and trial test, or the documented information, in the operating record of the facility.

§ 265.201 Special requirements for generators of between 100 and 1,000 kg/mo that accumulate hazardous waste in tanks.

(a) The requirements of this section apply to small quantity generators of more than 100 kg but less than 1,000 kg of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than 180 days (or 270 days if the generator must ship the waste greater than 200 miles), and do not accumulate over 6,000 kg on-site at any time.

(b) Generators of between 100 and 1,000 kg/mo hazardous waste must comply with the following general operating requirements:

(1) Treatment or storage of hazardous waste in tanks must comply with §265.17(b).

(2) Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

(3) Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

(4) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

NOTE: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).

(c) Generators of between 100 and 1,000 kg/mo accumulating hazardous waste in tanks must inspect, where present:

(1) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

(2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

(3) The level of waste in the tank at least once each operating day to ensure compliance with §265.201(b)(3);

(4) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

(5) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

NOTE: As required by §265.15(c), the owner or operator must remedy any deterioration or malfunction he finds.

(d) Generators of between 100 and 1,000 kg/mo accumulating hazardous waste in tanks must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures.

NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with

§ 261.3(c) or (d) of this chapter, that any solid waste removed from his tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of parts 262, 263, and 265 of this chapter.

(e) Generators of between 100 and 1,000 kg/mo must comply with the following special requirements for ignitable or reactive waste:

(1) Ignitable or reactive waste must not be placed in a tank, unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in a tank so that (A) the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under § 261.21 or § 261.23 of this chapter, and (B) § 265.17(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

(iii) The tank is used solely for emergencies.

(2) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981) (incorporated by reference, see § 260.11).

(f) Generators of between 100 and 1,000 kg/mo must comply with the following special requirements for incompatible wastes:

(1) Incompatible wastes, or incompatible wastes and materials, (see appendix V for examples) must not be placed in the same tank, unless § 265.17(b) is complied with.

(2) Hazardous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless § 265.17(b) is complied with.

[51 FR 25479, July 14, 1986, as amended at 53 FR 34087, Sept. 2, 1988]

§ 265.202 Air emission standards.

The owner or operator shall manage all hazardous waste placed in a tank in accordance with the applicable requirements of subparts AA, BB, and CC of this part.

[61 FR 59968, Nov. 25, 1996]

Subpart K—Surface Impoundments

§ 265.220 Applicability.

The regulations in this subpart apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of hazardous waste, except as § 265.1 provides otherwise.

§ 265.221 Design and operating requirements.

(a) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992 must install two or more liners and a leachate collection and removal system between such liners, and operate the leachate collection and removal system, in accordance with § 264.221(c), unless exempted under § 264.221(d), (e), or (f), of this chapter. "Construction commences" is as defined in § 260.10 of this chapter under "existing facility."

(b) The owner or operator of each unit referred to in paragraph (a) of this section must notify the Regional Administrator at least sixty days prior to receiving waste. The owner or operator of each facility submitting notice must file a part B application within six months of the receipt of such notice.

(c) The owner or operator of any replacement surface impoundment unit is exempt from paragraph (a) of this section if:

(1) The existing unit was constructed in compliance with the design standards of § 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and

(2) There is no reason to believe that the liner is not functioning as designed.

(d) The double liner requirement set forth in paragraph (a) of this section

APPENDIX IV

30 TAC 101.201 EMISSION EVENT REPORTING

AND RECORDING REQUIREMENTS

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TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 101	GENERAL AIR QUALITY RULES
SUBCHAPTER F	EMISSIONS EVENTS AND SCHEDULED MAINTENANCE, STARTUP, AND SHUTDOWN ACTIVITIES
DIVISION 1	**EMISSIONS EVENTS**
RULE §101.201	**Emissions Event Reporting and Recordkeeping Requirements**

(a) The following requirements for reportable emissions events apply.

(1) As soon as practicable, but not later than 24 hours after the discovery of an emissions event, the owner or operator of a regulated entity shall:

(A) determine if the event is a reportable emissions event; and

(B) notify the commission office for the region in which the regulated entity is located, and all appropriate local air pollution control agencies with jurisdiction, if the emissions event is reportable.

(2) The initial 24-hour notification for reportable emissions events, with the exception of emissions from boilers or combustion turbines referenced in the definition of reportable quantity (RQ) in §101.1 of this title (relating to Definitions) for each regulated entity, must at a minimum, identify for each emissions point with emissions that exceed an RQ:

(A) the name of the owner or operator of the regulated entity experiencing an emissions event;

(B) the commission Regulated Entity Number of the regulated entity experiencing an emissions event, if a Regulated Entity Number exists, or if there is not a Regulated Entity Number, the air account number of the regulated entity. If a Regulated Entity Number and air account number do not exist, then identify the location of the release and a contact telephone number;

(C) the common name of the process units or areas, the common name of the facilities that incurred the emissions event, and the common name of the emission points where the unauthorized emissions exceeded an RQ were released to the atmosphere;

(D) the date and time of the discovery of the emissions;

(E) the estimated duration of the emissions;

(F) the compound descriptive type of the individually listed compounds or mixtures of air contaminants released during the emissions event, in the definition of RQ in §101.1 of this title that are known through common process knowledge, past engineering analysis, or testing to have equaled or exceeded the RQ;

(G) the estimated total quantities for those compounds or mixtures described in subparagraph (F) of this paragraph;

(H) the best known cause of the emissions event at the time of the initial 24-hour notification, if known; and

(I) the actions taken, or being taken, to correct the emissions event and minimize the emissions.

(3) The initial 24-hour notification for reportable emissions events for boilers or combustion turbines referenced in the definition of RQ in §101.1 of this title must identify for each emission point with excess opacity that exceeds the RQ by more than 15%:

(A) the name of the owner or operator of the regulated entity experiencing an emissions event;

(B) the commission Regulated Entity Number of the regulated entity experiencing an emissions event, if a Regulated Entity Number exists, or if there is not a Regulated Entity Number, the air account number of the regulated entity. If a Regulated Entity Number and air account number do not exist, then identify the location of the release and a contact telephone number;

(C) the best known cause of the emissions event, if known at the time of notification;

(D) the common name of the process units or areas, the common name of the facilities that experienced the emissions event, and the common name of the emission points where the unauthorized opacity that exceeded the RQ occurred;

(E) the date and time of the discovery of the emissions event;

(F) the estimated duration or expected duration of the emissions;

(G) the estimated opacity; and

(H) the actions taken, or being taken, to correct the emissions event and minimize the emissions.

(4) The owner or operator of a regulated entity experiencing a reportable emissions event that also requires an initial notification under §327.3 of this title (relating to Notification Requirements) may satisfy the initial 24-hour notification requirements of this section by complying with the requirements under §327.3 of this title.

(b) The owner or operator of a regulated entity experiencing an emissions event shall create a final record of all reportable and non-reportable emissions events as soon as practicable, but no later than two weeks after the end of an emissions event. Final records must be maintained on-site for a minimum of five years and be made readily available upon request to commission staff or personnel of any air pollution program with jurisdiction. If a regulated entity is not normally staffed, records of emissions events may be maintained at the staffed location within Texas that is responsible for the day-to-day operations of the regulated entity.

(1) The final record of a reportable emissions event must identify for all emission points involved in the emissions event:

(A) the name of the owner or operator of the regulated entity experiencing an emissions event;

(B) the commission Regulated Entity Number of the regulated entity experiencing an emissions event, if a Regulated Entity Number and air account number exists, or if there is not a Regulated Entity Number, the air account number of the regulated entity. If a Regulated Entity Number and air account number do not exist, then identify the location of the release and a contact telephone number;

(C) the physical location of the points at which emissions to the atmosphere occurred;

(D) the common name of the process units or areas, the common name and the agency-established facility identification number of the facilities that experienced the emissions event, and the common name and the agency-established emission point numbers where the unauthorized emissions were released to the atmosphere. Owners or operators of those facilities and emission points that the agency has not established facility identification numbers or emission point numbers for are not required to provide the facility identification numbers and emission point numbers in the report, but are required to provide the common names in the report.

(E) the date and time of the discovery of the emissions event;

(F) the estimated duration of the emissions;

(G) the compound descriptive type of all individually listed compounds or mixtures of air contaminants in the definition of RQ in §101.1 of this title, from all emission points involved in the emissions event, that are known through common process knowledge or past engineering analysis or testing to have been released during the emissions event, except for boilers or combustion turbines referenced in the definition of RQ in §101.1 of this title. Compounds or mixtures of air contaminants, that have an RQ greater than or equal to 100 pounds and the amount released is less than ten pounds in a 24-hour period, are not required to be specifically listed in the report, instead these compounds or mixtures of air contaminants may be identified together as "other";

(H) the estimated total quantities for those compounds or mixtures described in subparagraph (G) of this paragraph; the preconstruction authorization number or rule citation of the standard permit, permit by rule, or rule, if any, governing the facilities involved in the emissions event; and the authorized emissions limits, if any, for the facilities involved in the emissions events, except for boilers or combustion turbines referenced in the definition of RQ in §101.1 of this title, which record only the authorized opacity limit and the estimated opacity during the emissions event. Good engineering practice and methods must be used to provide reasonably accurate representations for emissions and opacity. Estimated emissions from compounds or mixtures of air contaminants that are identified as "other" under subparagraph (G) of this paragraph, are not required for each individual compound or mixture of air contaminants, however, a total estimate of emissions must be provided for the category identified as "other";

(I) the basis used for determining the quantity of air contaminants emitted, except for boilers or combustion turbines referenced in the definition of RQ in §101.1 of this title;

(J) the best known cause of the emissions event at the time of reporting;

(K) the actions taken, or being taken, to correct the emissions event and minimize the emissions; and

(L) any additional information necessary to evaluate the emissions event.

(2) Records of non-reportable emissions events must identify:

(A) the name of the owner or operator of the regulated entity experiencing an emissions event;

(B) the commission Regulated Entity Number and air account number of the regulated entity experiencing an emissions event, if a Regulated Entity Number and air account number exists, of if there is not a Regulated Entity Number, the air account number of the regulated entity. If a Regulated Entity Number and air account number do not exist, then identify the location of the release and a contact telephone number;

(C) the physical location of the points at which emissions to the atmosphere occurred;

(D) the common name of the process units or areas, the common name and the agency-established facility identification number of the facilities that experienced the emissions event, and the common name and the agency-established emission point numbers where the unauthorized emissions were released to the atmosphere. Owners or operators of those facilities and emission points that the commission has not established facility identification numbers or emission point numbers for are not required to provide the facility identification numbers and emission point numbers in the report, but are required to provide the common names in the report;

(E) the date and time of the discovery of the emissions event;

(F) the estimated duration of the emissions;

(G) the compound descriptive type of the individually listed compounds or mixtures of air contaminants, in the definition of RQ in §101.1 of this title, from all emission points involved in the emissions event, that are known through common process knowledge or past engineering analysis, except for boilers or combustion turbines referenced in the definition of RQ in §101.1 of this title and that were unauthorized. Compounds or mixtures of air contaminants, that have an RQ greater than or equal to 100 pounds and the amount released is less than ten pounds in a 24-hour period, are not required to be specifically listed in the report, instead these compounds or mixtures of air contaminants may be identified together as "other";

(H) the estimated total quantities and the authorized emissions limits for those compounds or mixtures described in subparagraph (G) of this paragraph; the preconstruction authorization number or rule citation of the standard permit, permit by rule, or rule, if any, governing the facilities involved in the emissions event; and the authorized emissions limits, if any, for the facilities involved in the emissions events, except for boilers or combustion turbines referenced in the definition of RQ in §101.1 of this title, which record only the authorized opacity limit and the estimated opacity during the emissions event. Good engineering practice and methods must be used to provide reasonably accurate representations for emissions and opacity. Estimated emissions from compounds or mixtures of air contaminants that are identified as "other" under subparagraph (G) of this paragraph, are not required for each individual compound or mixture of air contaminants, however, a total

estimate of emissions must be provided for the category identified as "other";

(I) the basis used for determining the quantity of air contaminants emitted, except for boilers or combustion turbines referenced in the definition of RQ in §101.1 of this title;

(J) the best known cause of the emissions event at the time of recording;

(K) the actions taken, or being taken, to correct the emissions event and minimize the emissions; and

(L) any additional information necessary to evaluate the emissions event.

(c) For all reportable emissions events, if the information required in subsection (b) of this section differs from the information provided in the initial 24-hour notification under subsection (a) of this section, the owner or operator of the regulated entity shall submit a copy of the final record to the commission office for the region in which the regulated entity is located and to appropriate local air pollution agencies with jurisdiction no later than two weeks after the end of the emissions event. If the owner or operator does not submit a record under this subsection, the information provided in the initial 24-hour notification under subsection (a) of this section will be the final record of the emissions event, provided the initial 24-hour notification was submitted electronically in accordance with subsection (g) of this section.

(d) The owner or operator of a boiler or combustion turbine, as defined in §101.1 of this title, fueled by natural gas, coal, lignite, wood, or fuel oil containing hazardous air pollutants at a concentration of less than 0.02% by weight, that is equipped with a continuous emission monitoring system that completes a minimum of one operating cycle (sampling, analyzing, and data recording) for each successive 15-minute interval, and is required to submit excess emission reports by other state or federal requirements, is exempt from creating, maintaining, and submitting final records of reportable and non-reportable emissions events of the boiler or combustion turbine under subsections (b) and (c) of this section if the notice submitted under subsection (a) of this section contains the information Cont'd...

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APPENDIX I

40 CFR 110, EPA - DISCHARGE OF OIL AND
40 CFR 112, EPA - OIL POLLUTION PREVENTION

40 CFR PART 110

(1) The identification and inventory of applicable equipment, materials and supplies which are available locally and regionally.

(2) An estimate of the equipment, materials and supplies which would be required to remove the maximum oil discharge to be anticipated.

(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.

(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.

(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.

(3) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.

(4) Provisions for varying degrees of response effort depending on the severity of the oil discharge.

(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.

(e) Specific and well defined procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinances.

§ 109.6 Coordination.

For the purposes of coordination, the contingency plans of State and local governments should be developed and implemented in consultation with private interests. A copy of any oil removal contingency plan developed by State and local governments should be forwarded to the Council on Environmental Quality upon request to facilitate the coordination of these contingency plans with the National Oil and Hazardous Materials Pollution Contingency Plan.

PART 110—DISCHARGE OF OIL

Sec.

AUTHORITY: 33 U.S.C. 1321(b)(3) and (b)(4) and 1361(a); E.O. 11735, 38 FR 21243, 3 CFR Parts 1971–1975 Comp., p. 793.

SOURCE: 52 FR 10719, Apr. 2, 1987, unless otherwise noted.

§ 110.1 Definitions.

Terms not defined in this section have the same meaning given by the Section 311 of the Act. As used in this part, the following terms shall have the meaning indicated below:

Act means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.*, also known as the Clean Water Act;

Administrator means the Administrator of the Environmental Protection Agency (EPA);

Applicable water quality standards means State water quality standards adopted by the State pursuant to section 303 of the Act or promulgated by EPA pursuant to that section;

MARPOL 73/78 means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, Annex I, which regulates pollution from oil and which entered into force on October 2, 1983;

Navigable waters means the waters of the United States, including the territorial seas. The term includes:

(a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters

that are subject to the ebb and flow of the tide;

(b) Interstate waters, including interstate wetlands;

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) That are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;

(3) That are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as navigable waters under this section;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this section, including adjacent wetlands; and

(f) Wetlands adjacent to waters identified in paragraphs (a) through (e) of this section: Provided, That waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States;

Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

NPDES means National Pollutant Discharge Elimination System;

Sheen means an iridescent appearance on the surface of water;

Sludge means an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equivalent to or greater than water;

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

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

[52 FR 10719, Apr. 2, 1987, as amended at 58 FR 45039, Aug. 25, 1993; 61 FR 7421, Feb. 28, 1996]

§ 110.2 Applicability.

The regulations of this part apply to the discharge of oil prohibited by section 311(b)(3) of the Act.

[61 FR 7421, Feb. 28, 1996]

§ 110.3 Discharge of oil in such quantities as "may be harmful" pursuant to section 311(b)(4) of the Act.

For purposes of section 311(b)(4) of the Act, discharges of oil in such quantities that the Administrator has determined may be harmful to the public health or welfare or the environment of the United States include discharges of oil that:

(a) Violate applicable water quality standards; or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

[61 FR 7421, Feb. 28, 1996]

§ 110.4 Dispersants.

Addition of dispersants or emulsifiers to oil to be discharged that would circumvent the provisions of this part is prohibited.

[52 FR 10719, Apr. 2, 1987. Redesignated at 61 FR 7421, Feb. 28, 1996]

§ 110.5 Discharges of oil not determined "as may be harmful" pursuant to Section 311(b)(3) of the Act.

Notwithstanding any other provisions of this part, the Administrator has not determined the following discharges of oil ''as may be harmful'' for purposes of section 311(b) of the Act:

(a) Discharges of oil from a properly functioning vessel engine (including an

engine on a public vessel) and any discharges of such oil accumulated in the bilges of a vessel discharged in compliance with MARPOL 73/78, Annex I, as provided in 33 CFR part 151, subpart A;

(b) Other discharges of oil permitted under MARPOL 73/78, Annex I, as provided in 33 CFR part 151, subpart A; and

(c) Any discharge of oil explicitly permitted by the Administrator in connection with research, demonstration projects, or studies relating to the prevention, control, or abatement of oil pollution.

[61 FR 7421, Feb. 28, 1996]

§ 110.6 Notice.

Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as he or she has knowledge of any discharge of oil from such vessel or facility in violation of section 311(b)(3) of the Act, immediately notify the National Response Center (NRC) (800–424–8802; in the Washington, DC metropolitan area, 202–426–2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated On-Scene Coordinator (OSC) for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the predesignated OCS immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible. The reports shall be made in accordance with such procedures as the Secretary of Transportation may prescribe. The procedures for such notice are set forth in U.S. Coast Guard regulations, 33 CFR part 153, subpart B and in the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300, subpart E.

(Approved by the Office of Management and Budget under control number 2050–0046)

[52 FR 10719, Apr. 2, 1987. Redesignated and amended at 61 FR 7421, Feb. 28, 1996; 61 FR 14032, Mar. 29, 1996]

PART 112—OIL POLLUTION PREVENTION

Sec.

40 CFR 112.1 – 112.15

engine on a public vessel) and any discharges of such oil accumulated in the bilges of a vessel discharged in compliance with MARPOL 73/78, Annex I, as provided in 33 CFR part 151, subpart A;

(b) Other discharges of oil permitted under MARPOL 73/78, Annex I, as provided in 33 CFR part 151, subpart A; and

(c) Any discharge of oil explicitly permitted by the Administrator in connection with research, demonstration projects, or studies relating to the prevention, control, or abatement of oil pollution.

[61 FR 7421, Feb. 28, 1996]

§ 110.6 Notice.

Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as he or she has knowledge of any discharge of oil from such vessel or facility in violation of section 311(b)(3) of the Act, immediately notify the National Response Center (NRC) (800–424–8802; in the Washington, DC metropolitan area, 202–426–2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated On-Scene Coordinator (OSC) for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the predesignated OCS immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible. The reports shall be made in accordance with such procedures as the Secretary of Transportation may prescribe. The procedures for such notice are set forth in U.S. Coast Guard regulations, 33 CFR part 153, subpart B and in the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300, subpart E.

(Approved by the Office of Management and Budget under control number 2050–0046)

[52 FR 10719, Apr. 2, 1987. Redesignated and amended at 61 FR 7421, Feb. 28, 1996; 61 FR 14032, Mar. 29, 1996]

PART 112—OIL POLLUTION PREVENTION

Sec.

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

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

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

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

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

§ 112.1 General applicability.

(a)(1) This part establishes procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).

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

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

(1) Any aboveground container;

(2) Any completely buried tank as defined in §112.2;

(3) Any container that is used for standby storage, for seasonal storage, or for temporary storage, or not otherwise ''permanently closed'' as defined in §112.2;

(4) Any ''bunkered tank'' or ''partially buried tank'' as defined in §112.2, or any container in a vault, each of which is considered an aboveground storage container for purposes of this part.

(c) As provided in section 313 of the Clean Water Act (CWA), departments, agencies, and instrumentalities of the Federal government are subject to this part to the same extent as any person.

(d) Except as provided in paragraph (f) of this section, this part does not apply to:

(1) The owner or operator of any facility, equipment, or operation that is not subject to the jurisdiction of the Environmental Protection Agency (EPA) under section 311(j)(1)(C) of the CWA, as follows:

(i) Any onshore or offshore facility, that due to its location, could not reasonably be expected to have a discharge as described in paragraph (b) of this section. This determination must be based solely upon consideration of the geographical and location aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, drainage, etc.) and must exclude consideration of manmade features such as dikes, equipment or other structures, which may serve to restrain, hinder, contain, or otherwise prevent a discharge as described in paragraph (b) of this section.

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

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

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

(i) The completely buried storage capacity of the facility is 42,000 U.S. gallons or less of oil. For purposes of this exemption, the completely buried storage capacity of a facility excludes the capacity of a completely buried tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, that is currently subject to all of the technical requirements of part 280 of this chapter or all of the technical requirements of a State program approved under part 281 of this chapter, or the capacity of any underground oil storage tanks deferred under 40 CFR part 280 that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission and subject to any Nuclear Regulatory Commission provision regarding design and quality criteria, including, but not limited to, 10 CFR part 50. The completely buried storage capacity of a facility also excludes the capacity of a container that is ''permanently closed,'' as defined in §112.2 and the capacity of intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195.

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

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

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

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

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

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

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

(4) Any completely buried storage tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, at any facility, that is subject to all of the technical requirements of part 280 of this chapter or a State program approved under part 281 of this chapter, or any underground oil storage tanks including below-grade vaulted tanks, deferred under 40 CFR part 280, as originally promulgated, that supply emergency diesel generators at a nuclear power

generation facility licensed by the Nuclear Regulatory Commission, provided that such a tank is subject to any Nuclear Regulatory Commission provision regarding design and quality criteria, including, but not limited to, 10 CFR part 50. Such emergency generator tanks must be marked on the facility diagram as provided in §112.7(a)(3), if the facility is otherwise subject to this part.

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

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

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

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

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

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

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

(e) This part establishes requirements for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans are designed to complement existing laws, regulations, rules, standards, policies, and procedures pertaining to safety standards, fire prevention, and pollution prevention rules. The purpose of an SPCC Plan is to form a comprehensive Federal/State spill prevention program that minimizes the potential for discharges. The SPCC Plan must address all relevant spill prevention, control, and countermeasures necessary at the specific facility. Compliance with this part does not in any way relieve the owner or operator of an onshore or an offshore facility from compliance with other Federal, State, or local laws.

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

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

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

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

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

later than one year after the Regional Administrator has made a final determination.

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

[67 FR 47140, July 17, 2002, as amended at 71 FR 77290, Dec. 26, 2006; 73 FR 74300, Dec. 5, 2008; 74 FR 58809, Nov. 13, 2009]

§ 112.2 Definitions.

For the purposes of this part:

Adverse weather means weather conditions that make it difficult for response equipment and personnel to clean up or remove spilled oil, and that must be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in Appendix E to this part (as appropriate), ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment is intended to function.

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

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

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

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

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

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

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the CWA.

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

Contract or other approved means means:

(1) A written contractual agreement with an oil spill removal organization that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or

(3) Active membership in a local or regional oil spill removal organization that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times in the specified geographic area; and/or

(4) Any other specific arrangement approved by the Regional Administrator upon request of the owner or operator.

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

Facility means any mobile or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used, as described in Appendix A to this part. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.

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

Fish and wildlife and sensitive environments means areas that may be identified by their legal designation or by evaluations of Area Committees (for planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Injury means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge, or exposure to a product of reactions resulting from a discharge.

Loading/unloading rack means a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is

located at a facility subject to the requirements of this part. A loading/unloading rack includes a loading or unloading arm, and may include any combination of the following: piping assemblages, valves, pumps, shut-off devices, overfill sensors, or personnel safety devices.

Maximum extent practicable means within the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It includes the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in §112.20 or in a specific plan approved by the Regional Administrator.

Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

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

Navigable waters of the United States means ''navigable waters'' as defined in section 502(7) of the FWPCA, and includes:

(1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92–500), and tributaries of such waters;

(2) Interstate waters;

(3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and

(4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Non-petroleum oil means oil of any kind that is not petroleum-based, including but not limited to: Fats, oils, and greases of animal, fish, or marine mammal origin; and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

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

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

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

Oil Spill Removal Organization means an entity that provides oil spill response resources, and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.

Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands.

Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

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

Permanently closed means any container or facility for which:

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

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

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

Petroleum oil means petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

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

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or intra-facility gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary nontransportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil (including condensate), or associated storage or measurement, and is located in an oil or gas field, at a facility. This definition governs whether such structures, piping, or equipment are subject to a specific section of this part.

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

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

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

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

Transportation-related and non-transportation-related, as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, (appendix A of this part).

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

Vegetable oil means a non-petroleum oil or fat of vegetable origin, including but not limited to oils and fats derived from plant seeds, nuts, fruits, and kernels.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa

lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in Appendix D to this part.

[67 FR 47140, July 17, 2002, as amended at 71 FR 77290, Dec. 26, 2006; 73 FR 71943, Nov. 26, 2008; 73 FR 74300, Dec. 5, 2008]

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

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

(a) 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.

(c) If you are the owner or operator of an onshore or offshore mobile facility, such as an onshore drilling or workover rig, barge mounted offshore drilling or workover rig, or portable fueling facility, you must prepare, implement, and maintain a facility Plan as required by this section. You must maintain your Plan, but must amend and implement it, if necessary to ensure compliance with this part, on or before November 10, 2010. If your onshore or offshore mobile facility 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. This provision does not require that you prepare a new Plan each time you move the facility to a new site. The Plan may be a general Plan. When you move the mobile or portable facility, you must locate and install it using the discharge prevention practices outlined in the Plan for the facility. The Plan is applicable only while the facility is in a fixed (non-transportation) operating mode.

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

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

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

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

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

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

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

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

(2) Such certification shall in no way relieve the owner or operator of a facility of his duty to prepare and fully implement such Plan in accordance with the requirements of this part.

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

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

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

(f) *Extension of time.* (1) The Regional Administrator may authorize an extension of time for the preparation and full implementation of a Plan, or any amendment thereto, beyond the time permitted for the preparation, implementation, or amendment of a Plan under this part, when he finds that the owner or operator of a facility subject to this section, cannot fully comply with the requirements as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or his agents or employees.

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

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

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

(iii) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment, or other preventive measures. In addition you may present additional oral or written statements in support of your extension request.

(3) The submission of a written extension request under paragraph (f)(2) of this section does not relieve you of your obligation to comply with the requirements of this part. The Regional Administrator may request a copy of your Plan to evaluate the extension request. When the Regional Administrator authorizes an extension of time for particular equipment or other specific aspects of the Plan, such extension does not affect your obligation to comply with the requirements related to other equipment or other specific aspects of the Plan for which the Regional Administrator has not expressly authorized an extension.

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

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

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

[67 FR 47140, July 17, 2002, as amended at 68 FR 1351, Jan. 9, 2003; 68 FR 18894, Apr. 17, 2003; 69 FR 48798, Aug. 11, 2004; 71 FR 8466, Feb. 17, 2006; 71 FR 77290, Dec. 26, 2006; 72 FR 27447, May 16, 2007; 73 FR 74301, Dec. 5, 2008, 74 FR 29141, June 19, 2009; 74 FR 58809, Nov. 13, 2009]

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

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

(a) Notwithstanding compliance with §112.3, whenever your facility has discharged more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or discharged more than 42

U.S. gallons of oil in each of two discharges as described in §112.1(b), occurring within any twelve month period, submit the following information to the Regional Administrator within 60 days from the time the facility becomes subject to this section:

(1) Name of the facility;

(2) Your name;

(3) Location of the facility;

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

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

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

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

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

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

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

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

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

(e) Act in accordance with this paragraph when the Regional Administrator proposes by certified mail or by personal delivery that you amend your SPCC Plan. If the owner or operator is a corporation, he must also notify by mail the registered agent of such corporation, if any and if known, in the State in which the facility is located. The Regional Administrator must specify the terms of such proposed amendment. Within 30 days from receipt of such notice, you may submit written information, views, and arguments on the proposed amendment. After considering all relevant material presented, the Regional Administrator must either notify you of any amendment required or rescind the notice. You must amend your Plan as required within 30 days after such notice, unless the Regional Administrator, for good cause, specifies another effective date. You must implement the amended Plan as soon as possible, but not later than six months after you amend your Plan, unless the Regional Administrator specifies another date.

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

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

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

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

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

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

[67 FR 47140, July 17, 2002, as amended at 71 FR 77291, Dec. 26, 2006; 73 FR 74301, Dec. 5, 2008; 74 FR 58809, Nov. 13, 2009]

§ 112.6 Qualified Facilities Plan Requirements.

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

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

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

(ii) You have visited and examined the facility;

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

(iv) You have established procedures for required inspections and testing in accordance with industry inspection

and testing standards or recommended practices;

(v) You will fully implement the Plan;

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

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

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

(2) *Technical Amendments.* You must certify any technical amendments to your Plan in accordance with paragraph (a)(1) of this section when there is a change in the facility design, construction, operation, or maintenance that affects its potential for a discharge as described in §112.1(b). If the facility change results in the facility no longer meeting the Tier I qualifying criteria in §112.3(g)(1) because an individual oil storage container capacity exceeds 5,000 U.S. gallons or the facility capacity exceeds 10,000 U.S. gallons in aggregate aboveground storage capacity, within six months following preparation of the amendment, you must either:

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

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

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

(i) *Failure analysis, in lieu of the requirements in §112.7(b).* Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of discharge), include in your Plan a prediction of the direction and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

(ii) *Bulk storage container secondary containment, in lieu of the requirements in §§112.8(c)(2) and (c)(11) and 112.12(c)(2) and (c)(11).* Construct all bulk storage container installations (except mobile refuelers and other non-transportation-related tank trucks), including mobile or portable oil storage containers, so that you provide a secondary means of containment for the entire capacity of the largest single container plus additional capacity to contain precipitation. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a catchment basin or holding pond. Position or locate mobile or portable oil storage containers to prevent a discharge as described in §112.1(b).

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

(b) *Tier II Qualified Facilities*—(1) *Preparation and Self-Certification of*

Plan. If you are the owner or operator of a facility that meets the Tier II qualified facility criteria in §112.3(g)(2), you may choose to self-certify your Plan. You must certify in the Plan that:

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

(ii) You have visited and examined the facility;

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

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

(v) You will fully implement the Plan;

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

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

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

(2) *Technical Amendments*. If you self-certify your Plan pursuant to paragraph (b)(1) of this section, you must certify any technical amendments to your Plan in accordance with paragraph (b)(1) of this section when there is a change in the facility design, construction, operation, or maintenance that affects its potential for a discharge as described in §112.1(b), except:

(i) If a Professional Engineer certified a portion of your Plan in accordance with paragraph (b)(4) of this section, and the technical amendment affects this portion of the Plan, you must have the amended provisions of your Plan certified by a Professional Engineer in accordance with paragraph (b)(4)(ii) of this section.

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

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

(i) *Environmental Equivalence*. Your Plan may not include alternate methods which provide environmental equivalence pursuant to §112.7(a)(2), unless each alternate method has been reviewed and certified in writing by a Professional Engineer, as provided in paragraph (b)(4) of this section.

(ii) *Impracticability*. Your Plan may not include any determinations that secondary containment is impracticable and provisions in lieu of secondary containment pursuant to §112.7(d), unless each such determination and alternate measure has been reviewed and certified in writing by a Professional Engineer, as provided in paragraph (b)(4) of this section.

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

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

(i) As described in paragraph (b)(3) of this section, the facility owner or operator may not self-certify alternative measures allowed under §112.7(a)(2) or (d), that are included in the facility's Plan. Such measures must be reviewed and certified, in writing, by a licensed Professional Engineer. For each alternative measure allowed under §112.7(a)(2), the Plan must be accompanied by a written statement by a Professional Engineer that states the reason for nonconformance and describes the alternative method and how it provides equivalent environmental protection in accordance with

§ 112.7(a)(2). For each determination of impracticability of secondary containment pursuant to § 112.7(d), the Plan must clearly explain why secondary containment measures are not practicable at this facility and provide the alternative measures required in § 112.7(d) in lieu of secondary containment. By certifying each measure allowed under § 112.7(a)(2) and (d), the Professional Engineer attests:

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

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

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

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

(iii) The review and certification by the Professional Engineer under this paragraph is limited to the alternative method which achieves equivalent environmental protection pursuant to § 112.7(a)(2); to the impracticability determination and measures in lieu of secondary containment pursuant to § 112.7(d); or the measures pursuant to § 112.9(c)(6) for produced water containers and any associated piping and appurtenances downstream from the container.

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

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

If you are the owner or operator of a facility subject to this part you must prepare a Plan in accordance with good engineering practices. The Plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan. You must prepare the Plan in writing. If you do not follow the sequence specified in this section for the Plan, you must prepare an equivalent Plan acceptable to the Regional Administrator that meets all of the applicable requirements listed in this part, and you must supplement it with a section cross-referencing the location of requirements listed in this part and the equivalent requirements in the other prevention plan. If the Plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, you must discuss these items in separate paragraphs, and must explain separately the details of installation and operational start-up. As detailed elsewhere in this section, you must also:

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

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

Plan, following the procedures in §112.4(d) and (e).

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

(i) The type of oil in each fixed container and its storage capacity. For mobile or portable containers, either provide the type of oil and storage capacity for each container or provide an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities;

(ii) Discharge prevention measures including procedures for routine handling of products (loading, unloading, and facility transfers, etc.);

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

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

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

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

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

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

(b) Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge), include in your Plan a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

(c) Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in §112.1(b), except as provided in paragraph (k) of this section for qualified oil-filled operational equipment, and except as provided in §112.9(d)(3) for flowlines and intra-facility gathering lines at an oil production facility. The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs. In determining the method, design, and capacity for secondary containment, you need only to address the typical failure mode, and the most likely quantity of oil that would be discharged. Secondary containment may be either

active or passive in design. At a minimum, you must use one of the following prevention systems or its equivalent:

(1) For onshore facilities:

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

(ii) Curbing or drip pans;

(iii) Sumps and collection systems;

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

(v) Weirs, booms, or other barriers;

(vi) Spill diversion ponds;

(vii) Retention ponds; or

(viii) Sorbent materials.

(2) For offshore facilities:

(i) Curbing or drip pans; or

(ii) Sumps and collection systems.

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

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

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

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

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

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

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

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

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

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

(2) Provide an interlocked warning light or physical barrier system, warning signs, wheel chocks or vehicle

brake interlock system in the area adjacent to a loading/unloading rack, to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines.

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

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

(j) In addition to the minimal prevention standards listed under this section, include in your Plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and containment procedures listed in this part or any applicable more stringent State rules, regulations, and guidelines.

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

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

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

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

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

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

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

[67 FR 47140, July 17, 2002, as amended at 71 FR 77292, Dec. 26, 2006; 73 FR 74303, Dec. 5, 2008; 74 FR 58810, Nov. 13, 2009]

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

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

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

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

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

(b) *Facility drainage.* (1) Restrain drainage from diked storage areas by valves to prevent a discharge into the

drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

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

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

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

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

(c) *Bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

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

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

(i) Normally keep the bypass valve sealed closed.

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

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

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

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

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

(6) Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing

and inspections, which take into account container size, configuration, and design (such as containers that are: shop-built, field-erected, skid-mounted, elevated, equipped with a liner, double-walled, or partially buried). Examples of these integrity tests include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping

at the time of installation, modification, construction, relocation, or replacement.

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

[67 FR 47146, July 17, 2002, as amended at 71 FR 77293, Dec. 26, 2006; 73 FR 74304, Dec. 5, 2008]

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

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

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

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

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

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

(2) Except as described in paragraph (c)(5) of this section for flow-through process vessels and paragraph (c)(6) of this section for produced water containers and any associated piping and appurtenances downstream from the container, construct all tank battery, separation, and treating facility installations, so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must safely confine drainage from undiked areas in a catchment basin or holding pond.

(3) Except as described in paragraph (c)(5) of this section for flow-through process vessels and paragraph (c)(6) of this section for produced water containers and any associated piping and appurtenances downstream from the container, periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

(4) Engineer or update new and old tank battery installations in accordance with good engineering practice to prevent discharges. You must provide at least one of the following:

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

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

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

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

(5) *Flow-through process vessels.* The owner or operator of a facility with flow-through process vessels may choose to implement the alternate requirements as described below in lieu of sized secondary containment required in paragraphs (c)(2) and (c)(3) of this section.

(i) Periodically and on a regular schedule visually inspect and/or test flow-through process vessels and associated components (such as dump valves) for leaks, corrosion, or other

conditions that could lead to a discharge as described in §112.1(b).

(ii) Take corrective action or make repairs to flow-through process vessels and any associated components as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge.

(iii) Promptly remove or initiate actions to stabilize and remediate any accumulations of oil discharges associated with flow-through process vessels.

(iv) 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 flow-through process vessels (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 flow-through process vessels subject to this subpart comply with §112.9(c)(2) and (c)(3).

(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 the provisions of the following paragraphs (c)(6)(i) through (v):

(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).

