SPILL PREVENTION, CONTROL AND COUNTERMEASURES (SPCC) PLAN

FOR

CMP COATINGS, INC.
1610 Engineers Road
Belle Chasse, LA 70037
SPCC PLAN

May 2022

Facility telephone: (504) 392-4817

Prepared by:

SAFETY ENVIRONMENTAL PROFESSIONALS, INC.
700 Oak Harbor Blvd.
Slidell, La 70458

Louisiana Registered Engineering No. 1711

MANAGEMENT APPROVAL

This SPCC Plan meets with my approval and will be implemented as herein described. All employees of **CMP COATINGS, INC.**, Belle Chasse, Louisiana facility, at 1610 Engineers Road, are expected to utilize this plan in a unified effort to avert any spills that may endanger the surrounding community and environment.

Signature: _____

Mr. Kevin Casey, Director - CMP COATINGS, INC.

CERTIFICATION OF ORIGINAL PLAN

I hereby certify that I am familiar with the provisions of 40 CFR Part 112, and that I or my agent has visited and examined the facility. I attest that this SPCC Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, that procedures for required inspections and testing have been established; and that the Plan is adequate for this facility.

Safety Environmental Professionals, Inc.

_____ _____

Signature Date:

Registration No.

REGULATIONS

33USC 1321 Sec. 4202 Clean Water Act
40 CFR Part 112 - Oil Pollution Prevention
LDEQ TITLE 33 CHAPTER 39 - Notification Regulations and Procedures for Unauthorized Discharges

Under the Clean Water Act, a facility is required to develop and implement a Spill Prevention and Control Plan if the facility stores oil and/or oil products in certain threshold quantities, and a spill could conceivably reach a water of the United Sta

ATTACHMENT 1

I have completed a review and evaluation of the SPCC Plan for this facility, and will/will not amend this Plan as a result. Any technical amendments to this Plan will be re-certified in accordance with Section I of this Plan.

Review and Evaluation of SPCC Plan for Facility			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
June 2001	☐	☒	Dr. Joseph S. Vealencis, PhD, REM, CES, RERA
Description of Technical Amendment: Original Plan			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
March 2007	☒	☐	Dr. Joseph S. Vealencis, PhD, REM, CES, RERA
Description of Technical Amendment: Update/Renewal/Review -Entire Plan			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
June 2011	☒	☐	Dr. Joseph S. Vealencis, PhD, REM, CES, RERA
Description of Technical Amendment: Update/Renewal/Review -Entire Plan			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
May 2014	☒	☐	Dr. Joseph S. Vealencis, PhD, REM, CES, RERA
Description of Technical Amendment: Update/Renewal/Review -Entire Plan			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
May 2017	☐	☒	Dr. Joseph S. Vealencis, PhD, REM, CES, RERA
Description of Technical Amendment: No engineering/technical amendment required. Administrative update only.			
Review Date	Plan Amendment		Name and signature of person authorized to review this Plan
	Will Amend	Will Not Amend	
MAY 2022	☒	☐	Dr. Joseph S. Vealencis, PhD, REM, CES, RERA
Description of Technical Amendment: Update/Renewal/Review -Entire Plan			

Table of Contents

List of Tables

List of Appendices

1.0 Introduction

This Spill Prevention Control and Countermeasures (SPCC) Plan has been prepared in accordance with the requirements of the SPCC Guidelines in 40 CFR 112 of the Code of Federal Regulations (CFR). These regulations require contingency planning and implementation of operating procedures (Appendix A), inspections (Appendix C), and best management practices (BMPs) to prevent and control discharges resulting from a spill event.

In accordance with the regulations, a complete copy of this SPCC Plan will be maintained at **CMP COATINGS, INC.** facility at Belle Chasse, Louisiana. This SPCC Plan will be made available to authorized representatives of the United States Environmental Protection Agency (USEPA), the Louisiana Department of Environmental Quality (LDEQ), and Plaquemines Parish officials for on-site review during normal working hours.

Amendment of the SPCC Plan [40 CFR 112.4 and 40 CFR 112.5]

This SPCC Plan will be reviewed by the facility operator at least every five years and will be amended as necessary and the amended plan shall be implemented as soon as possible, but not later than six months after the plan is amended.

The facility shall submit to the U.S. EPA Region 6 Administrator and to the LDEQ the information requested in 40 CFR 112.4(a), if one of the following conditions occurs at the **CMP COATINGS, INC.** facility (See written notification form in Appendix F).

- Within 60 days after a facility has discharged more than 1,000 gallons of oil/hazardous material into or upon the navigable waters of the United States or adjoining shorelines in a single spill event;

- Within 60 days after the second of two spill events of more than 42 U.S. gallons of oil discharged in harmful quantities, as defined in 40 CFR Part 110 and reportable under Section 311 (b)(5) of the Clean Water Act, into or upon the navigable waters of the United States or adjoining shorelines within any twelve month period.

Harmful quantities are defined as:

a) discharges of oil/hazardous material in amounts that cause a violation of water quality standards;

b) discharges of oil/hazardous material that cause a sheen or film 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.

This SPCC Plan shall be amended by the Regional Administrator [40 CFR 112.4] whenever

- If after review by the Regional Administrator of the information you submit under 112.4(a) on spills, or submission of information to the EPA by the State agency under 112.4(c), or after on-site review of your Plan by the Regional Administrator. The Regional Administrator may require you to amend your Plan if he finds that it does not meet the requirements of 112.7 or that amendment is necessary to prevent and contain discharges from your facility.

This SPCC Plan shall be amended by the owner or operator [40 CFR 112.5] whenever

- There is a change in facility design and construction, operation, or maintenance that materially affects the facility's potential for the discharge of oil/hazardous material into or upon the navigable waters of the United States or adjoining shore lines and renders the existing plan inadequate or outdated.

Note: Have a Professional Engineer certify any technical amendment to your Plan in accordance with §112.3(d). Changes to phone numbers, names, etc. do not require a P.E. certification.

2.0 General Requirements for Spill Prevention, Control, & Countermeasure Plans

2.1 Location and Spill Experience [40 CFR Part 112.7(a and b)]

The facility covers approximately 3.75 acres of adjoining land. It is located in a mixed commercial/rural area and is an onshore, non-production facility as defined in 40 CFR Part 112. The property contains six buildings housing offices, warehousing, and production areas. There is a tank farm and hazardous waste storage area on the property as well. The facility handles production and storage of marine and industrial paint products. The types of paint products vary, as well as production amounts, due to demand and chemical mixtures. The facility began operation in June 1989. The current street address is 1610 Engineers Rd., Belle Chasse, LA 70037. All documents regarding the operation of this facility should be mailed to the administrative offices at 1610 Engineers Road, Belle Chasse, Louisiana 70037.

The facility has experienced no known reportable spill event(s) since beginning operations. See Spill History Records.

Potential spills not contained to the property would flow into storm drains into two catch basins just north of the property before flowing by pipe (see facility site drawing) directly into Bayou Barataria (navigable waterway).

The potential sources for spill events consist of the eight (8) aboveground tanks in Storage Area “A”. In Storage Area “B”, there are twelve (12) paint tanks of various sizes for mixing paint products, as well as (1) 270 gallon tote of mineral spirits used in the manufacturing process. The facility also stores large amounts of various chemicals and finished paint products in 55 gallon drums and 5 gallon pails in two large warehouses. A facility site diagram showing the location of the storage areas are included in Appendix A of this SPCC Plan. A release caused by a bulk storage tank leak or tank failure at the **CMP COATINGS, INC.** Belle Chasse facility should not result in a release to surface water based on the protective measures currently in place. *(See detailed description for each storage area following **Bulk Tank Storage Table** on next page)*

The expected modes of potential major failure or accidents, in which oil/chemicals could be spilled from the facility, are as follows:

- Storage Tank Leak or Failure: the maximum quantity of oil/chemical discharged is based on the capacity of the largest tank at the facility. Table 1 contains the total capabilities of the aboveground tanks at the facility and the potential spill sources, which can be used to gauge the impact of a total release. The locations of the tanks are listed in Table 1.

Table 1 Bulk Storage Tanks [40 CFR 112.7(c)]

STORAGE AREA "A"

Tank No./Qt	Size (gal)	Contents	Materials of Construction	Fail-Safe Features	Containment/ Diversionary Structure	Containment Size (gal)	Drainage
S-008	6000	Xylene	Steel/Fixed Roof	Close observation of loading/unloading operations	Concrete Containment Structure	6000	Concrete Containment-then to paved foundation rock/gravel yard
S-008	6000	Xylene	Steel/Fixed Roof	Close observation of loading/unloading operations	Concrete Containment Structure	6000	Concrete Containment-then to paved foundation rock/gravel yard
S-025	3000	Isopropyl Alcohol	Steel/Fixed Roof	Close observation of loading/unloading operations	Concrete Containment Structure	3000	Concrete Containment-then to paved foundation rock/gravel yard
S-024	3000	Glycol Ether PM	Steel/Fixed Roof	Close observation of loading/unloading operations	Concrete Containment Structure	3000	Concrete Containment-then to paved foundation rock/gravel yard
S-005	3000	Aromatic Hydrocarbon	Steel/Fixed Roof	Close observation of loading/unloading operations	Concrete Containment Structure	3000	Concrete Containment-then to paved foundation rock/gravel yard
S-017	3000	n-Butyl Acetate	Steel/Fixed Roof	Close observation of loading/unloading operations	Concrete Containment Structure	3000	Concrete Containment-then to paved foundation rock/gravel yard
4-12	55 each	Paint Waste	Steel	Close observation of loading/unloading operations	Concrete Bldg. foundation	2000	Concrete Containment-then to paved foundation rock/gravel yard
3	270	Mineral Spirits	Plastic Tote	Close observation of loading/unloading operations	Concrete Bldg. foundation	300	Concrete Containment-then to paved foundation rock/gravel yard

STORAGE AREA "B"							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
3	1200	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	1200	Concrete bldg. foundation-then to paved foundation
2	1000	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	1000	Concrete bldg. foundation-then to paved foundation
5	650	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	650	Concrete bldg. foundation-then to paved foundation
3	600	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	600	Concrete bldg. foundation-then to paved foundation
7	550	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	550	Concrete bldg. foundation-then to paved foundation
4	500	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	500	Concrete bldg. foundation-then to paved foundation
3	400	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	400	Concrete bldg. foundation-then to paved foundation
4	350	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	350	Concrete bldg. foundation-then to paved foundation
2	250	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	250	Concrete bldg. foundation-then to paved foundation
2	200	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	200	Concrete bldg. foundation-then to paved foundation
2	150	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	150	Concrete bldg. foundation-then to paved foundation
2	100	Paint	Welded Steel	Close observation of loading/unloading operations	Concrete Building Foundation	100	Concrete bldg. foundation-then to paved foundation

1	270	Mineral Spirits	Plastic Tote	Close observation of loading/unloading operations	Concrete Building Foundation	270	Concrete bldg. foundation-then to paved foundation
STORAGE AREA "C"							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
24	55 each	Methyl Iso Butyl Ketone	Steel	Close observation of loading/unloading operations	Concrete Building Foundation	1000	Concrete bldg. foundation-then to paved foundation
20	55 each	n-Butyl Acetate	Steel	Close observation of loading/unloading operations	Concrete Building Foundation	200	Concrete bldg. foundation-then to paved foundation
8	55 each	Polyolefin Wax	Steel	Close observation of loading/unloading operations	Concrete Building Foundation	300	Concrete bldg. foundation-then to paved foundation
1	55 each	Chlorinated Rubber	Steel	Close observation of loading/unloading operations	Concrete Building Foundation	300	Concrete bldg. foundation-then to paved foundation
12	55 each	Glycol Ether PM	Steel	Close observation of loading/unloading operations	Concrete Building Foundation	300	Concrete bldg. foundation-then to paved foundation
16	55 each	Glycol Ether EB	Steel	Close observation of loading/unloading operations	Concrete Building Foundation	300	Concrete bldg. foundation-then to paved foundation
STORAGE AREA "D" (Bldg #3)							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
7200	5 each	Paint	Steel/Plastic	Close observation of loading/unloading operations	Concrete Building Foundation	Concrete Slab	Concrete bldg. foundation-then to paved foundation
STORAGE AREA "E"							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
30	55 each	Paint Waste solvents	Steel	Close observation of loading/unloading operations	Concrete Containment	1700	Concrete Containment-then to paved foundation rock/gravel yard

10	55 each	Solid Waste-rags	Steel	Close observation of loading/unloading operations	Concrete Containment	600	Concrete Containment-then to paved foundation rock/gravel yard
STORAGE AREA "F"							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
9,000	5 each	Paint	Steel/Plastic	Close observation of loading/unloading operations	Concrete Building Foundation	Concrete Slab	Concrete bldg. foundation-then to paved foundation
40	55 each	Aliphatic Polyamide Amine	Steel	Close observation of loading/unloading operations	Concrete Building Foundation	400	Concrete bldg. foundation-then to paved foundation
40	55 each	Modified Polyamide Resin	Steel	Close observation of loading/unloading operations	Concrete Building Foundation	300	Concrete bldg. foundation-then to paved foundation
CONTAINER #1							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
80	55 each	Dimer Fatty Acid	Steel	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER #2							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
80	55 each	Bisphenol A Epoxy Resin	Steel	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER #3							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**

varies	5 each	Empty Paint Cans	-------	--------	Metal Container	Metal flooring of container	N/A
CONTAINER #4 (Near Storage Area "F")							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
6	176.4 lb drum	Aluminum Flake	Steel	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
3	396.9 lb drum	2,4 Pentanedione	Steel	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
180	50 lb bags	Cuprous Oxide	Non-Flammable Pigments				Metal flooring to paved concrete surface
12	1000 lb bags	Cuprous Oxide	Non-Flammable Pigments				Metal flooring to paved concrete surface
66	50 lb bags	Yellow Iron Oxide	Non-Flammable Pigments				Metal flooring to paved concrete surface
80	55 lb bags	Blanc Fixe	Non-Flammable Pigments				Metal flooring to paved concrete surface
40	44 lb bags	Red Iron Oxide	Non-Flammable Pigments				Metal flooring to paved concrete surface
CONTAINER #5 (Near Storage Area "F")							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
40	55 each	Epoxy Resin	Steel	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER #6 (Near Storage Area "F")							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**

55	55 each	Bisphenol A EPoxy Resin	Steel	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER #7 (Near Storage Area "F")							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
40	55 each	Acrylic Poly Resin	Steel	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER #8							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
720	5 each	Paint	Steel/Plastic	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER #9 (Near storage area D)							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
720	5 each	Thinner/Blended Solvent	Steel/Plastic	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER # 10 (Near storage area E)							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
216	5 each	Epoxy Paint	Steel/Plastic	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER # 11 (Near storage area E)							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**

3 Drums		Off spec material that is being worked off	-----	-------	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER #12							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
25	55 each	Acrylic Poly Resin	Steel	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER #13							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
16	55 gal ea.	Bisphenol-A Epoxy Resin	Steel	Close observation of loading/unloading operations	Metal Container	Metal flooring of container	Metal flooring to paved concrete surface
CONTAINER #14							
AVG. # TANKS	**Size (gal)**	**Contents**	**Materials of Construction**	**Fail-Safe Features**	**Containment/ Diversionary Structure**	**Containment Size (gal)**	**Drainage**
varies	5 gal ea.	Empty Paint Cans	---------	----------	----------	---------	N/A

Storage Area A contains a tank farm and a hazardous waste storage area. The tank farm, containing the six large aboveground tanks listed on previous table, is a concrete containment structure with dimensions of 46 Ft. by 34 ft. by 2.5 ft. and has an approximate capacity of 14,835 gallons after taking the tank footings and an allowance for precipitation (25 year/24hour event or10.5 inches of rainfall). This storage capacity is more than the required 100% of the largest tank at 6,000 gallons. A spill within containment would be from possible pipe or tank leaks on the order of a few gallons or up to 6,000 gallons of mineral spirits (considered an oil), or xylene (considered a hazardous chemical) contained in the two largest tanks. The spill would then be recovered by pumping into an empty tank or to a tanker truck. If the containment is breached, the spill would flow to the north via a drainage system to catch basins which could hold the largest tank of the farm and/or the largest tank of any tanker truck that may have an accidental spill while offloading in this location (see Fig. 3). Attachment 4 will be utilized as a safety checklist when bulk liquid transfers occur to replenish the tank farm chemicals or the resin tanks located in Storage Area B. Piping, assisted by pumps, is used to transfer bulk liquids to Building 2 where paint production occurs. This piping is elevated and the supports are designed to minimize abrasions and corrosion, allow for expansion and contraction, and to adequately support thrust loadings at bends. Piping will be capped and marked as necessary. The piping is contained within the tank farm except for the elevated section that runs to the factory. Any leaks from piping will be contained within the tank farm or be by minimal gravity flow in the elevated section due to lower liquid levels in the upright tanks. There is the possibility that the largest tanks may gravity drain through the pipe run, an estimated 1500 gallons depending on the height of liquid in the largest (6,000 gal.) tanks. A large spill from piping would be handled like a tanker truck spill and contained by the catch basins or the adjacent ditch. The pumps to transfer chemicals are located outside of containment and there is the potential for leakage of product from them. They are run only during operations. There are valves and manually operated switches to shut off flow coming from the storage tank that each pump is connected to. This storage area also has an adequate concrete containment area (see Fig. 4 for this and other containment dimensions and capacity), for storing waste paint and/or outdated paints in drums or pails that might be reformulated. The average number of drums are listed above. The waste paint and old paint not reused will be transferred to the hazardous waste storage containment area in Storage Area E. Both of the above containment structures have manually operated sump pumps for drainage or product recovery.

Storage Area B, in Building 2, is the production area of the facility and it contains 3 insulated steel resin tanks listed on previous table, with the largest at 1,200 gallons. The resin is combined with the chemicals (solvents) from the tank farm, as well as drums of other required chemicals from adjacent facility raw materials warehouse to produce finished paint products. The potential spills in this storage area would be from incoming piping delivering solvents from the tank farm and during the transport of drums of chemicals from the raw material warehouse. These types of spills would be contained by the building foundation. Resin can also spill or leak by transfer hose to paint mixing tanks or by leakage or failure of the resin tank themselves. A large resin spill would be contained by adjacent storm drain system (catch basins) or the adjoining ditch. Although the resin tanks are heated, the resin viscosity would cause slow movement away from the building. The portable paint tanks, which vary in size from 1100 gallons to 100 gallons, could also spill when lifted to a transfer platform or be turned over by some accident, but the largest amount, at 1100 gallons, would be

prevented from entering state waters by the catch basin system. These various paint tanks remain temporarily full for a day or two for quality control by the facility laboratory. Smaller spills may occur when the paint tanks are manually pumped or gravity drained to smaller containers, which are then packaged on pallets and delivered to one of the two storage warehouses. Diking and absorbent material would be utilized to control any flow and to clean up the area with the help of an outside contractor if necessary.

Storage Area C, in Building 1, there are various chemicals, additives and solvents in 55 gallon drums, as listed in table, that are added to the paint tanks for various types of paints. There are also solids, such as resin beads and paint pigments (zinc), that are stored in bags ranging in size from 55 gal. up to 1320 gals. Louisiana regulations state that solids must be considered in a spill plan if they are stored and or transported in a manner that they may reach waters of the state. The possibility of spills of drums or bags can occur when they are received from the loading dock. A large pigment bag or pallet of small ones may be dropped, and then the solids should be prevented from migrating to navigable waters by the wind or storm water runoff. The spill area should be immediately covered with tarps and then cleaned up by vacuuming or some other means. Any spillage of liquid (1 to 4 drums on a pallet) should be contained to the warehouse or the storm drain system.

Storage Area D, in Building 3, contains finished paint products in 55 gallon drums and 5 gallon pails. Paint products are transferred by forklift from the factory building into this storage area until shipped to the ultimate consumer. Although there are many thousands of gallons in storage, the most likely spill would result when the product is transported by forklift. The product is usually packaged in 5 gallon pails so the probable spill amount would be limited and within the capabilities of the facility response team. Product is considered contained by the building foundation when in storage.

Storage Area E, hazardous waste storage, is an open concrete containment area where waste materials from paint production are stored. The amount of paint waste averages thirty 55 gallon drums. There is also some storage of solid waste in drums, such as used rags. Any spills within containment will be contained and pumped by a manual sump pump to recovery drums. Spills out of containment due to failure of containment or spills while in transit to area should be contained to the property and/or storm drainage system. The most waste transported at any one time by drum (this is true for other chemicals and areas) would be 4 drums (220 gallons). A steel catch basin connected to the storm drains is nearby and would capture most small spills, and then the product would be pumped from the catch basin through an access hatch to salvage drums.

Storage Area F, in Building 5, contains finished paint products in 55 gallon drums and 5 gallon pails. Paint products are transferred by forklift from the factory building into this storage area until shipped to the ultimate consumer. Although there are many thousands of gallons in storage, (see Fig. 4), the most likely spill would result when the product is transported by forklift. The product is usually packaged in 5 gallon pails so the probable spill amount would be limited and within the capabilities of the facility response team. The building foundation acts as containment.