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

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

(3) For flowlines and intra-facility gathering lines that are not provided with secondary containment in accordance with §112.7(c), unless you have submitted a response plan under §112.20, provide in your Plan the following:

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

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

(4) Prepare and implement a written program of flowline/intra-facility gathering line maintenance. The maintenance program must address your procedures to:

(i) Ensure that 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.

(ii) Visually inspect and/or test flowlines and intra-facility gathering lines and associated appurtenances 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). For flowlines and intra-facility gathering lines that are not provided with secondary containment in accordance with §112.7(c), the frequency and type of testing must allow for the implementation of a contingency plan as described under part 109 of this chapter.

(iii) Take corrective action or make 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.

(iv) Promptly remove or initiate actions to stabilize and remediate any accumulations of oil discharges associated with flowlines, intra-facility gathering lines, and associated appurtenances.

[73 FR, 74304, Dec. 5, 2008, as amended at 74 FR 58810, Nov. 13, 2009]

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

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

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

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

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

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

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

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

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

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

(c) For facilities employing a sump system, provide adequately sized sump and drains and make available a spare pump to remove liquid from the sump and assure that oil does not escape. You must employ a regularly scheduled preventive maintenance inspection and testing program to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

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

You must prevent the discharge of oil by:

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

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

(3) Installing parallel redundant dump valves.

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

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

(g) Equip containers with suitable corrosion protection.

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

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

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

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

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

(m) Equip the flowline with a high pressure sensing device and shut-in valve at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves. Alternatively you may provide a pressure relief system for flowlines.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) *Bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

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

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

(i) Normally keep the bypass valve sealed closed.

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

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

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

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

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

(6) *Bulk storage container inspections.*

(i) Except for containers that meet the criteria provided in paragraph (c)(6)(ii) of this section, test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections, which take into account container size, configuration, and design (such as containers that are: shop-built, field-erected, skid-mounted, elevated, equipped with a liner, double-walled, or partially buried). Examples of these integrity

tests include, but are not limited to: Visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph.

(ii) For bulk storage containers that are subject to 21 CFR part 110, are elevated, constructed of austenitic stainless steel, have no external insulation, and are shop-fabricated, conduct formal visual inspection on a regular schedule. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. You must determine and document in the Plan the appropriate qualifications for personnel performing tests and inspections. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph (c)(6).

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

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

[67 FR 57149, July 17, 2002, as amended at 71 FR 77293, Dec. 26, 2006; 73 FR 74305, Dec. 5, 2008]

§§ 112.13–112.15 [Reserved]

Subpart D—Response Requirements

§ 112.20 Facility response plans.

(a) The owner or operator of any non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines shall prepare and submit a facility response plan to the Regional Administrator, according to the following provisions:

(1) For the owner or operator of a facility in operation on or before February 18, 1993 who is required to prepare and submit a response plan under 33 U.S.C. 1321(j)(5), the Oil Pollution Act of 1990 (Pub. L. 101–380, 33 U.S.C. 2701 *et seq.*) requires the submission of a response plan that satisfies the requirements of 33 U.S.C. 1321(j)(5) no later than February 18, 1993.

(i) The owner or operator of an existing facility that was in operation on or before February 18, 1993 who submitted a response plan by February 18, 1993 shall revise the response plan to satisfy the requirements of this section and resubmit the response plan or updated portions of the response plan to the Regional Administrator by February 18, 1995.

(ii) The owner or operator of an existing facility in operation on or before February 18, 1993 who failed to submit a response plan by February 18, 1993 shall prepare and submit a response plan that satisfies the requirements of this section to the Regional Administrator before August 30, 1994.

(2) The owner or operator of a facility in operation on or after August 30, 1994 that satisfies the criteria in paragraph (f)(1) of this section or that is notified by the Regional Administrator pursuant to paragraph (b) of this section shall prepare and submit a facility response plan that satisfies the requirements of this section to the Regional Administrator.

(i) For a facility that commenced operations after February 18, 1993 but prior to August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan or updated portions of the response plan, along with a completed version of the response plan cover sheet contained in appendix F to this part, to the Regional Administrator prior to August 30, 1994.

(ii) For a newly constructed facility that commences operation after August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in appendix F to this part, to the Regional Administrator prior to the start of operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iii) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of a planned change in design, construction, operation, or maintenance that renders the facility subject to the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in appendix F to this part, to the Regional Administrator before the portion of the facility undergoing

APPENDIX II

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in the facility operations manual required by §154.300 of this chapter; or

(2) The vessel's maximum transfer rate determined in accordance with 46 CFR 39.30–1(d).

(h) While transferring cargo to a vessel connected to a vapor control system, compressed air or gas may be used to clear cargo hoses and loading arms, but must not be used to clear cargo lines.

(i) If one of the two analyzers required by §154.824(d) of this subpart becomes inoperable during a transfer operation, the operation may continue provided the remaining analyzer remains operational; however, no further transfer operations may be started until the inoperable analyzer is replaced or repaired.

(j) Whenever a condition results in a shutdown of the vapor control system, the person in charge shall immediately terminate cargo loading.

(k) If it is suspected that a flare in the vapor control system has had a flare-back, or if a flame is detected on the flame arrester required by §154.828(c)(2) of this subpart, the transfer operation must be stopped and not be restarted until the flame arrester has been inspected and found to be in satisfactory condition.

Subpart F—Response Plans for Oil Facilities

SOURCE: CGD 91–036, 61 FR 7917, Feb. 29, 1996, unless otherwise noted.

§154.1010 Purpose.

This subpart establishes oil spill response plan requirements for all marine transportation-related (MTR) facilities (hereafter also referred to as facilities) that could reasonably be expected to cause substantial harm or significant and substantial harm to the environment by discharing oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone. The development of a response plan prepares the facility owner or operator to respond to an oil spill. These requirements specify criteria to be used during the planning process to determine the appropriate response resources. The specific criteria for response resources and their arrival times are not performance standards. The criteria are based on a set of assumptions that may not exist during an actual oil spill incident.

§154.1015 Applicability.

(a) This subpart applies to all MTR facilities that because of their location could reasonably be expected to cause at least substantial harm to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone.

(b) The following MTR facilities that handle, store, or transport oil, in bulk, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines and are classified as substantial harm MTR facilities:

(1) Fixed MTR onshore facilities capable of transferring oil to or from a vessel with a capacity of 250 barrels or more and deepwater ports;

(2) Mobile MTR facilities used or intended to be used to transfer oil to or from a vessel with a capacity of 250 barrels or more; and

(3) Those MTR facilities specifically designated as substantial harm facilities by the COTP under §154.1016.

(c) The following MTR facilities that handle, store, or transport oil in bulk could not only reasonably be expected to cause substantial harm, but also significant and substantial harm, to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone and are classified as significant and substantial harm MTR facilities:

(1) Deepwater ports, and fixed MTR onshore facilities capable of transferring oil to or from a vessel with a capacity of 250 barrels or more except for facilities that are part of a non-transportation-related fixed onshore facility with a storage capacity of less than 42,000 gallons; and

(2) Those MTR facilities specifically designated as significant and substantial harm facilities by the COTP under §154.1016.

(d) An MTR facility owner or operator who believes the facility is improperly classified may request review and reclassification in accordance with §154.1075.

§ 154.1016 Facility classification by COTP.

(a) The COTP may upgrade the classification of:

(1) An MTR facility not specified in § 154.1015 (b) or (c) to a facility that could reasonably be expected to cause substantial harm to the environment; or

(2) An MTR facility specified in § 154.1015(b) to a facility that could reasonably be expected to cause significant and substantial harm to the environment.

(b) The COTP may downgrade, the classification of:

(1) An MTR facility specified in § 154.1015(c) to a facility that could reasonably be expected to cause substantial harm to the environment; or

(2) An MTR facility specified in § 154.1015(b) to a facility that could not reasonably be expected to cause substantial, or significant and substantial harm to the environment.

(3) The COTP will consider downgrading an MTR facility's classification only upon receiving a written request for a downgrade of classification from the facility's owner or operator.

(c) When changing a facility classification the COTP may, as appropriate, consider all relevant factors including, but not limited to: Type and quantity of oils handled in bulk; facility spill history; age of facility; proximity to public and commercial water supply intakes; proximity to navigable waters based on the definition of navigable waters in 33 CFR 2.36; and proximity to fish and wildlife and sensitive environments.

[CGD 91–036, 61 FR 7917, Feb. 29, 1996, as amended by USCG–2008–0179, 73 FR 35014, June 19, 2008]

§ 154.1017 Response plan submission requirements.

(a) The owner or operator of an MTR facility identified only in § 154.1015(b), or designated by the COTP as a substantial harm facility, shall prepare and submit to the cognizant COTP a response plan that meets the requirements of §§ 154.1030, 154.1040, 154.1045, or § 154.1047, as appropriate. This applies to:

(1) A mobile MTR facility used or intended to be used to transfer oil to or from a vessel with a capacity of 250 barrels or more; and

(2) A fixed MTR facility specifically designated as a substantial harm facility by the COTP under § 154.1016.

(b) The owner or operator of an MTR facility identified in § 154.1015(c) or designated by the COTP as a significant and substantial harm facility shall prepare and submit for review and approval of the cognizant COTP a response plan that meets the requirements of §§ 154.1030, 154.1035, 154.1045, or 154.1047, as appropriate. This applies to:

(1) A fixed MTR facility capable of transferring oil, in bulk, to or from a vessel with a capacity of 250 barrels or more; and

(2) An MTR facility specifically designated as a significant and substantial harm facility by the COTP under § 154.1016.

(c) In addition to the requirements in paragraphs (a) and (b) of this section, the response plan for a mobile MTR facility must meet the requirements of § 154.1041 subpart F.

§ 154.1020 Definitions.

Except as otherwise defined in this section, the definition in 33 CFR 154.105 apply to this subpart and subparts H and I.

Adverse weather means the weather conditions that will be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include, but are not limited to, significant wave height as specified in §§ 154.1045, 154.1047, 154.1225, or 154.1325, as appropriate; ice conditions, temperatures, weather-related visibility, and currents within the COTP zone in which the systems or equipment are intended to function.

Animal fat means a non-petroleum oil, fat, or grease derived from animals, and not specifically identified elsewhere in this part.

Average most probable discharge means a discharge of the lesser of 50 barrels or 1 percent of the volume of the worst case discharge.

Captain of the Port (COTP) Zone means a zone specified in 33 CFR part 3 and, where applicable, the seaward extension of that zone to the outer

boundary of the exclusive economic zone (EEZ).

Complex means a facility possessing a combination of marine-transportation related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the Clean Water Act.

Dispersant-application platform means the vessel or aircraft outfitted with the dispersant-application equipment acting as the delivery system for the dispersant onto the oil spill.

Dispersant Mission Planner 2 or (DMP2) means an Internet-downloadable application that estimates EDAC for different dispersant response systems. The NSFCC will use DPMP2 for evaluating OSRO dispersant classification levels.

Effective Daily Application Capacity or *EDAC* means the estimated amount of dispersant that can be applied to a discharge by an application system given the availability of supporting dispersant stockpiles, when operated in accordance with approved standards and within acceptable environmental conditions.

Exclusive economic zone (EEZ) means the zone contiguous to the territorial sea of the United States extending to a distance up to 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Facility that could reasonably be expected to cause significant and substantial harm means any MTR facility (including piping and any structures that are used for the transfer of oil between a vessel and a facility) classified as a ''significant and substantial harm'' facility under §154.1015(c) and §154.1216.

Facility that could reasonably be expected to cause substantial harm means any MTR facility classified as a ''substantial harm'' facility under §154.1015(b) and §154.1216.

Fish and Wildlife and Sensitive Environment means areas that may be identified by either their legal designation or by Area Committees in the applicable Area Contingency Plan (ACP) (for planning) or by members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include: Wetlands, national and state parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, areas of economic importance, recreational areas, national forests, Federal and state lands that are research areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as: aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

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

Gulf Coast means, for the purposes of dispersant-application requirements, the region encompassing the following Captain of the Port Zones:

(1) Corpus Christi, TX.
(2) Houston/Galveston, TX.
(3) Port Arthur, TX.
(4) Morgan City, LA.
(5) New Orleans, LA.
(6) Mobile, AL.
(7) St. Petersburg, FL.

Higher volume port area means the following ports:

(1) Boston, MA.
(2) New York, NY.
(3) Delaware Bay and River to Philadelphia, PA.
(4) St. Croix, VI.
(5) Pascagoula, MS.
(6) Mississippi River from Southwest Pass, LA. to Baton Rouge, LA.
(7) Louisiana Offshore Oil Port (LOOP), LA.
(8) Lake Charles, LA.
(9) Sabine-Neches River, TX.
(10) Galveston Bay and Houston Ship Channel, TX.
(11) Corpus Christi, TX.
(12) Los Angeles/Long Beach harbor, CA.
(13) San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay to Antioch, CA.
(14) Straits of Juan De Fuca from Port Angeles, WA, to and including Puget Sound, WA.

(15) Prince William Sound, AK.

Inland area means the area shoreward of the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines) defined in §§ 80.740 through 80.850 of this chapter. The inland area does not include the Great Lakes.

Marine transportation-related facility (MTR facility) means any onshore facility or segment of a complex regulated under section 311(j) of the Federal Water Pollution Control Act (FWPCA) by two or more Federal agencies, including piping and any structure used or intended to be used to transfer oil to or from a vessel, subject to regulation under this part and any deepwater port subject to regulation under part 150 of this chapter. For a facility or segment of a complex regulated by two or more Federal agencies under section 311(j) of the FWPCA, the MTR portion of the complex extends from the facility oil transfer system's connection with the vessel to the first valve inside the secondary containment surrounding tanks in the non-transportation-related portion of the facility or, in the absence of secondary containment, to the valve or manifold adjacent to the tanks comprising the non-transportation-related portion of the facility, unless another location has otherwise been agreed to by the COTP and the appropriate Federal official.

Maximum extent practicable means the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the criteria in this subpart or in a specific plan approved by the cognizant COTP.

Maximum most probable discharge means a discharge of the lesser of 1,200 barrels or 10 percent of the volume of a worst case discharge.

Nearshore area means the area extending seaward 12 miles from the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, it means the area extending seaward 12 miles from the line of demarcation (COLREG lines) defined in §§ 80.740–80.850 of this chapter.

Non-persistent or Group I oil means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions—

(1) At least 50 percent of which by volume, distill at a temperature of 340 degrees C (645 degrees F); and

(2) At least 95 percent of which by volume, distill at a temperature of 370 degrees C (700 degrees F).

Ocean means the offshore area and nearshore area as defined in this subpart.

Offshore area means the area beyond 12 nautical miles measured from the boundary lines defined in 46 CFR part 7 extending seaward to 50 nautical miles, except in the Gulf of Mexico. In the Gulf of Mexico, it is the area beyond 12 nautical miles of the line of demarcation (COLREG lines) defined in §§ 80.740–80.850 of this chapter extending seaward to 50 nautical miles.

Oil means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with wastes other than dredge spoil.

Oil spill removal organization (OSRO) means an entity that provides response resources.

On-Scene Coordinator (OSC) means the definition in the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300).

Operating area means Rivers and Canals, Inland, Nearshore, Great Lakes, or Offshore geographic location(s) in which a facility is handling, storing, or transporting oil.

Operating environment means Rivers and Canals, Inland, Great Lakes, or Ocean. These terms are used to define the conditions in which response equipment is designed to function.

Operating in compliance with the plan means operating in compliance with the provisions of this subpart including, ensuring the availability of the response resources by contract or other approved means, and conducting the necessary training and drills.

Operational effectiveness monitoring means monitoring concerned primarily with determining whether the dispersant was properly applied and how the dispersant is affecting the oil.

Other non-petroleum oil means a non-petroleum oil of any kind that is not generally an animal fat or vegetable oil.

Persistent oil means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. For the purposes of this subpart, persistent oils are further classified based on specific gravity as follows:

(1) Group II—specific gravity of less than .85.

(2) Group III—specific gravity equal to or greater than .85 and less than .95.

(3) Group IV—specific gravity equal to or greater than .95 and less than or equal to 1.0.

(4) Group V—specific gravity greater than 1.0.

Pre-authorization for dispersant use means an agreement, adopted by a regional response team in coordination with area committees, which authorizes the use of dispersants at the discretion of the Federal On-Scene Coordinator without the further approval of other Federal or State authorities. These pre-authorization areas are generally limited to particular geographic areas within each region.

Primary dispersant staging site means a site designated within a Captain of the Port zone that has been identified as a forward staging area for dispersant application platforms and the loading of dispersant stockpiles. Primary staging sites are typically the planned locations where platforms load or reload dispersants before departing for application at the site of the discharge and may not be the locations where dispersant stockpiles are stored or application platforms are home-based.

Qualified individual and alternate qualified individual means a person located in the United States who meets the requirements of §154.1026.

Response activities means the containment and removal of oil from the land, water, and shorelines, the temporary storage and disposal of recovered oil, or the taking of other actions as necessary to minimize or mitigate damage to the public health or welfare or the environment.

Response resources means the personnel, equipment, supplies, and other capability necessary to perform the response activities identified in a response plan.

Rivers and canals means a body of water confined within the inland area, including the Intracoastal Waterways and other waterways artificially created for navigation, that has a project depth of 12 feet or less.

Specific gravity means the ratio of the mass of a given volume of liquid at 15 °C (60 °F) to the mass of an equal volume of pure water at the same temperature.

Spill management team means the personnel identified to staff the organizational structure identified in a response plan to manage response plan implementation.

Substantial threat of a discharge means any incident or condition involving a facility that may create a risk of discharge of oil. Such incidents include, but are not limited to storage tank or piping failures, above ground or underground leaks, fires, explosions, flooding, spills contained within the facility, or other similar occurrences.

Tier means the combination of required response resources and the times within which the resources must arrive on scene.

[NOTE: Tiers are applied in three categories:

(1) Higher Volume Port Areas,

(2) Great Lakes, and

(3) All other operating environments, including rivers and canals, inland, nearshore, and offshore areas.

Appendix C, Table 4 of this part, provides specific guidance on calculating response resources. Sections 154.1045(f) and 154.1135, set forth the required times within which the response resources must arrive on-scene.]

Vegetable oil means a non-petroleum oil or fat derived from plant seeds, nuts, kernels or fruits, and not specifically identified elsewhere in this part.

Worst case discharge means in the case of an onshore facility and deepwater port, the largest foreseeable discharge in adverse weather conditions meeting the requirements of §154.1029.

[CGD 91–036, 61 FR 7917, Feb. 29, 1996, as amended by USCG–1999–5149, 65 FR 40825, June 30, 2000; USCG–2001–8661, 74 FR 45023, Aug. 31, 2009]

§154.1025 Operating restrictions and interim operating authorization.

(a) The owner or operator of an MTR facility who submitted a response plan prior to May 29, 1996, may elect to comply with any of the provisions of this final rule by revising the appropriate section of the previously submitted

Persistent oil means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. For the purposes of this subpart, persistent oils are further classified based on specific gravity as follows:

(1) Group II—specific gravity of less than .85.

(2) Group III—specific gravity equal to or greater than .85 and less than .95.

(3) Group IV—specific gravity equal to or greater than .95 and less than or equal to 1.0.

(4) Group V—specific gravity greater than 1.0.

Pre-authorization for dispersant use means an agreement, adopted by a regional response team in coordination with area committees, which authorizes the use of dispersants at the discretion of the Federal On-Scene Coordinator without the further approval of other Federal or State authorities. These pre-authorization areas are generally limited to particular geographic areas within each region.

Primary dispersant staging site means a site designated within a Captain of the Port zone that has been identified as a forward staging area for dispersant application platforms and the loading of dispersant stockpiles. Primary staging sites are typically the planned locations where platforms load or reload dispersants before departing for application at the site of the discharge and may not be the locations where dispersant stockpiles are stored or application platforms are home-based.

Qualified individual and alternate qualified individual means a person located in the United States who meets the requirements of §154.1026.

Response activities means the containment and removal of oil from the land, water, and shorelines, the temporary storage and disposal of recovered oil, or the taking of other actions as necessary to minimize or mitigate damage to the public health or welfare or the environment.

Response resources means the personnel, equipment, supplies, and other capability necessary to perform the response activities identified in a response plan.

Rivers and canals means a body of water confined within the inland area, including the Intracoastal Waterways and other waterways artificially created for navigation, that has a project depth of 12 feet or less.

Specific gravity means the ratio of the mass of a given volume of liquid at 15 °C (60 °F) to the mass of an equal volume of pure water at the same temperature.

Spill management team means the personnel identified to staff the organizational structure identified in a response plan to manage response plan implementation.

Substantial threat of a discharge means any incident or condition involving a facility that may create a risk of discharge of oil. Such incidents include, but are not limited to storage tank or piping failures, above ground or underground leaks, fires, explosions, flooding, spills contained within the facility, or other similar occurrences.

Tier means the combination of required response resources and the times within which the resources must arrive on scene.

[NOTE: Tiers are applied in three categories:

(1) Higher Volume Port Areas,

(2) Great Lakes, and

(3) All other operating environments, including rivers and canals, inland, nearshore, and offshore areas.

Appendix C, Table 4 of this part, provides specific guidance on calculating response resources. Sections 154.1045(f) and 154.1135, set forth the required times within which the response resources must arrive on-scene.]

Vegetable oil means a non-petroleum oil or fat derived from plant seeds, nuts, kernels or fruits, and not specifically identified elsewhere in this part.

Worst case discharge means in the case of an onshore facility and deepwater port, the largest foreseeable discharge in adverse weather conditions meeting the requirements of §154.1029.

[CGD 91–036, 61 FR 7917, Feb. 29, 1996, as amended by USCG–1999–5149, 65 FR 40825, June 30, 2000; USCG–2001–8661, 74 FR 45023, Aug. 31, 2009]

§154.1025 Operating restrictions and interim operating authorization.

(a) The owner or operator of an MTR facility who submitted a response plan prior to May 29, 1996, may elect to comply with any of the provisions of this final rule by revising the appropriate section of the previously submitted

plan in accordance with §154.1065. An owner or operator of an MTR facility who elects to comply with all sections of this final rule must resubmit the plan in accordance with §154.1060 of this part.

(b) No facility subject to this subpart may handle, store, or transport oil unless it is operating in full compliance with a submitted response plan. No facility categorized under §154.1015(c) as a significant and substantial harm facility may handle, store, or transport oil unless the submitted response plan has been approved by the COTP. The owner or operator of each new facility to which this subpart applies must submit a response plan meeting the requirements listed in §154.1017 not less than 60 days prior to handling, storing, or transporting oil. Where applicable, the response plan shall be submitted along with the letter of intent required under §154.110.

(c) Notwithstanding the requirements of paragraph (b) of this section, a facility categorized under §154.1015(c) as a significant and substantial harm facility may continue to handle, store, or transport oil for 2 years after the date of submission of a response plan, pending approval of that plan. To continue to handle, store, or transport oil without a plan approved by the COTP, the facility owner or operator shall certify in writing to the COTP that the owner or operator has ensured, by contract or other approved means as described in §154.1028(a), the availability of the necessary private personnel and equipment to respond, to the maximum extend practicable to a worst case discharge or substantial threat of such a discharge from the facility. Provided that the COTP is satisfied with the certification of response resources provided by the owner or operator of the facility, the COTP will provide written authorization for the facility to handle, store, or transport oil while the submitted response plan is being reviewed. Pending approval of the submitted response plan, deficiencies noted by the COTP must be corrected in accordance with §154.1070.

(d) A facility may not continue to handle, store, or transport oil if—

(1) The COTP determines that the response resources identified in the facility certification statement or reference response plan do not substantially meet the requirements of this subpart;

(2) The contracts or agreements cited in the facility's certification statement or referenced response plans are no longer valid;

(3) The facility is not operating in compliance with the submitted plan;

(4) The response plan has not been resubmitted or approved within the last 5 years; or

(5) The period of the authorization under paragraph (c) of this section has expired.

§154.1026 Qualified individual and alternate qualified individual.

(a) The response plan must identify a qualified individual and at least one alternate who meet the requirements of this section. The qualified individual or alternate must be available on a 24-hour basis and be able to arrive at the facility in a reasonable time.

(b) The qualified individual and alternate must:

(1) Be located in the United States;

(2) Speak fluent English;

(3) Be familiar with the implementation of the facility response plan; and

(4) Be trained in the responsibilities of the qualified individual under the response plan.

(c) The owner or operator shall provide each qualified individual and alternate qualified individual identified in the plan with a document designating them as a qualified individual and specifying their full authority to:

(1) Activate and engage in contracting with oil spill removal organization(s);

(2) Act as a liaison with the predesignated Federal On-Scene Coordinator (OSC); and

(3) Obligate funds required to carry out response activities.

(d) The owner or operator of a facility may designate an organization to fulfill the role of the qualified individual and the alternate qualified individual. The organization must then identify a qualified individual and at least one alternate qualified individual who meet the requirements of this section. The facility owner or operator is required to list in the response plan the organization, the person identified as

the qualified individual, and the person or person(s) identified as the alternate qualified individual(s).

(e) The qualified individual is not responsible for—

(1) The adequacy of response plans prepared by the owner or operator; or

(2) Contracting or obligating funds for response resources beyond the authority contained in their designation from the owner or operator of the facility.

(f) The liability of a qualified individual is considered to be in accordance with the provisions of 33 USC 1321(c)(4).

§ 154.1028 Methods of ensuring the availability of response resources by contract or other approved means.

(a) When required in this subpart, the availability of response resources must be ensured by the following methods:

(1) A written contractual agreement with an oil spill removal organization. The agreement must identify and ensure the availability of specified personnel and equipment required under this subpart within stipulated response times in the specified geographic areas;

(2) Certification by the facility owner or operator that specified personnel and equipment required under this subpart are owned, operated, or under the direct control of the facility owner or operator, and are available within stipulated response times in the specified geographic areas;

(3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment required under this subpart that are available to respond to a discharge within stipulated response times in the specified geographic areas;

(4) A document which—

(i) Identifies the personnel, equipment, and services capable of being provided by the oil spill removal organization within stipulated response times in the specified geographic areas;

(ii) Sets out the parties' acknowledgment that the oil spill removal organization intends to commit the resources in the event of a response;

(iii) Permits the Coast Guard to verify the availability of the identified response resources through tests, inspections, and drills; and

(iv) Is referenced in the response plan; or

(5) The identification of an oil spill removal organization with specified equipment and personnel available within stipulated response times in specified geographic areas. The organization must provide written consent to being identified in the plan.

(b) The contracts and documents required in paragraph (a) of this section must be retained at the facility and must be produced for review upon request by the COTP.

§ 154.1029 Worst case discharge.

(a) The response plan must use the appropriate criteria in this section to develop the worst case discharge.

(b) For the MTR segment of a facility, not less than—

(1) Where applicable, the loss of the entire capacity of all in-line and break out tank(s) needed for the continuous operation of the pipelines used for the purposes of handling or transporting oil, in bulk, to or from a vessel regardless of the presence of secondary containment; plus

(2) The discharge from all piping carrying oil between the marine transfer manifold and the non-transportation-related portion of the facility. The discharge from each pipe is calculated as follows: The maximum time to discover the release from the pipe in hours, plus the maximum time to shut down flow from the pipe in hours (based on historic discharge data or the best estimate in the absence of historic discharge data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total line drainage volume expressed in barrels for the pipe between the marine manifold and the non-transportation-related portion of the facility; and

(c) For a mobile facility it means the loss of the entire contents of the container in which the oil is stored or transported.

§ 154.1030 General response plan contents.

(a) The plan must be written in English.

the qualified individual, and the person or person(s) identified as the alternate qualified individual(s).

(e) The qualified individual is not responsible for—

(1) The adequacy of response plans prepared by the owner or operator; or

(2) Contracting or obligating funds for response resources beyond the authority contained in their designation from the owner or operator of the facility.

(f) The liability of a qualified individual is considered to be in accordance with the provisions of 33 USC 1321(c)(4).

§ 154.1028 Methods of ensuring the availability of response resources by contract or other approved means.

(a) When required in this subpart, the availability of response resources must be ensured by the following methods:

(1) A written contractual agreement with an oil spill removal organization. The agreement must identify and ensure the availability of specified personnel and equipment required under this subpart within stipulated response times in the specified geographic areas;

(2) Certification by the facility owner or operator that specified personnel and equipment required under this subpart are owned, operated, or under the direct control of the facility owner or operator, and are available within stipulated response times in the specified geographic areas;

(3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment required under this subpart that are available to respond to a discharge within stipulated response times in the specified geographic areas;

(4) A document which—

(i) Identifies the personnel, equipment, and services capable of being provided by the oil spill removal organization within stipulated response times in the specified geographic areas;

(ii) Sets out the parties' acknowledgment that the oil spill removal organization intends to commit the resources in the event of a response;

(iii) Permits the Coast Guard to verify the availability of the identified response resources through tests, inspections, and drills; and

(iv) Is referenced in the response plan; or

(5) The identification of an oil spill removal organization with specified equipment and personnel available within stipulated response times in specified geographic areas. The organization must provide written consent to being identified in the plan.

(b) The contracts and documents required in paragraph (a) of this section must be retained at the facility and must be produced for review upon request by the COTP.

§ 154.1029 Worst case discharge.

(a) The response plan must use the appropriate criteria in this section to develop the worst case discharge.

(b) For the MTR segment of a facility, not less than—

(1) Where applicable, the loss of the entire capacity of all in-line and break out tank(s) needed for the continuous operation of the pipelines used for the purposes of handling or transporting oil, in bulk, to or from a vessel regardless of the presence of secondary containment; plus

(2) The discharge from all piping carrying oil between the marine transfer manifold and the non-transportation-related portion of the facility. The discharge from each pipe is calculated as follows: The maximum time to discover the release from the pipe in hours, plus the maximum time to shut down flow from the pipe in hours (based on historic discharge data or the best estimate in the absence of historic discharge data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total line drainage volume expressed in barrels for the pipe between the marine manifold and the non-transportation-related portion of the facility; and

(c) For a mobile facility it means the loss of the entire contents of the container in which the oil is stored or transported.

§ 154.1030 General response plan contents.

(a) The plan must be written in English.

the qualified individual, and the person or person(s) identified as the alternate qualified individual(s).

(e) The qualified individual is not responsible for—

(1) The adequacy of response plans prepared by the owner or operator; or

(2) Contracting or obligating funds for response resources beyond the authority contained in their designation from the owner or operator of the facility.

(f) The liability of a qualified individual is considered to be in accordance with the provisions of 33 USC 1321(c)(4).

§ 154.1028 Methods of ensuring the availability of response resources by contract or other approved means.

(a) When required in this subpart, the availability of response resources must be ensured by the following methods:

(1) A written contractual agreement with an oil spill removal organization. The agreement must identify and ensure the availability of specified personnel and equipment required under this subpart within stipulated response times in the specified geographic areas;

(2) Certification by the facility owner or operator that specified personnel and equipment required under this subpart are owned, operated, or under the direct control of the facility owner or operator, and are available within stipulated response times in the specified geographic areas;

(3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment required under this subpart that are available to respond to a discharge within stipulated response times in the specified geographic areas;

(4) A document which—

(i) Identifies the personnel, equipment, and services capable of being provided by the oil spill removal organization within stipulated response times in the specified geographic areas;

(ii) Sets out the parties' acknowledgment that the oil spill removal organization intends to commit the resources in the event of a response;

(iii) Permits the Coast Guard to verify the availability of the identified response resources through tests, inspections, and drills; and

(iv) Is referenced in the response plan; or

(5) The identification of an oil spill removal organization with specified equipment and personnel available within stipulated response times in specified geographic areas. The organization must provide written consent to being identified in the plan.

(b) The contracts and documents required in paragraph (a) of this section must be retained at the facility and must be produced for review upon request by the COTP.

§ 154.1029 Worst case discharge.

(a) The response plan must use the appropriate criteria in this section to develop the worst case discharge.

(b) For the MTR segment of a facility, not less than—

(1) Where applicable, the loss of the entire capacity of all in-line and break out tank(s) needed for the continuous operation of the pipelines used for the purposes of handling or transporting oil, in bulk, to or from a vessel regardless of the presence of secondary containment; plus

(2) The discharge from all piping carrying oil between the marine transfer manifold and the non-transportation-related portion of the facility. The discharge from each pipe is calculated as follows: The maximum time to discover the release from the pipe in hours, plus the maximum time to shut down flow from the pipe in hours (based on historic discharge data or the best estimate in the absence of historic discharge data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total line drainage volume expressed in barrels for the pipe between the marine manifold and the non-transportation-related portion of the facility; and

(c) For a mobile facility it means the loss of the entire contents of the container in which the oil is stored or transported.

§ 154.1030 General response plan contents.

(a) The plan must be written in English.

(b) A response plan must be divided into the sections listed in this paragraph and formatted in the order specified herein unless noted otherwise. It must also have some easily found marker identifying each section listed below. The following are the sections and subsections of a facility response plan:

(1) Introduction and plan contents.

(2) Emergency response action plan:

(i) Notification procedures.

(ii) Facility's spill mitigation procedures.

(iii) Facility's response activities.

(iv) Fish and wildlife and sensitive environments.

(v) Disposal plan.

(3) Training and Exercises:

(i) Training procedures.

(ii) Exercise procedures.

(4) Plan review and update procedures.

(5) Appendices.

(i) Facility-specific information.

(ii) List of contacts.

(iii) Equipment lists and records.

(iv) Communications plan.

(v) Site-specific safety and health plan.

(vi) List of acronyms and definitions.

(vii) A geographic-specific appendix for each zone in which a mobile facility operates.

(c) The required contents for each section and subsection of the plan are contained in §§ 154.1035, 154.1040, and 154.1041, as appropriate.

(d) The sections and subsections of response plans submitted to the COTP must contain at a minimum all the information required in §§ 154.1035, 154.1040, and 154.1041, as appropriate. It may contain other appropriate sections, subsections, or information that are required by other Federal, State, and local agencies.

(e) For initial and subsequent submission, a plan that does not follow the format specified in paragraph (b) of this section must be supplemented with a detailed cross-reference section to identify the location of the applicable sections required by this subpart.

(f) The information contained in a response plan must be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR part 300) and the Area Contingency Plan(s) (ACP) covering the area in which the facility operates. Facility owners or operators shall ensure that their response plans are in accordance with the ACP in effect 6 months prior to initial plan submission or the annual plan review required under § 154.1065(a). Facility owners or operators are not required to, but may at their option, conform to an ACP which is less than 6 months old at the time of plan submission.

§ 154.1035 Specific requirements for facilities that could reasonably be expected to cause significant and substantial harm to the environment.

(a) *Introduction and plan content.* This section of the plan must include facility and plan information as follows:

(1) The facility's name, street address, city, county, state, ZIP code, facility telephone number, and telefacsimile number, if so equipped. Include mailing address if different from street address.

(2) The facility's location described in a manner that could aid both a reviewer and a responder in locating the specific facility covered by the plan, such as, river mile or location from a known landmark that would appear on a map or chart.

(3) The name, address, and procedures for contacting the facility's owner or operator on a 24-hour basis.

(4) A table of contents.

(5) During the period that the submitted plan does not have to conform to the format contained in this subpart, a cross index, if appropriate.

(6) A record of change(s) to record information on plan updates.

(b) *Emergency Response Action Plan.* This section of the plan must be organized in the subsections described in this paragraph:

(1) *Notification procedures.* (i) This subsection must contain a prioritized list identifying the person(s), including name, telephone number, and their role in the plan, to be notified of a discharge or substantial threat of a discharge of oil. The telephone number need not be provided if it is listed separately in the list of contacts required in the plan. This Notification Procedures listing must include—

(A) Facility response personnel, the spill management team, oil spill removal organizations, and the qualified individual(s) and the designated alternate(s); and

(B) Federal, State, or local agencies, as required.

(ii) This subsection must include a form, such as that depicted in Figure 1, which contains information to be provided in the initial and follow-up notifications to Federal, State, and local agencies. The form shall include notification of the National Response Center as required in part 153 of this chapter. Copies of the form also must be placed at the location(s) from which notification may be made. The initial notification form must include space for the information contained in Figure 1. The form must contain a prominent statement that initial notification must not be delayed pending collection of all information.

FIGURE 1—INFORMATION ON DISCHARGE *

[Involved Parties]

(A) Reporting party	(B) Suspected responsible party
Name Phones () – Company Position Address Address City State Zip	Name Phones () – Company Organization Type: Private citizen Private enterprise Public utility Local government State government Federal government City State Zip

* It is not necessary to wait for all information before calling NRC. National Response Center—1–800–424–8802 or direct telephone: 202–267–2675.

Were materials Discharged (Y/N)?
Calling for Responsible Party (Y/N)

Incident Description

Source and/or Cause of Incident

Date - - Time:
Cause

Incident Address/Location Nearest City
Distance from City
Storage Tank Container Type—Above ground (Y/N) Below ground (Y/N) Unknown

Facility Capacity

Tank Capacity
Latitude Degrees
Longitude Degrees
Mile Post or River Mile

Materials

Discharge Unit of Quantity Measure Discharged Material Quantity in Water

Response Action

Actions Taken to Correct or Mitigate Incident

Impact

Number of Injuries Number of Fatalities
Were there Evacuations (Y/N/U)? Number Evacuated
Was there any Damage (Y/N/U)? Damage in Dollars

Additional Information
Any information about the Incident not recorded elsewhere in the report
Caller Notifications
USCG EPA State Other

(2) *Facility's spill mitigation procedures.* (i) This subsection must describe the volume(s) and oil groups that would be involved in the—

(A) Average most probable discharge from the MTR facility;

(B) Maximum most probable discharge from the MTR facility;

(C) Worst case discharge from the MTR facility; and

(D) Where applicable, the worst case discharge from the non-transportation-related facility. This must be the same volume provided in the response plan for the non-transportation-related facility.