Most spills on the facility would be small and immediately cleaned up. Facility personnel have been trained into a response team, but will complete response activities that are within their current training levels and limited equipment capacities. These activities will be limited to the placement of mats, absorbent material, dikes and/or booms, as necessary, to prevent migration of product to state waters. Not all scenarios have been discussed, but the facility will use good judgement to prevent spills from endangering the environment. Larger spills would be handled as noted above and as per the contingency plan outlined in Appendix I. To help prevent any potential spill, a written inspection will be made monthly and a record of the inspection results will be kept. All tanks, piping and containers are inspected daily during routine operations. Any leakage is immediately reported.

2.2 Containment, Drainage Control, and Diversionary Structures [40 CFR Part 112.7(C)]

A listing of the containment/diversionary structures used at the facility to prevent oil/chemical discharge from reaching a navigable watercourse is provided in Table 1.

2.3 Demonstration of Impracticability [40 CFR 112.7(d)]

Adequate containment and/or diversionary equipment and structures are in place and functional. Therefore, no demonstration of impracticability is necessary.

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

Inspections required in this SPCC Plan are conducted in accordance with written procedures developed for this facility. The following inspections and records are included as Appendices to this SPCC Plan:

- Appendix C--Drainage Inspection Forms
- Appendix C--Facility Inspection Forms
- Appendix F--Pollution Incident Report Forms

Forms (signed by the appropriate supervisor or inspector) are kept on file in the **CMP COATINGS, INC.** office for a minimum of three years.

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

Mr. Chris Bridges is the **CMP COATINGS, INC**. employee who is accountable for oil/chemical spill prevention at this facility.

Facility personnel are properly instructed in the operation and maintenance of equipment to prevent oil discharges and applicable pollution control laws, rules, and regulations. The personnel operating the facility are instructed regarding their job responsibilities and duties. Personnel are under the direct supervision of a foreman who is responsible for establishing daily performance and duty guidelines.

Scheduled monthly safety meetings are held to discuss safety procedures and other pertinent job responsibility criteria. In addition, **spill prevention briefings are held as required at least once a year.** These briefings cover known spill events or failures, malfunctioning components, and recently developed precautionary measures. The Spill Prevention Briefing Forms are included in Appendix D.

2.6 Security [40 CFR 112.7 (e) (9) and LAC 33:IX.907(H)]

The facility is equipped with the following security measures:

- Fully fence and lock entrance gates, equivalent environmental protection: all areas must be fenced that are directly involved in the handling, processing and storage of oil/chemicals.

- Ensure that the master flow and drain valves permitting direct flow of the containers contents to the surface have adequate security measures.

- Master flow and drain valves on tanks must be in the closed position when not in use.

- Pump starter controls must be locked and in a location only accessible to authorized personnel.

- Securely cap or blank flange loading/unloading connections of oil pipelines or facility piping when not in service or when in standby service for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure.

- The facility must have adequate lighting to detect and clean-up spills at night and deter vandalism.

- Facility tank car/truck loading/unloading racks must be equipped with a drainage system into a catch basin or treatment facility designed to handle at least the maximum capacity of the largest single compartment of a tank car or tank truck loaded or unloaded at the facility. Interlocked warning light or physical barrier system, warning signs, wheel clocks, or vehicles brake

interlock systems must be used to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines. [§ 112.7(h)]

- Field constructed containers must be evaluated for risk of discharge or catastrophic failure. [§ 112.7(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/chemicals 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. [§ 112.7(h)(3)]

- Local police patrol this industrial area on a regular basis during non-business hours.

2.7 Facility Tank Car and Tank Truck Loading/Unloading Rack [40 CFR 112.7(h)]

All aboveground tanks have concrete containment and/or are situated on a concrete slab. A spill from any of these tanks would be contained on the paved slab foundation. Absorbent matting, pads or bagged material (floor dry) would then be used to clean and contain a spill in and around the tank area.

3.0 Specific Requirements [40 CFR 112.8]

3.1 Facility Drainage [40 CFR 112.8(b)]

Drainage from the concrete containment areas for the chemical tanks is performed manually and is, in the case of a spill, directed into appropriate containers. These systems are adequately engineered to prevent spills from reaching the waters of the state in the event of equipment failure or human error at the facility.

3.2 Bulk Storage Tanks [40 CFR 112.8(c)]

3.2.1 Tank Description

The tanks located onsite are presented in Table 1. This table includes the storage content, size, materials of construction, and fail-safe engineering features of each tank onsite.

All tank shells are constructed according to American Petroleum Institute, American Society for Testing and Materials, or Underwriters Laboratory specifications. The tank materials and construction are compatible with stored products at storage temperature and pressure.

3.2.2 Secondary Containment

The secondary containment system for each tank is described in Table 1. Secondary containment is provided for the entire contents of the largest single tank within each containment area plus sufficient allowance for precipitation. The steel, plastic or concrete containment areas are sufficiently impervious to contain spilled chemicals/oils.

3.2.3 Drainage of Rainwater

The procedures for supervising the drainage of rainwater from secondary containment into a storm drain or an open watercourse is as follows:

- Precipitation contained within secondary containment evaporates from the containment structures or is inspected for chemical sheen and, if no chemical sheen is present, is manually drained through a valve or pumped onto the ground where it evaporates. Drainage inspection records (Appendix C) are kept with this SPCC Plan.
- If the precipitation within the containment structure has a chemical sheen, it must be removed and transported by appropriate means (Vacuum Truck) to a regulated off-site treatment facility.

3.2.4 Underground Storage Tanks

None at this site.

3.2.5. Partially Buried Storage Tanks

None at this site.

3.2.6 Aboveground Tank Inspection

Trained personnel inspect the tanks monthly during normal operations. Any indication of deterioration or leakage that may cause a spill or accumulation of chemicals inside containment areas is reported to appropriate personnel. **Visual inspections, including tank condition, aboveground foundation and supports of tanks are conducted on a monthly basis.** Visible leaks from a tank and/or its appurtenances are promptly corrected.

Aboveground tank inspection records (Appendix C) are kept with this SPCC Plan.

3.2.7 Heating Coils

No tanks are equipped with internal heating coils at this facility.

3.2.8 Fail-Safe Devices

While pumping operations are underway, the operator remains in the yard to maintain a constant check of the tank. Continual surveillance by company personnel is maintained at each tank until filling or draining is complete.

3.2.9 Plant Effluents

Plant effluents from this site are discharged into a drainage ditch that eventually flows into navigable waters. These effluents include treated wastewater from the equipment wash rack, and septic system discharge.

3.2.10 Visible Oil Leaks

If visible oil/chemical leaks from tank seams, gaskets, and bolts are observed which may cause significant accumulation of oil/chemicals in containment areas, they will be promptly corrected.

3.2.11 Mobile or Portable Tanks

There are no longer any portable or mobile storage tanks at this facility.

3.3 Facility Transfer Operations, Pumping, & In-Plant Process [40 CFR 112.8(d)]

Piping systems at the facility are designed and operated in such a manner to minimize potential chemical/oil spills. Piping that is not in service, or in standby service for an extended time, will be capped, valved, or otherwise restrained to prevent spills.

Pipe supports are designed according to good engineering practices to minimize abrasion and corrosion, to allow for expansion and contraction, and to adequately support thrust loadings at bends.

Aboveground valves and pipelines are regularly examined by operating personnel. During the examination, 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 will be assessed.

Facility Inspection Forms (Appendix C) are kept with this SPCC plan for 3 years.

3.4 Oil Production Facilities [40 CFR 112.7(e)(5)]

This facility is not an oil production facility.

3.5 Oil Drilling and Workover Facilities [40 CFR 112.7(e)(6)]

This facility is not an oil drilling or workover facility.

3.6 Oil Drilling, Production, or Workover Facilities [40 CFR 112.7(e)(7)]

This facility is not an oil production and/or drilling facility.

APPENDIX A

SPILL CONTINGENCY PLAN

1. NOTIFICATION PROCEDURE

In the event of an oil/chemical spill incident, facility personnel on-duty will take immediate action to notify the **CMP COATINGS, INC.** personnel identified on attached list of emergency telephone numbers (Attachment A). The designated person (or coordinator) accountable for oil/chemical spill prevention is responsible and required by federal and state laws to notify the applicable federal, state, and local agencies provided on the list.

2. SPILL CONTINGENCY PLAN

In the event of an oil/chemical spill incident, facility personnel will follow the procedures outlined in the spill contingency plan flowchart. This flowchart is posted in the areas where fueling and oil/chemical storage activities occur at the facility. When contacted, the **CMP COATINGS, INC.** management will contact all appropriate federal, state, and local authorities.

3. SPILL CONTROL PROCEDURES

An oil/chemical spill incident could occur at the facility from the following situations:

- Fuel line rupture
- Storage tank rupture
- Spill during fueling operations
- Spill during tank car or tank truck loading or offloading operations.

Potential spill scenarios were presented in Section 2 of the SPCC Plan. Should an oil/chemical spill incident occur, facility personnel will immediately implement the following spill control measures to prevent a spill from entering navigable waters:

- Fuel line rupture
    1. Turn off pump.
    2. Ensure that spilled oil/chemical is contained (see Section 4, countermeasure procedures).
    3. Pump recovered oil/chemical into tank or other container.

- Storage tank rupture
    1. Ensure that spilled oil/chemical is contained (see Section 4, Countermeasure Procedures).
    2. Pump recovered oil/chemical into containers.

- Spill during fueling operations
    1. Turn off pump.
    2. Ensure that spilled oil/chemical is contained (see Section 4, Countermeasure Procedures).
    3. Pump recovered oil/chemical into containers.

- Spill during tank car or tank truck loading or offloading operations
    See previous paragraph - Spill during fueling operations.

4. COUNTERMEASURE PROCEDURES

Once the spill control procedures outlined above have been implemented, facility personnel will initiate countermeasures activities to contain, cleanup, and mitigate the effects of an oil/chemical spill that could impact navigable waters. Furthermore, incident-specific considerations and precautions must also be implemented during each spill incident to adequately protect human health and the environment.

The facility's countermeasure procedures are outlined below:

- Containment. Containment activities will be initiated as soon as possible to prevent spreading of the spilled material. Containment techniques include, but are not limited to:
  - Trenching and diking
  - Filter fences
  - Booms
- Removal. Once the spill is contained, the oil/chemical will be removed. Removal techniques include, but are not limited to:
  - Pumps
  - Absorbents (pads, matting, or booms)
  - Skimmers
- Disposal. After the spill is contained, the site will be cleaned up. This includes recycling any recovered oil/chemicals, disposing of abatement materials used to contain and/or remove the spill, and excavating oil/chemical-contaminated soil. Disposal techniques include, but are not limited to:
  - Recycling
  - Land farming or thermal treatment
  - Disposal at an appropriate facility
  - Burning or incineration.

5. SPILL RECOVERY EQUIPMENT

The locations of the facility's Spill Recovery Materials are placed throughout the facility. The recovery material consists primarily of absorbent material and oil-absorbent pads.

Attachment A
CMP COATINGS, INC.

EMERGENCY PHONE NUMBERS

AND

KEY PERSONNEL CONTACT LIST

In the event of an emergency spill, fire, or product release, whether concerning vehicles or involving the terminal, contact the appropriate person and/or departments listed below. Emergency conditions would be communicated in-plant by personnel communications, hand-held, two-way radios and/or telephones. This list should be posted at appropriate locations.

ON-SITE COORDINATOR	PHONE NUMBER	ALTERNATE NO.
Mr. Chris Bridges – Safety Officer	504-392-4817(o)	504-912-2882(c)
Mr. Charles Pepp - Alternate	504-392-4817(o)	504-388-6338(c)
Mr. David Frederick – Alternate	504-392-4817(o)	985-966-2879(c)

Note: Office No. 504-392-4817 answered 24 hours; for contacting company rep.

REPORTING

National Response Center-Coast Guard (NRT) (Toxic Chemical and Oil spills)	1-800-424-8802
Coast Guard	504-589-6261
State Police Emergency Hotline	1-225-925-6595
LA. DEQ hotline for spill reporting – 24 hour	225-342-1234
Local Emergency Planning Committee (LEPC) *(Plaquemines Parish)*	504-682-1446
Homeland Security Response Department *(Plaquemines Parish)*	504-274-2476

EMERGENCY ASSISTANCE

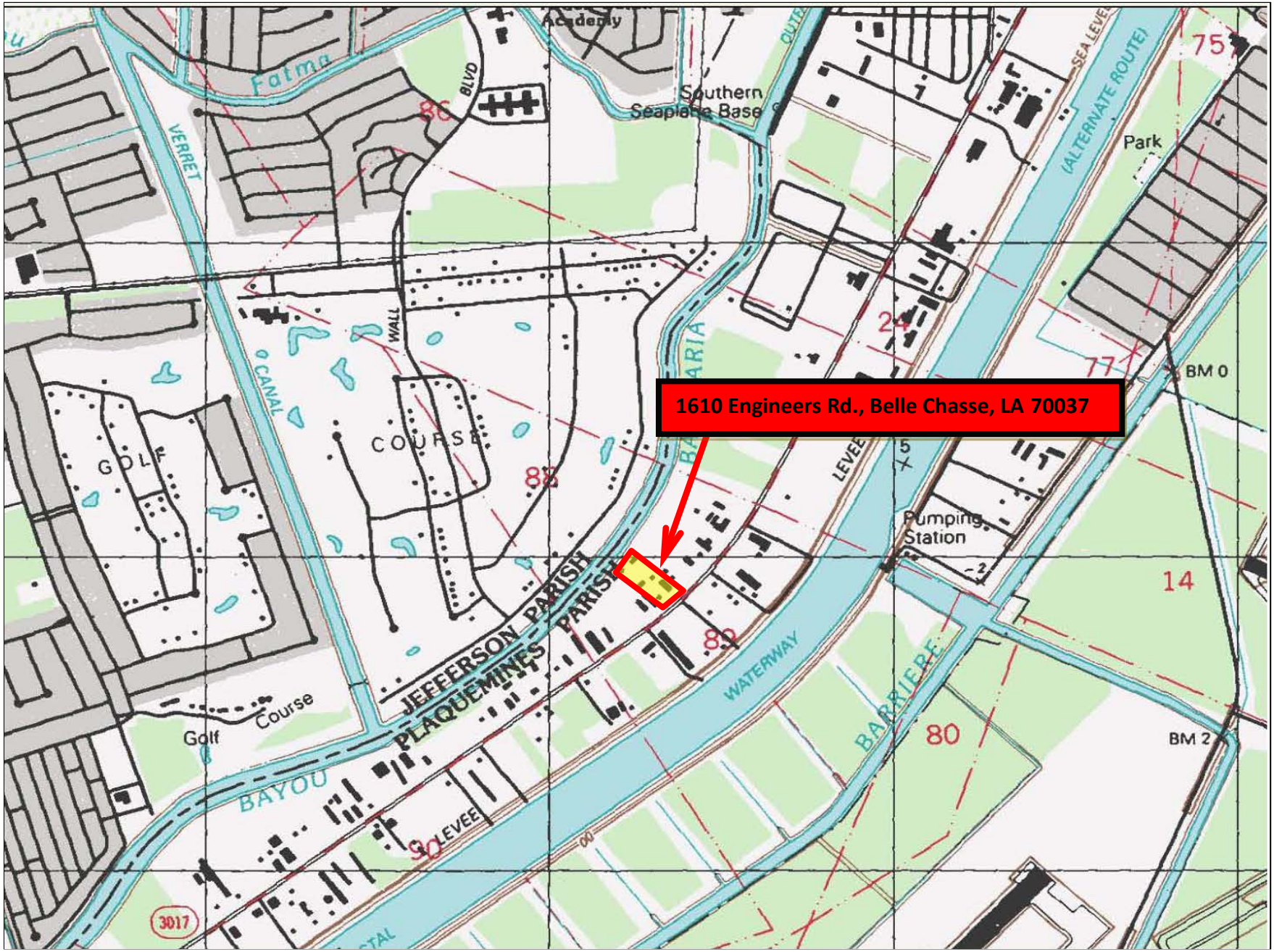
Chemtrec (24 hour information service)	1-800-424-9300
Police, Fire, or Medical also use	911
National Weather Service (Slidell)	985-649-0357
Poison Control Information Center	1-800-256-9822
Oil Mop, Inc. (Clean-up Contractor)	1-800-645-6671

APPENDIX B

FIGURES

TOPO MAP

TOPO IMAGE - 1610 Engineers Rd., Belle Chasse, LA 70037



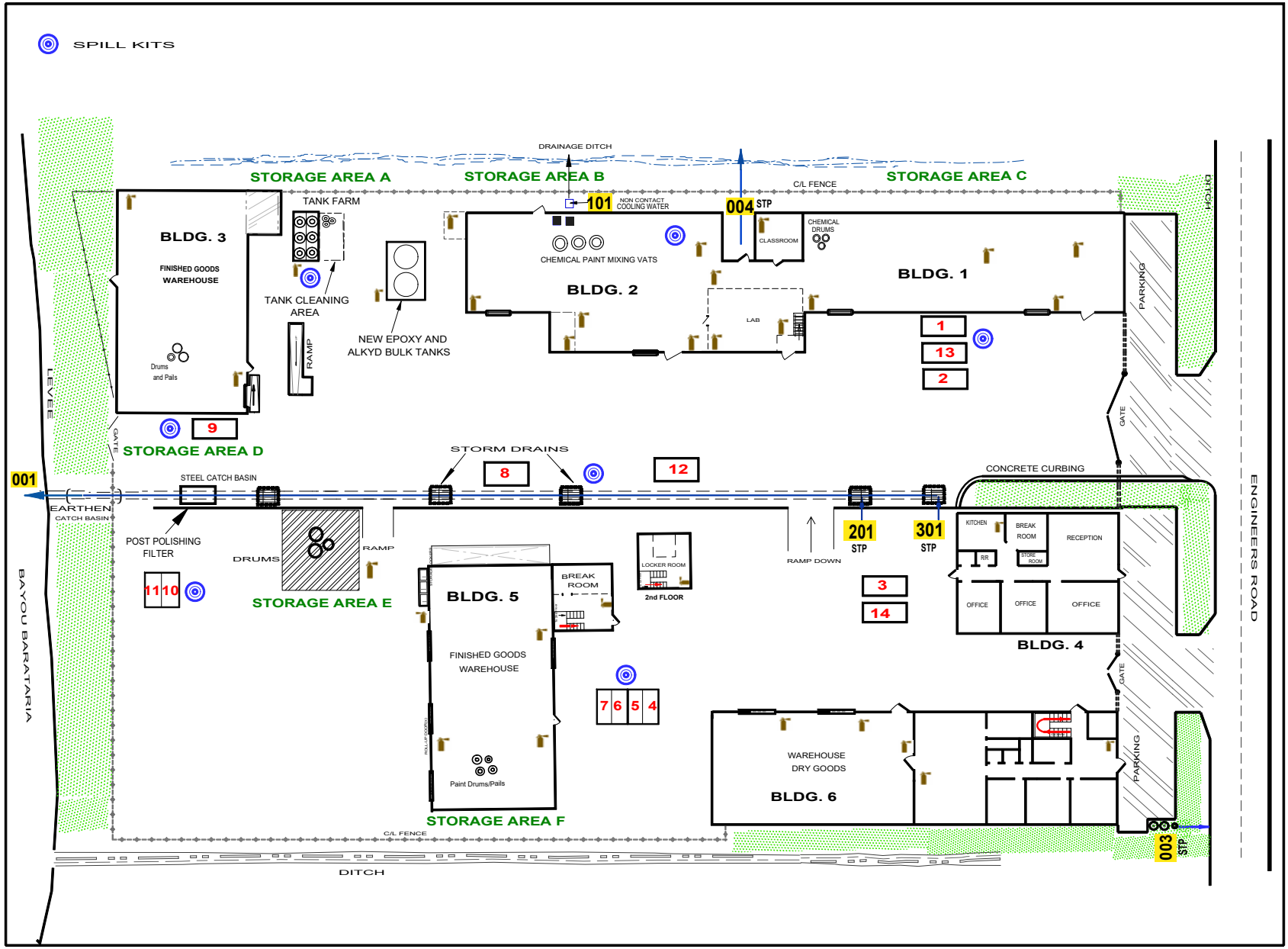
SEP INC	NOT TO SCALE	SAFETY ENVIRONMENTAL PROFESSIONALS, INC.	DATE DRAWN 05/04/2022 DRAWN BY AOR

CMP COATINGS, INC.
1610 Engineers Rd.
Belle Chasse, LA 70037

SITE SKETCH

FACILITY SITE DRAWING

1610 ENGINEERS RD., BELLE CHASSE, LA 70037



N

NOT TO SCALE

SAFETY ENVIRONMENTAL PROFESSIONALS, INC.

DATE DRAWN: 05/23/22

DRAWN BY: AOR

CMP COATINGS, INC.
1610 ENGINEERS ROAD
BELLE CHASSE, LOUISIANA 70037

AERIAL VIEW

AERIAL PHOTO - 1610 Engineers Rd., Belle Chasse, LA

NOT TO SCALE

SAFETY ENVIRONMENTAL PROFESSIONALS, INC.