(ii) This subsection must contain prioritized procedures for facility personnel to mitigate or prevent any discharge or substantial threat of a discharge of oil resulting from operational activities associated with internal or external facility transfers including specific procedures to shut down affected operations. Facility personnel responsible for performing specified procedures to mitigate or prevent any discharge or potential discharge shall be identified by job title. A copy of these procedures shall be maintained at the facility operations center. These procedures must address actions to be taken by facility personnel in the event of a discharge, potential discharge, or emergency involving the following equipment and scenarios:

(A) Failure of manifold, mechanical loading arm, other transfer equipment, or hoses, as appropriate;

(B) Tank overfill;

(C) Tank failure;

(D) Piping rupture;

(E) Piping leak, both under pressure and not under pressure, if applicable;

(F) Explosion or fire; and

(G) Equipment failure (e.g. pumping system failure, relief valve failure, or other general equipment relevant to operational activities associated with internal or external facility transfers.)

(iii) This subsection must contain a listing of equipment and the responsibilities of facility personnel to mitigate an average most probable discharge.

(3) *Facility's response activities.* (i) This subsection must contain a description of the facility personnel's responsibilities to initiate a response and supervise response resources pending the arrival of the qualified individual.

(ii) This subsection must contain a description of the responsibilities and authority of the qualified individual and alternate as required in §154.1026.

(iii) This subsection must describe the organizational structure that will be used to manage the response actions. This structure must include the following functional areas.

(A) Command and control;

(B) Public information;

(C) Safety;

(D) Liaison with government agencies;

(E) Spill Operations;

(F) Planning;

(G) Logistics support; and

(H) Finance.

(iv) This subsection of the plan must identify the oil spill removal organizations and the spill management team that will be capable of providing the following resources:

(A) Equipment and supplies to meet the requirements of §§154.1045, 154.1047, or subparts H or I of this part, as appropriate.

(B) Trained personnel necessary to continue operation of the equipment and staff the oil spill removal organization and spill management team for the first 7 days of the response.

(v) This section must include job descriptions for each spill management team member within the organizational structure described in paragraph

(b)(3)(iii) of this section. These job descriptions must include the responsibilities and duties of each spill management team member in a response action.

(vi) For facilities that handle, store, or transport group II through group IV petroleum oils, and that operate in waters where dispersant use is pre-authorized, this subsection of the plan must also separately list the resource providers and specific resources, including appropriately trained dispersant-application personnel, necessary to provide the dispersant capabilities required in this subpart. All resource providers and resources must be available by contract or other approved means as described in §154.1028(a). The dispersant resources to be listed within this section must include the following:

(A) Identification of each primary dispersant staging site to be used by each dispersant-application platform to meet the requirements of this subpart.

(B) Identification of the platform type, resource-providing organization, location, and dispersant payload for each dispersant-application platform identified. Location data must identify the distance between the platform's home base and the identified primary dispersant staging site for this section.

(C) For each unit of dispersant stockpile required to support the effective daily application capacity (EDAC) of each dispersant-application platform necessary to sustain each intended response tier of operation, identify the dispersant product resource provider, location, and volume. Location data must include the stockpile's distance to the primary staging sites where the stockpile would be loaded onto the corresponding platforms.

(D) If an oil spill removal organization has been evaluated by the Coast Guard, and its capability is equal to or exceeds the response capability needed by the owner or operator, the section may identify only the oil spill removal organization, and not the information required in paragraphs (b)(3)(vi)(A) through (b)(3)(vi)(C) of this section.

(vii) This subsection of the plan must also separately list the resource providers and specific resources necessary to provide aerial oil tracking capabilities required in this subpart. The oil tracking resources to be listed within this section must include the following:

(A) The identification of a resource provider; and

(B) Type and location of aerial surveillance aircraft that are ensured available, through contract or other approved means, to meet the oil tracking requirements of §154.1045(j).

(viii) For mobile facilities that operate in more than one COTP zone, the plan must identify the oil spill removal organization and the spill management team in the applicable geographic-specific appendix. The oil spill removal organization(s) and the spill management team discussed in paragraph (b)(3)(iv) of this section must be included for each COTP zone in which the facility will handle, store, or transport oil in bulk.

(ix) For mobile facilities that operate in more than one COTP zone, the plan must identify the oil spill removal organization and the spill management team in the applicable geographic-specific appendix. The oil spill removal organization(s) and the spill management team discussed in paragraph (b)(3)(iv)(A) of this section must be included for each COTP zone in which the facility will handle, store, or transport oil in bulk.

(4) *Fish and wildlife and sensitive environments.* (i) This section of the plan must identify areas of economic importance and environmental sensitivity, as identified in the ACP, which are potentially impacted by a worst case discharge. ACPs are required under section 311(j)(4) of the FWPCA to identify fish and wildlife and sensitive environments. The applicable ACP shall be used to designate fish and wildlife and sensitive environments in the plan. Changes to the ACP regarding fish and wildlife and sensitive environments shall be included in the annual update of the response plan, when available.

(ii) For a worst case discharge from the facility, this section of the plan must—

(A) List all fish and wildlife and sensitive environments identified in the ACP which are potentially impacted by a discharge of persistent oils, non-persistent oils, or non-petroleum oils.

(B) Describe all the response actions that the facility anticipates taking to protect these fish and wildlife and sensitive environments.

(C) Contain a map or chart showing the location of those fish and wildlife and sensitive environments which are potentially impacted. The map or chart shall also depict each response action that the facility anticipates taking to protect these areas. A legend of activities must be included on the map page.

(iii) For a worst case discharge, this section must identify appropriate equipment and required personnel, available by contract or other approved means as described in §154.1028, to protect fish and wildlife and sensitive environments which fall within the distances calculated using the methods outlined in this paragraph as follows:

(A) Identify the appropriate equipment and required personnel to protect all fish and wildlife and sensitive environments in the ACP for the distances, as calculated in paragraph (b)(4)(iii)(B) of this section, that the persistent oils, non-persistent oils, or non-petroleum oils are likely to travel in the noted geographic area(s) and number of days listed in table 2 of appendix C of this part;

(B) Calculate the distances required by paragraph (b)(4)(iii)(A) of this section by selecting one of the methods described in this paragraph;

(*1*) Distances may be calculated as follows:

(*i*) For persistent oils and non-petroleum oils discharged into non-tidal waters, the distance from the facility reached in 48 hours at maximum current.

(*ii*) For persistent and non-petroleum oils discharged into tidal waters, 15 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 15 miles, whichever is less, during flood tide.

(*iii*) For non-persistent oils discharged into non-tidal waters, the distance from the facility reached in 24 hours at maximum current.

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

(*2*) A spill trajectory or model may be substituted for the distances calculated under paragraph (b)(4)(iii)(B)(*l) of this section*. The spill trajectory or model must be acceptable to the COTP.

(*3*) The procedures contained in the Environmental Protection's Agency's regulations on oil pollution prevention for non-transportation-related onshore facilities at 40 CFR part 112, appendix C, Attachment C-III may be substituted for the distances listed in non-tidal and tidal waters; and

(C) Based on historical information or a spill trajectory or model, the COTP may require the additional fish and wildlife and sensitive environments also be protected.

(5) *Disposal Plan*. This subsection must describe any actions to be taken or procedures to be used to ensure that all recovered oil and oil contaminated debris produced as a result of any discharge are disposed according to Federal, state, or local requirements.

(c) *Training and exercises*. This section must be divided into the following two subsections:

(1) *Training procedures*. This subsection must describe the training procedures and programs of the facility owner or operator to meet the requirements in §154.1050.

(2) *Exercise procedures*. This subsection must describe the exercise program to be carried out by the facility owner or operator to meet the requirements in §154.1055.

(d) *Plan review and update procedures*. This section must address the procedures to be followed by the facility owner or operator to meet the requirements of §154.1065 and the procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness.

(e) *Appendices*. This section of the response plan must include the appendices described in this paragraph.

(1) *Facility-specific information*. This appendix must contain a description of the facility's principal characteristics.

(i) There must be a physical description of the facility including a plan of the facility showing the mooring areas, transfer locations, control stations, locations of safety equipment, and the location and capacities of all piping and storage tanks.

(ii) The appendix must identify the sizes, types, and number of vessels that the facility can transfer oil to or from simultaneously.

(iii) The appendix must identify the first valve(s) on facility piping separating the transportation-related portion of the facility from the non-transportation-related portion of the facility, if any. For piping leading to a manifold located on a dock serving tank vessels, this valve is the first valve inside the secondary containment required by 40 CFR part 112.

(iv) The appendix must contain information on the oil(s) and hazardous material handled, stored, or transported at the facility in bulk. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, 33 CFR 154.310(a)(5) or an equivalent will meet this requirement. This information can be maintained separately providing it is readily available and the appendix identifies its location. This information must include—

(A) The generic or chemical name;

(B) A description of the appearance and odor;

(C) The physical and chemical characteristics;

(D) The hazards involved in handling the oil(s) and hazardous materials. This shall include hazards likely to be encountered if the oil(s) and hazardous materials come in contact as a result of a discharge; and

(E) A list of firefighting procedures and extinguishing agents effective with fires involving the oil(s) and hazardous materials.

(v) The appendix may contain any other information which the facility owner or operator determines to be pertinent to an oil spill response.

(2) *List of contacts.* This appendix must include information on 24-hour contact of key individuals and organizations. If more appropriate, this information may be specified in a geographic-specific appendix. The list must include—

(i) The primary and alternate qualified individual(s) for the facility;

(ii) The contact(s) identified under paragraph (b)(3)(iv) of this section for activation of the response resources; and

(iii) Appropriate Federal, State, and local officials.

(3) *Equipment list and records.* This appendix must include the information specified in this paragraph.

(i) The appendix must contain a list of equipment and facility personnel required to respond to an average most probable discharge, as defined in §154.1020. The appendix must also list the location of the equipment.

(ii) The appendix must contain a detailed listing of all the major equipment identified in the plan as belonging to an oil spill removal organization(s) that is available, by contract or other approved means as described in §154.1028(a), to respond to a maximum most probable or worst case discharge, as defined in §154.1020. The detailed listing of all major equipment may be located in a separate document referenced by the plan. Either the appendix or the separate document referenced in the plan must provide the location of the major response equipment.

(iii) It is not necessary to list response equipment from oil spill removal organization(s) when the organization has been classified by the Coast Guard and their capacity has been determined to equal or exceed the response capability needed by the facility. For oil spill removal organization(s) classified by the Coast Guard, the classification must be noted in this section of the plan. When it is necessary for the appendix to contain a listing of response equipment, it shall include all of the following items that are identified in the response plan: Skimmers; booms; dispersant application, in-situ burning, bioremediation equipment and supplies, and other equipment used to apply other chemical agents on the NCP Product Schedule (if applicable); communications, firefighting, and beach cleaning equipment; boats and motors; disposal and storage equipment; and heavy equipment. The list must include for each piece of equipment—

(A) The type, make, model, and year of manufacture listed on the nameplate of the equipment;

(B) For oil recovery devices, the effective daily recovery rate, as determined using section 6 of appendix C of this part;

(C) For containment boom, the overall boom height (draft and freeboard) and type of end connectors;

(D) The spill scenario in which the equipment will be used for or which it is contracted;

(E) The total daily capacity for storage and disposal of recovered oil;

(F) For communication equipment, the type and amount of equipment intended for use during response activities. Where applicable, the primary and secondary radio frequencies must be specified.

(G) Location of the equipment; and

(H) The date of the last inspection by the oil spill removal organization(s).

(4) *Communications plan.* This appendix must describe the primary and alternate method of communication during discharges, including communications at the facility and at remote locations within the areas covered by the response plan. The appendix may refer to additional communications packages provided by the oil spill removal organization. This may reference another existing plan or document.

(5) *Site-specific safety and health plan.* This appendix must describe the safety and health plan to be implemented for any response location(s). It must provide as much detailed information as is practicable in advance of an actual discharge. This appendix may reference another existing plan requiring under 29 CFR 1910.120.

(6) *List of acronyms and definitions.* This appendix must list all acronyms used in the response plan including any terms or acronyms used by Federal, State, or local governments and any operational terms commonly used at the facility. This appendix must include all definitions that are critical to understanding the response plan.

[CGD 91–036, 61 FR 7917, Feb. 29, 1996, as amended by USCG–2000–7223, 65 FR 40058, June 29, 2000; USCG–2001–9286, 66 FR 33641, June 25, 2001; USCG–2008–0179, 73 FR 35014, June 19, 2008; USCG–2001–8661, 74 FR 45023, Aug. 31, 2009]

§ 154.1040 Specific requirements for facilities that could reasonably be expected to cause substantial harm to the environment.

(a) The owner or operator of a facility that, under § 154.1015, could reasonably be expected to cause substantial harm to the environment, shall submit a response plan that meets the requirements of § 154.1035, except as modified by this section.

(b) The facility's response activities section of the response plan need not list the facility or corporate organizational structure that will be used to manage the response, as required by § 154.1035(b)(3)(iii).

(c) The owner or operator of a facility must ensure the availability of response resources required to be identified in § 154.1035(b)(3)(iv) by contract or other approved means described in § 154.1028.

(d) A facility owner or operator must have at least 200 feet of containment boom and the means of deploying and anchoring the boom available at the spill site within 1 hour of the detection of a spill to respond to the average most probable discharge in lieu of the quantity of containment boom specified in § 154.1045(c)(1). Based on site-specific or facility-specific information, the COTP may specify that additional quantities of containment boom are available within one hour. In addition, there must be adequate sorbent material for initial response to an average most probable discharge. If the facility is a fixed facility, the containment boom and sorbent material must be located at the facility. If the facility is a mobile facility, the containment boom and sorbent must be available locally and be at the site of the discharge within 1 hour of its discovery.

§ 154.1041 Specific response information to be maintained on mobile MTR facilities.

(a) Each mobile MTR facility must carry the following information as contained in the response plan when performing transfer operations:

(1) A description of response activities for a discharge which may occur during transfer operations. This may be a narrative description or a list of

procedures to be followed in the event of a discharge.

(2) Identity of response resources to respond to a discharge from the mobile MTR facility.

(3) List of the appropriate persons and agencies (including the telephone numbers) to be contacted in regard to a discharge and its handling, including the National Response Center.

(b) The owner or operator of the mobile facility must also retain the information in this paragraph at the principal place of business.

§ 154.1045 Response plan development and evaluation criteria for facilities that handle, store, or transport Group I through Group IV petroleum oils.

(a) The owner or operator of a facility that handles, stores, or transports Group I through Group IV petroleum oils shall use the criteria in this section to evaluate response resources identified in the response plan for the specified operating environment.

(1) The criteria in Table 1 of appendix C of this part are to be used solely for identification of appropriate equipment in a response plan. These criteria reflect conditions used for planning purposes to select mechanical response equipment and are not conditions that would limit response actions or affect normal facility operations.

(2) The response resources must be evaluated considering limitations for the COTP zones in which the facility operates, including but not limited to—

(i) Ice conditions;

(ii) Debris;

(iii) Temperature ranges;

(iv) Weather-related visibility; and

(v) Other appropriate environmental conditions as determined by the COTP.

(3) The COTP may reclassify a specific body of water or location within the COTP zone. Any reclassifications will be identified by the COTP in the applicable ACP. Reclassifications may be to—

(i) A more stringent operating environment if the prevailing wave conditions exceed the significant wave height criteria during more than 35 percent of the year; or

(ii) A less stringent operating environment if the prevailing wave conditions do not exceed the significant wave height criteria for the less stringent operating environment during more than 35 percent of the year.

(b) Response equipment must—

(1) Meet or exceed the operating criteria listed in Table 1 of appendix C of this part;

(2) Function in the applicable operating environment; and

(3) Be appropriate for the petroleum oil carried.

(c) The response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must identify response resources that are available, by contract or other approved means as described in §154.1028(a)(1)(4), to respond to the facility's average most probable discharge. The response resources must include, at a minimum—

(1) 1,000 feet of containment boom or two times the length of the largest vessel that regularly conducts petroleum oil transfers to or from the facility, whichever is greater, and the means of deploying and anchoring the boom available at the spill site within 1 hour of the detection of a spill; and

(2) Oil recovery devices and recovered oil storage capacity capable of being at the spill site within 2 hours of the discovery of a petroleum oil discharge from a facility.

(d) The response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must identify response resources that are available, by contract or other approved means as described in §154.1028(a)(1)(4), to respond to a discharge up to the facility's maximum most probable discharge volume.

(1) The response resources must include sufficient containment boom, oil recovery devices, and storage capacity for any recovery of up to the maximum most probable discharge planning volume, as contained in appendix C.

(2) The response resources must be appropriate for each group of petroleum oil identified in §154.1020 that is handled, stored, or transported by the facility.

(3) These response resources must be positioned such that they can arrive at the scene of a discharge within the following specified times:

(i) The equipment identified in paragraphs (c)(1) and (c)(2) of this section or in §154.1040(d) must arrive within the times specified in those paragraphs or that section, as appropriate.

(ii) In higher volume port areas and the Great Lakes, response resources must be capable of arriving on scene within 6 hours of the discovery of a petroleum oil discharge from a facility.

(iii) In all other locations, response resources must be capable of arriving on scene within 12 hours of the discovery of a petroleum oil discharge from a facility.

(4) The COTP may determine that mobilizing response resources to an area beyond the response times indicated in this paragraph invalidates the response plan. In this event, the COTP may impose additional operational restrictions (e.g., limitations on the number of transfers at a facility), or, at the COTP's discretion, the facility may operate with temporarily modified response plan development and evaluation criteria (e.g., modified response times, alternate response resources, etc.).

(e) The response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must identify the response resources that are available, by contract or other approved means as described in §154.1028(a)(1)(4), to respond to the worst case discharge volume of petroleum oil to the maximum extent practicable.

(1) The location of these response resources must be suitable to meet the response times identified in paragraph (f) of this section for the applicable geographic area(s) of operation and response tier.

(2) The response resources must be appropriate for—

(i) The volume of the facility's worst case discharge;

(ii) Group(s) of petroleum oil as identified in §154.1020 that are handled, stored, or transported by the facility; and

(iii) The geographic area(s) in which the facility operates.

(3) The response resources must include sufficient boom, oil recovery devices, and storage capacity to recover the worst case discharge planning volumes.

(4) The guidelines in appendix C of this part must be used for calculating the quantity of response resources required to respond at each tier to the worst case discharge to the maximum extent practicable.

(5) When determining response resources necessary to meet the requirements of this section, a portion of those resources must be capable of use in close-to-shore response activities in shallow water. The following percentages of the response equipment identified for the applicable geographic area must be capable of operating in waters of 6 feet or less depth.

(i) Offshore—10 percent.

(ii) Nearshore/inland/Great Lakes/rivers and canals—20 percent.

(6) The COTP may determine that mobilizing response resources to an area beyond the response times indicated in this paragraph invalidates the response plan. In this event, the COTP may impose additional operational restrictions (e.g., limitations on the number of transfers at a facility), or, at the COTP's discretion, the facility may be permitted to operate with temporarily modified response plan development and evaluation criteria (e.g., modified response times, alternate response resources, etc.).

(f) Response equipment identified in a response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must be capable of arriving on scene within the times specified in this paragraph for the applicable response tier in a higher volume port area, Great Lakes, and in other areas. Response times for these tiers from the time of discovery of a discharge are—

	Tier 1 (hrs.)	Tier 2 (hrs.)	Tier 3 (hrs.)
Higher volume port area (except for a TAPAA facility located in Prince William Sound, see §154.1135)	6	30	54
Great Lakes	12	36	60
All other river and canal, inland, nearshore, and offshore areas	12	36	60

(g) For the purposes of arranging for response resources for a facility that handles, stores, or transports Group I

through Group IV petroleum oils, by contract or other approved means as described in §154.1028(a)(1)–(4), response equipment identified for Tier 1 plan credit must be capable of being mobilized and en route to the scene of a discharge within 2 hours of notification. The notification procedures identified in the plan must provide for notification and authorization of mobilization of identified Tier 1 response resources—

(1) Either directly or through the qualified individual; and

(2) Within 30 minutes of a discovery of a discharge or substantial threat of discharge.

(h) Response resources identified for Tier 2 and Tier 3 plan credit must be capable of arriving on scene within the time specified for the applicable tier.

(i) The owner or operator of a facility that handles, stores, or transports groups II through IV petroleum oils within the inland, nearshore, or offshore areas where pre-authorization for dispersant use exists must identify in their response plan, and ensure the availability of, through contract or other approved means, response resources capable of conducting dispersant operations within those areas.

(1) Dispersant response resources must be capable of commencing dispersant-application operations at the site of a discharge within 7 hours of the decision by the Federal On-Scene Coordinator to use dispersants.

(2) Dispersant response resources must include all of the following:

(i) Sufficient volumes of dispersants for application as required by paragraph (i)(3) of this section. Any dispersants identified in a response plan must be of a type listed on the National Oil and Hazardous Substances Pollution Contingency Plan Product Schedule (which is contained in 40 CFR part 300, and available online from the U.S. Government Printing Office).

(ii) Dispersant-application platforms capable of delivering and applying the dispersant on a discharge in the amounts as required by paragraph (i)(3) of this section. At least 50 percent of each EDAC tier requirement must be achieved through the use of fixed-wing, aircraft-based application platforms. For dispersant-application platforms not detailed within the DMP2, adequacy of performance criteria must be documented by presentation of independent evaluation materials (e.g., field tests and reports of actual use) that record the performance of the platform.

(iii) Dispersant-application systems that are consistent in design with, and are capable of applying dispersants within, the performance criteria in ASTM F1413–07 (incorporated by reference, *see* §154.106). For dispersant-application systems not fully covered by ASTM F1413–07, such as fire monitor-type applicators, adequacy of performance criteria must be documented by presentation of independent evaluation materials (e.g., laboratory tests, field tests, and reports of actual use) that record the design of performance specifications.

(iv) Dispersant-application personnel trained in and capable of applying dispersants according to the recommended procedures contained within ASTM F1737–07 (incorporated by reference, *see* §154.106).

(3) Dispersant stockpiles, application platforms, and other supporting resources must be available in a quantity and type sufficient to treat a facility's worst-case discharge (as determined by using the criteria in appendix C, section 8) or in quantities sufficient to meet the requirements in Table 154.1045(i) of this section, whichever is the lesser amount.

TABLE 154.1045(I)—TIERS FOR EFFECTIVE DAILY APPLICATION CAPABILITY

	Response time for completed application (hours)	Dispersant application dispersant: oil treated in gallons (Gulf Coast)	Dispersant application dispersant: oil treated in gallons all other U.S.
Tier 1	12	8,250:165,000	4,125:82,500
Tier 2	36	23,375:467,000	23,375:467,000
Tier 3	60	23,375:467,000	23,375:467,000

TABLE 154.1045(I)—TIERS FOR EFFECTIVE DAILY APPLICATION CAPABILITY—Continued

	Response time for completed application (hours)	Dispersant application dispersant: oil treated in gallons (Gulf Coast)	Dispersant application dispersant: oil treated in gallons all other U.S.
Total	60	55,000:1,100,000	50,875:1,017,500

NOTE TO TABLE 154.1045(I): Gulf Coast Tier 1 is higher due to greater potential spill size and frequency in that area, and it is assumed that dispersant stockpiles would be centralized in the Gulf area. Alternative application ratios may be considered based upon submission to Coast Guard Headquarters, Office of Incident Management and Preparedness (CG–533, 202–372–2234, 2100 2nd Street, SW., room 2100, Washington, DC 20593) of peer-reviewed scientific evidence of improved capability.

(j) The owner or operator of a facility handling Groups I through IV petroleum oil as a primary cargo must identify in the response plan, and ensure the availability through contract or other approved means, of response resources necessary to provide aerial oil tracking to support oil spill assessment and cleanup activities. Facilities operating exclusively on inland rivers are not required to comply with this paragraph. Aerial oil tracking resources must:

(1) Be capable of arriving at the site of a discharge in advance of the arrival of response resources identified in the plan for tiers 1, 2, and 3 Worst-Case Discharge response times, and for a distance up to 50 nautical miles from shore (excluding inland rivers);

(2) Be capable of supporting oil spill removal operations continuously for three 10-hour operational periods during the initial 72 hours of the discharge;

(3) Include appropriately located aircraft and personnel capable of meeting the response time requirement for oil tracking from paragraph (j)(1) of this section; and

(4) Include sufficient numbers of aircraft, pilots, and trained observation personnel to support oil spill removal operations, commencing upon initial assessment, and capable of coordinating on-scene cleanup operations, including dispersant and mechanical recovery operations. Observation personnel must be trained in:

(i) The protocols of oil-spill reporting and assessment, including estimation of slick size, thickness, and quantity; and

(ii) The use of assessment techniques in ASTM F1779–08 (incorporated by reference, *see* §154.106), and familiar with the use of other guides, such as NOAA's ''Open Water Oil Identification Job Aid for Aerial Observation,'' and NOAA's ''Characteristic Coastal Habitats'' guide (available on the Internet at *http://response.restoration.noaa.gov/*use the following links in the order presented: Home|Emergency Response|Responding to Oil Spills).

(k) A response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must identify response resources with firefighting capability. The owner or operator of a facility that does not have adequate firefighting resources located at the facility or that can not rely on sufficient local firefighting resources must identify and ensure, by contract or other approved means as described in §154.1028(a)(1)–(4), the availability of adequate firefighting resources. The response plan must also identify an individual located at the facility to work with the fire department for petroleum oil fires. This individual shall also verify that sufficient well-trained firefighting resources are available within a reasonable time to respond to a worst case discharge. The individual may be the qualified individual as defined in §154.1020 and identified in the response plan or another appropriate individual located at the facility.

(l) The response plan for a facility that handles, stores, or transports Groups I through IV petroleum oils must identify equipment and required personnel available, by contract or other approved means as described in §154.1028(a) (1)–(4), to protect fish and wildlife and sensitive environments.

(1) Except as set out in paragraph (k)(2) of this section, the identified response resources must include the quantities of boom sufficient to protect fish and wildlife and sensitive environments as required by §154.1035(b)(4).

(2) The resources and response methods identified in a facility response plan must be consistent with the required resources and response methods to be used in fish and wildlife and sensitive environments, contained in the appropriate ACP. Facility owners or operators shall ensure that their response plans are in accordance with the ACP in effect 6 months prior to initial plan submission or the annual plan review required under §154.1065(a). Facility owners or operators are not required to, but may at their option, conform to an ACP which is less than 6 months old at the time of plan submission.

(m) The response plan for a facility that handles, stores, or transports Groups I through IV petroleum oils must identify an oil spill removal organization(s) with response resources that are available, by contract or other approved means as described in §154.1028(a) (1)–(4), to effect a shoreline cleanup operation commensurate with the quantity of emulsified petroleum oil to be planned for in shoreline cleanup operations.

(1) Except as required in paragraph (l)(2) of this section, the shoreline cleanup response resources required must be determined as described in appendix C of this part.

(2) The resources and response methods identified in a facility response plan must be consistent with the required shoreline cleanup resources and methods contained in the appropriate ACP. Facility owners or operators shall ensure that their response plans are in accordance with the ACP in effect 6 months prior to initial plan submission or the annual plan review required under §154.1065(a). Facility owners or operators are not required to, but may at their option, conform to an ACP which is less than 6 months old at the time of plan submission.

(n) Appendix C of this part describes the procedures to determine the maximum extent practicable quantity of response resources that must be identified and available, by contract or other approved means as described in §154.1028(a) (1)–(4), for the maximum most probable discharge volume, and for each worst case discharge response tier.

(1) Included in appendix C of this part is a cap that recognizes the practical and technical limits of response capabilities that an individual facility owner or operator can be expected to contract for in advance.

(2) Table 5 in appendix C of this part lists the caps that apply in February 18, 1993, and February 18, 1998. Depending on the quantity and type of petroleum oil handled by the facility and the facility's geographic area of operations, the resource capability caps in this table may be reached. The owner or operator of a facility whose estimated recovery capacity exceeds the applicable contracting caps in Table 5 shall identify sources of additional equipment equal to twice the cap listed in Tiers 1, 2, and 3 or the amount necessary to reach the calculated planning volume, whichever is lower. The identified resources must be capable of arriving on scene not later than the Tier 1, 2, and 3 response times in this section. No contract is required. While general listings of available response equipment may be used to identify additional sources, a response plan must identify the specific sources, locations, and quantities of equipment that a facility owner or operator has considered in his or her planning. When listing Coast Guard classified oil spill removal organization(s) which have sufficient removal capacity to recover the volume above the response capability cap for the specific facility, as specified in Table 5 in appendix C of this part, it is not necessary to list specific quantities of equipment.

(o) The Coast Guard will continue to evaluate the environmental benefits, cost efficiency and practicality of increasing mechanical recovery capability requirements. This continuing evaluation is part of the Coast Guard's long term commitment to achieving and maintaining an optimum mix of oil spill response capability across the full spectrum of response modes. As best available technology demonstrates a need to evaluate or change mechanical

recovery capacities, a review of cap increases and other requirements contained within this subpart may be performed. Any changes in the requirements of this section will occur through a public notice and comment process. During this review, the Coast Guard will determine if established caps remain practicable and if increased caps will provide any benefit to oil spill recovery operations. The review will include, at least, an evaluation of:

(1) Best available technologies for containment and recovery;

(2) Oil spill tracking technology;

(3) High rate response techniques;

(4) Other applicable response technologies; and

(5) Increases in the availability of private response resources.

[CGD 91–036, 61 FR 7917, Feb. 29, 1996, as amended by USCG–2001–8661, 74 FR 45024, Aug. 31, 2009]

§ 154.1047 Response plan development and evaluation criteria for facilities that handle, store, or transport Group V petroleum oils.

(a) An owner or operator of a facility that handles, stores, or transports Group V petroleum oils must provide information in his or her response plan that identifies—

(1) Procedures and strategies for responding to a worst case discharge of Group V petroleum oils to the maximum extent practicable; and

(2) Sources of the equipment and supplies necessary to locate, recover, and mitigate such a discharge.

(b) An owner or operator of a facility that handles, stores, or transports Group V petroleum oil must ensure that any equipment identified in a response plan is capable of operating in the conditions expected in the geographic area(s) in which the facility operates using the criteria in Table 1 of appendix C of this part. When evaluating the operability of equipment, the facility owner or operator must consider limitations that are identified in the ACPs for the COTP zones in which the facility operates, including—

(1) Ice conditions;

(2) Debris;

(3) Temperature ranges; and

(4) Weather-related visibility.

(c) The owner or operator of a facility that handles, stores, or transports Group V petroleum oil must identify the response resources that are available by contract or other approved means as described in § 154.1028. The equipment identified in a response plan must include—

(1) Sonar, sampling equipment, or other methods for locating the petroleum oil on the bottom or suspended in the water column;

(2) Containment boom, sorbent boom, silt curtains, or other methods for containing the petroleum oil that may remain floating on the surface or to reduce spreading on the bottom;

(3) Dredges, pumps, or other equipment necessary to recover petroleum oil from the bottom and shoreline;

(4) Equipment necessary to assess the impact of such discharges; and

(5) Other appropriate equipment necessary to respond to a discharge involving the type of petroleum oil handled, stored, or transported.

(d) Response resources identified in a response plan for a facility that handles, stores, or transports Group V petroleum oils under paragraph (c) of this section must be capable of being at the spill site within 24 hours of discovery of a discharge.

(e) A response plan for a facility that handles, stores, or transports Group V petroleum oils must identify response resources with firefighting capability. The owner or operator of a facility that does not have adequate firefighting resources located at the facility or that can not rely on sufficient local firefighting resources must identity and ensure, by contract or other approved means as described in § 154.1028, the availability of adequate firefighting resources. The response plan must also identify an individual located at the facility to work with the fire department for petroleum oil fires. This individual shall also verify that sufficient well-trained firefighting resources are available within a reasonable response time to a worst case scenario. The individual may be the qualified individual as defined in § 154.1020 and identified in the response plan or another appropriate individual located at the facility.

§ 154.1050 Training.

(a) A response plan submitted to meet the requirements of §§ 154.1035 or 154.1040, as appropriate, must identify the training to be provided to each individual with responsibilities under the plan. A facility owner or operator must identify the method to be used for training any volunteers or casual laborers used during a response to comply with the requirements of 29 CFR 1910.120.

(b) A facility owner or operator shall ensure the maintenance of records sufficient to document training of facility personnel; and shall make them available for inspection upon request by the U.S. Coast Guard. Records for facility personnel must be maintained at the facility for 3 years.

(c) Where applicable, a facility owner or operator shall ensure that an oil spill removal organization identified in a response plan to meet the requirements of this subpart maintains records sufficient to document training for the organization's personnel and shall make them available for inspection upon request by the facility's management personnel, the qualified individual, and U.S. Coast Guard. Records must be maintained for 3 years following completion of training.

(d) The facility owner or operator remains responsible for ensuring that all private response personnel are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120.

§ 154.1055 Exercises.

(a) A response plan submitted by an owner or operator of an MTR facility must include an exercise program containing both announced and unannounced exercises. The following are the minimum exercise requirements for facilities covered by this subpart:

(1) Qualified individual notification exercises (quarterly).

(2) Spill management team tabletop exercises (annually). In a 3-year period, at least one of these exercises must include a worst case discharge scenario.

(3) Equipment deployment exercises:

(i) Semiannually for facility owned and operated equipment.

(ii) Annually for oil spill removal organization equipment.

(4) Emergency procedures exercises (optional).

(5) Annually, at least one of the exercises listed in § 154.1055(a)(2) through (4) must be unannounced. Unannounced means the personnel participating in the exercise must not be advised in advance, of the exact date, time and scenario of the exercise.

(6) The facility owner or operator shall design the exercise program so that all components of the response plan are exercised at least once every 3 years. All of the components do not have to be exercised at one time; they may be exercised over the 3-year period through the required exercises or through an Area exercise.

(b) A facility owner or operator shall participate in unannounced exercises, as directed by the COTP. The objectives of the unannounced exercises will be to test notifications and equipment deployment for response to the average most probable discharge. After participating in an unannounced exercise directed by a COTP, the owner or operator will not be required to participate in another COTP initiated unannounced exercise for at least 3 years from the date of the exercise.

(c) A facility owner or operator shall participate in Area exercises as directed by the applicable On-Scene Coordinator. The Area exercises will involve equipment deployment to respond to the spill scenario developed by the Exercise Design Team, of which the facility owner or operator will be a member. After participating in an Area exercise, a facility owner or operator will not be required to participate in another Area exercise for at least 6 years.

(d) The facility owner or operator shall ensure that adequate records of all required exercises are maintained at the facility for 3 years. Records shall be made available to the Coast Guard upon request.

(e) The response plan submitted to meet the requirements of this subpart must specify the planned exercise program. The plan must detail the exercise program, including the types of exercises, frequency, scope, objectives

and the scheme for exercising the entire response plan every 3 years.

(f) Compliance with the National Preparedness for Response Exercise Program (PREP) Guidelines will satisfy the facility response plan exercise requirements. These guidelines are available from the TASC DEPT Warehouse, 33141Q 75th Avenue, Landover, MD 20875 (fax: 301–386–5394, stock number USCG–X0241). Compliance with an alternative program that meets the requirements of paragraph (a) of this section and has been approved under § 154.1060 will also satisfy the facility response plan exercise requirements.

NOTE TO PARAGRAPH (f): The PREP guidelines are available online at *http://dmses.dot.gov/docimages/pdf1a/198001__web.pdf*.

[CGD 91–036, 61 FR 7917, Feb. 29, 1996, as amended by USCGD–2003–15404, 68 FR 37741, June 25, 2003]

§ 154.1057 Inspection and maintenance of response resources.

(a) A facility owner or operator required to submit a response plan under this part must ensure that—

(1) Containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan are periodically inspected and maintained in good operating condition, in accordance with manufacturer's recommendations, and best commercial practices; and

(2) All inspection and maintenance is documented and that these records are maintained for 3 years.

(b) For equipment which must be inspected and maintained under this section the Coast Guard may—

(1) Verify that the equipment inventories exist as represented;

(2) Verify the existences of records required under this section;

(3) Verify that the records of inspection and maintenance reflect the actual condition of any equipment listed or referenced; and

(4) Inspect and require operational tests of equipment.

(c) This section does not apply to containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan and ensured available from an oil spill removal organization through the written consent required under § 154.1028(a)(5).

§ 154.1060 Submission and approval procedures.

(a) The owner or operator of a facility to which this subpart applies shall submit one copy of a facility response plan meeting the requirements of this subpart to the COTP for initial review and, if appropriate, approval.

(b) The owner or operator of a facility to which this subpart applies shall include a statement certifying that the plan meets the applicable requirements of subparts F, G, H, and I of this part, as appropriate.

(c) For an MTR facility that is located in the inland response zone where the EPA Regional Administrator is the predesignated Federal On-Scene Coordinator, the COTP may consult with the EPA Federal On-Scene Coordinator prior to any final approval.

(d) For an MTR facility identified in § 154.1015(c) of this subpart that is also required to prepare a response plan under 40 CFR part 112, if the COTP determines that the plan meets all applicable requirements and the EPA Regional Administrator raises no objection to the response plan contents, the COTP will notify the facility owner or operator in writing that the plan is approved.

(e) The plan will be valid for a period of up to 5 years. The facility owner or operator must resubmit an updated plan every 5 years as follows:

(1) For facilities identified in only § 154.1015(b) of this subpart, the 5-year period will commence on the date the plan is submitted to the COTP.

(2) For facilities identified in § 154.1015(c) of this subpart, the 5-year period will commence on the date the COTP approves the plan.

(3) All resubmitted response plans shall be accompanied by a cover letter containing a detailed listing of all revisions to the response plan.

(f) For an MTR facility identified in § 154.1015(c)(2) the COTP will notify the facility owner or operator in writing that the plan is approved.

(g) If a COTP determines that a plan does not meet the requirements of this subpart either upon initial submission or upon 5-year resubmission, the COTP will return the plan to the facility

and the scheme for exercising the entire response plan every 3 years.

(f) Compliance with the National Preparedness for Response Exercise Program (PREP) Guidelines will satisfy the facility response plan exercise requirements. These guidelines are available from the TASC DEPT Warehouse, 33141Q 75th Avenue, Landover, MD 20875 (fax: 301–386–5394, stock number USCG–X0241). Compliance with an alternative program that meets the requirements of paragraph (a) of this section and has been approved under § 154.1060 will also satisfy the facility response plan exercise requirements.

NOTE TO PARAGRAPH (f): The PREP guidelines are available online at *http://dmses.dot.gov/docimages/pdf1a/198001__web.pdf*.

[CGD 91–036, 61 FR 7917, Feb. 29, 1996, as amended by USCGD–2003–15404, 68 FR 37741, June 25, 2003]

§ 154.1057 Inspection and maintenance of response resources.

(a) A facility owner or operator required to submit a response plan under this part must ensure that—

(1) Containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan are periodically inspected and maintained in good operating condition, in accordance with manufacturer's recommendations, and best commercial practices; and

(2) All inspection and maintenance is documented and that these records are maintained for 3 years.

(b) For equipment which must be inspected and maintained under this section the Coast Guard may—

(1) Verify that the equipment inventories exist as represented;

(2) Verify the existences of records required under this section;

(3) Verify that the records of inspection and maintenance reflect the actual condition of any equipment listed or referenced; and

(4) Inspect and require operational tests of equipment.

(c) This section does not apply to containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan and ensured available from an oil spill removal organization through the written consent required under § 154.1028(a)(5).

§ 154.1060 Submission and approval procedures.

(a) The owner or operator of a facility to which this subpart applies shall submit one copy of a facility response plan meeting the requirements of this subpart to the COTP for initial review and, if appropriate, approval.

(b) The owner or operator of a facility to which this subpart applies shall include a statement certifying that the plan meets the applicable requirements of subparts F, G, H, and I of this part, as appropriate.

(c) For an MTR facility that is located in the inland response zone where the EPA Regional Administrator is the predesignated Federal On-Scene Coordinator, the COTP may consult with the EPA Federal On-Scene Coordinator prior to any final approval.

(d) For an MTR facility identified in § 154.1015(c) of this subpart that is also required to prepare a response plan under 40 CFR part 112, if the COTP determines that the plan meets all applicable requirements and the EPA Regional Administrator raises no objection to the response plan contents, the COTP will notify the facility owner or operator in writing that the plan is approved.

(e) The plan will be valid for a period of up to 5 years. The facility owner or operator must resubmit an updated plan every 5 years as follows:

(1) For facilities identified in only § 154.1015(b) of this subpart, the 5-year period will commence on the date the plan is submitted to the COTP.

(2) For facilities identified in § 154.1015(c) of this subpart, the 5-year period will commence on the date the COTP approves the plan.

(3) All resubmitted response plans shall be accompanied by a cover letter containing a detailed listing of all revisions to the response plan.

(f) For an MTR facility identified in § 154.1015(c)(2) the COTP will notify the facility owner or operator in writing that the plan is approved.

(g) If a COTP determines that a plan does not meet the requirements of this subpart either upon initial submission or upon 5-year resubmission, the COTP will return the plan to the facility

owner or operator along with an explanation of the response plan's deficiencies. The owner or operator must correct any deficiencies in accordance with §154.1070 and return the plan to the COTP within the time specified by the COTP in the letter describing the deficiencies.

(h) The facility owner or operator and the qualified individual and the alternative qualified individual shall each maintain a copy of the most current response plan submitted to the COTP. One copy must be maintained at the facility in a position where the plan is readily available to persons in charge of conducting transfer operations.

§154.1065 Plan review and revision procedures.

(a) A facility owner or operator must review his or her response plan(s) annually. This review shall incorporate any revisions to the plan, including listings of fish and wildlife and sensitive environments identified in the ACP in effect 6 months prior to plan review.

(1) For an MTR facility identified in §154.1015(c) of this subpart as a ''significant and substantial harm facility,'' this review must occur within 1 month of the anniversary date of COTP approval of the plan. For an MTR facility identified in §154.1015(b) of this subpart, as a ''substantial harm facility'' this review must occur within 1 month of the anniversary date of submission of the plan to the COTP.

(2) The facility owner or operator shall submit any revision(s) to the response plan to the COTP and all other holders of the response plan for information or approval, as appropriate.

(i) Along with the revisions, the facility owner or operator shall submit a cover letter containing a detailed listing of all revisions to the response plan.

(ii) If no revisions are required, the facility owner or operator shall indicate the completion of the annual review on the record of changes page.

(iii) The COTP will review the revision(s) submitted by the owner or operator and will give written notice to the owner or operator of any COTP objection(s) to the proposed revisions within 30 days of the date the revision(s) were submitted to the COTP. The revisions shall become effective not later than 30 days from their submission to the COTP unless the COTP indicates otherwise in writing as provided in this paragraph. If the COTP indicates that the revision(s) need to be modified before implementation, the owner or operator will modify the revision(s) within the time period set by the COTP.

(3) Any required revisions must be entered in the plan and noted on the record of changes page.

(b) The facility owner or operator shall submit revisions to a previously submitted or approved plan to the COTP and all other holders of the response plan for information or approval within 30 days, whenever there is—

(1) A change in the facility's configuration that significantly affects the information included in the response plan;

(2) A change in the type of oil (petroleum oil group) handled, stored, or transported that affects the required response resources;

(3) A change in the name(s) or capabilities of the oil spill removal organization required by §154.1045;

(4) A change in the facility's emergency response procedures;

(5) A change in the facility's operating area that includes ports or geographic area(s) not covered by the previously approved plan. A facility may not operate in an area not covered in a plan previously submitted or approved, as appropriate, unless the revised plan is approved or interim operating approval is received under §154.1025; or

(6) Any other changes that significantly affect the implementation of the plan.

(c) Except as required in paragraph (b) of this section, revisions to personnel and telephone number lists included in the response plan do not require COTP approval. The COTP and all other holders of the response plan shall be advised of these revisions and provided a copy of the revisions as they occur.

(d) The COTP may require a facility owner or operator to revise a response plan at any time as a result of a compliance inspection if the COTP determines that the response plan does not meet the requirements of this subpart

or as a result of inadequacies noted in the response plan during an actual pollution incident at the facility.

(e) If required by §§ 154.1035(b)(3) or 154.1045, a new or existing facility owner or operator must submit the required dispersant and aerial oil tracking resource revisions to a previously submitted or approved plan, made pursuant to §§ 154.1035(b)(3) or 154.1045, to the COTP and all other holders of the response plan for information or approval no later than February 22, 2011.

[CGD 91–036, 61 FR 7917, Feb. 29, 1996, as amended by USCG–2001–8661, 74 FR 45025, Aug. 31, 2009]

§ 154.1070 Deficiencies.

(a) The cognizant COTP will notify the facility owner or operator in writing of any deficiencies noted during review of a response plan, drills observed by the Coast Guard, or inspection of equipment or records maintained in connection with this subpart.

(b) Deficiencies shall be corrected within the time period specified in the written notice provided by the COTP. The facility owner or operator who disagrees with a deficiency issued by the COTP may appeal the deficiency to the cognizant COTP within 7 days or the time specified by the COTP to correct the deficiency, whichever is less. This time commences from the date of receipt of the COTP notice. The owner or operator may request a stay from the COTP decision pending appeal in accordance with § 154.1075.

(c) If the facility owner or operator fails to correct any deficiencies or submit a written appeal, the COTP may invoke the provisions of § 154.1025 prohibiting the facility from storing, handling, or transporting oil.

§ 154.1075 Appeal process.

(a) Any owner or operator of a facility who desires to appeal the classification that a facility could reasonably be expected to cause substantial harm or significant and substantial harm to the environment, shall submit a written request to the cognizant COTP requesting review and reclassification by the COTP. The facility owner or operator shall identify those factors to be considered by the COTP. The factors to be considered by the COTP regarding reclassification of a facility include, but are not limited to, those listed in § 154.1016(b). After considering all relevant material presented by the facility owner or operator and any additional material available to the COTP, the COTP will notify the facility owner or operator of the decision on the reclassification of the facility.

(b) Any facility owner or operator directly affected by an initial determination or action of the COTP may submit a written request to the cognizant COTP requesting review and reconsideration of the COTP's decision or action. The facility owner or operator shall identify those factors to be considered by the COTP in making his or her decision on reconsideration.

(c) Within 10 days of the COTP's decision under paragraph (b) of this section, the facility owner or operator may appeal the decision of the COTP to the District Commander. This appeal shall be made in writing via the cognizant COTP to the District Commander of the district in which the office of the COTP is located.

(d) Within 30 days of the District Commander's decision, the facility owner or operator may formally appeal the decision of the District Commander. This appeal shall be submitted in writing to Commandant (CG–535) via the District Commander.

(e) When considering an appeal, the COTP, District Commander, or Commandant may stay the effect of the decision or action being appealed pending the determination of the appeal.

[CGD 91–036, 61 FR 7930, Feb. 29, 1996, as amended by CGD 96–026, 61 FR 33666, June 28, 1996; USCG–2010–0351, 75 FR 36284, June 25, 2010]

Subpart G—Additional Response Plan Requirements for a Trans-Alaska Pipeline Authorization Act (TAPAA) Facility Operating in Prince William Sound, Alaska

SOURCE: CGD 91–036, 61 FR 7930, Feb. 29, 1996, unless otherwise noted.

§ 154.1110 Purpose and applicability.

(a) This subpart establishes oil spill response planning requirements for a

APPENDIX III

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(e) Each access must be locked unless it is continuously guarded. During normal operations, an access may be unlocked only by persons designated in writing by the operator. During an emergency, a means must be readily available to all facility personnel within the protective enclosure to open each access.

§ 193.2907 Protective enclosure construction.

(a) Each protective enclosure must have sufficient strength and configuration to obstruct unauthorized access to the facilities enclosed.

(b) Openings in or under protective enclosures must be secured by grates, doors or covers of construction and fastening of sufficient strength such that the integrity of the protective enclosure is not reduced by any opening.

[Amdt. 193–2, 45 FR 70409, Oct. 23, 1980, as amended by Amdt. 193–12, 61 FR 27793, June 3, 1996; 61 FR 45905, Aug. 30, 1996]

§ 193.2909 Security communications.

A means must be provided for:

(a) Prompt communications between personnel having supervisory security duties and law enforcement officials; and

(b) Direct communications between all on-duty personnel having security duties and all control rooms and control stations.

§ 193.2911 Security lighting.

Where security warning systems are not provided for security monitoring under § 193.2913, the area around the facilities listed under § 193.2905(a) and each protective enclosure must be illuminated with a minimum in service lighting intensity of not less than 2.2 lux (0.2 ft^c) between sunset and sunrise.

§ 193.2913 Security monitoring.

Each protective enclosure and the area around each facility listed in § 193.2905(a) must be monitored for the presence of unauthorized persons. Monitoring must be by visual observation in accordance with the schedule in the security procedures under § 193.2903(a) or by security warning systems that continuously transmit data to an attended location. At an LNG plant with less than 40,000 m^3 (250,000 bbl) of storage capacity, only the protective enclosure must be monitored.

§ 193.2915 Alternative power sources.

An alternative source of power that meets the requirements of § 193.2445 must be provided for security lighting and security monitoring and warning systems required under §§ 193.2911 and 193.2913.

§ 193.2917 Warning signs.

(a) Warning signs must be conspicuously placed along each protective enclosure at intervals so that at least one sign is recognizable at night from a distance of 30m (100 ft.) from any way that could reasonably be used to approach the enclosure.

(b) Signs must be marked with at least the following on a background of sharply contrasting color:

The words ''NO TRESPASSING,'' or words of comparable meaning.

[Amdt. 193–2, 45 FR 70409, Oct. 23, 1980, as amended at 47 FR 32720, July 29, 1982]

PART 194—RESPONSE PLANS FOR ONSHORE OIL PIPELINES

Subpart A—General

Subpart B—Response Plans

AUTHORITY: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5) and (j)(6); sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.53.

SOURCE: 58 FR 253, Jan. 5, 1993, unless otherwise noted.

Subpart A—General

§ 194.1 Purpose.

This part contains requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines.

§ 194.3 Applicability.

This part applies to an operator of an onshore oil pipeline that, because of its location, could reasonably be expected to cause substantial harm, or significant and substantial harm to the environment by discharging oil into or on any navigable waters of the United States or adjoining shorelines.

§ 194.5 Definitions.

Adverse weather means the weather conditions that the operator will consider when identifying response systems and equipment to be deployed in accordance with a response plan. Factors to consider include ice conditions, temperature ranges, weather-related visibility, significant wave height as specified in 33 CFR Part 154, Appendix C, Table 1, and currents within the areas in which those systems or equipment are intended to function.

Barrel means 42 United States gallons (159 liters) at 60 °Fahrenheit (15.6 °Celsius).

Breakout tank means a tank used to:

(1) Relieve surges in an oil pipeline system or

(2) Receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Contract or other approved means is:

(1) A written contract or other legally binding agreement between the operator and a response contractor or other spill response organization identifying and ensuring the availability of the specified personnel and equipment within stipulated response times for a specified geographic area;

(2) Certification that specified equipment is owned or operated by the pipeline operator, and operator personnel and equipment are available within stipulated response times for a specified geographic area; or

(3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment to be available within stipulated response times for a specified geographic area.

Environmentally sensitive area means an area of environmental importance which is in or adjacent to navigable waters.

High volume area means an area which an oil pipeline having a nominal outside diameter of 20 inches (508 millimeters) or more crosses a major river or other navigable waters, which, because of the velocity of the river flow and vessel traffic on the river, would require a more rapid response in case of a worst case discharge or substantial threat of such a discharge. Appendix B to this part contains a list of some of the high volume areas in the United States.

Line section means a continuous run of pipe that is contained between adjacent pressure pump stations, between a pressure pump station and a terminal or breakout tank, between a pressure pump station and a block valve, or between adjacent block valves.

Major river means a river that, because of its velocity and vessel traffic, would require a more rapid response in case of a worst case discharge. For a list of rivers see ''*Rolling Rivers, An Encyclopedia of America's Rivers,*'' Richard A. Bartlett, Editor, McGraw-Hill Book Company, 1984.

Maximum extent practicable means the limits of available technology and the practical and technical limits on a pipeline operator in planning the response resources required to provide the on-water recovery capability and the shoreline protection and cleanup capability to conduct response activities for a worst case discharge from a pipeline in adverse weather.

Navigable waters means the waters of the United States, including the territorial sea and such waters as lakes, rivers, streams; waters which are used for recreation; and waters from which fish or shellfish are taken and sold in interstate or foreign commerce.

Oil means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, vegetable oil, animal

oil, sludge, oil refuse, oil mixed with wastes other than dredged spoil.

Oil spill removal organization means an entity that provides response resources.

On-Scene Coordinator (OSC) means the federal official designated by the Administrator of the EPA or by the Commandant of the USCG to coordinate and direct federal response under subpart D of the National Contingency Plan (40 CFR part 300).

Onshore oil pipeline facilities means new and existing pipe, rights-of-way and any equipment, facility, or building used in the transportation of oil located in, on, or under, any land within the United States other than submerged land.

Operator means a person who owns or operates onshore oil pipeline facilities.

Pipeline means all parts of an onshore pipeline facility through which oil moves including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

Qualified individual means an English-speaking representative of an operator, located in the United States, available on a 24-hour basis, with full authority to: activate and contract with required oil spill removal organization(s); activate personnel and equipment maintained by the operator; act as liaison with the OSC; and obligate any funds required to carry out all required or directed oil response activities.

Response activities means the containment and removal of oil from the water and shorelines, the temporary storage and disposal of recovered oil, or the taking of other actions as necessary to minimize or mitigate damage to the environment.

Response plan means the operator's core plan and the response zone appendices for responding, to the maximum extent practicable, to a worse case discharge of oil, or the substantial threat of such a discharge.

Response resources means the personnel, equipment, supplies, and other resources necessary to conduct response activities.

Response zone means a geographic area either along a length of pipeline or including multiple pipelines, containing one or more adjacent line sections, for which the operator must plan for the deployment of, and provide, spill response capabilities. The size of the zone is determined by the operator after considering available capability, resources, and geographic characteristics.

Specified minimum yield strength means the minimum yield strength, expressed in pounds per square inch, prescribed by the specification under which the material is purchased from the manufacturer.

Stress level means the level of tangential or hoop stress, usually expressed as a percentage of specified minimum yield strength.

Worst case discharge means the largest foreseeable discharge of oil, including a discharge from fire or explosion, in adverse weather conditions. This volume will be determined by each pipeline operator for each response zone and is calculated according to §194.105.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–3, 63 FR 37505, July 13, 1998; Amdt. 194–4, 70 FR 8746, Feb. 23, 2005]

§194.7 Operating restrictions and interim operating authorization.

(a) An operator of a pipeline for which a response plan is required under §194.101, may not handle, store, or transport oil in that pipeline unless the operator has submitted a response plan meeting the requirements of this part.

(b) An operator must operate its onshore pipeline facilities in accordance with the applicable response plan.

(c) The operator of a pipeline line section described in §194.103(c), may continue to operate the pipeline for two years after the date of submission of a response plan, pending approval or disapproval of that plan, only if the operator has submitted the certification required by §194.119(e).

[Amdt. 194–4, 70 FR 8746, Feb. 23, 2005]

Subpart B—Response Plans

§ 194.101 Operators required to submit plans.

(a) Except as provided in paragraph (b) of this section, unless OPS grants a request from an Federal On-Scene Coordinator (FOSC) to require an operator of a pipeline in paragraph (b) to submit a response plan, each operator of an onshore pipeline facility shall prepare and submit a response plan to PHMSA as provided in §194.119. A pipeline which does not meet the criteria for significant and substantial harm as defined in §194.103(c) and is not eligible for an exception under §194.101(b), can be expected to cause substantial harm. Operators of substantial harm pipeline facilities must prepare and submit plans to PHMSA for review.

(b) *Exception.* An operator need not submit a response plan for:

(1) A pipeline that is 6⅝ inches (168 millimeters) or less in outside nominal diameter, is 10 miles (16 kilometers) or less in length, and all of the following conditions apply to the pipeline:

(i) The pipeline has not experienced a release greater than 1,000 barrels (159 cubic meters) within the previous five years,

(ii) The pipeline has not experienced at least two reportable releases, as defined in §195.50, within the previous five years,

(iii) A pipeline containing any electric resistance welded pipe, manufactured prior to 1970, does not operate at a maximum operating pressure established under §195.406 that corresponds to a stress level greater than 50 percent of the specified minimum yield strength of the pipe, and

(iv) The pipeline is not in proximity to navigable waters, public drinking water intakes, or environmentally sensitive areas.

(2)(i) A line section that is greater than 6⅝ inches in outside nominal diameter and is greater than 10 miles in length, where the operator determines that it is unlikely that the worst case discharge from any point on the line section would adversely affect, within 12 hours after the initiation of the discharge, any navigable waters, public drinking water intake, or environmentally sensitive areas.

(ii) A line section that is 6⅝ inches (168 millimeters) or less in outside nominal diameter and is 10 miles (16 kilometers) or less in length, where the operator determines that it is unlikely that the worst case discharge from any point on the line section would adversely affect, within 4 hours after the initiation of the discharge, any navigable waters, public drinking water intake, or environmentally sensitive areas.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–3, 63 FR 37505, July 13, 1998; Amdt. 194–4, 70 FR 8747, Feb. 23, 2005; 70 FR 11140, Mar. 8, 2005]

§ 194.103 Significant and substantial harm; operator's statement.

(a) Each operator shall submit a statement with its response plan, as required by §§194.107 and 194.113, identifying which line sections in a response zone can be expected to cause significant and substantial harm to the environment in the event of a discharge of oil into or on the navigable waters or adjoining shorelines.

(b) If an operator expects a line section in a response zone to cause significant and substantial harm, then the entire response zone must, for the purpose of response plan review and approval, be treated as if it is expected to cause significant and substantial harm. However, an operator will not have to submit separate plans for each line section.

(c) A line section can be expected to cause significant and substantial harm to the environment in the event of a discharge of oil into or on the navigable waters or adjoining shorelines if; the pipeline is greater than 6⅝ inches (168 millimeters) in outside nominal diameter, greater than 10 miles (16 kilometers) in length, and the line section—

(1) Has experienced a release greater than 1,000 barrels (159 cubic meters) within the previous five years,

(2) Has experienced two or more reportable releases, as defined in §195.50, within the previous five years,

(3) Containing any electric resistance welded pipe, manufactured prior to 1970, operates at a maximum operating pressure established under §195.406 that corresponds to a stress level greater

than 50 percent of the specified minimum yield strength of the pipe,

(4) Is located within a 5 mile (8 kilometer) radius of potentially affected public drinking water intakes and could reasonably be expected to reach public drinking water intakes, or

(5) Is located within a 1 mile (1.6 kilometer) radius of potentially affected environmentally sensitive areas, and could reasonably be expected to reach these areas.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–3, 63 FR 37505, July 13, 1998]

§ 194.105 Worst case discharge.

(a) Each operator shall determine the worst case discharge for each of its response zones and provide the methodology, including calculations, used to arrive at the volume.

(b) The worst case discharge is the largest volume, in barrels (cubic meters), of the following:

(1) The pipeline's maximum release time in hours, plus the maximum shutdown response time in hours (based on historic discharge data or in the absence of such historic data, the operator's best estimate), multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum daily capacity of the pipeline), plus the largest line drainage volume after shutdown of the line section(s) in the response zone expressed in barrels (cubic meters); or

(2) The largest foreseeable discharge for the line section(s) within a response zone, expressed in barrels (cubic meters), based on the maximum historic discharge, if one exists, adjusted for any subsequent corrective or preventive action taken; or

(3) If the response zone contains one or more breakout tanks, the capacity of the single largest tank or battery of tanks within a single secondary containment system, adjusted for the capacity or size of the secondary containment system, expressed in barrels (cubic meters).

(4) Operators may claim prevention credits for breakout tank secondary containment and other specific spill prevention measures as follows:

Prevention measure	Standard	Credit (percent)
Secondary containment > 100%	NFPA 30	50
Built/repaired to API standards	API STD 620/650/653.	10
Overfill protection standards	API RP 2350	5
Testing/cathodic protection	API STD 650/651/653.	5
Tertiary containment/drainage/treatment	NFPA 30	5
Maximum allowable credit		75

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–3, 63 FR 37505, July 13, 1998; Amdt. 194–4, 70 FR 8747, Feb. 23, 2005; Amdt. 194–5, 70 FR 35042, June 16, 2005]

§ 194.107 General response plan requirements.

(a) Each response plan must include procedures and a list of resources for responding, to the maximum extent practicable, to a worst case discharge and to a substantial threat of such a discharge. The ''substantial threat'' term is equivalent to abnormal operations outlined in 49 CFR 195.402(d). To comply with this requirement, an operator can incorporate by reference into the response plan the appropriate procedures from its manual for operations, maintenance, and emergencies, which is prepared in compliance with 49 CFR 195.402.

(b) An operator must certify in the response plan that it reviewed the NCP and each applicable ACP and that its response plan is consistent with the NCP and each applicable ACP as follows:

(1) As a minimum to be consistent with the NCP a facility response plan must:

(i) Demonstrate an operator's clear understanding of the function of the Federal response structure, including procedures to notify the National Response Center reflecting the relationship between the operator's response organization's role and the Federal On

Scene Coordinator's role in pollution response;

(ii) Establish provisions to ensure the protection of safety at the response site; and

(iii) Identify the procedures to obtain any required Federal and State permissions for using alternative response strategies such as in-situ burning and dispersants as provided for in the applicable ACPs; and

(2) As a minimum, to be consistent with the applicable ACP the plan must:

(i) Address the removal of a worst case discharge and the mitigation or prevention of a substantial threat of a worst case discharge;

(ii) Identify environmentally and economically sensitive areas;

(iii) Describe the responsibilities of the operator and of Federal, State and local agencies in removing a discharge and in mitigating or preventing a substantial threat of a discharge; and

(iv) Establish the procedures for obtaining an expedited decision on use of dispersants or other chemicals.

(c) Each response plan must include:

(1) A core plan consisting of—

(i) An information summary as required in §194.113,

(ii) Immediate notification procedures,

(iii) Spill detection and mitigation procedures,

(iv) The name, address, and telephone number of the oil spill response organization, if appropriate,

(v) Response activities and response resources,

(vi) Names and telephone numbers of Federal, State and local agencies which the operator expects to have pollution control responsibilities or support,

(vii) Training procedures,

(viii) Equipment testing,

(ix) Drill program—an operator will satisfy the requirement for a drill program by following the National Preparedness for Response Exercise Program (PREP) guidelines. An operator choosing not to follow PREP guidelines must have a drill program that is equivalent to PREP. The operator must describe the drill program in the response plan and OPS will determine if the program is equivalent to PREP.

(x) Plan review and update procedures;

(2) An appendix for each response zone that includes the information required in paragraph (c)(1)(i)–(ix) of this section and the worst case discharge calculations that are specific to that response zone. An operator submitting a response plan for a single response zone does not need to have a core plan and a response zone appendix. The operator of a single response zone onshore pipeline shall have a single summary in the plan that contains the required information in §194.113.7; and

(3) A description of the operator's response management system including the functional areas of finance, logistics, operations, planning, and command. The plan must demonstrate that the operator's response management system uses common terminology and has a manageable span of control, a clearly defined chain of command, and sufficient trained personnel to fill each position.

[Amdt. 194–4, 70 FR 8747, Feb. 23, 2005]

§194.109 Submission of state response plans.

(a) In lieu of submitting a response plan required by §194.103, an operator may submit a response plan that complies with a state law or regulation, if the state law or regulation requires a plan that provides equivalent or greater spill protection than a plan required under this part.

(b) A plan submitted under this section must

(1) Have an information summary required by §194.113;

(2) List the names or titles and 24-hour telephone numbers of the qualified individual(s) and at least one alternate qualified individual(s); and

(3) Ensure through contract or other approved means the necessary private personnel and equipment to respond to a worst case discharge or a substantial threat of such a discharge.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–4, 70 FR 8748, Feb. 23, 2005]

§194.111 Response plan retention.

(a) Each operator shall maintain relevant portions of its response plan at the operator's headquarters and at

other locations from which response activities may be conducted, for example, in field offices, supervisors' vehicles, or spill response trailers.

(b) Each operator shall provide a copy of its response plan to each qualified individual.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–4, 70 FR 8748, Feb. 23, 2005]

§ 194.113 Information summary.

(a) The information summary for the core plan, required by § 194.107, must include:

(1) The name and address of the operator; and

(2) For each response zone which contains one or more line sections that meet the criteria for determining significant and substantial harm as described in § 194.103, a listing and description of the response zones, including county(s) and state(s).

(b) The information summary for the response zone appendix, required in § 194.107, must include:

(1) The information summary for the core plan;

(2) The names or titles and 24-hour telephone numbers of the qualified individual(s) and at least one alternate qualified individual(s);

(3) The description of the response zone, including county(s) and state(s), for those zones in which a worst case discharge could cause substantial harm to the environment;

(4) A list of line sections for each pipeline contained in the response zone, identified by milepost or survey station number, or other operator designation;

(5) The basis for the operator's determination of significant and substantial harm; and

(6) The type of oil and volume of the worst case discharge.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–4, 70 FR 8748, Feb. 23, 2005]

§ 194.115 Response resources.

(a) Each operator shall identify and ensure, by contract or other approved means, the resources necessary to remove, to the maximum extent practicable, a worst case discharge and to mitigate or prevent a substantial threat of a worst case discharge.

(b) An operator shall identify in the response plan the response resources which are available to respond within the time specified, after discovery of a worst case discharge, or to mitigate the substantial threat of such a discharge, as follows:

	Tier 1	Tier 2	Tier 3
High volume area	6 hrs	30 hrs	54 hrs.
All other areas	12 hrs	36 hrs	60 hrs.

§ 194.117 Training.

(a) Each operator shall conduct training to ensure that:

(1) All personnel know—

(i) Their responsibilities under the response plan,

(ii) The name and address of, and the procedure for contacting, the operator on a 24-hour basis, and

(iii) The name of, and procedures for contacting, the qualified individual on a 24-hour basis;

(2) Reporting personnel know—

(i) The content of the information summary of the response plan,

(ii) The toll-free telephone number of the National Response Center, and

(iii) The notification process; and

(3) Personnel engaged in response activities know—

(i) The characteristics and hazards of the oil discharged,

(ii) The conditions that are likely to worsen emergencies, including the consequences of facility malfunctions or failures, and the appropriate corrective actions,

(iii) The steps necessary to control any accidental discharge of oil and to minimize the potential for fire, explosion, toxicity, or environmental damage, and

(iv) The proper firefighting procedures and use of equipment, fire suits, and breathing apparatus.

(b) Each operator shall maintain a training record for each individual that has been trained as required by this section. These records must be maintained in the following manner as long as the individual is assigned duties under the response plan:

(1) Records for operator personnel must be maintained at the operator's headquarters; and

(2) Records for personnel engaged in response, other than operator personnel, shall be maintained as determined by the operator.

(c) Nothing in this section relieves an operator from the responsibility to ensure that all response personnel are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120, including volunteers or casual laborers employed during a response who are subject to those standards pursuant to 40 CFR part 311.

§ 194.119 Submission and approval procedures.

(a) Each operator shall submit two copies of the response plan required by this part. Copies of the response plan shall be submitted to: Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, PHP 80, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Note: Submission of plans in electronic format is preferred.

(b) If PHMSA determines that a response plan requiring approval does not meet all the requirements of this part, PHMSA will notify the operator of any alleged deficiencies, and to provide the operator an opportunity to respond, including the opportunity for an informal conference, on any proposed plan revisions and an opportunity to correct any deficiencies.

(c) An operator who disagrees with the PHMSA determination that a plan contains alleged deficiencies may petition PHMSA for reconsideration within 30 days from the date of receipt of PHMSA's notice. After considering all relevant material presented in writing or at an informal conference, PHMSA will notify the operator of its final decision. The operator must comply with the final decision within 30 days of issuance unless PHMSA allows additional time.

(d) For response zones of pipelines described in § 194.103(c) OPS will approve the response plan if OPS determines that the response plan meets all requirements of this part. OPS may consult with the U.S. Environmental Protection Agency (EPA) or the U.S. Coast Guard (USCG) if a Federal on-scene coordinator (FOSC) has concerns about the operator's ability to respond to a worst case discharge.

(e) If OPS has not approved a response plan for a pipeline described in § 194.103(c), the operator may submit a certification to OPS that the operator has obtained, through contract or other approved means, the necessary personnel and equipment to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge. The certificate must be signed by the qualified individual or an appropriate corporate officer.

(f) If OPS receives a request from a FOSC to review a response plan, OPS may require an operator to give a copy of the response plan to the FOSC. OPS may consider FOSC comments on response techniques, protecting fish, wildlife and sensitive environments, and on consistency with the ACP. OPS remains the approving authority for the response plan.

[58 FR 253, Jan. 5, 1993, as amended byAmdt. 194–4, 70 FR 8748, Feb. 23, 2005; 70 FR 1140, Mar. 8, 2005; 73 FR 16570, Mar. 28, 2008; 74 FR 2894, Jan. 16, 2009]

§ 194.121 Response plan review and update procedures.

(a) Each operator shall update its response plan to address new or different operating conditions or information. In addition, each operator shall review its response plan in full at least every 5 years from the date of the last submission or the last approval as follows:

(1) For substantial harm plans, an operator shall resubmit its response plan to OPS every 5 years from the last submission date.

(2) For significant and substantial harm plans, an operator shall resubmit every 5 years from the last approval date.

(b) If a new or different operating condition or information would substantially affect the implementation of a response plan, the operator must immediately modify its response plan to address such a change and, within 30 days of making such a change, submit the change to PHMSA. Examples of changes in operating conditions that

would cause a significant change to an operator's response plan are:

(1) An extension of the existing pipeline or construction of a new pipeline in a response zone not covered by the previously approved plan;

(2) Relocation or replacement of the pipeline in a way that substantially affects the information included in the response plan, such as a change to the worst case discharge volume;

(3) The type of oil transported, if the type affects the required response resources, such as a change from crude oil to gasoline;

(4) The name of the oil spill removal organization;

(5) Emergency response procedures;

(6) The qualified individual;

(7) A change in the NCP or an ACP that has significant impact on the equipment appropriate for response activities; and

(8) Any other information relating to circumstances that may affect full implementation of the plan.

(c) If PHMSA determines that a change to a response plan does not meet the requirements of this part, PHMSA will notify the operator of any alleged deficiencies, and provide the operator an opportunity to respond, including an opportunity for an informal conference, to any proposed plan revisions and an opportunity to correct any deficiencies.

(d) An operator who disagrees with a determination that proposed revisions to a plan are deficient may petition PHMSA for reconsideration, within 30 days from the date of receipt of PHMSA's notice. After considering all relevant material presented in writing or at the conference, PHMSA will notify the operator of its final decision. The operator must comply with the final decision within 30 days of issuance unless PHMSA allows additional time.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–1, 62 FR 67293, Dec. 24, 1997; Amdt. 194–4, 70 FR 8748, Feb. 23, 2005; 70 FR 11140, Mar. 8, 2005]

APPENDIX A TO PART 194—GUIDELINES FOR THE PREPARATION OF RESPONSE PLANS

This appendix provides a recommended format for the preparation and submission of the response plans required by 49 CFR Part 194. Operators are referenced to the most current version of the guidance documents listed below. Although these documents contain guidance to assist in preparing response plans, their use is not mandatory:

(1) The ''National Preparedness for Response Exercise Program (PREP) Guidelines'' (PREP), which can be found using the search function on the USCG's PREP Web page, *http://www.uscg.mil*;

(2) The National Response Team's ''Integrated Contingency Plan Guidance,'' which can be found using the search function at the National Response Center's Web site, *http://www.nrt.org and*;

(3) 33 CFR Part 154, Appendix C, ''Guidelines for Determining and Evaluating Required Response Resources for Facility Response Plans.''

Response Plan: Section 1. Information Summary

Section 1 would include the following:

(a) For the core plan:

(1) The name and address of the operator; and

(2) For each response zone which contains one or more line sections that meet the criteria for determining significant and substantial harm as described in §194.103, a listing and description of the response zones, including county(s) and state(s).

(b) For each response zone appendix:

(1) The information summary for the core plan;

(2) The name and telephone number of the qualified individual, available on a 24-hour basis;

(3) A description of the response zone, including county(s) and state(s) in which a worst case discharge could cause substantial harm to the environment;

(4) A list of line sections contained in the response zone, identified by milepost or survey station number or other operator designation.

(5) The basis for the operator's determination of significant and substantial harm; and

(6) The type of oil and volume of the worst case discharge.

(c) The certification that the operator has obtained, through contract or other approved means, the necessary private personnel and equipment to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge.

Response Plan: Section 2. Notification Procedures

Section 2 would include the following:

(a) Notification requirements that apply in each area of operation of pipelines covered by the plan, including applicable State or local requirements;

(b) A checklist of notifications the operator or qualified individual is required to make under the response plan, listed in the order of priority;
(c) Names of persons (individuals or organizations) to be notified of a discharge, indicating whether notification is to be performed by operating personnel or other personnel;
(d) Procedures for notifying qualified individuals;
(e) The primary and secondary communication methods by which notifications can be made; and
(f) The information to be provided in the initial and each follow-up notification, including the following:
(1) Name of pipeline;
(2) Time of discharge;
(3) Location of discharge;
(4) Name of oil involved;
(5) Reason for discharge (e.g., material failure, excavation damage, corrosion);
(6) Estimated volume of oil discharged;
(7) Weather conditions on scene; and
(8) Actions taken or planned by persons on scene.

Response Plan: Section 3. Spill Detection and On-Scene Spill Mitigation Procedures

Section 3 would include the following:
(a) Methods of initial discharge detection;
(b) Procedures, listed in the order of priority, that personnel are required to follow in responding to a pipeline emergency to mitigate or prevent any discharge from the pipeline;
(c) A list of equipment that may be needed in response activities on land and navigable waters, including—
(1) Transfer hoses and connection equipment;
(2) Portable pumps and ancillary equipment; and
(3) Facilities available to transport and receive oil from a leaking pipeline;
(d) Identification of the availability, location, and contact telephone numbers to obtain equipment for response activities on a 24-hour basis; and
(e) Identification of personnel and their location, telephone numbers, and responsibilities for use of equipment in response activities on a 24-hour basis.