DATE DRAWN 05/04/2022

DRAWN BY AOR

CMP Coatings, Inc.
1610 Engineers Road
Belle Chasse, LA 70037

APPENDIX C

INSPECTION AND TEST SCHEDULES

INSPECTION AND TEST SCHEDULES

1. General inspection procedures:

   CMP COATINGS, INC. personnel are required to inspect their facility for equipment deterioration and/or malfunction, discharges or operator errors, which could lead to a release of petroleum or waste products to the environment. All oil/chemical-handling employees in the course of their daily work will also visually check all storage tanks, pumps, valves, hoses and fittings, and other aboveground equipment and structures for holding petroleum or waste products. Special attention will be paid to the areas around the tanks. All spills or leaks will be reported to the workers' supervisor immediately. The discrepancy will be documented and corrective action will be initiated.

2. Inspection logs:

   An Inspection Log Form is attached. This log will provide a written record for the inspection of safety and emergency equipment, security devices, and operating and structural equipment (such as containment walls, tanks, drums, pumps, valves, etc.) that are essential in preventing or responding to environmental hazards. These logs are to be used in conducting all required inspections. In addition, any drainage from containment will be recorded on the enclosed Drainage Record form, as necessary (See Section 3.2.3).

3. Frequency of inspections:

   The frequency of inspection will be monthly as specified on the attached inspection log, to minimize the probability of an environmental or health hazard incident caused by equipment malfunction, deterioration or operator error.

4. Record keeping:

   All inspection logs will be maintained and kept at the facility for a minimum of three years from the date of inspection. These records must include the date and time of inspection, notations on observations made, the name and signature of the inspector, and the date and nature of any repairs or other remedial actions. These records will be available for inspection during business hours.

5. Remedial action and repair:

   Any malfunction and/or deterioration of equipment or associated structures discovered during an inspection will be corrected or repaired in a timely manner to prevent the creation of an environmental or health hazard. If a spill or leak is discovered, remedial action will be taken immediately in accordance with the facility's Spill Contingency Plan (Appendix A). Such actions will be recorded on the inspection log.

6. Tank testing:

   Test each aboveground tank for integrity as well as its supports and foundations on a regular schedule and whenever repairs are made. **CMP COATINGS, INC.** will combine visual inspection with another non-destructive shell testing such as hydrostatic testing, ultrasonic testing, acoustic emissions testing, etc. Visual leaks from a tank and its appurtenances shall be promptly corrected.

MONTHLY INSPECTION LOG

Location: Belle Chasse, LA

The following areas, equipment and structures must be inspected monthly for signs of deterioration, malfunction, leaks, spills, or any other potential problem. Corrective action must be taken in a timely manner.

		Satisfactory	Unsatisfactory
1.	Safety/Emergency equipment	☐	☐
2.	Security Devices:		
	a) Locks	☐	☐
	b) Lights	☐	☐
	c) Gates	☐	☐

3. Containment Structures:

	Sat.	Unsat.		Sat.	Unsat.
Storage Area **"A"**	☐	☐	Storage Area **"D"**	☐	☐
Storage Area **"B"**	☐	☐	Storage Area **"E"**	☐	☐
Storage Area **"C"**	☐	☐	Storage Area **"F"**	☐	☐

**Specify tank(#) in storage area if unsatisfactory:* _____

4. Tanks and fixtures:

	Sat.	Unsat.		Sat.	Unsat.
Storage Area **"A"**	☐	☐	Storage Area **"D"**	☐	☐
Storage Area **"B"**	☐	☐	Storage Area **"E"**	☐	☐
Storage Area **"C"**	☐	☐	Storage Area **"F"**	☐	☐

**Specify tank(#) in storage area if unsatisfactory:* _____

5. Other containers:

	Sat.	Unsat.
a) 55 gal. drums	☐	☐
**Specify storage area of drum if unsatisfactory:* _____		
b) Other Items:		
Item _____	☐	☐
Item _____	☐	☐
Item _____	☐	☐
Item _____	☐	☐
Item _____	☐	☐
Item _____	☐	☐
Item _____	☐	☐

Remarks: (Indicate Item no., location, date and nature of remedial action)

Date/Time:_____ _____

Print Name/Signature of Inspector

Secondary Containment Drainage Record

Facility Location: _Belle Chasse, LA._____

Inspection Conducted by: _____

Containment structure for tank no./storage area: _____

Date of Drainage	Time Valve Open	Time Valve Closed	Visible Oil/Chemical Sheen (Yes/No)	Observer's Signature	Comment

This Drainage Record is to be kept with the SPCC Plan.

APPENDIX D

TRAINING PROGRAM

TRAINING PROGRAM

1. Training requirements:

   CMP COATINGS, INC. requires that all oil/chemical handling employees at its facility successfully complete on-the-job training designed to familiarize them with their duties in spill prevention and countermeasures and to ensure:

   a) Compliance with appropriate directives;
   b) Safety and health of the employee;
   c) Protection of the public health and environment;
   d) Operation and maintenance of equipment to prevent inadvertent discharges;
   e) Initiation of corrective action for spills.

2. Director of the training program:

   Mr. Chris Bridges, Safety Officer, will direct the training program

3. Training for emergencies:

   The training program is designed to instruct all designated employees in effective emergency response by familiarizing them with emergency procedures, emergency and safety equipment, and other systems and procedures, which include, but are not limited to:

   a) Plant layout and location of possible hazards;

   b) Use, inspection and repair of emergency equipment;

   c) Response to fires or explosions;

   d) Response to groundwater contamination incidents;

   e) Shutdown procedures;

   f) Implementation of the SPCC Plan to initiate corrective action in the event of a spill.

   g) Frequent spill prevention briefings for operators and/or contractors will assure adequate understanding of the SPCC Plan for this facility.

4. Initial training sessions:

   Initial training for new employees involved with the handling and/or storage of possible spill sources should be conducted within one week of employment. New employees will not be allowed to work in unsupervised areas until initial training has been completed.

5. Annual discharge prevention briefings:

   All **CMP COATINGS, INC.** personnel involved with the handling and/or storage of possible spill sources will be required to participate in an annual review and update of the training program. Such briefings will highlight, and describe known discharges as described in §112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures.

6. Record keeping:

   A written record of both initial and continuing training given to each employee at **CMP COATINGS, INC.** is maintained in the personnel files at the facility. The information shall include the date the training was successfully completed, the training topic and the name of the instructor. The record will be kept for a minimum of three years after the date the employee terminates employment with **CMP COATINGS, INC.**

SPILL PREVENTION BRIEFING FORM

Location: _Belle Chasse,LA_____

Date of Briefing: _____

Briefing Conducted by: _____

Signature: _____

The following items were discussed at the meeting:

(Check items discussed)

- ❑ SPCC Plan
- ❑ Applicable pollution control laws, rules, and regulations
- ❑ Spill events or failures at this or other facility
- ❑ Operation and maintenance of equipment to prevent spills
- ❑ Spill reporting procedures
- ❑ Other(s)

  _____

  _____

Facility operating personnel in attendance:

_____

_____

_____

_____

_____

_____

_____

_____

_____

This Spill Prevention Briefing Form is to be kept with the SPCC Plan.

APPENDIX E

CERTIFICATION OF APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

PART 112 CERTIFICATION OF APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

Facility Name: CMP Coatings, Inc. Facility Address: 1610 Engineers Rd., Belle Chasse, LA

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons? YES____ NO __X__
2. Does the facility have a total oil storage capacity greater than or equal to 1 million 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 this appendix or a comparable formula[1]) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel" Response Plans; Fish and Wildlife and Sensitive Environments" (see Appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan. YES ____ NO __X__
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 this appendix or a comparable formula[1]) such that a discharge from the facility would shut down a public drinking water intake[2].

   [1]If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable formula must be attached to this form.

   *[2]For the purposes of 40 CFR part 112, public drinking water intakes are analogous to public water systems as described at 40 CFR 143.2(c).*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 discharge 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. ____ *(init)*

Signature: _____

Name *(please print)* Kevin Casey

Title: Director

Date: 5/28/22

APPENDIX F

WHAT TO DO IF YOU HAVE A SPILL

OIL/HAZARDOUS MATERIALS
SPILL NOTIFICATION GUIDELINES

POLLUTION INCIDENT REPORT FORMS

SPILLS OF OIL OR HAZARDOUS SUBSTANCES

Section 311 of the Clean Water Act, 33 U. S. C. 1321, prohibits the "discharge" of oil or hazardous substances into or upon navigable waters of the United States, or the adjoining shorelines of navigable waters, if these materials are in "such quantities as may be harmful to the public health or welfare of the United States as determined by the EPA." 33 U. S. C. 1321 (b)(3). Oil discharges are considered "harmful" if they "cause a film or sheen upon or discoloration of the surface of the water...or cause a sludge or emulsion to be deposited...upon adjoining shorelines." (reportable to Coast Guard NRC) 40 C.F.R. 110.3. The other hazardous substances under the Clean Water Act and their reportable quantities are listed on 40 C.F.R. 117.3.

Louisiana regulations generally use the same reportable quantities, as do the federal regulations. Under federal law, the reportable quantity is the threshold quantity of a substance, the release of which to the environment, in such a quantity, is deemed harmful to the environment. If there is no reportable quantity, there is no obligation to report. However, for reporting in Louisiana, "exclusion of a substance from (the reportable quantity) list does not relieve the discharger from the reporting requirements." LA. Administration Code 33:I.3927.

IMPORTANT NOTES:

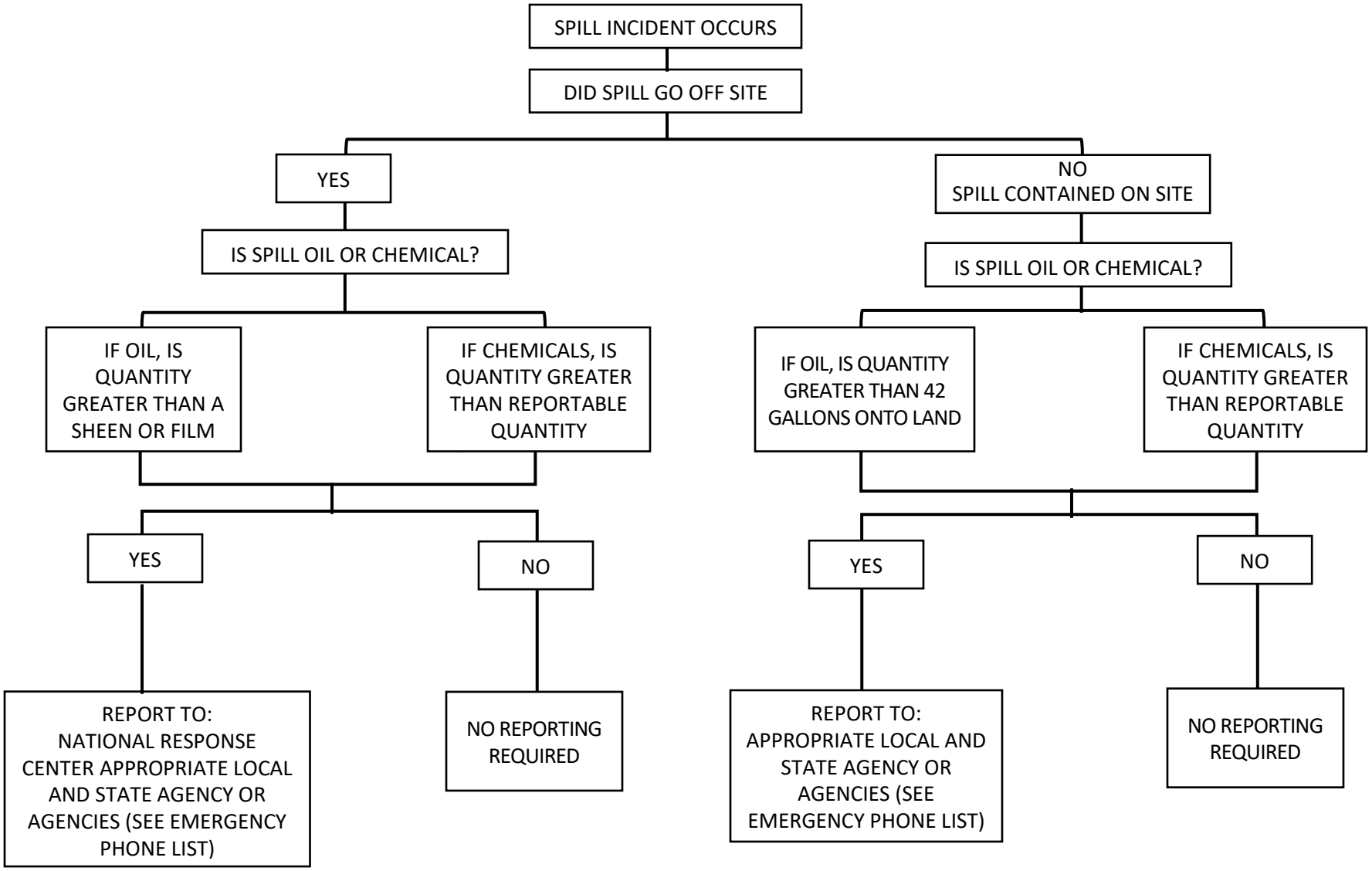
If a discharge occurs in excess of 1000 gallons in a single event, or two discharges occur in "harmful quantities" (more than 42 U.S.gallons oil) within any 12 month period, the owner/operator must then submit the information requested in 40 CFR 112.4(a) to the EPA Regional Administrator in Dallas, Texas and to the State Agency in charge of water pollution control activities (LDEQ). See Written Notification Report Form in this section for additional requirements.

In the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the LA. State Police toll-free Emergency Hotline (877-925-6595) no later than 1 hour after learning of the discharge. An emergency condition is any condition that could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property. Notification required will be made regardless of the amount of the discharge see LAC 33.I.3915 of this appendix. A discharge exceeding a reportable quantity (example: 1 barrel of oil [42 U.S. gallons] of any kind to ground - see definitions) but does not cause a emergency condition the discharger shall notify the appropriate division of the LDEQ (Water, Air, etc.) by telephone within 24 hours after learning of the discharge. See Appendix E for forms and guidance on required follow up written reports.

REPORTING FLOW CHART

REPORTING FLOW CHART

WHAT TO DO IF YOU HAVE A SPILL

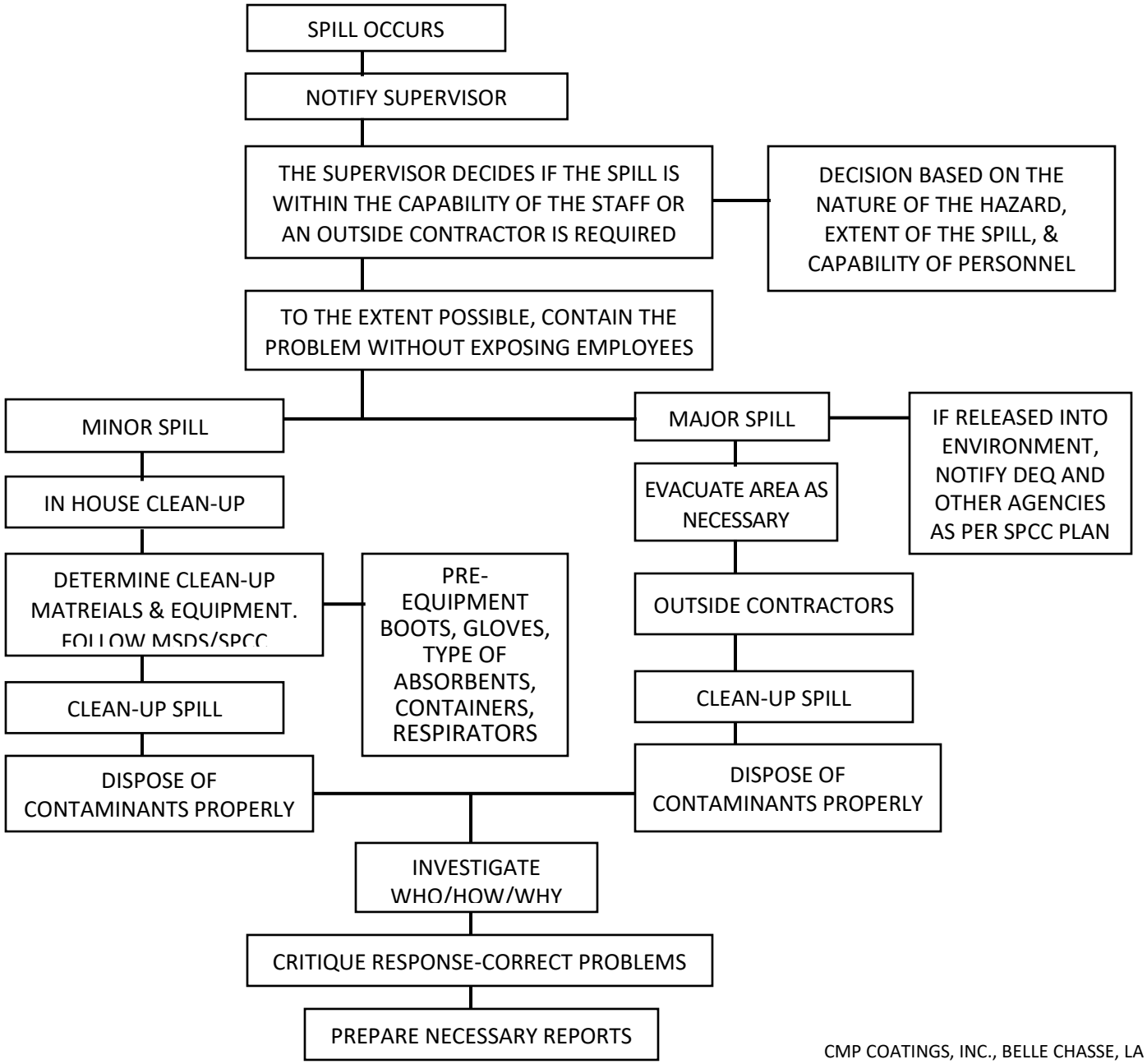


CMP COATINGS, INC., BELLE CHASSE, LA 70037

CLEAN-UP FLOW CHART

CLEAN-UP FLOW CHART

FOR SPILLS OF HAZARDOUS MATERIALS



CMP COATINGS, INC., BELLE CHASSE, LA 70037

SPILL HISTORY RECORD

TIME _____ AM/PM DATE _____ REPORTED BY _____

LOCATION OF INCIDENT _____

TIME OF INCIDENT _____ AM/PM MATERIAL(S) SPILLED _____

ESTIMATED QUANTITY _____CAUSE OF SPILL _____

_____

_____

_____

SEVERITY OF SPILL: SERIOUS _____ MINOR _____

POTENTIAL THREAT TO: HUMANS _____ ANIMALS _____ FISH _____ VEGETATION _____
SURFACE WATER _____ GROUND ATER_____

CONDITION OF WATER: FILM OR SHEEN _____ DISCOLORED _____

CONDITION OF SHORELINE: HAS POLLUTION REACHED SHORE? _____

IF YES, REMARKS

_____

_____

_____

CORRECTIVE ACTION TAKEN

_____

_____

_____

PLANS FOR PREVENTING RECURRENCE

_____

_____

_____

PERSON NOTIFIED _____

OTHER INFORMATION _____

VERBAL NOTIFICATION FORM

The following information will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge. For additional notification details see Appendix D:

The Sequence of reporting is as follows:

1. All appropriate facility personnel, 911 if warranted.
2. The spill response contractor.
3. The appropriate state agency or agencies in charge of oil pollution control activities.
4. The National Response Center (NRC) operated by U. S. Coast Guard for the National Response Team (NRT). NRT will notify EPA.

*See Attachment A for agency phone numbers.

1. Name of individual reporting spill: _____

   Contact phone number (facility phone number): _____

2. Name and location of facility: _____

   _____

3. Date and time incident began: _____Date and time incident ended: _____

   or, estimated time ongoing discharge will continue: _____

4. Reportable injuries: _____

   Personnel hazards which may effect response agencies (fire,etc): _____

   _____

5. Common or scientific pollutant name: _____

   DOT hazard classification (flammable, corrosive, etc.): _____

   _____

   Estimated amount of discharge pollutants: _____

6. Brief description of incident: _____

   _____

   _____

WRITTEN NOTIFICATION FORM

(1) Name of Facility: __Belle Chasse, LA_____

(2) Your Name _____ Date: _____

(3) Location of 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: _____

_____

_____

_____

(9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge: _____

_____

APPENDIX G

DEFINITIONS AND EXPLANATIONS

GUIDANCE ON CLEAN WATER ACT DEFINITION OF OIL

(Oil of any kind, in any form)

Oil	**Not an Oil**
Animal and vegetable fats/oils	
coconut oil, corn oil,	Acetone
cotten seed oil, fish oil,	Benzene
linseed oil, meat rendering,	Butanol
Coal tar	DDT
Crude oils	Ethanol
Cutting oils	Ethylene,propylene
Diesel fuel	Glycol (antifreeze)
Fuel oils (#2,#6,bunker)	Hexanol
Gasoline	Ketones
High temperature heating oils (Dowthern,therminal, etc.)	Methanol
Jet fuels (JP-4, etc.)	Methyl mercury
Kerosene	Molasses
Lacquer base paints/varnishes	Naphthene
Mineral spirits	Natural gas cond.
Mix of Benzene, Toluene & Xylene	Phenols
Motor oils and lub oils	Plating waste
Naphtha	Propanol
Oil mixtures	Stearic acid
Paraffin wax	TBA,MTBE(Gasoline additive)
Refinery petroleum waste	Toluene
Sludge (fuel oil)	Toxaphene
Tars (petroleum)	Xylene
Transformer oils	
Waste oil	

*Note: To determine if it is an oil, the following conditions apply:

1. An isomer example is xylene which has three isomers; ortho-xylene, meta-xylene, and para-xylene.
2. Secondly, by itself, the isomer is a non-oil. However, when combined with 3 or more in a homologous series, it becomes an oil. It is a series of compounds where each successive member has one more CH2 group in its molecule than the next preceding member. In the example of xylene, the homologous series is: Benzene C6H6, Toluene C7H8, and Xylene C8H10, a mixture on the above oil list.
3. Any non-petroleum derived material that is extractable by an organic solvent qualifies as an oil, providing its chemical structure is not defined or it is a complex mixture of compounds.