Response Plan: Section 4. Response Activities

Section 4 would include the following:
(a) Responsibilities of, and actions to be taken by, operating personnel to initiate and supervise response actions pending the arrival of the qualified individual or other response resources identified in the response plan;
(b) The qualified individual's responsibilities and authority, including notification of the response resources identified in the plan;
(c) Procedures for coordinating the actions of the operator or qualified individual with the action of the OSC responsible for monitoring or directing those actions;
(d) Oil spill response organizations available, through contract or other approved means, to respond to a worst case discharge to the maximum extent practicable; and
(e) For each organization identified under paragraph (d) of this section, a listing of:
(1) Equipment and supplies available; and
(2) Trained personnel necessary to continue operation of the equipment and staff the oil spill removal organization for the first 7 days of the response.

Response Plan: Section 5. List of Contacts

Section 5 would include the names and addresses of the following individuals or organizations, with telephone numbers at which they can be contacted on a 24-hour basis:
(a) A list of persons the plan requires the operator to contact;
(b) Qualified individuals for the operator's areas of operation;
(c) Applicable insurance representatives or surveyors for the operator's areas of operation; and
(d) Persons or organizations to notify for activation of response resources.

Response plan: Section 6. Training Procedures

Section 6 would include a description of the training procedures and programs of the operator.

Response plan: Section 7. Drill Procedures

Section 7 would include a description of the drill procedures and programs the operator uses to assess whether its response plan will function as planned. It would include:
(a) Announced and unannounced drills;
(b) The types of drills and their frequencies. For example, drills could be described as follows:
(1) Manned pipeline emergency procedures and qualified individual notification drills conducted quarterly.
(2) Drills involving emergency actions by assigned operating or maintenance personnel and notification of the qualified individual on pipeline facilities which are normally unmanned, conducted quarterly.
(3) Shore-based spill management team tabletop drills conducted yearly.
(4) Oil spill removal organization field equipment deployment drills conducted yearly.
(5) A drill that exercises the entire response plan for each response zone, would be conducted at least once every 3 years.

Response plan: Section 8. Response Plan Review and Update Procedures

Section 8 would include the following:
(a) Procedures to meet §194.121; and

(b) Procedures to review the plan after a worst case discharge and to evaluate and record the plan's effectiveness.

Response plan: Section 9. Response Zone Appendices.

Each response zone appendix would provide the following information:

(a) The name and telephone number of the qualified individual;

(b) Notification procedures;

(c) Spill detection and mitigation procedures;

(d) Name, address, and telephone number of oil spill response organization;

(e) Response activities and response resources including—

(1) Equipment and supplies necessary to meet §194.115, and

(2) The trained personnel necessary to sustain operation of the equipment and to staff the oil spill removal organization and spill management team for the first 7 days of the response;

(f) Names and telephone numbers of Federal, state and local agencies which the operator expects to assume pollution response responsibilities;

(g) The worst case discharge volume;

(h) The method used to determine the worst case discharge volume, with calculations;

(i) A map that clearly shows—

(1) The location of the worst case discharge, and

(2) The distance between each line section in the response zone and—

(i) Each potentially affected public drinking water intake, lake, river, and stream within a radius of 5 miles (8 kilometers) of the line section, and

(ii) Each potentially affected environmentally sensitive area within a radius of 1 mile (1.6 kilometer) of the line section;

(j) A piping diagram and plan-profile drawing of each line section, which may be kept separate from the response plan if the location is identified; and

(k) For every oil transported by each pipeline in the response zone, emergency response data that—

(1) Include the name, description, physical and chemical characteristics, health and safety hazards, and initial spill-handling and firefighting methods; and

(2) Meet 29 CFR 1910.1200 or 49 CFR 172.602.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–3, 63 FR 37505, July 13, 1998; Amdt. 194–4, 70 FR 8748, Feb. 23, 2005]

APPENDIX B TO PART 194—HIGH VOLUME AREAS

As of January 5, 1993 the following areas are high volume areas:

Major rivers	Nearest town and state
Arkansas River	N. Little Rock, AR.
Arkansas River	Jenks, OK.
Arkansas River	Little Rock, AR.
Black Warrior River	Moundville, AL.
Black Warrior River	Akron, AL.
Brazos River	Glen Rose, TX.
Brazos River	Sealy, TX.
Catawba River	Mount Holly, NC.
Chattahoochee River	Sandy Springs, GA.
Colorado River	Yuma, AZ.
Colorado River	LaPaz, AZ.
Connecticut River	Lancaster, NH.
Coosa River	Vincent, AL.
Cumberland River	Clarksville, TN.
Delaware River	Frenchtown, NJ.
Delaware River	Lower Chichester, NJ.
Gila River	Gila Bend, AZ.
Grand River	Bosworth, MO.
Illinois River	Chillicothe, IL.
Illinois River	Havanna, IL.
James River	Arvonia, VA.
Kankakee River	Kankakee, IL.
Kankakee River	South Bend, IN.
Kankakee River	Wilmington, IL.
Kentucky River	Salvisa, KY.
Kentucky River	Worthville, KY.
Maumee River	Defiance, OH.
Maumee River	Toledo, OH.
Mississippi River	Myrtle Grove, LA.
Mississippi River	Woodriver, IL.
Mississippi River	Chester, IL.
Mississippi River	Cape Girardeau, MO.
Mississippi River	Woodriver, IL.
Mississippi River	St. James, LA.
Mississippi River	New Roads, LA.
Mississippi River	Ball Club, MN.
Mississippi River	Mayersville, MS.
Mississippi River	New Roads, LA.
Mississippi River	Quincy, IL.
Mississippi River	Ft. Madison, IA.
Missouri River	Waverly, MO.
Missouri River	St. Joseph, MO.
Missouri River	Weldon Springs, MO.
Missouri River	New Frankfort, MO.
Naches River	Beaumont, TX.
Ohio River	Joppa, IL.
Ohio River	Cincinnati, OH.
Ohio River	Owensboro, KY.
Pascagoula River	Lucedale, MS.
Pascagoula River	Wiggins, MS.
Pearl River	Columbia, MS.
Pearl River	Oria, TX.
Platte River	Ogaliala, NE.
Potomac River	Reston, VA.
Rappahannock River	Midland, VA.
Raritan River	South Bound Brook, NJ.
Raritan River	Highland Park, NJ.
Red River (of the South)	Hanna, LA.
Red River (of the South)	Bonham, TX.
Red River (of the South)	Dekalb, TX.
Red River (of the South)	Sentell Plantation, LA.
Red River (of the North)	Wahpeton, ND.
Rio Grande	Anthony, NM.
Sabine River	Edgewood, TX.
Sabine River	Leesville, LA.
Sabine River	Orange, TX.
Sabine River	Echo, TX.
Savannah River	Hartwell, GA.
Smokey Hill River	Abilene, KS.
Susquehanna River	Darlington, MD.
Tenessee River	New Johnsonville, TN.
Wabash River	Harmony, IN.
Wabash River	Terre Haute, IN.
Wabash River	Mt. Carmel, IL.

Major rivers	Nearest town and state
White River	Batesville, AR.
White River	Grand Glaise, AR.
Wisconsin River	Wisconsin Rapids, WI.
Yukon River	Fairbanks, AK.

Other Navigable Waters

Arthur Kill Channel, NY
Cook Inlet, AK
Freeport, TX
Los Angeles/Long Beach Harbor, CA
Port Lavaca, TX
San Fransico/San Pablo Bay, CA

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

Subpart A—General

Subpart B—Annual, Accident, and Safety-Related Condition Reporting

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Subpart D—Construction

APPENDIX IV
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TITLE 31	NATURAL RESOURCES AND CONSERVATION
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SUBCHAPTER A	GENERAL PROVISIONS
RULE §19.1	**Purpose**

This subchapter establishes a final rule under the Oil Spill Prevention and Response Act of 1991 (OSPRA), Texas Natural Resources Code, Chapter 40, which became law March 28, 1991. OSPRA supports and complements the Oil Pollution Act of 1990 (OPA), Public Law 101-380, which became law on August 18, 1990. This subchapter is intended to establish basic rules to provide for orderly and efficient administration of OSPRA until more comprehensive rule-making can occur in coordination with the rule-making process by federal agencies under OPA. The General Land Office intends to amend this subchapter in anticipation of and in response to federal rule-making, as well as when development of Texas' own oil spill prevention and response program so requires.

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Source Note: The provisions of this §19.1 adopted to be effective February 21, 1992, 17 TexReg 1109.

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SUBCHAPTER A	GENERAL PROVISIONS
RULE §19.2	**Definitions**

(a) The following words, terms and phrases, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Coastal waters--All tidally influenced waters extending from the head of tide in the arms of the Gulf of Mexico seaward to the three marine league limit of Texas' jurisdiction; and non-tidally influenced waters extending from the head of tide in the arms of the Gulf of Mexico inland to the point at which navigation by regulated vessels is naturally or artificially obstructed. The term includes the entirety of the Gulf Intracoastal Waterway (GIWW) within Texas, and the following waters: starting from Echo, Texas, located in Orange County, and proceeding south on the Sabine River to the intersection with the GIWW, thence westerly along the GIWW, including Adams Bayou, to 0.7 miles upstream of IH-10, and Cow Bayou, to IH-10. This includes the Neches River in Orange County to 7.0 miles upstream of IH-10. Then along the GIWW towards Port Arthur, including Taylors Bayou south of Highway 73. From Port Arthur along the GIWW to, and including, East Bay, Trinity Bay, Cedar Bayou to 1.4 miles upstream of IH-10 in Harris/Chambers County, Lynchburg Canal to 29 degrees 41'00"N, 94 degrees 59'00"W, San Jacinto River in Harris County to the Lake Houston Dam, and the Houston Ship Channel to the turning basin. Tidal tributaries of the Houston Ship Channel include: Buffalo Bayou to .25 miles upstream of Shepherd Drive, Brays Bayou to the Broadway Street Bridge, Sims Bayou to Highway 225, Vince Bayou to North Ritchie Street, Hunting Bayou to I-10, Greens Bayou to I-10, Boggy Bayou to Highway 225, Tucker Bayou to Old Battleground Road, Carpenter's Bayou to Sheldon Road, and Goose Creek to Highway 146. Proceed south and include Barbours Cut, Bayport Channel, Clear Lake to .063 miles upstream of FM 528 in Galveston/Harris County, Dickinson Bay, Dickinson Bayou 2.5 miles downstream of FM 517 in Galveston County, Moses Lake, Dollar Bay, Texas City Channel (including turning basin), Swan Lake, Jones Bay, and continuing at the junction of West Bay and the GIWW in Galveston County. Continue westerly along the GIWW to the Port of Freeport, including Greens Lake, Chocolate Bay, Chocolate Bayou to 2.6 miles downstream of SH 35, the Old Brazos River and the New Brazos River up to the Missouri-Pacific Railroad bridge in Brazoria County, and the Dow Barge Canal. Then southerly along the GIWW through and including Jones Lake and Creek, the San Bernard River to 2.0 miles upstream of SH 35, Cowtrap Lake, Matagorda Bay, the Colorado River to 1.3 miles downstream of the Missouri-Pacific Railroad in Matagorda County, to the Port of Bay City, Culver Cut (West Branch Colorado River to 28 degrees 42'N and the entire middle branch), Crab Lake, Oyster Lake, Tres Palacios Bay, Turtle Bay, Caranchua Bay, Keller Bay, Cox Bay, Lavaca Bay, Lavaca River to 5.3 miles downstream of U.S. 59 in Jackson County, Chocolate Bay/Bayou, Powderhorn Lake, Robinsons Lake, Blind Bayou, La Salle Bayou, Broad Bayou, and Boggy Bayou. Continuing southerly on GIWW from Port O'Connor through San Antonio Bay including: Guadalupe Bay, Mission Lake, Green Lake, Victoria Barge Canal, Guadalupe River to the Guadalupe-Blanco River Authority Salt Water Barrier 0.4 miles downstream of the confluence of the San Antonio River, Goff Bayou, Hog Bayou, Corey Bay, Buffalo Lake, Alligator Slide Lake, Twin Lake, Mustang Lake, and Jones Lake. Then continuing through Mesquite Bay including: Dunham Bay, Long Lake, Sundown Bay, and the Aransas Wildlife Refuge. Continuing southerly through St. Charles Bay including: Burgentine Bay/Burgentine Creek to 28 degrees 17'N, Salt Creek to 28 degrees 16'N, and Cavaso Creek to 97 degrees 01'W. Then through Copano Bay, including Copano Creek, Mission Bay, Mission River to 4.6 miles downstream of U.S. 77, Chiltipin Creek, Aransas River to 3.3 miles upstream of Chiltipin Creek in Refugio/San Patricio County, Swan Lake, Port Bay, and Salt Lake. Then southerly including: Little Bay, Aransas Bay, Conn Brown Harbor, Redfish Cove, Redfish Bay, La Quinta Channel, Nueces River to Calallen Dam 1.1 miles upstream of U.S. 77/IH 37 in Nueces/San Patricio County, Rincon Industrial Channel, Rincon Bayou, Nueces Bay, Tule Lake, Corpus Christi Inner Harbor, Oso Creek, Oso Bay, Cayo Del Oso, and Corpus Christi Bay. Continuing south, through and including Packery Channel, Laguna Madre, Baffin Bay, Alazan Bay, Cayo del Hinoso, Petrolino Creek from the confluence of Chiltipin Creek in Kleberg County to 0.6 miles

upstream of private road crossing near Laurless Ranch, Cayo Del Infiernillo, Cayo del Grullo, Laguna Salada, Laguna de los Olmos, and Comitas Lake. Continuing through the Laguna Madre to Redfish Bay, Port Mansfield Harbor, Four Mile Slough, Cayo Atascosa, Laguna Atascosa, Arroyo Colorado Cutoff, El Realito Bay, Laguna Vista Cove, Port Isabel Harbor, Brownsville Ship Channel, Bahia Grande, Vadia Ancha, San Martin Lake, South Bay, and the Arroyo Colorado River to .063 miles downstream of Cemetery Road south of Port Harlingen in Cameron County. Then southerly to the Rio Grande River to 6.7 miles downstream of the International Bridge in Cameron County. Where the coastal area is defined by a body of water such as a bay or lake, it includes any small bays or lakes encompassed therein.

(2) Commissioner--The commissioner of the General Land Office.

(3) Discharge cleanup organization--A corporation, partnership, proprietorship, organization, or association that intends to make itself available to engage in response actions to abate, contain, or remove an unauthorized discharge or pollution or damage from an unauthorized discharge.

(4) Environmentally sensitive areas--Streams and water bodies, aquifer recharge zones, springs, wetlands, bird rookeries, endangered and threatened species (flora and fauna) habitat, wildlife preserves or conservation areas, parks, beaches, dunes, or any other area protected or managed for its natural resource value.

(5) Facility--Any waterfront or offshore pipeline, structure, equipment, or device used for the purposes of drilling for, pumping, storing, handling, or transferring oil and operating where a discharge of oil from the facility could threaten coastal waters, including but not limited to any such facility owned or operated by a public utility or a governmental or quasi-governmental body, but does not include any temporary storage facilities used only in connection with the containment and cleanup of unauthorized discharges of oil.

(6) Fund--The coastal protection fund established under OSPRA.

(7) Federal fund--The oil spill liability trust fund established under OPA.

(8) Handle--To transfer, transport, pump, treat, process, store, dispose of, drill for, or produce.

(9) Harmful quantity of oil--The presence of oil from an unauthorized discharge in a quantity sufficient either to create a visible film or sheen upon or discoloration of the surface of the water or a shoreline, tidal flat, beach, or marsh, or to cause a sludge or emulsion to be deposited beneath the surface of the water or on a shoreline, tidal flat, beach, or marsh.

(10) National contingency plan--The plan prepared under the Federal Water Pollution Control Act (33 United States Code §1321 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 United States Code §9601 et seq.), as revised from time to time.

(11) Oil--Means oil of any kind or in any form, including but not limited to crude oil, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), §101(14), Subparagraphs (A)-(F) (42 United States Code §9601 et seq.), and which is subject to the provisions of that Act, and which is so designated by the Texas Commission on Environmental Quality .

(12) OPA--The Oil Pollution Act of 1990, Public Law 101-380.

(13) OSPRA--The Oil Spill Prevention and Response Act of 1991, Natural Resources Code, Chapter 40.

(14) Owner or operator--Any person, individual, partnership, corporation, association, governmental unit, or public or private organization of any character:

(A) owning, operating or responsible for operating, or chartering by demise a vessel;

(B) owning, operating, or responsible for operating a facility; or

(C) operating a facility by lease, contract, or other form of agreement. The term does not include a person who owns only the land underlying a facility or a person who owns only a security interest in a vessel or facility if the person does not participate in the operation of the vessel or facility, does not own a controlling interest in the owner or operator of the vessel or facility, and is not controlled by or under common ownership with the owner or operator of the vessel or facility.

(15) Regulated vessel--A vessel with a capacity to carry 10,000 U.S. gallons or more of oil as fuel or cargo.

(16) Unauthorized discharge--Discharges excluding those authorized by and in compliance with a government permit, seepage from the earth solely from natural causes, and unavoidable, minute discharges of oil from a properly functioning engine, of a harmful quantity of oil from a vessel or facility either:

(A) into coastal waters; or

(B) on any waters or land adjacent to coastal waters where harmful quantities of oil may enter coastal waters or threaten to enter coastal waters if the discharge is not abated nor contained and the oil is not removed.

(17) Underground storage tank--Any tank or container used for storing oil which is located completely under the surface of the earth. Tanks which are partially buried or which are contained in aboveground vaults or other aboveground containment structures are not considered underground tanks for the purpose of certification requirements under these sections.

(18) Underwriter--An insurer, a surety company, a guarantor, or any other person, other than an owner or operator of a vessel or facility, that undertakes to pay all or part of the liability of an owner or operator.

(19) Waste--Oil or contaminated soil, debris, and other substances removed from coastal waters and adjacent waters, shorelines, estuaries, tidal flats, beaches, or marshes in response to an unauthorized discharge. Waste means any solid, liquid, or other material intended to be disposed of or discarded and generated as a result of an unauthorized discharge of oil. Waste does not include substances intended to be recycled if they are in fact recycled within 90 days of their generation or if they are brought to a recycling facility within that time.

(20) Worst case unauthorized discharge--The largest foreseeable unauthorized discharge under adverse weather conditions. For facilities located above the high water line of coastal waters, a worst case discharge includes those occurring in weather conditions most likely to cause oil discharged from the facility to enter coastal waters.

(21) Coastal Facility Designation Line--The Coastal Facility Designation Line delineates the area within which a facility may be subject to the certification requirements of §19.12 of this title (relating to Facility Certification). The line does not delineate OSPRA's response or notification requirements; rather, it gives notice to facilities located coastward of the line that they may be subject to facility certification requirements. A description of the coastal facility designation line and a map can be found in Appendix 1.

Attached Graphic

(22) Offshore--Located on submerged lands below mean high tide in coastal waters.

(23) Waterfront--Located within 100 yards of coastal waters.

(b) All other terms used in this chapter and defined in OSPRA have the meaning assigned to them by OSPRA.

Source Note: The provisions of this §19.2 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective September 16, 1992, 17 TexReg 6009; amended to be effective May 14, 1993, 18 TexReg 2849; amended to be effective March 6, 1995, 20 TexReg 1261; amended to be effective October 30, 2002, 27 TexReg 10036;

amended to be effective September 18, 2003, 28 TexReg 7994

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SUBCHAPTER A	GENERAL PROVISIONS
RULE §19.3	**Inspections and Access to Property**

(a) Officers, employees, or authorized agents of the General Land Office (GLO) may enter and inspect any land, building, facility, vessel, device, equipment, or other property to respond to an unauthorized discharge, to determine compliance or noncompliance with OSPRA or any rule, order, or certificate issued under OSPRA, to ascertain discharge prevention and response capability, and to assess natural resources damages. Drills, audits, and inspections may be announced or unannounced. If unannounced, the GLO will make a reasonable effort to obtain the consent of the owner of the vessel or facility prior to entry. In the event of a response to an unauthorized discharge of oil or the threat of an unauthorized discharge of oil, the GLO will also make a reasonable effort to obtain consent; this effort will be consistent with the need for prompt abatement and containment actions for the protection of health, safety, and natural resources. A reasonable effort to obtain consent means that a readily identifiable owner or owner's representative has been informed of the GLO's authority to undertake the proposed actions requiring entry and that the purpose of the entry has been described and the owner and or his representative have been afforded the opportunity to accompany the GLO during the audit or inspection or to be kept informed of GLO activities during a response event.

(b) The GLO's officers, employees, and agents will present credentials and explain the purpose and scope of the requested entry onto private property. Upon gaining access to the property, the GLO's representative may:

(1) sample and test any substance or environmental media;

(2) observe the performance of equipment;

(3) take photographs and videotapes and other recordings;

(4) review and copy documents;

(5) inspect discharge prevention and response equipment and supplies;

(6) inspect containment and drainage areas and any other portion of the facility or vessel where oil is handled.

(c) The GLO's officers, employees, and agents must observe a vessel's or facility's standard safety requirements. Standard safety requirements as set forth in the Occupational Safety and Health Act (OSHA) (29 United States Code Annotated §651 et seq.) and applicable regulations or in any State of Texas statute or rule will be observed. Any additional or other requirement imposed by the owner or operator will be observed only to the extent that it does not unreasonably hinder the objective of the authorized entry.

Source Note: The provisions of this §19.3 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective March 6, 1995, 20 TexReg 1261

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SUBCHAPTER A	GENERAL PROVISIONS
RULE §19.4	**Waiver**

(a) Upon written request, the commissioner may waive a provision of this chapter if the commissioner determines that the application of the provision would be inconsistent with the fundamental intent and purpose of OSPRA. The commissioner may also waive any requirement of this chapter if the commissioner determines that other existing federal or state statutory or regulatory provisions provide requirements necessary to implement OSPRA.

(1) Waiver from requirements of this chapter. Any person may request a waiver from a requirement of this chapter by submitting the following information to the commissioner:

(A) the name, address, and telephone number of the person submitting the requested waiver, and if that person is the agent of the person requesting the waiver, then the agent must also state the name, address, and telephone number of the person for whom the waiver is requested;

(B) a specific reference to the requirement from which the person is requesting a waiver;

(C) a detailed statement of the reasons which warrant a waiver;

(D) an analysis of the waiver's impact on the person's ability to prevent, abate, clean up, and remove an unauthorized discharge of oil.

(2) Waiver from facility certification requirements. Any person may request a waiver from the facility certification requirement of this chapter by submitting the following information to the commissioner:

(A) the name, address, and telephone number of the person submitting the requested waiver, and if that person is the agent of the person requesting the waiver, then the agent must also state the name, address, and telephone number of the person for whom the waiver is requested;

(B) the address and location, including directions from the nearest highway, of the facility subject to the requirements of this chapter;

(C) a vicinity map;

(D) a brief description of the business conducted at the facility, including the quantity and types of oil handled;

(E) a summary of the prevention and response practices utilized at the facility supporting the contention that an unauthorized discharge of oil therefrom will not pose an imminent threat to coastal waters;

(F) a summary of any other reasons that this chapter should not apply to the facility.

(3) Receipt of a request for waiver from any facility subject to certification requirements will be deemed to constitute compliance with all timelines for facility certification. Any person whose request for waiver is denied will be given a reasonable time to comply with all the requirements for certification.

(4) Requests for waivers from facility certification requirements will be evaluated by considering the following factors:

(A) the physical location of the facility, including:

(i) proximity to coastal waters;

(ii) proximity to environmentally sensitive areas;

(iii) topography;

(iv) site drainage;

(v) flood tide impacts;

(vi) the condition of oil storage areas, including age and condition of oil storage containers, evidence of past spills, leak detection abilities, and secondary or passive containment systems;

(B) the type and quantity of oil handled;

(C) the factors listed in this paragraph will be weighted so that subparagraph (A)(vi) of this paragraph will be considered only in the event that a determination cannot be made based solely on the other listed factors.

(D) The commissioner will conduct a field investigation, if necessary, to determine whether to grant the request for waiver.

(b) Where adequate precautions are taken to avoid environmental and property damage and other necessary governmental agencies have consented, the commissioner may allow the discharge of limited amounts of oil into or upon coastal waters or adjacent waters, shorelines, estuaries, tidal flats, beaches, or marshes, as part of a drill, demonstration of response capability or technology, or other study or project to further discharge prevention or response capabil

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Source Note: The provisions of this §19.4 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective May 14, 1993, 18 TexReg 2849; amended to be effective March 6, 1995, 20 TexReg 1261; amended to be effective October 30, 2002, 27 TexReg 10036

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RULE §19.5	**Forms**

The General Land Office (GLO) will promulgate forms for applications, filings, and reports required by OSPRA or this chapter. Where this chapter specifies that a particular form is available from the GLO, the applicant, claimant, or person filing information with the GLO must use the GLO form. The applicant, claimant, or person filing may supplement the GLO form with separate documentation where not inconsistent with this chapter.

Source Note: The provisions of this §19.5 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective March 6, 1995, 20 TexReg 1261.

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RULE §19.6	**Confidentiality**

An applicant, claimant, or person filing information with the General Land Office (GLO) must make any claim of confidentiality of documentation, records, or information when it is filed with the GLO or the claim of confidentiality is waived.

Source Note: The provisions of this §19.6 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective March 6, 1995, 20 TexReg 1261.

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SUBCHAPTER B	SPILL PREVENTION AND PREPAREDNESS
RULE §19.11	**Classification of Waterfront and Offshore Facilities**

Waterfront and offshore facilities are classified based on their capacity to transfer or store oil. Oil that is integral to equipment, such as oil in transformers or lubricating oil in machinery, is not included in determining storage or transfer capacity.

(1) Small--A facility that transfers oil through pipelines, flow lines, gathering lines, or trunk lines with a line diameter of four inches or less or that has the capacity to store 1,320 gallons or less of oil.

(2) Intermediate--A facility that transfers oil through pipelines, flow lines, gathering lines, or trunk lines with a line diameter of greater than four inches up to and including twelve inches or that has the capacity to store more than 1,320 gallons up to and including 250,000 gallons of oil.

(3) Large--A facility that transfers oil through pipelines, flow lines, gathering lines, or trunk lines with a line diameter greater than 12 inches or that has the capacity to store more than 250,000 gallons of oil.

Source Note: The provisions of this §19.11 adopted to be effective October 30, 2002, 27 TexReg 10037

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SUBCHAPTER B	SPILL PREVENTION AND PREPAREDNESS
RULE §19.12	**Facility Certification Requirements**

(a) Applicability. This section applies to any person who operates a waterfront or offshore facility. If an operator controls part of a facility which is waterfront or offshore, the entire facility in which oil is handled under the control of that operator must be covered by the discharge prevention and response certificate. Pipelines, flowlines, gathering lines, or transmission lines that transfer oil across an area of coastal waters are considered facilities. A combination of interrelated or adjacent tanks, impoundments, pipelines, gathering lines, flow lines, separator or treatment facilities, and other structures, equipment, or devices under common ownership or operation will be considered a single facility under OSPRA. Interrelated means the devices are all an integral part of one commercial or industrial operation or are managed and controlled by a single entity. The term includes facilities owned by units of federal, state, or local government, as well as privately owned facilities.

(b) Current certificate required to operate. No entity may operate a waterfront or offshore facility without a current discharge prevention and response certificate issued by the GLO. This requirement does not apply, however, to an entity that operates a facility and has obtained a waiver from the facility certification requirement pursuant to §19.4 of this title (relating to Waiver) or if an exemption applies to the facility.

(c) Certificate void when operator changes or facility classification level increases. A discharge prevention and response certificate is issued to a specific operator and for a particular facility classification level. When the operator of a facility changes, the discharge prevention and response certificate is void. The new operator of the facility will need to submit an application for a certificate to the GLO before beginning to operate the facility. A certificate is also void when the facility changes its operations in a manner that increases its facility classification level. If an operator increases storage capacity or installs new oil transfer lines at a facility, causing the facility classification to change from small to intermediate or large or from intermediate to large, the operator will need to apply for a new certificate.

(d) Obtaining certificate application forms. The operator of a facility must apply for a discharge prevention and response certificate by submitting a completed application form to the GLO. Application forms are available from the General Land Office, Oil Spill Prevention and Response Program, 1700 North Congress Avenue, Austin, Texas 78701-1495 or from any regional office of the GLO. The application form can also be downloaded from the GLO's Oil Spill Prevention and Response Program website, www.glo.state.tx.us/oilspill.

(e) Signature requirements. The certificate application must be signed by a representative of the facility operator who has approved the facility's discharge prevention and response plan and has the authority to commit the necessary resources to implement the plan.

(f) Facility inspections. After the GLO determines the application is administratively complete, the GLO will contact the facility operator to schedule an on-site inspection and review of the facility's discharge prevention and response plan. The inspection and plan review will cover the following elements:

(1) the facility's compliance with applicable regulations;

(2) whether the discharge prevention and response plan adequately addresses all the elements required by §19.13;

(3) whether the discharge prevention and response plan specifically addresses the worst case unauthorized discharge and demonstrates the facility can adequately respond to the worst case unauthorized discharge from the facility; and

(4) whether the discharge prevention and response plan has been implemented.

(g) Additional information. After the on-site inspection, the GLO may require an applicant to submit additional information to resolve any issues related to the applicant's discharge prevention and response preparedness. The GLO may also require an applicant to develop and implement additional measures to prevent and respond to unauthorized discharges of oil.

(h) Notification that certification requirements have been met. When the GLO determines the facility has adequately addressed its discharge prevention and response requirements and has submitted sufficient information in its application, the GLO will notify the facility operator that the certification requirements have been met. The operator will then be informed of the facility classification level (small, intermediate, or large).

(i) Certification fee. A fee of $25 will be assessed for every facility to be certified, but the fee should not be submitted with the completed application form. The facility operator will be instructed to submit the fee to the GLO after the GLO determines a certificate will be issued to the operator.

(j) Term for certificates. The GLO will issue certificates with a term of five years from the date of issuance. Each certificate will be assigned an identification number, which will allow the facility operator to review and amend the facility information on the GLO's Oil Spill Prevention and Response Program interactive website. The identification number will be sent to the person who signed the application form, along with instructions on how to update and renew the certificate.

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(k) Discretionary submittal of discharge prevention and response plan. After a certificate is issued to a facility, the GLO may require the facility operator to submit to the GLO a complete copy of its discharge prevention and response plan for review. Submittal of the plan for review may be required if the GLO determines the facility may not be adequately implementing its plan to prevent and respond to unauthorized discharges of oil.

(l) Exemptions. The following facilities that handle oil do not need to apply to the GLO for a discharge prevention and response certificate:

(1) Mobile or portable oil-handling equipment, such as a mobile offshore drilling unit, when it is fixed in place for less than 90 days.

(2) A farm, ranch, or residential property that stores up to and including 1,320 gallons of oil for farming, ranching, or residential purposes.

(3) A facility that stores oil exclusively in underground tanks and does not transfer oil to vessels in the water.

(4) A facility that stores or transfers oil only in containers with a volume of 55 gallons or less.

(m) Effect of certificate on other violations. Issuance of a certificate does not estop the state in an action brought under OSPRA, or any other law, from alleging a violation of any such law, other than failure to have a certificate.

Source Note: The provisions of this §19.12 adopted to be effective October 30, 2002, 27 TexReg 10037; amended to be effective September 18, 2003, 28 TexReg 7995

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SUBCHAPTER B	SPILL PREVENTION AND PREPAREDNESS
RULE §19.13	**Requirements for Discharge Prevention and Response Plans**

(a) Applicability. This section applies to any person who operates a waterfront or offshore facility and must obtain a discharge prevention and response certificate.

(b) Implementation of plans. An operator of any facility that requires certification must develop and implement a written discharge prevention and response plan. Before issuing a certificate, the GLO will conduct an on-site review of the plan. The GLO will determine whether the facility's plan contains all the information required by this section and has been fully implemented.

(c) Required elements of discharge prevention and response plans for all facility classifications. Operators of all facilities that require certification must prepare discharge prevention and response plans which include the following information:

(1) the owner and operator of the facility;

(2) the person or persons in charge of the facility, as required by §19.16 of this title (relating to Person in Charge);

(3) the name and address (both physical and mailing) of the facility;

(4) a description of the facility, including:

(A) the location of the facility by latitude and longitude;

(B) the facility's primary activity;

(C) the types of oil handled, whether material safety data sheets (MSDS) have been prepared for them, and the location where the MSDS are maintained;

(D) the storage capacity of each tank used for storing oil;

(E) the diameter of all lines through which oil is transferred;

(F) the average daily throughput of oil at the facility; and

(G) the dimensions and capacity in barrels of the largest oil-handling vessel which docks at the facility.

(5) for a facility which normally does not have personnel on-site, a commitment to maintain in a prominent location a sign or placard which states that the GLO and National Response Center are to be notified of an oil spill and gives the 24-hour phone numbers for notifying the GLO and National Response Center;

(6) a general description of measures taken by the facility to prevent unauthorized discharges of oil;

(7) a plan to conduct an annual oil spill drill that entails notifying the GLO and National Response Center and keeping a log at the facility which documents when the notification drill was conducted and facility personnel who participated in it;

(8) if oil is transferred at the facility, emergency transfer procedures to be implemented if an actual or threatened unauthorized discharge of oil occurs at the facility;

(9) strategic plans to contain and clean up unauthorized discharges of oil from the facility;

(10) a statement that all facility personnel who might be involved in an oil spill response have been informed that detergents or other surfactants are prohibited from being used on an oil spill in the water, and that dispersants can only be used with the approval of the Regional Response Team, the interagency group composed of federal and state agency representatives that coordinates oil spill responses; and

(11) a description of any secondary containment or diversionary structures or equipment at the facility to prevent discharged oil from reaching coastal waters, including the methodology for determining that the structures or equipment are adequate to prevent oil from reaching coastal waters.

(d) Additional requirements for facilities classified as intermediate. In addition to the requirements in §19.13(c), operators of intermediate facilities must prepare written discharge prevention and response plans which include the following information:

(1) a description of the worst case unauthorized discharge of oil reasonably likely to occur at the facility and the rationale used to determine the worst case unauthorized discharge;

(2) a description and map of environmentally sensitive areas that would be impacted by the worst case unauthorized discharge and plans for protecting these areas if an oil spill occurs at the facility;

(3) a description of the facility's response strategies to contain and clean up the worst case unauthorized discharge;

(4) a description of discharge prevention procedures implemented at the facility, including procedures to prevent discharges from transfers of oil;

(5) a plan to conduct an annual oil spill drill that includes the following elements:

(A) notifying the GLO and National Response Center;

(B) notifying any third parties, such as discharge cleanup organizations, which have agreed to respond to an oil spill and confirming they would be able to respond to an oil spill at the facility on the day of the drill;

(C) if the facility has spill response equipment stored on-site, deployment of a representative portion of the equipment which would be used to respond to the type of discharge most likely to occur at the facility; and

(D) a log documenting when the annual drill was conducted and the facility personnel who participated in it; and

(6) if the operator has entered into any oil spill response or cleanup contracts or basic ordering agreements with a discharge cleanup organization, copies of the contracts or agreements or a narrative description of their terms.

(e) Additional requirements for facilities classified as large. In addition to the requirements in §19.13(c), operators of large facilities must prepare written discharge prevention and response plans which include the following information:

(1) maps showing vehicular access to the facility, pipelines to and from the facility, and nearby residential or other populous areas;

(2) a site plan of the facility showing:

(A) the location of all structures in which oil is stored;

(B) the location of all areas where oil is transferred at the facility; and

(C) drainage and diversion systems at the facility, such as sewers, outfalls, catchment or containment systems or basins, sumps, and all watercourses into which surface runoff from the facility drains (all of which may be shown on the site plan or maps);

(3) a plan to conduct an annual oil spill drill that includes the following elements:

(A) notifying the GLO and National Response Center;

(B) notifying any third parties, such as discharge cleanup organizations, which have agreed to respond to an oil spill and confirming they would be able to respond to an oil spill at the facility on the day of the drill;

(C) if the facility has spill response equipment stored on-site, deployment of a representative portion of the equipment which would be used to respond to the type of discharge most likely to occur at the facility; and

(D) a log documenting when the annual drill was conducted and the facility personnel who participated in it;

(4) a detailed description of the facility's discharge prevention and response capability, including:

(A) leak detection and safety systems to prevent accidental discharges of oil, including a description of equipment and procedures;

(B) schedules, methods, and procedures for testing, maintaining, and inspecting storage tanks, pipelines, and other equipment used for handling oil;

(C) schedules, methods, and procedures for conducting accidental discharge response drills;

(D) whether the facility's oil spill response capability will primarily be based on contracts or agreements with third parties or on the facility's own personnel and equipment;

(E) planned response actions, the chain of command, lines of communication, and procedures for notifying the GLO, emergency response and public safety entities, other agencies, and neighboring facilities in the event of an unauthorized discharge of oil;

(F) oil spill response equipment and supplies located at the facility, their ownership and location, and the time required to deploy them;

(G) if the facility owns and maintains oil spill response equipment, the schedules, methods, and procedures for maintaining the equipment in a state of constant readiness for deployment;

(H) if the operator has entered into any oil spill response or cleanup contracts or basic ordering agreements with a discharge cleanup organization, copies of the contracts or agreements or a narrative description of their terms;

(I) the worst case unauthorized discharge of oil reasonably likely to occur at the facility and the rationale used to determine the worst case unauthorized discharge;

(J) a description and map of environmentally sensitive areas that would be impacted by the worst case unauthorized discharge and plans for protecting these areas if an oil spill occurs at the facility;

(K) a description of response strategies that would be implemented to contain and clean up the worst case unauthorized discharge;

(L) information on the facility's program for training facility personnel on accidental discharge prevention and response;

(M) information on facility personnel who have been specifically designated to respond to an oil spill, including any training they have received and where the training records are maintained;

(N) plans for transferring oil during an emergency; plans for recovering, storing, separating, transporting, and disposing of oily waste materials generated during an oil spill response; and

(O) plans for providing emergency medical treatment, site safety, and security during an oil spill.

Source Note: The provisions of this §19.13 adopted to be effective October 30, 2002, 27 TexReg 10037

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SUBCHAPTER B	SPILL PREVENTION AND PREPAREDNESS
RULE §19.14	**Annual Updating of Application Information; Renewal and Suspension of Certificates**

(a) Annual review of application information. Facility operators are required to report annually any changes in the information submitted to the GLO in their applications for certificates. Changes must be reported by the anniversary of the date the certificate was issued, but operators are encouraged to update the information more frequently. Facility operators can update information on file with the GLO in the following ways:

(1) Internet. The GLO has established a link on its website (www.glo.state.tx.us) to allow facility operators to review and amend application information on file with the GLO. Facility operators can use the identification number, which is issued with the certificate, to access this interactive link. To minimize the GLO's administrative expense of updating information, the GLO encourages certificate holders to use the Internet to revise facility information on file with the GLO.

(2) Mail or facsimile. If a facility operator cannot update application information over the Internet, updated information can be sent by mail or facsimile to the appropriate GLO regional office. Addresses and facsimile numbers for the regional office covering a particular facility can be obtained by calling the main oil spill program office in Austin at (512) 475-1575.

(b) Renewing certificates. Operators are responsible for ensuring that certificates are renewed by their expiration dates. The GLO will not send expiration notices to operators.

(1) All certificates, which will be issued for a period of five years, will specify the date of expiration. To renew a certificate, certificate holders must complete and submit to the GLO a new application form. To give the GLO sufficient time to review the application, it must be submitted to the GLO at least 15 days before the expiration date.

(2) In reviewing the application to renew a certificate, the GLO may conduct an on-site review of the facility's discharge prevention and response plan. The GLO may require the applicant to amend its plan if the GLO determines the plan does not adequately address the elements required by §19.13.

(3) A fee of $25 will be assessed for renewal of a certificate. The GLO will inform the certificate holder that the fee is being assessed after the application is reviewed and a determination has been made that the certificate will be renewed.

(c) Notification to GLO when facility closes or is shut-in. A facility operator is required to notify the GLO when the facility closes or when the facility is shut-in and no longer handling oil.

(d) Certificate suspension. Suspension of a certificate requires the facility owner or operator to apply for a new certificate. The GLO may suspend a certificate if the facility operator violates a provision of OSPRA or rules or orders adopted under authority of OSPRA. A certificate may also be suspended if the GLO determines the facility has not adequately implemented its discharge prevention and response plan or the facility's response to an unauthorized discharge of oil was inadequate. Before suspending a certificate, the GLO will inform the certificate holder in writing that suspension is being considered. The reasons for the proposed suspension will be specified, and the certificate holder will be afforded an opportunity to address the problems. If the GLO ultimately determines the certificate holder has not adequately addressed the facility's problems and suspension of the certificate is appropriate, the facility

operator may request and is entitled to a hearing on the suspension in the same manner provided under Chapter 2 of this Title, relating to Rules of Practice and Procedure for contested case hearings before the GLO.

Source Note: The provisions of this §19.14 adopted to be effective October 30, 2002, 27 TexReg 10037

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SUBCHAPTER B	SPILL PREVENTION AND PREPAREDNESS
RULE §19.16	**Person in Charge**

(a) Upon applying for a certificate, the applicant must designate a person or persons in charge of the facility for purposes of ensuring that General Land Office (GLO) is notified of unauthorized discharges at the facility and that the facility meets all other requirements of OSPRA. The designation must be by name and by job title.

(b) A facility must have a person in charge at the facility at all times the facility is normally attended by personnel. For those faciliti[List of Titles]at[List of Titles]e not norma[Back to List]y must at all times have a person in charge on call and capable of travelling to the facility to respond to an actual or threatened unauthorized discharge. The person in charge must have the independent authority to deploy response equipment and personnel and to expend funds for response actions.

(c) It is the duty of the owner and the operator of the facility to inform the person in charge of the duties established under OSPRA and this chapter for persons in charge with respect to unauthorized discharge prevention and response.

Source Note: The provisions of this §19.16 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective March 6, 1995, 20 TexReg 1261.

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RULE §19.18	**Audits, Drills, and Inspections To Determine Prevention and Response Capability**

(a) An audit is a full review of a facility's or vessel's compliance with the requirements of OSPRA and regulations adopted pursuant thereto. An audit may be announced or unannounced. Audits will be commenced between the hours of 7:00 a.m. and 6:00 p.m. The owner and/or operator of the facility or vessel subject to audit must produce records related to unauthorized discharges of oil into coastal waters, discharge prevention and response plans, equipment inventory, maintenance and repair, material safety data sheets for oil handled, oil storage and throughput, financial responsibility, personnel certification and training, and daily records and other documents and records containing information relevant to compliance with OSPRA. The representative of the General Land Office (GLO) is authorized to view all equipment at the facility that is available for responding to unauthorized discharges of oil. The GLO representative is authorized to enter any portion of the facility and vessel where oil is handled, where discharge prevention and response equipment and supplies are stored and maintained or where oil transfer operations are being performed. Although the audit may be unannounced, prior to entering the facility, the GLO representative will make a reasonable effort, as defined in §19.3(a) of this title (relating to Inspections and Access to Property), to obtain the consent of the owner or operator or his representative.

(b) An inspection is a review of a specified area or areas of a facility or vessel for a specified purpose. An inspection may be announced or unannounced. Inspections between the hours of 7:00 a.m. and 6:00 p.m. may be unannounced. Inspections after 6:00 p.m. and before 7:00 a.m. will be announced. The GLO will make a reasonable effort to obtain the consent of the owner or operator or a representative of either prior to entering property to conduct the inspection. At the commencement of the inspection, the GLO representative will inform the owner or operator of the area or areas to be inspected and the purpose of the inspection. The areas and purposes of an inspection are limited to those set forth in subsection (a) of this section.

(c) A drill is a test of equipment and personnel in operation. A drill is in response to a mock discharge which is conducted by GLO representatives who determine the extent and parameters of the exercise. A drill may be announced or unannounced. Prior to entering property in order to conduct the drill, the GLO will make a reasonable effort to obtain consent of the owner or operator or representative of either to enter the property. Drills will be commenced between the hours of 7:00 a.m. and 6:00 p.m. and all drills involving vessels will be conducted in cooperation with the United States Coast Guard. A drill involving a facility will be conducted in cooperation with any other governmental agencies whom the GLO intends to involve in the mock operation.

(d) A vessel or facility will not be subjected to more than a total of two audits and/or drills in one 12-month period. This limitation will not apply to any vessel or facility that has violated OSPRA, any regulation promulgated thereunder, or any order of the commissioner.

(e) The owner or operator of the vessel or facility must bear its own costs of the audit, drill, or inspection and may not be reimbursed its costs from the fund. The GLO may, however, pay all or part of the cost of an oil spill drill under limited circumstances. The GLO's decision to pay for a drill will be based on a determination that the facility is located in an environmentally sensitive area and has been involved in a greater number of drills or more complex audits or drills because of its location. If the GLO pays for any part of the cost of the drill, the GLO will invite other facility operators in the vicinity to observe or participate in the drill for training purposes.

(f) Performance of an audit, drill, or inspection does not estop the state in an action brought under OSPRA or any

other law from alleging a violation of OSPRA or any such law.

Source Note: The provisions of this §19.18 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective March 6, 1995, 20 TexReg 1261; amended to be effective October 30, 2002, 27 TexReg 10037

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SUBCHAPTER B	SPILL PREVENTION AND PREPAREDNESS
RULE §19.20	**Certification of Discharge Cleanup Organizations**

(a) Persons or organizations desiring certification as discharge cleanup organizations must apply to the General Land Office (GLO). Application forms are available from the GLO.

(b) A discharge cleanup organization must be certified by the GLO to be listed by an owner or operator as a source of adequate response equipment and/or personnel in a facility or vessel discharge prevention and response plan.

(c) An owner or operator of the facility or vessel will not be required to comply with this section if its response activities are limited to its own unauthorized discharges or to assistance rendered to others in emergency situations. The requirements of this section apply to those organizations who engage in the business of emergency spill response and cleanup operations.

(d) Discharge cleanup organizations will be categorized as either industry or volunteer.

(1) Industry organizations are those entities capable of containing, abating, removing and disposing of, or arranging for the disposal of oil and waste from an unauthorized discharge. Industry organizations have personnel trained pursuant to 29 Code of Federal Regulations §1910.120 and subsequent revisions and have equipment or access to equipment sufficient to perform response operations pursuant to national and state contingency plans.

(2) Volunteer organizations are those entities whose primary purpose is protecting, rescuing, or rehabilitating wildlife and natural resources injured or damaged by an unauthorized discharge. Volunteer organizations must only be permitted by the Texas Parks and Wildlife Department or have certification from an organization with equivalent standards for the purposes of wildlife rehabilitation and other response activities concerning rescuing of any animal affected by a discharge. A separate GLO certificate is not required of the above-described wildlife and natural resource volunteer organizations. Volunteer organizations are also those entities who assist in other response activities approved by the on-scene coordinator but who do not receive compensation for their efforts.

(e) Industry organizations must be certified by the GLO in order to be listed on a vessel or facility discharge response plan, and in order to be employed by the GLO when it expends fund monies in response to a discharge. Organizations exempt from the certification requirement are those whose primary business activity is vacuum trucks, earth moving, or oil field equipment maintenance. Any other business enterprise which does not represent itself as a spill response entity is not required to be certified under this subsection. Certificates will be issued for a three-year term with annual review. Certificates may be suspended if the discharge cleanup organization fails to maintain adequate response capability. Pursuant to Chapter 21 of this title (relating to Oil Spill Prevention and Response Hearing Procedures) the notice of suspension can be challenged.

(f) Applicants for certification as an industry organization must submit the following information:

(1) the applicant's name and address, its legal form or status, the names and addresses of the persons owning or operating the organization, and its membership if applicable;

(2) the geographic area the applicant will serve;

(3) the equipment and supplies owned by the applicant and available for abatement, containment, and removal of pollution from an unauthorized discharge of oil; if the applicant intends to rely in whole or in part on equipment and

supplies owned by a separate entity, then the applicant must submit the name of the owner and the location of the equipment and supplies, and the procedure for accessing such equipment and supplies;

(4) a certified statement of the applicant's general liability insurance coverage, and workmen's compensation and automobile liability insurance coverage;

(5) the number of employees and whether they are employed on a full or part-time basis and the number of employees which the applicant can command in the event of a major spill event; the training of such personnel including whether they have received training pursuant to 29 Code of Federal Regulations §1910.120; the experience and other relevant qualifications of all personnel;

(6) the applicant's standard operating plan for containment, recovery, storage, separation, transportation, disposal or arrangements for disposal or recycling of oil or waste, and minimization of waste generated from an unauthorized discharge;

(7) the applicant's health and safety plan.

(g) In certifying industry organizations, the GLO will consider factors including:

(1) the applicant's size, membership, and quality of response capability (which includes among other things the experience of the applicant's owners, operators, and personnel, the applicant's ability to properly dispose of waste or to arrange for the proper disposal of waste and recycling of materials generated by the discharge, the plan for waste minimization from discharges, the quantity and quality of equipment or supplies owned or available to the applicant, and the proximity of such equipment and supplies to the area the applicant intends to serve); and

(2) the geographic distribution of discharge cleanup organizations in the coastal area for the purpose of insuring sufficient response capability.

(h) Industry organizations must report material changes in response capability to the GLO within 30 days of the change. Material changes in response capability include among other things:

(1) a change in the location or a significant change in the quantity of the organization's response equipment or supplies; or

(2) a change in the organization's ownership or full-time personnel to the extent that such change affects discharge response capability; such change shall be reported within 72 hours.

(i) Volunteer organizations who register with the GLO are considered certified. Registration forms are available from the GLO. The registration must include the organization's size, experience in discharge response, ability to properly dispose of or arrange for the disposal of waste from discharges, the qualifications of persons who will lead or coordinate response activities for the organization, and the quantity and quality of equipment and supplies owned or available to the organization. Volunteer organizations engaged in wildlife rescue or rehabilitation will be certified only if they comply with requirements of the Texas Parks and Wildlife Department's regulations related to such organizations or with equivalent regulations. A volunteer organization shall ensure its actions are consistent with the National Contingency Plan, §300.185 and §300.700. The GLO may suspend a certificate if the organization's response activities are inconsistent with state or federal requirements.

(j) Volunteer discharge cleanup organizations or any discharge cleanup organization that is a not-for-profit entity must appoint a minimum of two ex officio representatives from local governments to its governing body to advise it on discharge response matters. The representatives from local government may be from any level or agency of local government but must be from the geographic area to be served by the organization. The Marine Spill Response Corporation and for-profit entities are exempt from this requirement pursuant to OSPRA, §40.117(b).

(k) Those entities having federal Oil Spill Response Organization classification shall, on proper proof of such classification, be certified by the GLO as a discharge cleanup organization. Proper proof includes, but is not limited

to, all information submitted to the United States Coast Guard, National Strike Force Coordination Center.

Source Note: The provisions of this §19.20 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective May 14, 1993, 18 TexReg 2849; amended to be effective March 6, 1995, 20 TexReg 1261.

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RULE §19.51	**State Agency Reporting and Reimbursement Procedures**

To receive reimbursement from the fund for costs incurred in responding to an unauthorized discharge, a state agency must, within 90 days of the General Land Office's (GLO) declaration of the completion of response actions, submit to the GLO a report of its response activities and an itemization of the response costs it incurred. The GLO will approve reimbursement from the fund for costs of response actions it authorized or for any other reasonable and necessary response costs consistent with state response actions. The GLO may require additional information to support a response costs re

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Source Note: The provisions of this §19.51 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective March 6, 1995, 20 TexReg 1261.

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SUBCHAPTER D	COMPENSATION AND LIABILITY
RULE §19.52	**Designation of Responsible Person; Advertising Claims**

(a) The General Land Office (GLO) will conduct a preliminary investigation of the discharge. If the GLO determines that the unauthorized discharge has caused any damages compensable under OSPRA, the GLO will identify the person or persons who appear responsible for the discharge.

(1) Upon a determination that damages compensable under OSPRA have resulted from an actual unauthorized discharge of oil or are likely to result from a threatened discharge, the GLO will immediately designate the responsible person. The GLO will make this determination based on the actual conditions observed at the site of the discharge or threatened discharge and will consider the following factors:

(A) the quantity of oil discharged or potentially dischargeable;

(B) the location and probable path of the discharge;

(C) the proximity to real or personal property owned by a person other than the responsible party;

(D) the natural resources likely to be affected;

(E) any other circumstance or factor relevant to an assessment of the impact of the actual or threatened discharge.

(2) The GLO shall give notice to the responsible person immediately upon a determination that damages have resulted or will result from the discharge. The notice will be in writing and may also be conveyed orally. The designation may be challenged within five days of the written notice. One or more persons or entities may be designated as persons responsible. The designation will be made by reviewing and assessing the following factors:

(A) the owner, operator, or charterer of the vessel or facility from which the discharge emanates;

(B) the person responsible for the discharge;

(C) the apparent cause of the discharge;

(D) whether or not any defense to liability is obviously applicable to the discharge;

(E) any other relevant factor which comes to the attention of the GLO.

(b) Failure to challenge a proposed designation is not an admission of liability for the unauthorized discharge.

(c) A challenge to the proposed designation must be made within five days in writing, fully state the grounds for the challenge, and be filed with the GLO. If the proposed designation is challenged or the GLO is unable to make a designation for any other reason, the GLO shall advertise the manner in which claims for response costs and damages must be filed.

(d) If the proposed designation is not challenged within five days, the designated responsible person must inform the GLO of its intended advertising, claims, and payment procedures, including the name of any agent handling claims on the responsible person's behalf and the name of any underwriter for liability from the discharge. As a part of all claims

procedures, the designated responsible person must inform all claimants of the availability of the state fund and the federal fund to pay claims.

(e) Claims advertisements by the GLO or designated responsible persons must be printed each day for one week, beginning no later than 14 days after completion of the designation process, in the newspaper of largest general circulation in the locality in which the unauthorized discharge occurred. The locality means the county and contiguous counties where real or personal property affected by the discharge is located. Advertisements must also be placed in designated newspapers of general circulation anywhere in the State of Texas when the commissioner so orders due to the impact of the discharge on natural resources and on persons economically reliant on the use of acquisition of the natural resources. Advertising requirements may also include radio and television announcements of claims procedures.

Source Note: The provisions of this §19.52 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective March 6, 1995, 20 TexReg 1261.

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RULE §19.53	**Claims Procedures**

(a) OSPRA established the fund to provide immediately available compensation for response costs incurred and damages suffered as a result of an unauthorized discharge. The intent of this section is to avoid economic displacement and to simplify resolution of liability issues by creating procedures conducive to settlement and adjustment of claims in as orderly, efficient, and timely a manner as possible. "Reasonably responded" for the purposes of this section means that the receipt of the claim has been acknowledged, that claimant has been advised of the need for any further documentation to complete claims processing, and that the claimant has been advised in writing whether or not the responsible person will make an offer of settlement on any part or all of the claim and the date by which such offer will be made.

(b) If there is a designated responsible person, all claims must be presented to the designated responsible person first.

(1) If the claim is for $50,000 or less and is not reasonably responded to within 30 days of presentation to the designated responsible person, the claimant may present the claim to the General Land Office (GLO).

(2) If the claim is for over $50,000 and is not reasonably responded to within 90 days of presentation to the designated responsible person, the claimant must present the claim to the federal fund prior to the presentation to the GLO. If a claim presented to the federal fund is not settled within 60 days of presentation, the claimant may then present it to the GLO.

(c) If there is no designated responsible person, either because the identity of the person responsible for the unauthorized discharge is unknown or a proposed designation is challenged, claims of $50,000 or less may be presented to the GLO first. Claims over $50,000 must be presented to the federal fund first. Any such claim not reasonably responded to within 60 days may then be presented to the GLO.

(d) A claim is presented when the GLO actually receives it. Claimants must present claims to the GLO within 180 days from the date the claim is first eligible to be filed with the GLO. When necessary to meet this deadline, the claimant may present the claim even though it is under consideration by the responsible person or the federal fund. The GLO may extend the 180-day period if the claimant cannot present it within that time for reasons beyond the claimant's control.

(e) Claims must be in writing, must be signed and verified by the claimant or the claimant's agent or legal representative, and must include the following information:

(1) whether it is for damages or response costs or both;

(2) the cause, nature, and dollar amount of the claim;

(3) whether the claim is covered by insurance or other benefits for which the claimant is eligible;

(4) the amount and nature of any compensation or earnings the claimant received as a consequence of the unauthorized discharge; and

(5) an oath or affirmation that the same claim is not being pursued through any other claim, suit, settlement, or proceeding.

(f) The GLO may prescribe appropriate claim forms. Claimants must present claims to the GLO accompanied by evidence supporting the claim and proof that all prerequisites to filing a claim with the GLO have been satisfied, including a copy or summary of any offer of settlement or payment by the responsible person or the federal fund. Claimant must provide the GLO with a copy of the claim previously submitted to the designated responsible person. The GLO may require additional information or evidence to support a claim.

(g) The GLO shall review the evidence and any settlement offer and may require or consider additional evidence or proof from the claimant or from the designated responsible person.

(h) The GLO may, in its discretion, treat separately each class of damages or costs set out in a claim. The GLO may make partial awards of damages or costs set out in the claim based on separate classes of damages or costs or for other good cause.

(i) If the GLO determines that the settlement offer was reasonable, and the claimant did not make reasonable effort to settle, or that the evidence submitted is insufficient to support the claim, the GLO will deny the claim. The GLO will inform the claimant and the designated responsible person of denial in writing. After denial, if a claimant attempts reasonable effort [List of Titles] [List of Titles] e federal fu [Back to List] easonable settlement offer, the GLO may allow the claim to be reinstated.

(j) If the GLO determines a settlement offer is not reasonable, or if a settlement offer is not a prerequisite to the claim, the GLO will propose an award amount. The GLO will notify the claimant and the responsible person of the proposal in writing.

(k) The GLO will hold a hearing on the proposed award if either the claimant or the designated responsible person files a written request for a hearing within 20 days of issuance of the proposal.

(l) If no hearing is requested within 20 days, or after the hearing if one is requested, the GLO will either notify the claimant and the designated responsible person of denial or tender the award to the claimant and notify the designated responsible person of the award amount. The claimant may reject the tender by returning it to the GLO within ten days of receipt.

(m) Acceptance of an award is final settlement as to the claimant and constitutes a full release as to the claimant. If the tender is refused or not accepted within 10 days, the claimant is ineligible for compensation from the fund for the claim.

(n) Compensation may be claimed and awarded for costs necessarily incurred for claims preparation and presentation.

(o) The GLO will not consider any claim filed by a claimant who is pursuing substantially the same claim through litigation.

Source Note: The provisions of this §19.53 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective March 6, 1995, 20 TexReg 1261.

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TITLE 31	NATURAL RESOURCES AND CONSERVATION
PART 1	GENERAL LAND OFFICE
CHAPTER 19	OIL SPILL PREVENTION AND RESPONSE
SUBCHAPTER D	COMPENSATION AND LIABILITY
RULE §19.54	**Natural Resource Damages**

To determine natural resource damages for purposes of an action under OSPRA, the General Land Office (GLO) may use the natural resource damages assessment methods adopted pursuant to Chapter 20 of this title (relating to Natural Resource Damage Assessment) or the methods by the United States Department of Interior under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 United States Code §1321 et seq.), or by the United States Department of Commerce under OPA. The GLO may use any reliable methods of assessment that it deems reasonable given the particular resources affected.

Source Note: The provisions of this §19.54 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective March 6, 1995, 20 TexReg 1261.

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TITLE 31	NATURAL RESOURCES AND CONSERVATION
PART 1	GENERAL LAND OFFICE
CHAPTER 19	OIL SPILL PREVENTION AND RESPONSE
SUBCHAPTER D	COMPENSATION AND LIABILITY
RULE §19.55	**Response Costs**

(a) The General Land Office (GLO) is required to recover expenditures from the coastal protection fund pursuant to OSPRA, §40.153 and §40.161(a), and therefore the GLO will assess response costs as delineated in this subsection.

(b) Whenever the GLO is unable to identify the person responsible for an unauthorized discharge of oil into or posing an imminent threat to coastal waters, the GLO will respond to the unauthorized discharge by initiating cleanup and other necessary response actions. Upon identification of the responsible person, the GLO will seek reimbursement for all monies expended from the coastal protection fund including, but not limited to, the following:

(1) actual costs of engaging a contractor to conduct cleanup;

(2) actual expenses of GLO personnel including time, transportation, lodging, and overhead;

(3) administrative and investigative expenses incurred in identifying the responsible person, including, but not limited to:

(A) sampling and analysis of the discharged oil and comparison samples; and

(B) field investigative costs; and

(C) accounting and legal costs.

(c) Whenever GLO personnel respond to the scene of an unauthorized discharge of oil that actually enters or poses an imminent threat to coastal waters, the following response costs shall be assessed against the responsible person:

(1) actual expenses of GLO personnel including time, transportation, lodging, and overhead; and all administrative costs of preparing the assessment; or

(2) a minimum response cost of $250.

(d) The GLO will assess response costs when:

(1) oil enters coastal waters and a cleanup response is required;

(2) oil does not enter coastal waters but poses an imminent threat to coastal waters and a response is required to prevent the oil from entering coastal waters.

(e) The GLO will not assess response costs when:

(1) oil enters coastal waters but GLO personnel do not spend more than two hours, excluding travel time, at the scene of the spill;

(2) oil is spilled but does not enter or pose an imminent threat to coastal waters.

(f) The minimum response cost of $250 will be billed whenever GLO personnel are required to monitor prevention or

response activities and the time spent at the spill scene, excluding travel time, is less than eight hours. In the event that more than eight hours of GLO response personnel time is required at the scene of the spill, the responsible party will be assessed the actual costs of response incurred by the GLO. Response costs will not be assessed where either the Railroad Commission of Texas or the Texas Natural Resource Conservation Commission is the state on-scene coordinator, unless requested by the Railroad Commission of Texas or the Texas Natural Resource Conservation Commission and approved by the commissioner.

Source Note: The provisions of this §19.55 adopted to be effective May 14, 1993, 18 TexReg 2849; amended to be effective March 6, 1995, 20 TexReg 1261.

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APPENDIX V

30 TAC 327, TCEQ - SPILL PREVENTION AND CONTROL

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CHAPTER 327
SPILL PREVENTION AND CONTROL

SPILL PREVENTION AND CONTROL
§§327.1 - 327.5, 327.31
Effective September 23, 1999

§327.1. Applicability.

(a) This chapter applies to discharges or spills that result in a release to the environment within the territorial limits of the State of Texas, including the coastal waters of this state.

(b) This chapter does not apply to:

(1) discharges or spills of oil that enter or threaten to enter coastal waters of the State. Except for spills of oil of 240 barrels or less for which the Railroad Commission of Texas is the on-scene coordinator, such discharges or spills are regulated by the Texas General Land Office under the Oil Spill Prevention and Response Act of 1991, the Texas Natural Resources Code, Chapter 40, Subchapters C, D, E, F, and G;

(2) spills or discharges from activities subject to the jurisdiction of the Railroad Commission of Texas under the Texas Water Code, §26.131;

(3) releases only to air;

(4) the lawful placement of waste or accidental discharge of material into a solid waste management unit registered or permitted under Chapter 335, Subchapter A of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste in General);

(5) units and activities regulated under the authority of the Texas Water Code, Chapter 26, Subchapter I (relating to Underground and Aboveground Storage Tanks);

(6) the lawful application of materials, including but not limited to fertilizers and pesticides, to land or water;

(7) discharges that are authorized by a permit, order, or rule issued under federal law or any other law of the State of Texas; provided, however, that discharges not so authorized shall be reported under this chapter unless the permit, order, or another commission rule provides an applicable reporting requirement;

(8) discharges or spills that are continuous and stable in nature, and are reported to the United States Environmental Protection Agency (EPA) under 40 Code of Federal Regulations (CFR) §302.8; and

(9) discharges or spills occurring during the normal course of rail transportation.

Adopted December 4, 1996 Effective December 26, 1996

§327.2. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Agency on-scene coordinator** - The official designated by the executive director to coordinate and direct agency responses, or to oversee private responses to discharges or spills.

(2) **Coastal waters** - The definition of Coastal waters as it appears in Title 31, Texas Administrative Code, §19.2 (relating to Definitions) of the Texas General Land Office rules.

(3) **Discharge or spill** - An act or omission by which oil, hazardous substances, waste, or other substances are spilled, leaked, pumped, poured, emitted, entered, or dumped onto or into waters in the State of Texas or by which those substances are deposited where, unless controlled or removed, they may drain, seep, run, or otherwise enter water in the State of Texas.

(4) **Emergency response team** - A unit of the agency that is responsible for the coordination of response to spills and discharges under the agency's jurisdiction.

(5) **Environment** - Waters in the state, land surface or subsurface strata, for purposes of this chapter only.

(6) **Facility** - Any structure or building, including contiguous land, or equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, aircraft, or any site or area where a discharge or spill has occurred or may occur.

(7) **Hazardous substance** - Any substance designated as such by the administrator of the United States Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 - 9675, regulated under the Clean Water Act, §311, 33 U.S.C. 1321, or designated by the commission.

(8) **Industrial solid waste** - Solid waste, as defined in §335.1 of this title (relating to Definitions), resulting from or incidental to any process of industry or manufacturing, or mining, or agricultural operations, which may include hazardous waste as defined in §335.1 of this title.

(9) **Oil** - Oil of any kind or in any form including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include used oil, petroleum product, or oil designated as a hazardous substance in 40 CFR §302.4.

(10) **Other substances** - Substances that may be useful or valuable and therefore are not ordinarily considered to be waste, but that will cause pollution if discharged into water in the state.

(11) **Petroleum product** - A petroleum substance obtained from distilling and processing crude oil that is liquid at standard conditions of temperature and pressure, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including but not necessarily limited to motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

(12) **Petroleum storage tank (PST) exempted facilities** - Electric service facilities including generation, transmission, distribution equipment and transformers; petrochemical plants; petroleum refineries; bulk loading facilities; and pipelines that are exempted from the Aboveground Storage Tank (AST) program under §334.123(a)(9) and §334.123(b) of this title (relating to Statutory Exemptions for ASTs), and §334.124(a)(4) of this title (relating to Commission Exclusions for ASTs).

(13) **Pipeline** - A pipeline is:

(A) an interstate pipeline facility, including gathering lines and any aboveground storage tank connected to such facility, if the pipeline facility is regulated under:

(i) the Natural Gas Pipeline Safety Act of 1968 (49 United States Code §1671, et seq.); or

(ii) the Hazardous Liquid Pipeline Safety Act of 1979 (49 United States Code §2001, et seq.).

(B) an intrastate pipeline facility or any aboveground storage tank connected to such a facility, if the pipeline facility is regulated under one of the following state laws:

(i) the Natural Resources Code, Chapter 111;

(ii) the Natural Resources Code, Chapter 117; or

(iii) Texas Civil Statutes, Article 6053-1 and 6053-2.

(14) **Pollution** - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(15) **Responsible person** - A person who is:

(A) the owner, operator, or demise charterer of a vessel from which a discharge or spill emanates; or

(B) the owner or operator of a facility from which a discharge or spill emanates; or

(C) any other person who causes, suffers, allows, or permits a discharge or spill.

(16) **Used oil** - Oil that has been refined from crude oil, or synthetic oil, that as a result of use has been contaminated by physical or chemical impurities.

(17) **Vessel** - Every description of watercraft, used or capable of being used as a means of transportation on the water.

(18) **Water or water in the state** - Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface waters, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Adopted April 24, 1996 Effective May 23, 1996

§327.3. Notification Requirements.

(a) Reportable discharge or spill. A reportable discharge or spill is a discharge or spill of oil, petroleum product, used oil, hazardous substances, industrial solid waste, or other substances into the environment in a quantity equal to or greater than the reportable quantity listed in §327.4 of this title (relating to Reportable Quantities) in any 24-hour period.

(b) Initial notification. Upon the determination that a reportable discharge or spill has occurred, the responsible person shall notify the agency as soon as possible but not later than 24 hours after the discovery of the spill or discharge.

(c) Method of notification. The responsible person shall notify the agency in any reasonable manner including by telephone, in person, or by any other method approved by the agency. In all cases, the initial notification shall provide, to the extent known, the information listed in subsection (d) of this section. Notice provided under this section satisfies the federal requirement to notify the State Emergency Response Commission in the State of Texas. The responsible person shall notify one of the following:

(1) the State Emergency Response Center at 1-800-832-8224;

(2) during normal business hours only, the regional office for the agency region in which the discharge or spill occurred; or

(3) the agency at the agency 24-hour spill reporting number

(d) Information required in initial notification. The initial notification shall provide, to the extent known, the information in the following list. Copies of spill reports prepared for other governmental agencies shall satisfy this requirement if they contain, or are supplemented to contain, all the information required by this subsection. The initial notification shall contain:

(1) the name, address and telephone number of the person making the telephone report;

(2) the date, time, and location of the spill or discharge;

(3) a specific description or identification of the oil, petroleum product, hazardous substances or other substances discharged or spilled;

(4) an estimate of the quantity discharged or spilled;

(5) the duration of the incident;

(6) the name of the surface water or a description of the waters in the state affected or threatened by the discharge or spill;

(7) the source of the discharge or spill;

(8) a description of the extent of actual or potential water pollution or harmful impacts to the environment and an identification of any environmentally sensitive areas or natural resources at risk;

(9) if different from paragraph (1) of this subsection, the names, addresses, and telephone numbers of the responsible person and the contact person at the location of the discharge or spill;

(10) a description of any actions that have been taken, are being taken, and will be taken to contain and respond to the discharge or spill;

(11) any known or anticipated health risks;

(12) the identity of any governmental representatives, including local authorities or third parties, responding to the discharge or spill; and

(13) any other information that may be significant to the response action.

(e) Update notification. The responsible person shall notify the agency as soon as possible whenever necessary to provide information that would trigger a change in the response to the spill or discharge.

(f) Correction of records. Notifying the agency that a reportable discharge or spill has occurred shall not be construed as an admission that pollution has occurred. Furthermore, if the responsible person determines, after notification, that a reportable discharge or spill did not occur, the responsible person may send a letter to the agency documenting that determination. If the executive director agrees with that determination, the executive director will note the determination in commission records. If the executive director disagrees with that determination, the executive director will notify the responsible person within 30 days.

(g) Notification of local governmental authorities. If the discharge or spill creates an imminent health threat, the responsible person shall immediately notify and cooperate with local emergency authorities (fire department, fire marshall, law enforcement authority, health authority, or Local Emergency Planning Committee (LEPC), as appropriate). The responsible party will cooperate with the local emergency authority in providing support to implement appropriate notification and response actions. The local emergency authority, as necessary, will implement its emergency management plan, which may include notifying and evacuating affected persons. In the absence of a local emergency authority, the responsible person shall take reasonable measures to notify potentially affected persons of the imminent health threat.

(h) Notification to property owner and residents. As soon as possible, but no later than two weeks after discovery of the spill or discharge, the responsible person shall reasonably attempt to notify the owner (if identifiable) or occupant of the property upon which the discharge or spill occurred as well as the occupants of any property that the responsible person reasonably believes is adversely affected.

(i) Additional notification required.

(1) Except as noted in paragraph (2) of this subsection, complying with the notification requirements set forth in this section does not relieve, satisfy, or fulfill any other notification requirements imposed by permit or other local, state, or federal law.

(2) Notice provided under this section satisfies the federal requirement to notify the State Emergency Response Commission in the State of Texas.

(j) Alternative notification plans.

(1) Responsible persons in charge of activities and facilities may submit and implement an alternative notification plan. This alternative notification plan shall comply with the Texas Water Code, §26.039. Responsible persons shall obtain the agency's written approval before implementing any alternative notification plan.

(2) Upon approval of the agency regional manager, responsible persons may provide the initial notification by facsimile to the regional office during normal business hours.

§327.4. Reportable Quantities.

(a) Hazardous substances. The reportable quantities for hazardous substances shall be:

(1) for spills or discharges onto land - the quantity designated as the Final Reportable Quantity (RQ) in Table 302.4 in 40 CFR §302.4; or

(2) for spills or discharges into waters in the state - the quantity designated as the Final RQ in Table 302.4 in 40 CFR §302.4, except where the Final RQ is greater than 100 pounds in which case the RQ shall be 100 pounds.

(b) Oil, petroleum product, and used oil.

(1) The RQ for crude oil and oil other than that defined as petroleum product or used oil shall be:

(A) for spills or discharges onto land - 210 gallons (five barrels); or

(B) for spills or discharges directly into water in the state - quantity sufficient to create a sheen.

(2) The RQ for petroleum product and used oil shall be:

(A) except as noted in subparagraph (B) of this paragraph, for spills or discharges onto land - 25 gallons;

(B) for spills or discharges to land from PST exempted facilities - 210 gallons (five barrels); or

(C) for spills or discharges directly into water in the state - quantity sufficient to create a sheen.

(c) Industrial solid waste or other substances. The RQ for spills or discharges into water in the state shall be 100 pounds.

Adopted April 24, 1996 Effective May 23, 1996

§327.5. Actions Required.

(a) The responsible person shall immediately abate and contain the spill or discharge and cooperate fully with the executive director and the local incident command system. The responsible person shall also begin reasonable response actions which may include, but are not limited to, the following actions:

(1) arrival of the responsible person or response personnel hired by the responsible person at the site of the discharge or spill;

(2) initiating efforts to stop the discharge or spill;

(3) minimizing the impact to the public health and the environment;

(4) neutralizing the effects of the incident;

(5) removing the discharged or spilled substances; and

(6) managing the wastes.

(b) Upon request of the local government responders or the executive director, the responsible person shall provide a verbal or written description, or both, of the planned response actions and all actions taken before the local governmental responders or the executive director arrive. When the agency on-scene coordinator requests this information, it is subject to possible additional response action requirements by the executive director. The information will serve as a basis for the executive director to determine the need for:

(1) further response actions by the responsible person;

(2) initiating state funded actions for which the responsible person may be held liable to the maximum extent allowed by law; and

(3) subsequent reports on the response actions.

(c) Except for discharges or spills occurring during the normal course of transportation about which carriers are required to file a written report with the U.S. Department of Transportation under 49 CFR §171.16, the responsible person shall submit written information, such as a letter, describing the details of the discharge or spill and supporting the adequacy of the response action, to the appropriate TNRCC regional manager within 30 working days of the discovery of the reportable discharge or spill. The regional manager has the discretion to extend the deadline. The documentation shall contain one of the following items:

(1) A statement that the discharge or spill response action has been completed and a description of how the response action was conducted. The statement shall include the initial report information required by §327.3(c) of this title (relating to Notification Requirements). The executive director may request additional information. Appropriate response actions at any time following the discharge or spill include use of the Texas Risk Reduction Program rules in Chapter 350 of this title (relating to Texas Risk Reduction Program).