NOTE: This list is not all inclusive, but rather identifies some common substances encountered at different facilities.

DEFINITIONS AND EXPLANATIONS

The following terms delineated by federal regulations provide the framework for and shall apply to the preparation and implementation of this Plan.

1. **Discharge or Release** - means any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping or disposing into the environment any oil or hazardous substances. This includes the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance, pollutant or contaminant. Nuclear materials, as covered by the Nuclear Regulatory Commission, are excluded. Discharge generally refers to oil and release refers to hazardous substance. The terms may, at times, be used interchangeably. The magnitude of discharges or releases is to be classified according to the definition for harmful quantities.

2. **Drinking Water Supply** - Any raw or finished water source that is or may be used by a public water system or, as drinking water by one or more individuals.

3. **Emergency Coordinator for Hazardous Materials (ECOHM)** - The designated representative of the Facility assigned specific responsibilities for emergency planning notification and coordination of activities with the State Emergency Response Commission and the Local Emergency Planning Committee for the preparation and implementation of State and Local Comprehensive Emergency Response Plans. The facility emergency coordinator is responsible for annual planning notifications, coordination of activities, notification of releases at the facility and response plan implementation. For purposes of this Plan, the facility emergency coordinator shall be called the Emergency Coordinator for Oil and Hazardous Materials (ECOHM) and is usually the designated person in charge of spill prevention at the Facility.

4. **Environment** - The navigable waters, waters of the contiguous zone, ocean waters and their natural resources, any other inland or surface water, ground water, drinking water supply, land surface or subsurface strata or ambient air within the United States or under its jurisdiction.

5. **Extremely Hazardous Substances** - Those substances designated by listing pursuant to Section 302 of the Emergency Planning and Right-To-Know Act of 1986. This regulation establishes those extremely hazardous substances for which threshold planning quantities are designated, and for which advance notification of their storage and usage is required to state and local planning commissions for inclusion in their emergency response plans. The list also delineates the reportable quantities for spilled hazardous substances. Notification of reportable spills of extremely hazardous substances must be made not only to the National and Regional Response Centers (NRC and RRC), but also to the State Emergency Response Commission and the Local Emergency Planning Committee (LEPC).

6. **Facility** - Any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle or rolling stock, site or area where oil or a hazardous substance has been deposited, stored, disposed of, placed or otherwise happens to be located. This does not include any consumer product in consumer use or any vessel.

7. **Federally Permitted Release** - Generally refers to those discharges made under permits obtained in accordance with sections of various legislation and regulations. Reports of these releases are made under the terms of the permit and are not necessarily subject to the reporting requirements of this Plan.

8. **Harmful Quantities** - Refers to discharge of oil into navigable waters, waters of the contiguous zone, and adjoining shorelines which affect natural resources and are determined to be harmful to the public health or welfare. Generally, harmful quantities are those that violate applicable water quality standards, or cause a film, sheen or discoloration or the deposited oil beneath the surface of the water or on adjoining shorelines. Notification of oil spills in harmful quantities must be made to the National Response Team (NRT).

9. **Hazardous Substance** - Those substances designated, pursuant to the various federal regulations and, delineated in specifically prepared lists. The term includes toxic pollutants and contaminants, specifically characterized hazardous wastes, hazardous air pollutants, and any imminently hazardous chemical substance or mixture. Oil and gas are not included in this term. Notification of reportable spills of hazardous substances must be made to the NRC and RRC, as well as to state and local agencies.

10. **Local Emergency Planning Committee (LEPC)** - Responsible for planning and response preparations for counties and cities under the umbrella of State Emergency Response Commissions and within the overall national and regional planning and response network. The LEPC must be notified, by predesignated Emergency Coordinators at facilities within its defined area, of any reportable spills of extremely hazardous substances at the facilities. The facilities must also supply both the State and LEPC with annual emergency planning notification of all designated extremely hazardous substances stored or used at the facility in quantities equal to or greater than the threshold planning quantity established for the substance.

11. **National Response Team and National Response Center (NRT/NRC)** - Responsible for overall planning (National Contingency Plan - NCP) and response activities for the entire United States. The NRT coordinates and monitors all activities down through the regional and local levels. The NRT will ultimately assume control of response activities when local and regional resources are inadequate to meet the need. The National Response Center, operated by the U.S. Coast Guard, is the command and control center for the NRT. The NRC must be notified of all reportable spills. Responsibilities are then delegated down through the ranks to the lowest level capable of handling the requirements. The initial level of responsibility for spill response directly lies within the local parties identified as the source or initiator of the spill.

The NRT is composed of representative of the following federal departments and agencies with each having been delegated specific areas of responsibility or authority.

- Department of Commerce (DOC)
- Department of Defense (DOD)
- Department of Energy (DOE)
- Department of Interior (DOI)
- Department of Justice (DOJ)
- Department of Labor (DOL)
- Department of State (DOS)
- Department of Transportation (DOT)
- Environmental Protection Agency (EPA)
- Department of Federal Emergency Management Agency (FEMA)
- Department of Health and Human Services (HHS)
- U.S. Department of Agriculture (USDA)

The EPA and DOT assume the lead roles as co-chairmen of the NRT.

12. **Natural Resources** - Land, fish, wildlife, biota, air, water, ground water, drinking water supplies and other such resources.

13. **Oil** - Oil or any kind of in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

14. **On-Scene Coordinator (OSC)** - The federally designated official of the Regional Response Team or the pre-designated federal representative or his alternate, responsible for planning and preparation for response to pollution incidents, coordinating and directing local and/or federal response to spills and directing removal efforts at the scene of a discharge. The OSC is also responsible for health, environmental, cost impact assessments and the preparation of final incident reports.

15. **Onshore Facility** - Any facility (including but not limited to motor vehicle and rolling stock) located in, on or under any land or non-navigable waters of the United States.

16. **Phases of Response Operation** - The phases of response operations are as follows:
    - Phase I - Discovery and Notification
    - Phase II - Evaluation and Initiation of Action
    - Phase III - Containment and Countermeasures
    - Phase IV - Removal, Mitigation and Disposal
    - Phase V - Documentation, Restoration and Cost Recovery

17. **Plan** - Spill Prevention Control and Countermeasures Plan (SPCC). A contingency plan is included as a subsection of this plan.

18. **Potential Discharge** -Any accident or other circumstances that constitutes a substantial threat of a discharge of oil hazardous substance.

19. **Public Health or Welfare** - Includes all factors affecting human health and welfare, including but not limited to human health, as well as the natural environment, fish, shellfish, wildlife, public and private property and shorelines.

20. **Regional Response Team and Regional Response Center (RRT/RRC)** In coordination with the NRT/NRC and are responsible for regional planning (Regional Response Plan -RRP) and response activities. RRT/RRC's are established for ten geographic regions in the United States. The RRC's are operated by the EPA and are notified of each reportable spill. The RRT/RRC will assume control of response activities at the request of the On-Scene Coordinator when local resources are not adequate. Each RRT pre-designates federal representatives to act as OSC's to coordinate and handle specific responses for areas or sites within the region. When a spill incident is reported, the OSC first assumes a monitoring and supervisory role to allow the local responsible parties to contain and clean up the spill. The RRT is composed of regional representatives of the same departments and agencies as the NRT. The EPA serves as chairman of the RRT for inland spill incidents and the U.S. Coast Guard (for DOT) serves as chairman for coastal incidents.

21. **Removal** - To remove oil or hazardous substances from the water, shorelines or ground, or taking necessary actions to minimize/mitigate damage to the environment, public health or welfare. Under this Plan, removal refers to Phases III & IV of response operations.

22. **Reportable Quantity** - That quantity of hazardous substances, designated pursuant to Section 102(a) of CERCLA and Section 101(14) of the Clean Water Act, for which specific notification to federal, state and local authorities is required upon discharge or release of that quantity. The discharge of oil in harmful quantities as defined in 40 CFR part 110 (see #8 definition) and 40 CFR Part 112.4 must also be reported.

23. **Spill Prevention Control and Countermeasures Plan (SPCC Plan)** - The Plan delineates all bulk oil storage facilities, outlines the required methods and procedures for spill prevention and prescribes the containment countermeasures for oil spill responses.

24. **Size Classes of Discharges/Releases** - Includes the following classifications which are provided as guidance for the OSC and other responsible parties, and serve as the criteria for actions delineated in 40 CFR Part 300, Subparts C and E of the National Contingency Plan. For oil discharges, they are not meant to imply associated degrees of hazard to the public health or welfare, nor are they a measure of environmental damage. Any oil discharge that poses a substantial threat to the public health or welfare, or results in critical public concern, will be classified as a major discharge, regardless of the following quantitative measures. For hazardous substances, the Size Classes of Releases provide guidance to the OSC for meeting pollution reporting requirements. The final determination for appropriate classification of hazardous release will be based on consideration of the particular release (e.g. size, location, impact, etc.).

    - ***Minor Discharge*** means discharge to the inland waters of less than 1,000 gallons of oil, or to coastal waters of less than 10,000 gallons; or a release of a hazardous substance, pollutant or contaminant in a quantity less than that defined as reportable by regulation (40 CFR Part 117 and 40 CFR Part 302), and that poses minimal threat to the public health, welfare or environment.

- ***Medium Discharge*** means a discharge of 1,000 to 10,000 gallons of oil to the inland waters, or to coastal waters of 10,000 to 100,000 gallons; or a release of hazardous substance equal to or greater than a reportable quantity as defined by regulations (40 CFR Part 117 and 40 CFR Part 302) or releases not meeting the criteria for a minor or major release.

- ***Major Discharge*** means a discharge of more than 10,000 gallons of oil to the inland waters, or more than 100,000 gallons to coastal waters; or a release of any quantity of a hazardous substance, pollutant or contaminant that poses s substantial threat to the public health or welfare or the environment or results in critical public concern.

25. **Threshold Planning Quantity** - Refers to those substances delineated on the list of extremely hazardous substances for which, when stored or used in the bulk quantities designated on the list, annual notification to local and state planning commissions is required for response planning purposes.