(2) A request for an extension of time to complete the response action, along with the reasons for the request. The request shall also include a projected work schedule outlining the time required to complete the response action. The executive director may grant an extension up to six months from the date the spill or discharge was reported. Unless otherwise notified by the appropriate regional manager or the Emergency Response Team, the responsible person shall proceed according to the terms of the projected work schedule.

(3) A statement that the discharge or spill response action has not been completed nor is it expected to be completed within the maximum allowable six month extension. The statement shall explain why completion of the response action is not feasible and include a projected work schedule outlining the remaining tasks to complete the response action. This information will also serve as notification that the response actions to the discharge or spill will be conducted under the Texas Risk Reduction Program rules in Chapter 350 of this title (relating to Texas Risk Reduction Program).

Adopted September 2, 1999 Effective September 23, 1999

§327.31. Natural Resource Damage Assessment for Oil Spills in Coastal Waters.

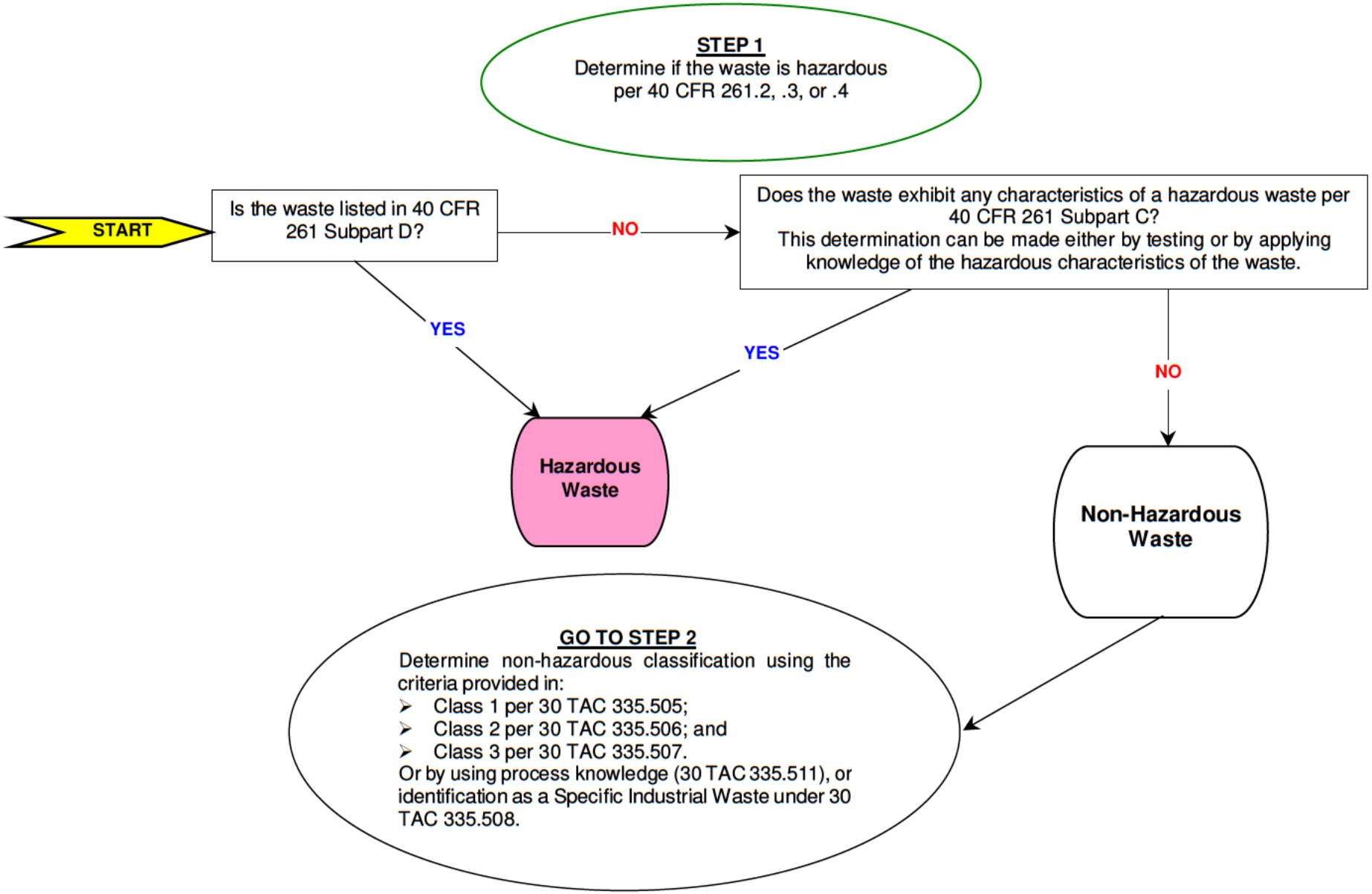
Pursuant to a joint negotiated rulemaking mandated under Senate Bill 1049, 73rd Legislature, 1993, the Texas Natural Resource Conservation Commission incorporates by reference the provisions of 31 TAC §§20.1-20.4, 20.10, 20.20-20.23, 20.30-20.36, and 20.40-20.44, concerning Natural Resource Damage Assessment, as adopted by the Texas General Land Office, effective October 19, 1994.

Adopted December 21, 1994 Effective January 11, 1995

APPENDIX VI

TCEQ WASTE CLASSIFICATION REGULATIONS FLOWCHART

TCEQ WASTE CLASSIFICATION PROCEDURE



The WCM Group, Inc.
P.O. Box 3247, Humble, TX 77347-3247
281-446-7070

STEP 2
Determine non-hazardous classification by means of one of the four following options.

OPTION 1

Generator chooses not to provide further documentation of waste classification

Class 1 non-hazardous

OPTION 2

If the waste is identified as a Specific Industrial Waste under 30 TAC 335.508 (re: asbestos, empty containers, plant trash, medical waste, PCB's, TPH*, mechanically shredded scrap, TSCA "new chemical substance" waste, out-of-state generated waste**, and stabilized characteristically hazardous waste).

Class 1 or 2 non-hazardous by using either Option 3 or 4 (listed here) in combination with specific criteria as specified in 30 TAC 335.508

OPTION 3

Document process knowledge including:

1. A full description of the process including chemical constituents entering the process and addressing 30 TAC 335.521 Appendix I constituents.
2. A full description of the waste including likely chemical constituents.

Class 1, 2 or 3 non-hazardous as determined based upon evaluation of documentation process knowledge against waste classification criteria of 30 TAC 335.505, .506, & .507

OPTION 4

If the waste is not identified as a Specific Industrial Waste under 30 TAC 335.508, conduct TCLP analyses of the waste for constituents listed in Table 1 of 30 TAC 335.521(a)(1). Are any of those constituents present at concentrations equal to or greater than levels identified in that table?

NO

Does the waste meet the definition of Class 1 Ignitable per 30 TAC 335.505(2)?

YES

YES

Class 1 non-hazardous

NO

Does the waste meet the definition of Class 1 Corrosive per 30 TAC 335.505(3)?

YES

NO

Does the waste contain total recoverable cyanides at levels ≥20 ppm?

YES

NO

Is the waste inert and essentially insoluble per 30 TAC 335.507?

YES

Class 3 non-hazardous

NO

Class 2 non-hazardous

NOTES:

*Wastes which are, or contain, petroleum substances may only be classified as Class 2 if TPH is less than or equal to 1,500 ppm.

**TCEQ approval required prior to assigning a Class 2 or 3 classification to waste generated out-of-state.

PHMSA 00011591

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APPENDIX VII

16 TAC PART 1 CHAPTER 8, RRC OF TEXAS PIPELINE SAFETY REGULATIONS

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TITLE 16	ECONOMIC REGULATION
PART 1	RAILROAD COMMISSION OF TEXAS
CHAPTER 8	PIPELINE SAFETY REGULATIONS
SUBCHAPTER A	GENERAL REQUIREMENTS AND DEFINITIONS
RULE §8.1	**General Applicability and Standards**

(a) Applicability.

(1) The rules in this chapter establish minimum standards of accepted good practice and apply to:

(A) all gas pipeline facilities and facilities used in the intrastate transportation of gas, including LPG distribution systems and master metered systems, as provided in 49 United States Code (U.S.C.) §§60101, *et seq.;* and Texas Utilities Code, §§121.001 - 121.507;

(B) onshore pipeline and gathering and production facilities, beginning after the first point of measurement and ending as defined by 49 CFR Part 192 as the beginning of an onshore gathering line. The gathering and production beyond this first point of measurement shall be subject to 49 CFR Part 192.8 and shall be subject to the rules as defined as Type A or Type B gathering lines as those Class 2, 3, or 4 areas as defined by 49 CFR Part 192.5;

(C) the intrastate pipeline transportation of hazardous liquids or carbon dioxide and all intrastate pipeline facilities as provided in 49 U.S.C. §§60101, *et seq.;* and Texas Natural Resources Code, §117.011 and §117.012; and

(D) all pipeline facilities originating in Texas waters (three marine leagues and all bay areas). These pipeline facilities include those production and flow lines originating at the well.

(2) The regulations do not apply to those facilities and transportation services subject to federal jurisdiction under: 15 U.S.C. §§717, *et seq.;* or 49 U.S.C. §§60101, *et seq.*

(b) Minimum safety standards. The Commission adopts by reference the following provisions, as modified in this chapter, effective February 12, 2010.

(1) Natural gas pipelines, including LPG distribution systems and master metered systems, shall be designed, constructed, maintained, and operated in accordance with 49 U.S.C. §§60101, *et seq.;* 49 Code of Federal Regulations (CFR) Part 191, Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports; 49 CFR Part 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; and 49 CFR Part 193, Liquefied Natural Gas Facilities: Federal Safety Standards.

(2) Hazardous liquids or carbon dioxide pipelines shall comply with 49 U.S.C. §§60101, *et seq.;* and 49 CFR Part 195, Transportation of Hazardous Liquids by Pipeline.

(3) All operators of pipelines and/or pipeline facilities shall comply with 49 CFR Part 199, Drug and Alcohol Testing, and 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

(4) All operators of pipelines and/or pipeline facilities, other than master metered systems and distribution systems, shall comply with §3.70 of this title (relating to Pipeline Permits Required).

(c) Special situations. Nothing in this chapter shall prevent the Commission, after notice and hearing, from prescribing more stringent standards in particular situations. In special circumstances, the Commission may require the following:

(1) Any operator which cannot determine to its satisfaction the standards applicable to special circumstances may request in writing the Commission's advice and recommendations. In a special case, and for good cause shown, the Commission may authorize exemption, modification, or temporary suspension of any of the provisions of this chapter, pursuant to the provisions of §8.125 of this title (relating to Waiver Procedure).

(2) If an operator transports gas and/or operates pipeline facilities which are in part subject to the jurisdiction of the Commission and in part subject to the Department of Transportation pursuant to 49 U.S.C. §§60101, *et seq.* the operator may request in writing to the Commission that all of its pipeline facilities and transportation be subject to the exclusive jurisdiction of the Department of Transportation. If the operator files a written statement under oath that it will fully comply with the federal safety rules and regulations, the Commission may grant an exemption from compliance with this chapter.

(d) Concurrent filing. A person filing any document or information with the Department of Transportation pursuant to the requirements of 49 CFR Parts 190, 191, 192, 193, 195, or 199 shall file a copy of that document or information with the Pipeline Safety Division.

(e) Penalties. A person who submits incorrect or false information with the intent of misleading the Commission regarding any material aspect of an application or other information required to be filed at the Commission may be penalized as set out in Texas Natural Resources Code, §§117.051 - 117.054, and/or Texas Utilities Code, §§121.206 - 121.210, and the Commission may dismiss with prejudice to refiling an application containing incorrect or false information or reject any other filing containing incorrect or false information.

(f) Retroactivity. Nothing in this chapter shall be applied retroactively to any existing intrastate pipeline facilities concerning design, fabrication, installation, or established operating pressure, except as required by the Office of Pipeline Safety, Department of Transportation. All intrastate pipeline facilities shall be subject to the other safety requirements of this chapter.

(g) Compliance deadlines. Operators shall comply with the applicable requirements of this section according to the following guidelines.

(1) Each operator of a pipeline and/or pipeline facility that is new, replaced, relocated, or otherwise changed shall comply with the applicable requirements of this section at the time the pipeline and/or pipeline facility goes into service.

(2) An operator whose pipeline and/or pipeline facility was not previously regulated but has become subject to regulation pursuant to the changed definition in 49 CFR Part 192 and subsection (a)(1)(B) of this section shall comply with the applicable requirements of this section no later than the stated date:

(A) for cathodic protection (49 CFR Part 192), March 1, 2012;

(B) for damage prevention (49 CFR 192.614), September 1, 2010;

(C) to establish an MAOP (49 CFR 192.619), March 1, 2010;

(D) for line markers (49 CFR 192.707), March 1, 2011;

(E) for public education and liaison (49 CFR 192.616), March 1, 2011; and

(F) for other provisions applicable to Type A gathering lines (49 CFR 192.8(c)), March 1, 2011.

Source Note: The provisions of this §8.1 adopted to be effective November 24, 2004, 29 TexReg 10733; amended to be effective May 15, 2005, 30 TexReg 2849; amended to be effective January 30, 2006, 31 TexReg 480; amended to be effective March 2, 2009, 34 TexReg 1414; amended to be effective August 30, 2010, 35 TexReg 7743

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CHAPTER 8	PIPELINE SAFETY REGULATIONS
SUBCHAPTER A	GENERAL REQUIREMENTS AND DEFINITIONS
RULE §8.5	**Definitions**

In addition to the definitions given in 49 CFR Parts 40, 191, 192, 193, 195, and 199, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Affected person--This definition of this term applies only to the procedures and requirements of §8.125 of this title (relating to Waiver Procedure). The term includes but is not limited to:

(A) persons owning or occupying real property within 500 feet of any property line of the site for the facility or operation for which the waiver is sought;

(B) the city council, as represented by the city attorney, the city secretary, the city manager, or the mayor, if the property that is the site of the facility or operation for which the waiver is sought is located wholly or partly within any incorporated municipal boundaries, including the extraterritorial jurisdiction of any incorporated municipality. If the site of the facility or operation for which the waiver is sought is located within more than one incorporated municipality, then the city council of every incorporated municipality within which the site is located is an affected person;

(C) the county commission, as represented by the county clerk, if the property that is the site of the facility or operation for which the waiver is sought is located wholly or partly outside the boundary of any incorporated municipality. If the site of the facility or operation for which the waiver is sought is located within more than one county, then the county commission of every county within which the site is located is an affected person;

(D) any other person who would be impacted by the waiver sought.

(2) Applicant--A person who has filed with the Pipeline Safety Division a complete application for a waiver to a pipeline safety rule or regulation, or a request to use direct assessment or other technology or assessment methodology not specifically listed in §8.101(b)(1), of this title (relating to Pipeline Integrity Assessment and Management Plans for Natural Gas and Hazardous Liquids Pipelines).

(3) Application for waiver--The written request, including all reasons and all appropriate documentation, for the waiver of a particular rule or regulation with respect to a specific facility or operation.

(4) Charter school--An elementary or secondary school operated by an entity created pursuant to Texas Education Code, Chapter 12.

(5) Commission--The Railroad Commission of Texas.

(6) Direct assessment--A structured process that identifies locations where a pipeline may be physically examined to provide assessment of pipeline integrity. The process includes collection, analysis, assessment, and integration of data, including but not limited to the items listed in §8.101(b)(1) of this title, relating to Pipeline Integrity Assessment and Management Plans for Natural Gas and Hazardous Liquids Pipelines. The physical examination may include coating examination and other applicable non-destructive evaluation.

(7) Director--The director of the Pipeline Safety Division or the director's delegate.

(8) Division--The Pipeline Safety Division of the Commission.

(9) Farm tap odorizer--A wick-type odorizer serving a consumer or consumers off any pipeline other than that classified as distribution as defined in 49 CFR 192.3 which uses not more than 10 mcf on an average day in any month.

(10) Gas--Natural gas, flammable gas, or other gas which is toxic or corrosive.

(11) Gas company--Any person who owns or operates pipeline facilities used for the transportation or distribution of gas, including master metered systems.

(12) Hazardous liquid--Petroleum, petroleum products, anhydrous ammonia, or any substance or material which is in liquid state, excluding liquefied natural gas (LNG), when transported by pipeline facilities and which has been determined by the United States Secretary of Transportation to pose an unreasonable risk to life or property when transported by pipeline facilities.

(13) In-line inspection--An internal inspection by a tool capable of detecting anomalies in pipeline walls such as corrosion, metal loss, or deformation.

(14) Intrastate pipeline facilities--Pipeline facilities located within the State of Texas which are not used for the transportation of natural gas or hazardous liquids or carbon dioxide in interstate or foreign commerce.

(15) Lease user--A consumer who receives free gas in a contractual agreement with a pipeline operator or producer.

(16) Liquids company--Any person who owns or operates a pipeline or pipelines and/or pipeline facilities used for the transportation or distribution of any hazardous liquid, or carbon dioxide, or anhydrous ammonia.

(17) Master meter operator--The owner, operator, or manager of a master metered system.

(18) Master metered system--A pipeline system (other than one designated as a local distribution system) for distributing natural gas within but not limited to a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means such as rents.

(19) Natural gas supplier--The entity selling and delivering the natural gas to a school facility or a master metered system. If more than one entity sells and delivers natural gas to a school facility or master metered system, each entity is a natural gas supplier for purposes of this chapter.

(20) Operator--A person who operates on his or her own behalf, or as an agent designated by the owner, intrastate pipeline facilities.

(21) Person--Any individual, firm, joint venture, partnership, corporation, association, cooperative association, joint stock association, trust, or any other business entity, including any trustee, receiver, assignee, or personal representative thereof, a state agency or institution, a county, a municipality, or school district or any other governmental subdivision of this state.

(22) Person responsible for a school facility--In the case of a public school, the superintendent of the school district as defined in Texas Education Code, §11.201, or the superintendent's designee previously specified in writing to the natural gas supplier. In the case of charter and private schools, the principal of the school or the principal's designee previously specified in writing to the natural gas supplier.

(23) Pipeline facilities--New and existing pipe, right-of-way, and any equipment, facility, or building used or intended for use in the transportation of gas or hazardous liquid or their treatment during the course of transportation.

(24) Pressure test--Those techniques and methodologies prescribed for leak-test and strength-test requirements for pipelines. For natural gas pipelines, including LPG distribution systems and master metered systems, the requirements are found in 49 Code of Federal Regulations (CFR) Part 192, and specifically include 49 CFR 192.505, 192.507, 192.515, and 192.517. For hazardous liquids pipelines, the requirements are found in 49 CFR Part 195, and specifically include 49 CFR 195.305, 195.306, 195.308, and 195.310.

(25) Private school--An elementary or secondary school operated by an entity accredited by the Texas Private School Accreditation Commission.

(26) Public school--An elementary or secondary school operated by an entity created in accordance with the laws of the State of Texas and accredited by the Texas Education Agency pursuant to Texas Education Code, Chapter 39, Subchapter D. The term does not include programs and facilities under the jurisdiction of the Texas Department of Mental Health and Mental Retardation, the Texas Youth Commission, the Texas Department of Human Services, the Texas Department of Criminal Justice or any probation agency, the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf and Regional Day Schools for the Deaf, the Texas Academy of Mathematics & Science, the Texas Academy of Leadership in the Humanities, and home schools or proprietary schools as defined in Texas Education Code, §132.001.

(27) School facility--All piping, buildings and structures operated by a public, charter, or private school that are downstream of a meter measuring natural gas service in which students receive instruction or participate in school sponsored extracurricular activities, excluding maintenance or bus facilities, administrative offices, and similar facilities not regularly utilized by students.

(28) Transportation of gas--The gathering, transmission, or distribution of gas by pipeline or its storage within the State of Texas. For purposes of safety regulation, the term shall include onshore pipeline and production facilities, beginning after the first point of measurement and ending as defined by 49 CFR Part 192 as the beginning of an onshore gathering line.

(29) Transportation of hazardous liquids or carbon dioxide--The movement of hazardous liquids or carbon dioxide by pipeline, or their storage incidental to movement, except that, for purposes of safety regulations, it does not include any such movement through gathering lines in rural locations or production, refining, or manufacturing facilities or storage or in-plant piping systems associated with any of those facilities.

Source Note: The provisions of this §8.5 adopted to be effective November 24, 2004, 29 TexReg 10733; amended to be effective Febr[illegible] be effectiv[illegible] TexReg 7743

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SUBCHAPTER B	REQUIREMENTS FOR ALL PIPELINES
RULE §8.51	**Organization Report**

(a) Each gas and/or liquids company, other than a master meter operator, operating wholly or partially within this state, acting either as principal or as agent for another, and performing operations within the jurisdiction of the Commission, shall have on file with the Commission an approved organization report (Form P-5) and financial security as required by Texas Natural Resources Code, §§91.103-91.1091, and §3.1 of this title (relating to Organization Report; Retention of Records; Notice Requirements).

(b) Each master meter operator, operating wholly or partially within this state, acting either as principal or as agent for another, and performing operations within the jurisdiction of the Commission, shall have on file with the Commission an approved organization report (Form P-5) as authorized by Texas Utilities Code §121.201(a)(2), but is not required to furnish the financial security required by Texas Natural Resources Code, §91.109(b)(2) if the operation of one or more master metered systems is the only business for which the financial security would otherwise be required.

Source Note: The provisions of this §8.51 adopted to be effective November 24, 2004, 29 TexReg 10733

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TITLE 16 ECONOMIC REGULATION

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CHAPTER 8 PIPELINE SAFETY REGULATIONS

SUBCHAPTER B REQUIREMENTS FOR ALL PIPELINES

RULE §8.101 **Pipeline Integrity Assessment and Management Plans for Natural Gas and Hazardous Liquids Pipelines**

(a) This section does not apply to plastic pipelines.

(b) By February 1, 2002, operators of intrastate transmission lines subject to the requirements of 49 CFR Part 192 or 49 CFR Part 195 shall have designated to the Commission on a system-by-system or segment within each system basis whether the pipeline operator has chosen to use the risk-based analysis pursuant to paragraph (1) of this subsection or the prescriptive plan authorized by paragraph (2) of this subsection. Hazardous liquid pipeline operators using the risk-based plan shall complete at least 50% of the initial assessments by January 1, 2006, and the remainder by January 1, 2011; operators using the prescriptive plan shall complete the initial integrity testing by January 1, 2006, or January 1, 2011, pursuant to the requirements of paragraph (2) of this subsection. Natural gas pipeline operators using the risk-based plan shall complete at least 50% of the initial assessments by December 17, 2007, and the remainder by December 17, 2012; operators using the prescriptive plan shall complete the initial integrity testing by December 17, 2007, or December 17, 2012, pursuant to the requirements of paragraph (2) of this subsection.

(1) The risk-based plan shall contain at a minimum:

(A) identification of the pipelines and pipeline segments or sections in each system covered by the plan;

(B) a priority ranking for performing the integrity assessment of pipeline segments of each system based on an analysis of risks that takes into account:

(i) population density;

(ii) immediate response area designation, which, at a minimum, means the identification of significant threats to the environment (including but not limited to air, land, and water) or to the public health or safety of the immediate response area;

(iii) pipeline configuration;

(iv) prior in-line inspection data or reports;

(v) prior pressure test data or reports;

(vi) leak and incident data or reports;

(vii) operating characteristics such as established maximum allowable operating pressures (MAOP) for gas pipelines or maximum operating pressures (MOP) for liquids pipelines, leak survey results, cathodic protection surveys, and product carried;

(viii) construction records, including at a minimum but not limited to the age of the pipe and the operating history;

(ix) pipeline specifications; and

(x) any other data that may assist in the assessment of the integrity of pipeline segments.

(C) assessment of pipeline integrity using at least one of the following methods appropriate for each segment:

(i) in-line inspection;

(ii) pressure test;

(iii) direct assessment after approval by the director; or

(iv) other technology or assessment methodology not specifically listed in this paragraph after approval by the director.

(D) management methods for the pipeline segments which may include remedial action or increased inspections as necessary; and

(E) periodic review of the pipeline integrity assessment and management plan every 36 months, or more frequently if necessary.

(2) Operators electing not to use the risk-based plan in paragraph (1) of this subsection shall conduct a pressure test or an in-line inspection and take remedial action in accordance with the following schedule:

Attached Graphic

Attached Graphic

(c) Within 185 days after receipt of notice that an operator's plan is complete, the Commission shall either notify the operator of the acceptance of the plan or shall complete an evaluation of the plan to determine compliance with this section.

(d) After the completion of the assessment required under either plan, the operator shall promptly remove defects that are immediate hazards and, no later than the next test interval, shall mitigate any anomalies identified by the test that could reasonably be predicted to become hazardous defects.

(e) Operators of pipelines for which an integrity assessment was performed prior to April 30, 2001 (the effective date of this rule), shall not be required to implement a new plan as long as the original assessment meets the minimum requirements of this section.

(f) If a pipeline that is not subject to this section undergoes any change in circumstances that results in the pipeline becoming subject to this section, then the operator of such pipeline shall establish integrity of the pipeline pursuant to the requirements of this section prior to any further operation. Such changes include but are not limited to an addition to the pipeline, change in the operating pressure of the pipeline, change from inactive to active status, change in population in the area of the pipeline, or change of operator of the pipeline segment. If a pipeline segment is acquired by a new operator, the pipeline segment can continue to be operated without establishing pipeline integrity as long as the new operator utilizes the prior operator's operation and maintenance procedures for this pipeline segment. If the population in the area of a pipeline segment changes, the pipeline segment can continue to operate without establishing pipeline integrity until such time as the operator determines whether or not the change in population affects the criteria applicable to the integrity management program, but for no longer than the time frames established under 49 CFR Part 192 or 195.

Source Note: The provisions of this §8.101 adopted to be effective April 30, 2001, 26 TexReg 3214; amended to be effective August 25, 2003, 28 TexReg 6829; amended to be effective November 24, 2004, 29 TexReg 10733; amended to be effective August 28, 2006, 31 TexReg 6715; amended to be effective March 2, 2009, 34 TexReg 1414; amended to be effective August 30, 2010, 35 TexReg 7743

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RULE §8.105	**Records**

Each pipeline operator shall maintain the following most current record or records for at least the time period prescribed by the following regulations or five years if no other time period is specified:

(1) For gas and LNG pipelines, those records and documents required by 49 CFR Parts 191, 192, 193, and 199, and §8.215 of this chapter (relating to Odorization of Gas).

(2) For liquids pipelines, those records and documents required by 49 CFR Parts 195 and 199.

(3) Activities for which the above listed regulations may require record-keeping include but are not limited to:

(A) all design and installation of new and used pipe, including design pressure calculations, pipeline specifications, specified minimum yield strength and wall-thickness calculations, each valve, fitting, fabricated branch connection, closure, flange connection, station piping, fabricated assembly, and above-ground breakout tank;

(B) all pipeline construction, procedures, training, and inspection pertaining to welding, nondestructive testing, and cathodic protection;

(C) all hydrostatic testing performed on all pipeline segments, components, and tie-ins; and

(D) the performance of the procedures outlined in the operations and maintenance procedure manual.

Source Note: The provisions of this §8.105 adopted to be effective November 24, 2004, 29 TexReg 10733

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RULE §8.115	**New Construction Commencement Report**

Except as set forth below, at least 30 days prior to commencement of construction of any installation totaling one mile or more of pipe, each operator shall file with the Commission a report stating the proposed originating and terminating points for the pipeline, counties to be traversed, size and type of pipe to be used, type of service, design pressure, and length of the proposed line on Form PS-48. Each operator shall file a new construction report for the initial construction of a new liquefied petroleum gas distribution system. Each operator of a sour gas pipeline and/or pipeline facilities, as defined in §3.106(b) of this title (relating to Sour Gas Pipeline Facility Construction Permit), shall file a new construction report and Form PS-79, Application for a Permit to Construct a Sour Gas Pipeline Facility. New construction on natural gas distribution or master meter system of less than five miles is exempted from this reporting requirement.

Source Note: The provisions of this §8.115 adopted to be effective November 24, 2004, 29 TexReg 10733; amended to be effective February 4, 2009, 34 TexReg 582

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SUBCHAPTER B	REQUIREMENTS FOR ALL PIPELINES
RULE §8.125	**Waiver Procedure**

(a) Purpose and scope. The Commission considers waiver applications to be properly based on a technical inability to comply with the pipeline safety standards set forth in this chapter, related to the specific configuration, location, operating limitations, or available technology for a particular pipeline. Generally, an application for waiver of a pipeline safety rule is site-specific. Cost is generally not a proper objection to compliance by the operator with the pipeline safety standards set forth in this chapter, and a waiver filed simply to avoid the expense of safety compliance is generally not appropriate.

(b) Filing. Any person may apply for a waiver of a pipeline safety rule or regulation by filing an application for waiver with the Division. Upon the filing of an application for waiver of a pipeline safety rule, the Division shall assign a docket number to the application and shall forward it to the director, and thereafter all documents relating to that application shall include the assigned docket number. An application for a waiver is not an acceptable response to a notice of an alleged violation of a pipeline safety rule. The Division shall not assign a docket number to or consider any application filed in response to a notice of violation of a pipeline safety rule.

(c) Form. The application shall be typewritten on paper not to exceed 8 1/2 inches by 11 inches and shall have margins of at least one inch. The contents of the application shall appear on one side of the paper and shall be double or one and one-half spaced, except that footnotes and lengthy quotations may be single spaced. Exhibits attached to an application shall be the same size as the application or folded to that size.

(d) Content. The application shall contain the following:

(1) the name, business address, and telephone number, and facsimile transmission number and electronic mail address, if available, of the applicant and of the applicant's authorized representative, if any;

(2) a description of the particular operation for which the waiver is sought;

(3) a statement concerning the regulation from which the waiver is sought and the reason for the exception;

(4) a description of the facility at which the operation is conducted, including, if necessary, design and operation specifications, monitoring and control devices, maps, calculations, and test results;

(5) a description of the acreage and/or address upon which the facility and/or operation that is the subject of the waiver request is located. The description shall:

(A) include a plat drawing;

(B) identify the site sufficiently to permit determination of property boundaries;

(C) identify environmental surroundings;

(D) identify placement of buildings and areas intended for human occupancy that could be endangered by a failure or malfunction of the facility or operation;

(E) state the ownership of the real property of the site; and

(F) state under what legal authority the applicant, if not the owner of the real property, is permitted occupancy;

(6) an identification of any increased risks the particular operation would create if the waiver were granted, and the additional safety measures that are proposed to compensate for those risks;

(7) a statement of the reason the particular operation, if the waiver were granted, would not be inconsistent with pipeline safety.

(8) an original signature, in ink, by the applicant or the applicant's authorized representative, if any; and

(9) a list of the names, addresses, and telephone numbers of all affected persons, as defined in §8.5 of this title (relating to Definitions).

(e) Notice.

(1) The applicant shall send a copy of the application and a notice of protest form published by the Commission by certified mail, return receipt requested, to all affected persons on the same date of filing the application with the Division. The notice shall describe the nature of the waiver sought; shall state that affected persons have 30 calendar days from the date of the last publication to file written objections or requests for a hearing with the Division; and shall include the docket number of the application and the mailing address of the Division. The applicant shall file all return receipts with the Division as proof of notice.

(2) The applicant shall publish notice of its application for waiver of a pipeline safety rule once a week for two consecutive weeks in the state or local news section of a newspaper of general circulation in the county or counties in which the facility or operation for which the requested waiver is located. The notice shall describe the nature of the waiver sought; shall state that affected persons have 30 calendar days from the date of the last publication to file written objections or requests for a hearing with the Division; and shall include the docket number of the application and the mailing address of the Division. Within ten calendar days of the date of last publication, the applicant shall file with the Division a publisher's affidavit from each newspaper in which notice was published as proof of publication of notice. The affidavit shall state the dates on which the notice was published and shall have attached to it the tear sheets from each edition of the newspaper in which the notice was published.

(3) The applicant shall give any other notice of the application which the director may require.

(f) Protest or support of waiver application.

(1) Affected persons shall have standing to object to, support, or request a hearing on an application.

(2) A person who objects to, who supports, or who requests a hearing on the application shall file a written objection, statement of support, or request for a hearing with the Division no later than the 30th calendar day after the date the notice of the application was postmarked or the last date the notice was published in the newspaper in the county in which the person owns or occupies property, whichever is later.

(3) The objection, statement of support, or request for a hearing shall:

(A) state the name, address, and telephone number of the person filing the objection, statement of support, or request for hearing and of every person on whose behalf the objection, statement of support, or request for a hearing is being filed;

(B) include a statement of the facts on which the person filing the protest or statement of support relies to conclude that each person on whose behalf the objection, statement of support, or request for a hearing is being filed is an affected person, as defined in §8.5 of this title (relating to Definitions); and

(C) include a statement of the nature and basis for the objection to or statement of support for the waiver request.

(g) Division review.

(1) The director shall complete the review of the application within 60 calendar days after the application is complete. If an application remains incomplete 12 months after the date the application was filed, such application shall expire and the director shall dismiss without prejudice to refiling.

(A) If the director does not receive any objections or requests for a hearing from any affected person, the director may recommend in writing that the Commission grant the waiver if granting the waiver is not inconsistent with pipeline safety. The director shall forward the file, along with the written recommendation that the waiver be granted, to the Office of General Counsel for the preparation of an order.

(B) The director shall not recommend that the Commission grant the waiver if the application was filed either to correct an existing violation or to avoid the expense of safety compliance. The director shall dismiss with prejudice to refiling an application filed in response to a notice of violation of a pipeline safety rule.

(C) If the director declines to recommend that the Commission grant the waiver, the director shall notify the applicant in writing of the recommendation and the reason for it, and shall inform the applicant of any specific deficiencies in the application.

(2) If the director declines to recommend that the Commission grant the waiver, and if the application was not filed either to correct an existing violation or solely to avoid the expense of safety compliance, the applicant may either:

(A) modify the application to correct the deficiencies and resubmit the application; or

(B) file a written request for a hearing on the matter within ten calendar days of receiving notice of the assistant director's written decision not to recommend that the Commission grant the application.

(h) Hearings.

(1) Within three days of receiving either a timely-filed objection or a request for a hearing, the director shall forward the file to the Office of General Counsel for the setting of a hearing.

(2) Within three days of receiving the file, the Office of General Counsel shall assign a presiding examiner to conduct a hearing as soon as practicable.

(3) The presiding examiner shall mail notice of the hearing by certified mail, return receipt requested, not less than 30 calendar days prior to the date of the hearing to:

(A) the applicant;

(B) all persons who filed an objection or a request for a hearing; and

(C) all other affected persons.

(4) The presiding examiner shall conduct the hearing in accordance with the procedural requirements of Texas Government Code, Chapter 2001 (the Administrative Procedure Act), and Chapter 1 of this title (relating to Practice and Procedure).

(i) Finding requirement. After a hearing, the Commission may grant a waiver of a pipeline safety rule based on a finding or findings that the grant of the waiver is not inconsistent with pipeline safety.

(j) Notice to United States Department of Transportation. Upon a Commission order granting a waiver of a pipeline safety rule, the director shall give written notice to the Secretary of Transportation pursuant to the provisions of 49 United States Code Annotated, §60118(d). The Commission's grant of a waiver becomes effective in accordance with the provisions of 49 United States Code Annotated, §60118(d).

Source Note: The provisions of this §8.125 adopted to be effective November 24, 2004, 29 TexReg 10733

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SUBCHAPTER B	REQUIREMENTS FOR ALL PIPELINES
RULE §8.130	**Enforcement**

(a) Periodic inspection. The Division shall have responsibility for the administration and enforcement of the provisions of this chapter. To this end, the Division shall formulate a plan or program for periodic evaluation of the books, records, and facilities of gas companies and liquids companies operating in Texas on a sampling basis, in order to satisfy the Commission that these companies are in compliance with the provisions of this chapter.

(b) Scope of inspection. Upon reasonable notice, the Division or its authorized representative may, at any reasonable time, inspect the books, files, records, reports, supplemental data, other documents and information, plant, property, and facilities of a gas company or a liquids company to ensure compliance with the provisions of this chapter.

(c) Company obligations.

(1) Each operator, officer, employee, and representative of a gas company or a liquids company operating in Texas shall cooperate with the Division and its authorized representatives in the administration and enforcement of the provisions of this chapter; in the determination of compliance with the provisions of this chapter; and in the investigation of violations, alleged violations, accidents or incidents involving intrastate pipeline facilities.

(2) Each operator, officer, employee, and representative of a gas company or a liquids company operating in Texas shall make readily available all company books, files, records, reports, supplemental data, other documents, and information, and shall make readily accessible all company plant, property, and facilities as the Division or its authorized representative may reasonably require in the administration and enforcement of the provisions of this chapter; in the determination of compliance with the provisions of this chapter; and in the investigation of violations, alleged violations, accidents or incidents involving intrastate pipeline facilities.

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Source Note: The provisions of this §8.130 adopted to be effective November 24, 2004, 29 TexReg 10733; amended to be effective August 30, 2010, 35 TexReg 7743

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SUBCHAPTER B	REQUIREMENTS FOR ALL PIPELINES
RULE §8.135	**Penalty Guidelines for Pipeline Safety Violations**

(a) Only guidelines. This section complies with the requirements of Texas Natural Resources Code, §81.0531(d), and Texas Utilities Code, §121.206(d). The penalty amounts contained in the tables in this section are provided solely as guidelines to be considered by the Commission in determining the amount of administrative penalties for violations of provisions of Title 3 of the Texas Natural Resources Code relating to pipeline safety, or of rules, orders or permits relating to pipeline safety adopted under those provisions, and for violations of Texas Utilities Code, §121.201, or Subchapter I (§§121.451 - 121.454), or a safety standard or rule relating to the transportation of gas and gas pipeline facilities adopted under those provisions.

(b) Commission authority. The establishment of these penalty guidelines shall in no way limit the Commission's authority and discretion to assess administrative penalties in any amount up to the statutory maximum when warranted by the facts in any case.

(c) Factors considered. The amount of any penalty requested, recommended, or finally assessed in an enforcement action will be determined on an individual case-by-case basis for each violation, taking into consideration the following factors:

(1) the person's history of previous violations, including the number of previous violations;

(2) the seriousness of the violation and of any pollution resulting from the violation;

(3) any hazard to the health or safety of the public;

(4) the degree of culpability;

(5) the demonstrated good faith of the person charged; and

(6) any other factor the Commission considers relevant.

(d) Typical penalties. Typical penalties for violations of provisions of Title 3 of the Texas Natural Resources Code relating to pipeline safety, or of rules, orders, or permits relating to pipeline safety adopted under those provisions, and for violations of Texas Utilities Code, §121.201, or Subchapter I (§§121.451 - 121.454), or a safety standard or rule relating to the transportation of gas and gas pipeline facilities adopted under those provisions are set forth in Table 1.

Attached Graphic

(e) Penalty enhancements for certain violations. For violations that involve threatened or actual pollution; result in threatened or actual safety hazards; or result from the reckless or intentional conduct of the person charged, the Commission may assess an enhancement of the typical penalty, as shown in Table 2. The enhancement may be in any amount in the range shown for each type of violation.

Attached Graphic

(f) Penalty enhancements for certain violators. For violations in which the person charged has a history of prior

violations within seven years of the current enforcement action, the Commission may assess an enhancement based on either the number of prior violations or the total amount of previous administrative penalties, but not both. The actual amount of any penalty enhancement will be determined on an individual case-by-case basis for each violation. The guidelines in Tables 3 and 4 are intended to be used separately. Either guideline may be used where applicable, but not both.

Attached Graphic

Attached Graphic

(g) Penalty reduction for settlement before hearing. The recommended penalty for a violation may be reduced by up to 50% if the person charged agrees to a settlement before the Commission conducts an administrative hearing to prosecute a violation. The reduction applies to the basic penalty amount requested and not to any requested enhancements.

(h) Demonstrated good faith. In determining the total amount of any penalty requested, recommended, or finally assessed in an enforcement action, the Commission may consider, on an individual case-by-case basis for each violation, the demonstrated good faith of the person charged. Demonstrated good faith includes, but is not limited to, actions taken by the person charged before the filing of an enforcement action to remedy, in whole or in part, a violation of the pipeline safety rules or to mitigate the consequences of a violation of the pipeline safety rules.

(i) Penalty calculation worksheet. The penalty calculation worksheet shown in Table 5 lists the typical penalty amounts for certain violations; the circumstances justifying enhancements of a penalty and the amount of the enhancement; and the circumstances justifying a reduction in a penalty and the amount of the reduction.

Attached Graphic

Source Note: The provisions of this §8.135 adopted to be effective February 4, 2009, 34 TexReg 582

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TITLE 16	ECONOMIC REGULATION
PART 1	RAILROAD COMMISSION OF TEXAS
CHAPTER 8	PIPELINE SAFETY REGULATIONS
SUBCHAPTER D	REQUIREMENTS FOR HAZARDOUS LIQUIDS AND CARBON DIOXIDE PIPELINES ONLY
RULE §8.301	**Required Records and Reporting**

(a) Accident reports. In the event of any failure or accident involving an intrastate pipeline facility from which any hazardous liquid or carbon dioxide is released, if the failure or accident is required to be reported by 49 CFR Part 195, the operator shall report to the Commission as follows.

(1) Incidents involving crude oil. In the event of an accident involving crude oil, the operator shall:

(A) notify the Division, which shall notify the Commission's appropriate Oil and Gas district office, by telephone to the Commission's emergency line at (512) 463-6788 at the earliest practicable moment following discovery of the incident (within two hours) and include the following information:

(i) company/operator name;

(ii) location of leak or incident;

(iii) time and date of accident/incident;

(iv) fatalities and/or personal injuries;

(v) phone number of operator;

(vi) telephone number of operator;

(vii) telephone number of the operator's on-site person;

(viii) other significant facts relevant to the accident or incident. Ignition, explosion, rerouting of traffic, evacuation of any building, and media interest are included as significant facts.

(B) within 30 days of discovery of the incident, submit a completed Form H-8 to the Oil and Gas Division of the Commission. In situations specified in the 49 CFR Part 195, the operator shall also file a copy of the required Department of Transportation form with the Division. For reports submitted electronically to the Department of Transportation, the operator shall forward a copy of the report and confirmation to the Division or electronically to safety@rrc.state.tx.us. If an operator does not submit reports electronically to the Department of Transportation, the operator shall send the report to the Division on an original signed report form.

(2) Hazardous liquids, other than crude oil, and carbon dioxide. For incidents involving hazardous liquids, other than crude oil, and carbon dioxide, the operator shall:

(A) notify the Division of such incident by telephone to the Commission's emergency line at (512) 463-6788 at the earliest practicable moment following discovery (within two hours) and include the information listed in paragraph (1)(A)(i) - (viii) of this subsection; and

(B) within 30 days of discovery of the incident, file with the Division a written report using the appropriate Department of Transportation form (as required by 49 CFR Part 195) or a facsimile. For reports submitted

electronically to the Department of Transportation, the operator shall forward a copy of the report and confirmation to the Division or electronically to safety@rrc.state.tx.us. If an operator does not submit reports electronically to the Department of Transportation, the operator shall send the report to the Division on an original signed report form.

(b) Annual report. Each operator shall file with the Commission an annual report for its intrastate systems located in Texas in the same manner as required by 49 CFR Part 195. The report shall be filed with the Commission on forms supplied by the Department of Transportation on or before June 15 of a year for the preceding calendar year reported. For reports submitted electronically to the Department of Transportation, the operator may forward a copy of the report and confirmation to the Division or electronically to safety@rrc.state.tx.us. For reports not submitted electronically to the Department of Transportation, the operator shall send to the Division an original signed report form.

(c) Safety-related condition reports. Each operator shall submit to the Division in writing a safety-related condition report for any condition specified in 49 CFR 195.

(d) Facility response plans. Simultaneously with filing either an initial or a revised facility response plan with the United States Department of Transportation, each operator shall submit to the Division a copy of the initial or revised facility response plan prepared under the Oil Pollution Act of 1990, for all or any part of a hazardous liquid pipeline facility located landward of the coast.

Source Note: The provisions of this §8.301 adopted to be effective November 24, 2004, 29 TexReg 10733; amended to be effective February 4, 2009, 34 TexReg 582

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SUBCHAPTER D	REQUIREMENTS FOR HAZARDOUS LIQUIDS AND CARBON DIOXIDE PIPELINES ONLY
RULE §8.305	**Corrosion Control Requirements**

Operators shall comply or ensure compliance with the following requirements for the installation and construction of new pipeline metallic systems, the relocation or replacement of existing facilities, and the operation and maintenance of steel pipelines.

(1) Coatings. All coated pipe used for the transport of hazardous liquids or carbon dioxide shall be electrically inspected prior to placement using coating deficiency (holiday) detectors to check for any faults not observable by visual examination. The holiday detector shall be operated in accordance with manufacturer's instructions and at a voltage level appropriate for the electrical characteristics of the pipeline system being tested.

(2) Installation. Joints, fittings, and tie-ins shall be coated with materials compatible with the coatings on the pipe.

(3) Cathodic protection test stations. Electrical measurements shall include but are not limited to pipe casing installations and all foreign metallic cathodically protected structures. Readings taken at test stations (electrode locations) over or near one or more anodes shall not, by themselves, be considered representative.

(A) All test lead wire attachments and bared test lead wires shall be coated with an electrically insulating material. Where the pipe is coated, the insulation of the test lead wire material shall be compatible with the pipe coating and wire insulation.

(B) Cathodic protection systems shall meet or exceed the minimum criteria set forth in Criteria For Cathodic Protection of the most current edition of the National Association of Corrosion Engineers (NACE) Standard RP-01-69.

(4) Monitoring and inspection. Each operator shall utilize right-of-way inspections to determine areas where interfering currents are suspected. In the course of these inspections, personnel shall be alert for electrical or physical conditions which could indicate interference from a neighboring source. Whenever suspected areas are identified, the operator shall conduct appropriate electrical tests within six months to determine the extent of interference and take appropriate action.

(5) Remedial action. Each operator shall take prompt remedial action to correct any deficiencies observed during monitoring.

Source Note: The provisions of this §8.305 adopted to be effective November 24, 2004, 29 TexReg 10733; amended to be effective February 4, 2009, 34 TexReg 582

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SUBCHAPTER D	REQUIREMENTS FOR HAZARDOUS LIQUIDS AND CARBON DIOXIDE PIPELINES ONLY
RULE §8.310	**Hazardous Liquids and Carbon Dioxide Pipelines Public Education and Liaison**

(a) Liaison activities required. Each operator of a hazardous liquid or carbon dioxide pipeline or pipeline facilities or the operator's designated representative shall communicate and conduct liaison activities at intervals not exceeding 15 months, but at least once each calendar year with fire, police, and other appropriate public emergency response officials. The liaison activities are those required by 49 CFR Part 195.402(c)(12). These liaison activities shall be conducted in person, except as provided by this section.

(b) Meetings in person. The operator or the operator's representative may conduct required community liaison activities as provided by subsection (c) of this section only if the operator or the operator's representative has completed one of the following efforts to conduct a community liaison meeting in person with the officials:

(1) mailing a written request for a meeting in person to the appropriate officials by certified mail, return receipt requested;

(2) sending a request for a meeting in person to the appropriate officials by facsimile transmission; or

(3) making one or more telephone calls or e-mail message transmissions to the appropriate officials to request a meeting in person.

(4) At any time the operator or operator's representative makes contact with the appropriate officials and schedules a meeting in person, no further attempts to make contact under this section are necessary. However, if a scheduled meeting does not take place, the operator or operator's representative shall make an effort to re-schedule the community liaison meeting in person with the officials using one of the methods in paragraphs (1) - (3) of this subsection before proceeding to arrange a conference call pursuant to subsection (c) of this section.

(c) Alternative methods. If the operator or operator's representative cannot arrange a meeting in person after complying with subsection (b) of this section, the operator or the operator's representative shall conduct community liaison activities by one of the following methods:

(1) holding a telephone conference with the appropriate officials; or

(2) delivering the community liaison information required to be conveyed by certified mail, return receipt requested.

(d) Records. The operator shall maintain records documenting compliance with the liaison activities required by this section. Records of attendance and acknowledgment of receipt by the emergency response officials shall be retained for five years from the date of the event that is commemorated by the record. Records of certified mail and/or telephone transmissions undertaken in compliance with subsections (b) and (c) of this section satisfy the record-keeping requirements of this subsection.

Source Note: The provisions of this §8.310 adopted to be effective July 28, 2003, 28 TexReg 5864; amended to be effective February 4, 2009, 34 TexReg 582; amended to be effective August 30, 2010, 35 TexReg 7743

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SUBCHAPTER D	REQUIREMENTS FOR HAZARDOUS LIQUIDS AND CARBON DIOXIDE PIPELINES ONLY
RULE §8.315	**Hazardous Liquids and Carbon Dioxide Pipelines or Pipeline Facilities Located Within 1,000 Feet of a Public School Building or Facility**

(a) In addition to the requirements of §8.310 of this title (relating to Hazardous Liquids and Carbon Dioxide Pipelines Public Education and Liaison), each owner or operator of each intrastate hazardous liquids pipeline or pipeline facility and each intrastate carbon dioxide pipeline or pipeline facility shall comply with this section.

(b) This section applies to each owner or operator of a hazardous liquid or carbon dioxide pipeline or pipeline facility any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of any other public school facility where students congregate.

(c) Each pipeline owner and operator to which this section applies shall, for each pipeline or pipeline facility any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of any other public school facility where students congregate, file with the Division, no later than January 15 of every odd numbered year, the following information:

(1) the name of the school;

(2) the street address of the public school building or other public school facility; and

(3) the identification (system name) of the pipeline.

(d) Each pipeline owner and operator to which this section applies shall:

(1) upon written request from a school district, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:

(A) a description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;

(B) a list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;

(C) the designated emergency number for the pipeline facility operator;

(D) information on the state's excavation one-call system; and

(E) information on how to recognize, report, and respond to a product release; and

(2) mail a copy of the requested items by certified mail, return receipt requested, to the superintendent of the school district in which the school building or facility is located.

(e) A pipeline operator or the operator's representative shall appear at a regularly scheduled meeting of the school board to explain the items listed in subsection (c) of this section if requested by the school board or school district.

(f) Records. Each owner or operator shall maintain records documenting compliance with the requirements of this section. Records of attendance and acknowledgment of receipt by the school board or school district superintendent

shall be retained for five years from the date of the event that is commemorated by the record. Records of certified mail transmissions undertaken in compliance with this section satisfy the record-keeping requirements of this subsection.

Source Note: The provisions of this §8.315 adopted to be effective December 3, 2003, 28 TexReg 10749; amended to be effective February 4, 2009, 34 TexReg 582; amended to be effective August 30, 2010, 35 TexReg 7743

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INTEGRATED CONTINGENCY PLAN

Prepared for
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Prepared by
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Humble, Texas

June 2005
Revised: December 2005
Revised: March 2006
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Revised: January 2007
Revised: March 2007
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Revised: May 2009
Revised: May 2011
Revised: May 2012
Revised: July 2013
Revised: October 2013

10.0 ANNEX 8 – REGULATORY COMPLIANCE AND CROSS-REFERENCE MATRICES

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
Section I – Plan Introduction Elements	1.0					
1. Purpose and scope of plan coverage	1.1					265.51, 265.52(a)
2. Table of contents	1.2	112.20(h) Appendix F	1035(a)(4) 1030(b)	Appendix A		
3. Current revision date	1.3	F1.2	1035(a)(6)			
4. General facility identification information	1.4	F1.2 F1.9		194.107(c)(1)(i) 194.113 194.113(b)(1)	19.14(1)	
a. Facility name	1.4	F1.2	1035(a)(1)		19.14(1)	
b. Owner/operator/agent		112.20(h)(2) F1.2 F2.0	1035(a)(3)	194.113(a)(1) A-1	19.14(1)	
c. Physical address and directions	1.4	112.20(h)(2) F1.2 F2.0	1035(a)(1) 1035(a)(2)	194.113(a)(2) 194.113(b)(3),(4) A-1	19.14(1)	
d. Mailing address	1.4	112.20(h)(2)	1035(a)(1)	194.113(a)(1)	19.14(1)	
h. Facility phone number	1.4	F1.2 F2.1	1035(a)(1)		19.14(1)	
i. Facility fax number	1.4		1035(a)(1)		19.14(1)	
5. Facility Operational Information	1.5 & 1.5.2	112.7(a)(1) 112.7(h) 112.7(h)(1) 112.7(h)(2) 112.7(h)(3)			19.14(2)(D)	265.31 265.35 265.37

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
a. Contingency Planning	1.6.2	112.7(d)				265.51
b. Conformance with State Requirements	1.6.3	112.7(j)				
Section II – Core Plan Elements	2.0	112.7(a)(5)				
1. Discovery	2.1	112.20(h)(6) F1.6.1, F1.6.2 112.7(a)(3)(4)	1035(b)(3)(i)	194.107(c)(1)(iii) A-3	19.16	
2. Initial response	2.2	112.20(h)(7)(i) F1.1.8 F1.3.6 & F1.7 112.7(a)(3)(iv)	1035(b)(3)(i) 1035(b)(3)(ii)	A-2	19.13(c)(10) 19.33	
a. Procedures for internal and external notifications	4.2 & 4.3	112.7(a)(3)(iv) 112.20(h)(1)(iii) 112.20(h)(3)(iii) 112.20(h)(3)(iii) 112.20(h)(3)(iv) F1.1.2 F1.3.1	1026 1035(b)(1)(i) 1035(e)(2)	194.107(c)(1)(ii) 194.113(b)(2) A-1, A-1(b)(2) A-2 A-5	19.32	265.34 265.52(d) 265.55 265.56(a)(1), (2) 265.56(d)(1), (2)
b. Establishment of a response management structure	5.0	112.7(a)(3)(iv) 112.20(h)(1)(v) 112.20(h)(3)(v) F1.1.6 F1.3.4	1035(b)(3)(iii)	194.107(c)(1)(v) A-4 A-9	19.32 19.33	265.37 265.52(c)
c. Preliminary assessment	2.1.2	112.7(a)(3)(iv) 112.20(h)(3)(ix) 112.20(h)(4) F1.4, F1.4.2	1035(b)(3) 1035(b)(4)(i)	194.107(c)(1) (ii-vi)	19.32 19.33	265.56(b),(c)

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
d. Establishment of objectives and priorities for response, including: (1) Immediate goals/ tactical planning (2) Mitigating actions (3) Response resources	5.3.2	112.7(a)(3)(iv) 112.20(h)(1)(iv) 112.20(h)(1)(vii) 112.20(h)(3)(vi) 112.20(h)(3)(ix) 112.20(h)(7) F1.3.2 F1.7.1, F1.7.3	1035(b)(2)(i) 1035(b)(3)(iv), (v)	194.107(c)(1)(iii) 194.107(c)(1)(v)	19.32 19.33	265.52(e)
e. Implementation of tactical plan	5.3.6	112.7(a)(3)(iv) 112.20(h)(3)(ix) 112.20(h)(7)	1035(b)(3) 1035(b)(4)(iii)	194.107(c)(1)(v) A-3	19.32 19.33	265.52(e)
f. Mobilization of resources	5.4	112.7(a)(3)(iv) 112.20(h)(7) F1.7.1	1035(b)(3) 1035(b)(4)(iii)	194.115 194.107(c)(1)(v) A-1 A-3	19.32 19.33	265.31 265.52(e)
3. Sustained actions	2.3, 5.4, & 5.6	112.7(a)(3)(iv) 112.7(i) 112.20(h)(7)	1035(b)(3)	194.107(c)(1)(v) A-9	19.37	
4. Termination and follow-up actions	2.4, 6.1, & 8.0	112.7(a)(3)(iv) 112.20(h)(7)	1035(b)(3)		19.37	265.56(i)
Section III - Annexes						
1. Facility and locality information	5.3	112.20(h)(2) F1.2 F2.0	1035(a) 1035(e)(1)(iv)	194.107(c)(1)(i) 194.113 194.113(b)(1)	19.14	
a. Facility maps	Figs. 1 -7	112.20(h)(1)(viii) F1.1.7 & F1.3.5 F1.1.9 F1.9		194.113(b)(3 & 4) A-9	19.14(2)(D)	
b. Facility drawings	3.0, Figs. 1 - 7	112.20(h)(1)(viii) 112.20(h)(9) F1.9	1035(e)(1)(i)& (iii)	A-9	19.14(2)(D)	

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
c. Facility description/ layout	Fig. 2	F1.9 112.7(a)(3)	1035(b)(4)	194.113(b)(3) A-9	19.14(2)(D)	
2. Notification	4.0	112.7(a)(3)(vi) 112.20(h)(1)(ii)		194.107(c)(1)(ii) A-2	19.14(6)	265.52(d) 265.56(a)(1), (2) 265.56(d)(1), (2)
a. Internal	4.1	112.7(a)(3)(vi) 112.20(h)(3)(iii) F1.3.1		194.107(c)(1)(iv)	19.14(4)	
b. Community	4.1 & 4.2.1	112.7(a)(3)(vi) 112.20(h)(3)(iii) 112.20(h)(3)(ix) F1.3.1				
c. Federal and state agency	4.3	112.7(a)(3)(vi) 112.20(h)(3)(iii) 112.20(h)(3)(ix) F1.1.2 F1.3.1		194.107(c)(1)(vi)	19.32	
3. Response management structure	2.2 & 5.0	112.20(h)(1)(v) 112.20(h)(3)(v) F1.3.4	1035(b)(3)(iii)	194.107(c)(1)(v) A-9	19.14(6) 19.33	
a. General	5.1	112.7(f)(2)	1035(b)(3)(iii)		19.14(6)	265.52(c)
b. Command	5.2	112.20(h)(3)(iv)			19.14(4)	
(1) Facility incident commander and QI	5.2.1.a 5.1.1	112.20(h)(1)(i) F1.1.1 F1.2.5	1026	A-4	19.34	265.55
(2) Information	5.2.1.e	112.20(h)(3)(iii)	1035(b)(3)(iii) 1035(e)(4)	194.107(c)(1)(v) A-2	19.14	265.56(a)(1), (2)
(3) Safety	5.2.1.e	112.7(g)(1) 112.7(g)(2) 112.7(g)(3)	1035(b)(3)(iii) 1035(e)(5)		19.14	265.52(f)

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
		112.7(g)(4) 112.7(g)(5) 112.7(g)(5)(i) 112.7(g)(5)(ii) 112.20(h)(1)(vi) 112.20(h)(3)(vii) 112.20(h)(3)(viii) F1.3.5				
(4) Liaison	5.2.1.d		1035(b)(3)(iii)		19.34	
c. Operations	5.3		1035(b)(3)(iii)	194.107(c)(1)(v)	19.14(6)	
(1) Response objectives	5.3.2		1035(b)(2)(iii) 1035(b)(4)(iii)			
(2) Discharge or release control	5.3.3, 5.1, Att.D, Att. I	112.20(h)(3)(i) 112.20(h)(7)(iv) 112.20(h)(1)(vii) 112.8(c)(10)	1035(b)(2)(iii) 1035(b)(4)(iii) 1035(e)(3)	194.107(c)(1)(v) A-3		265.56(e)
(3) Assessment/ monitoring	5.3.5	112.20(h)(3)(ix) F1.7.1	1035(b)(2)(ii) 1035(b)(3) 1035(b)(4)(iii)			265.56(b),(c), (d),(f)
(4) Containment	5.3.6	112.20(h)(1)(vii) 112.20(h)(3)(i) 112.20(h)(7)(iv) F1.7.3	1035(b)(3)(iv) 1035(b)(4)(iii)	194.107(c)(1)(v)		265.56(e)
(5) Recovery	5.3.7	112.20(h)(3)(i) 112.20(h)(7)(iii) F1.7.2	1035(b)(3)(iv) 1035(b)(4)(iii)	194.107(c)(1)(v)		
(6) Decontamination	5.3.7	112.20(h)(7)(iii) F1.7.2		194.107(c)(1)(v)		265.56(h)(2)
(7) Non-responder medical needs	5.3.8		1035(e)(5)			
(8) Salvage plans	5.3.7			194.107(c)(1)(v)		

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
d. Planning	5.4 & Att. A & I			194.107(a) 194.115	19.4(6)	
(1) Hazard assessment	5.4.2 & 5.4.3	112.20(h)(3)(ix) 112.20(h)(4) 112.20(h)(5) 112.20(h)(7)(ii) F1.4.1-F1.4.3 F1.5.1, F1.5.2	1029 1035(b)(4)(ii)	194.105 194.113(b)(6)	19.14	
(2) Protection	5.4.4 & 5.4.4.a	112.20(h)(7)(i) 112.20(h)(7)(iv) F1.7.1, F1.7.3	1035(b)(4)			
(3) Coordination with natural resource trustees	5.4.4	112.20(g)	1030(f)	194.107(b)	19.51	
(4) Waste management	5.4.5 & App. VI	112.7(a)(3)(v) 112.20(h)(7)(iv) F1.7.2	1035(b)(5)	194.107(c)(1)(v)	19.36	265.56(h)(1) 265.56(g)
e. Logistics	5.5		1035(b)(3)(iii)		19.14(6)	
(1) Medical needs	5.3.8 & 5.5.3		1035(e)(5)			
(2) Site security	5.5.4	112.20(h)(10) F1.10				
(3) Communications	2.2 & Att.D	112.20(h)(1)(iv) 112.20(h)(3)(vi) F1.3.2	1035(e)(4)	194.107(c)(1)(ii) 194.107(c)(1)(v) A-2		265.32(a),(b)
(5) Personnel support	5.3.2	112.20(h)(1)(v) 112.20(h)(1)(vi) 112.20(h)(3)(i-ii) 112.20(h)(3)(v) 112.20(h)(3)(vii) F1.3.5				

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
(6) Equipment maintenance and support	5.5.5	112.7(e) 112.20(h)(1)(iv) 112.20(h)(3)(vi) 112.20(h)(8) F1.1.5 F1.3.3 F1.8.1	1035(b)(3)(iv) 1057	194.107(c)(1)(viii)		
f. Finance/procurement/ administration	5.6	112.20(h)(3)(ix)	1028 1035(b)(3)(iii)		19.18	
(1) Resource list	5.6 & Att. D & I	112.20(h)(1)(iv) 112.20(h)(3)(vi) F1.1.4 F1.1.4 F1.3.2 F1.7.1	1035(b)(3)(iv)	A-9		265.52(e)
(2) Personnel	5.6 & Att. G	112.20(h)(1)(v) 112.20(h)(3)(v) F1.3.4	1035(b)(3)(iv)	A-9		265.55
(3) Response equipment	5.6 & Att. D & I	112.20(h)(1)(iv) 112.20(h)(3)(vi) F1.1.4 F1.3.2 F1.7.1	1035(b)(4)(iii) Appendix C 1035(e)(3)	194.115 A-9		265.32(c),(d) 265.52(e)
(4) Support equipment	5.6 & Att. D & I	F1.3.2 F1.7.1				265.32(a),(b) 265.52(e)
(5) Contracting	5.6 & Att. D & I	112.20(h)(3)(ii)	1028(a)(1)	194.115	19.35	
4. Incident documentation	6.0			A-2		
a. Incident history	6.1	112.20(h)(4) F1.4.4				

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
b. Additional reporting	6.2	112.4				265.56(j)
5. Training and exercises/drills	7.0 & Att. E, F & G	112.7(f) 112.7(f)(1) 112.7(f)(3) 112.20(h)(8) 112.21 F1.1.5 F1.3.3 F1.8.2, F1.8.3	1035(c) 1050 1055 App. D	194.107(c)(1) (vii) 194.107(c)(1)(ix) 194.117 A-6 A-7	19.14(5) 19.16 19.18	265.16 265.33
6. Response critique and plan review and modification process	8.0 & 8.2 Att. F	112.20(g) 112.4 112.5	1035(a)(6) 1035(d) 1065	194.107(c)(1)(x) 194.111 194.119 194.121 A-8	19.12(g)	265.54
Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan	9.0	112.3 112.8(a)				
Facility Drainage	9.1	112.8(b) 112.8(b)(1) 112.8(b)(2) 112.8(b)(3) 112.8(b)(4) 112.8(b)(5) 112.8(c)(3)				
Management Approval	Page x	112.7				
Type of oil and storage capacity and Fault Analysis and Engineer Certificate	Att. B	112.7(a)(3)(i) 112.7(b) 112.7(c) 112.7(d)				
Bulk Storage Tanks	9.2 & Att. B	112.8(c) 112.8(c)(1) 112.8(c)(2)				

ICP Elements per NRT's Guidance	Section of this Plan	Cross-Reference				
		EPA FRP & SPCC (40 CFR part 112)	USCG FRP (33 CFR part 154)	DOT/PHMSA-FRP (49 CFR part 194)	TGLO (31 TAC 19)	RCRA (40 CFR part 265, Subpart s C&D)
Discharge prevention measures	9.2, 0, & 9.6 Att. D	112.7(a)(3)(ii) 112.8(c)(6) 112.8(c)(8)(i) 112.8(c)(8)(ii) 112.8(c)(8)(iii) 112.8(c)(8)(iv) 112.8(c)(8)(v)				
Discharge Notification Report Form format	Att. C	112.7(a)(4) F1.1.3 F1.3.1	1035(b)(1)(ii)			
Facility Transfer Operations, Pumping and Facility Process	9.4 & 9.5	112.8(d) 112.8(d)(1) 112.8(d)(2) 112.8(d)(3) 112.8(d)(4) 112.8(d)(5)				

*Attachment L of this ICP includes the RCRA Compliance Program which also addresses portions of 40 CFR 262, 40 CFR 265-Subparts C & D, as well as sections of those rules promulgated by 30 TAC 101 and 30 TAC 335-Subparts C, E & Q.

ATTACHMENT B

SITE-SPECIFIC POTENTIAL OIL DISCHARGE SOURCES (TABLES) AND PROFESSIONAL ENGINEER'S CERTIFICATION

Oiltanking
Health Safety and Environment

Appelt Terminal
DOT-PHMSA Regulated Breakout Tanks
OIL STORAGE CAPACITY AND CONTAINMENT

Document: 2720017.icp rev12.xls
Version: 2.0
Page: 1 of 3
Prepared by: The WCM Group, Inc.

Storage Unit							Secondary Containment			
Area ID	Oil Storage *Container* ID***	*Container* Type/ Design Standard/ Fabrication	Designed Storage Capacity Volume (gallons)		Largest *Container* ID	Type of Worst Case Failure	Total Net Containment Volume Available (gallons) (a)*	Inches of freeboard allowed for precipitation (in addition to 100 % of the largest tank)**	Type of containment and indication of ability to contain oil	Predicted Direction and Rate of Spill Flow if Uncontained
Aboveground Bulk Oil Storage										
East Tank Farm	210-116	Vertical; API 650	(b) (7)(F), (b) (3)	Crude oil	210-116	Rupture/Leak	(b) (7)(F), (b) (3)	34.1	Sufficiently impervious earthen dike; 9.8' high	N/A - sufficient secondary containment provided
	210-117	Vertical; API 650		Crude oil						
	210-118	Vertical; API 650		Crude oil						
	210-119	Vertical; API 650		Crude oil						
	210-120	Vertical; API 650		Crude oil						
	390-102	Vertical; API 650		Crude oil						
	390-103	Vertical; API 650		Crude oil						
	390-104	Vertical; API 650		Crude oil						
	390-105	Vertical; API 650		Crude oil						
	390-112	Vertical; API 650		Crude oil						
	390-113	Vertical; API 650		Crude oil						
	390-114	Vertical; API 650		Crude oil						
West Tank Farm	390-106	Vertical; API 650		Crude oil	390-106	Rupture/Leak		27.9	Sufficiently impervious earthen dike; 10.6' high wall	N/A - sufficient secondary containment provided
	390-107	Vertical; API 650		Crude oil						
	390-108	Vertical; API 650		Crude oil						
	390-109	Vertical; API 650		Crude oil						
	390-110	Vertical; API 650		Refined petroleum						
	320-111	Vertical; API 650		Crude oil						

NOTES:
*(a) and (b) - as calculated per attached worksheets
**25-year, 24-hour rain event for this facility [source: http://www.srh.noaa.gov/lub/wx/precip_freq/precip_index.htm]: 10 inches
*** Tanks are currently being constructed.

Oiltanking
Health Safety and Environment

Spill Prevention Control and Countermeasure Plan

Document: 2720017.icp rev12.doc
Version: 2.0
Page: 2 of 3
Prepared by: The WCM Group, Inc.

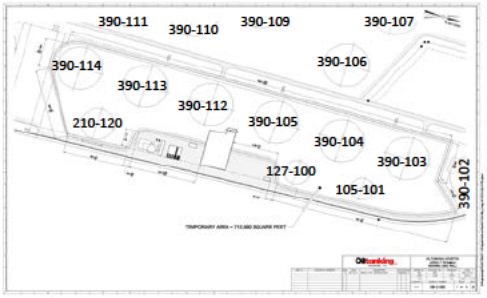
EAST TANK FARM

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
	105-101	Vertical; API 646	Crude oil	112	(b) (7)(F), (b) (3)			
	127-100	Vertical; API 647	Crude oil	123				
	210-115	Vertical; API 648	Crude oil	158				
V_{AST}	210-116	Vertical; API 649	Crude oil	158				
	210-117	Vertical; API 650	Crude oil	158				
	210-118	Vertical; API 650	Crude oil	158				
	210-119	Vertical; API 650	Crude oil	158				
	210-120	Vertical; API 650	Crude oil	158				
	390-102	Vertical; API 650	Crude oil	216				
	390-103	Vertical; API 650	Crude oil	216				
	390-104	Vertical; API 650	Crude oil	216				
	390-105	Vertical; API 650	Crude oil	216				
	390-112	Vertical; API 650	Crude oil	216				
	390-113	Vertical; API 650	Crude oil	216				
	390-114	Vertical; API 650	Crude oil	216				
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION

Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	1,165,749 sq.ft.	(b) (7)(F), (b) (3)	34.1 inches

**Available containment is based on the Oiltanking Appelt Terminal Drawing No. 1119-2-049_B, Rev. Date 06/14/2013, and indication by Oiltanking Engineering Department that internal floor elevations and wall heights will effectively be level across the area.*

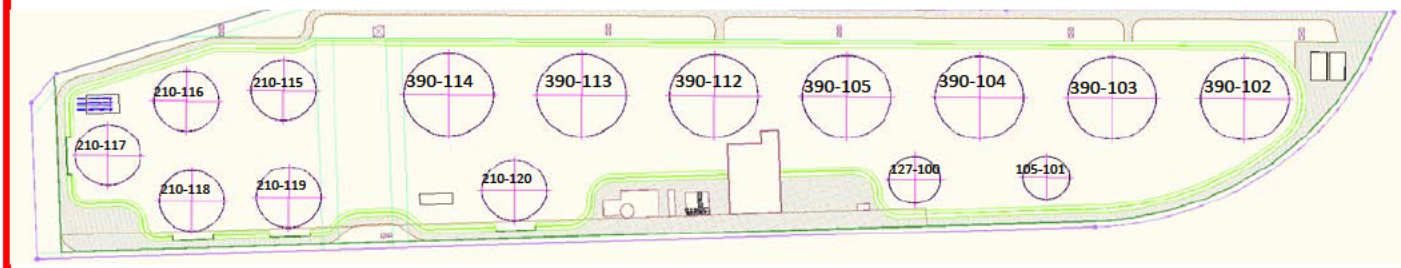


(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

(b) Inches of Freeboard = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"

Initial Interim Containment for Tanks 390-103, 390-104, 390-105, 390-112, 390-113, 390-114, 105-101, 127-100, & 210-120:

= 712,649 sq.ft. area
= 21,905,493 gallons (net containment)
= 12 inches of freeboard in addition to Tank 390-103



WEST TANK FARM

	Oil Storage *Container* ID	*Container* Type/ Design Standard	Material Stored	OD, ft	Height, ft	Designed Storage Capacity Volume,	Secondary Cont. Wall Height, ft	Displacement Volume, gal.
V_{AST}	390-106	Vertical; API 650	Crude oil	216	(b) (7)(F), (b) (3)			
	390-107	Vertical; API 650	Crude oil	216				
	390-108	Vertical; API 650	Crude oil	216				
	390-109	Vertical; API 650	Crude oil	216				
	390-110	Vertical; API 650	Refined petroleum	216				
	320-111	Vertical; API 650	Crude oil	195				
V_d								

SECONDARY CONTAINMENT SYSTEM INFORMATION

Containment Wall Height	Inside Dike Containment Area Available*	Net Containment Volume Available (a)	Available freeboard (b)
(b) (7)(F), (b) (3)	801,440 sq.ft.	(b) (7)(F), (b) (3)	27.9 inches

**Available containment is based on the Oiltanking Appelt Terminal Drawing No. 1119-2-049_B, Rev. Date 06/14/2013, and indication by Oiltanking Engineering Department that internal floor elevations and wall heights will be level across the area.*

(a) Net Containment Volume = (WALL HEIGHT) x (AREA) x 7.48 - V_d

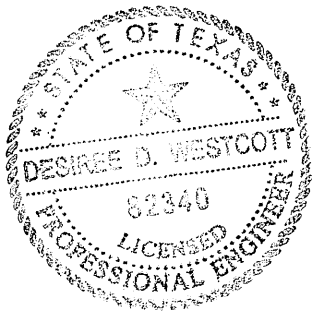
(b) Inches of Freeboard = ([(a) - V_{AST}] / [(AREA) x 7.48]) x 12"

PROFESSIONAL ENGINEER'S CERTIFICATION

I hereby certify that I have visited and examined Oiltanking Houston, L.P., a commercial independent liquid crude oil and refined petroleum products storage and transfer facility, located at 15602 Jacintoport Boulevard, Houston, Harris County, Texas and, being familiar with the provision of the SPCC rule 40 CFR Part 112, attest that this ICP Plan has been prepared in accordance with Good Engineering Practices, including consideration of applicable industry standards, that procedures for required inspections and testing have been established, and that this Plan is adequate for the facility.

Desireé Westcott — October 18, 2013

Desireé D. Westcott — Date
Professional Engineer
State of Texas Registration Number 82340
The WCM Group, Inc. – TBPE Registration No. F-109



ATTACHMENT J

RECORD OF CHANGES

No.	Date of Change	Change Affected…	Nature of Change	Change Authorized By
12.	10/18/13 Rev 12	Cover Page, 10-1 to 10-9, Att. B, and Att. J	Update Revision Date, update Annex 8 – Regulatory Compliance and Cross-Reference Matrices, update Appelt Terminal Breakout Tanks and Containment Units, update Professional Engineer's Certification, and update Record of Changes	RC
13.				