APPENDIX H

STATE OF LOUISIANA REGULATIONS

TITLE 33 CHAPTER 39- NOTIFICATION REGULATIONS AND PROCEDURES FOR UNAUTHORIZED DISCHARGES

FEDERAL EPA PLAN REGULATIONS

40 CFR PART 112 - OIL POLLUTION PREVENTION

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 2. Notification
Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges
Subchapter A. General
§3901. Authority

Regulations for reporting unauthorized discharges or spills are hereby established by the Department of Environmental Quality by order of the administrative authority and pursuant to R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

§3903. Purpose

The purposes of these regulations are as follows:

A. to protect the health and well-being of the people of the state of Louisiana and to prevent and mitigate damage to property or to the environment due to unauthorized discharges of pollutants to land, water, or air;

B. to provide a uniform notification and reporting procedure for unauthorized discharges by any person;

C. to enable appropriate emergency response to unauthorized discharge incidents; and

D. to provide the department with the discharge information that may be used to insure compliance with permit terms and conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

§3905. Definitions

A. The following terms as used in these regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings:

Administrative Authority—the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

Air Contaminant—particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof produced by other than natural processes.

Barrel—a 42-gallon measure.

By-pass—a diversion of a waste stream from any portion of a conveyance or treatment facility.

Department—the Department of Environmental Quality.

Discharge—the placing, releasing, spilling, percolating, draining, pumping, leaking, mixing, leaching, migrating, seeping, emitting, disposing, by-passing, or other escaping of pollutants on or into the air, waters of the state, or the ground. A release shall not include a federal or state permitted release.

Discharger—a facility, plant, company, site, person or its representatives, agents or employees, which discharge pollutants.

Division—the appropriate division within the Department of Environmental Quality.

DPS—the Department of Public Safety; the State Police.

Emergency Condition—any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water or air environment, or cause severe damage to property.

Emission—a discharge of air contaminants into the outdoor atmosphere.

Facility—a pollution source, or any public or private property or site where an activity is conducted, which is required to be regulated under Subtitle II of Title 30 and does or has the potential to do any of the following:

1. emit air contaminants into the atmosphere;
2. discharge pollutants into waters of the state;
3. use or control radioactive materials and waste;
4. transport, process, and/or dispose of solid wastes; or
5. generate, transport, treat, store, or dispose of hazardous wastes.

Groundwater—water in the saturated zone beneath the land surface.

Groundwater Contamination—the degradation of naturally occurring groundwater quality either directly or indirectly as a result of human activities.

Hotline—24-hour Louisiana Emergency Hazardous Materials Hotline.

Immediately—a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

Leachate—a liquid that has passed through or emerged from solid waste and may contain soluble, suspended, or miscible materials removed from such wastes.

Migrating—any movement by leaching, spilling, discharging, or any other uncontained or uncontrolled manner, except as permitted by law or other regulations of the department.

Oil—any of numerous smooth, greasy, combustible hydrocarbons that are liquid or at least easily liquefiable on warming, are soluble in ether but not in water, including but not limited to crude oil, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

Permit or *License*—written authorization by the administrative authority to discharge, emit, treat, store and/or dispose of liquid, gaseous, semi-solid, or solid waste or reusable materials, or radioactive material from or at a site or facility, including all conditions set forth therein.

Person—any individual, municipality, public or private corporation, partnership, firm, the United States government and any agent or subdivision thereof, or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, the state of Louisiana, political subdivisions of the state of Louisiana, commissions, and interstate bodies.

Pollutant—any substance introduced into the environment of the state by any means that would tend to degrade the chemical, physical, biological, or radiological integrity of such environment.

Pollution Source—the immediate site or location of a discharge or potential discharge, including such surrounding property or water body necessary to quarantine the area or secure from access by the general public.

Produced Water—includes liquids and suspended particulate matter that is obtained by processing fluids brought to the surface in conjunction with the recovery of oil and gas from underground geologic formations, with underground storage of hydrocarbons, or with solution mining of brine.

Radiation—any electromagnetic or ionizing radiation including gamma rays and x-rays; alpha and beta particles; high-speed electrons, neutrons, protons, and other nuclear particles; but not sound waves.

Radioactive By-product Material—any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

Radioactive Material—any material, whether solid, liquid, or gas, which emits radiation spontaneously.

Radionuclide—a radioactive species of an atom characterized by the constitution of its nucleus.

Release—the accidental or intentional spilling, leaking, pumping, pouring, emitting, escaping, leaching, or dumping of hazardous substances or other pollutants into or on any land, air, water, or groundwater. A release shall not include a federal or state permitted release.

Reportable Quantity—that specific quantity associated with pollutants, as set forth in Subchapter E of this Chapter, the release of which requires notification pursuant to this regulation.

Reusable Material—any material defined in LAC 33:V.Chapter 49 of the hazardous waste regulations which would be classified as a hazardous waste except that it will be beneficially used, reused, or legitimately recycled, or reclaimed, unless exempted in LAC 33:V.Chapter 41 of the hazardous waste regulations.

Secretary—the secretary of the Department of Environmental Quality.

Site—the geographic location, other than a facility, of an unauthorized discharge.

Solid Waste—any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities; but does not include or mean solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under R.S. 30:2074, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, (42 U.S.C. 2011, et seq.) as amended, or hazardous waste subject to permits under R.S.30:2171 et seq.

Solid Waste Facility—any land and appurtenances thereto used for storing, processing, and/or disposing of solid wastes.

Transport Vehicle—a motor vehicle, aircraft, rail freight car, freight container, cargo tank, portable tank, or vessel used for the transportation of hazardous substances or other pollutants. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

Transportation—the movement of solid, liquid, or hazardous reusable materials or wastes from the point of generation or storage to the point of treatment, storage, or disposal by any means of commercial or private transport. The term does not apply to the movement of hazardous wastes on the premises of a hazardous waste treatment, storage or disposal facility.

Treatment—any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any reusable material or waste so as to neutralize such reusable material or waste or render it nonhazardous, safer for transport, amenable for recovery or storage, or reduced in volume. The term also includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render it nonhazardous.

Unauthorized Discharge—a continuous, intermittent, or one-time discharge, whether intentional or unintentional, anticipated or unanticipated, from any permitted or unpermitted source which is in contravention of any provision of the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.) or of any permit or license terms and conditions, or of any applicable regulation, compliance schedule, variance, or exception of the administrative authority. (*Discharge* is defined in this Section as the placing, releasing, spilling, percolating, draining, pumping, leaking, mixing, leaching, migrating, seeping, emitting, disposing, by-passing, or other escaping of pollutants on or into the air, waters, subsurface water or the ground.) A release shall not include a federal or state permitted release.

Vessel—any type of watercraft used, or capable of being used, as a means of transportation on the water.

Waste—any material for which no use or reuse is intended and which is to be discarded.

Waters of the State—both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, groundwaters, and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2204(A) and 30:2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000).

§3907. Scope

These regulations apply to all persons or parties, both permitted and unpermitted, licensed or unlicensed, who have responsibility for facilities, vessels, transport vehicles, or sites from which an unauthorized gaseous, liquid, semi-solid, or solid discharge may be released on or into the air, water, or land environment within the boundaries of the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

§3909. Enforcement

Failure to comply with any of the provisions of these regulations constitutes a violation of the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.). Each day of failure to give the required notification shall constitute a separate violation and shall be in addition to any other violations of the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

§3911. Severability

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end provisions of these regulations are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

§3913. Effective Date

These regulations shall be in full force and effective 60 days after final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

Subchapter B. Requirements for Emergency Notification

§3915. Notification Requirements for Unauthorized Discharges Which Cause Emergency Conditions

A. Notification to the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline

1. In the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this Subsection will be made regardless of the amount of the discharge.

2. The hotline must be immediately notified of any adverse change in the nature or rate of the discharge. Notifications must be made for multiple discharges when they originate from different causes or sources or they are substantially different in nature.

3. One notification to the hotline for any unauthorized discharge will suffice for unauthorized discharges that continue for more than one day if the initial notification clearly states that the discharge is expected to continue for more than one day.

4. Dischargers are not relieved from any requisite written notification procedures in LAC 33:I.3925 or of any permit or license terms and conditions issued under the Louisiana Environmental Quality Act.

B. Notification to the Department of Environmental Quality. In the event of an unauthorized discharge which requires notification under Subsection A of this Section, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2204(A), 30:2194(C) and 30:2373(B).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000).

Subchapter C. Requirements for Prompt Notification

§3917. Notification Requirements for Unauthorized Discharges Which Do Not Cause an Emergency Condition

A. In the event of an unauthorized discharge which exceeds a reportable quantity specified in Subchapter E of this Chapter but which does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance by telephone or by e-mail within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by e-mail utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance.

B. Dischargers are not relieved from any requisite written notification procedures in LAC 33:I.3925 or of any permit or license terms and conditions issued under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), repromulgated LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001).

§3919. Notification Requirements for Unauthorized Discharges With Groundwater Contamination Impact

In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger shall notify the department in writing in accordance with LAC 33:I.3925 within seven calendar days after obtaining knowledge of groundwater contamination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), R.S. 30:2076(D), 30:2183(I), and 30:2204(A).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), repealed LR 19:1022 (August 1993), repromulgated and amended LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000).

Subchapter D. Notification Procedures

§3923. Verbal Notification Procedures

A. Telephone Notification Procedures. Mobile or marine radio notifications should be directed to the nearest communication center or to a telephone center for forwarding of the notification by telephone.

B. Information for Verbal Notifications. The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:

1. name of person making the notification and telephone number where any return calls from response agencies can be placed;

2. name and location of facility or site where the unauthorized discharge is imminent or has occurred using common landmarks. In the event of an incident involving transport, include the name and address of transporter and generator;

3. date and time the incident began and ended, or estimated time of continuation if discharge is continuing;

4. extent of any injuries and identification of any known personnel hazards which response agencies may face;

5. common or scientific chemical name, U.S. Department of Transportation hazard classification, and best estimate of amounts of any or all discharged pollutants;

6. brief description of the incident sufficient to allow response agencies to formulate level and extent of response activity; and

7. for unauthorized emissions of toxic air pollutants listed in LAC 33:III.Chapter 51, Table 51.2 or 51.3 or radioactive material, the following supplemental information:

a. location of the source facility or stack;

b. time at onset of the emission;

c. prevailing local wind direction and estimated velocity at time of onset; and

d. duration of emission if stopped at time of notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

§3925. Written Notification Procedures for the Department of Environmental Quality

A. Written reports for any unauthorized discharge that requires verbal notification under LAC 33:I.3915.A or 3917, or that requires written notification under LAC 33:I.3919, will be submitted by the discharger to the department in accordance with this Section within seven calendar days after the telephone notification required by LAC 33:I.3915.A or 3917, or within seven calendar days after obtaining knowledge of groundwater contamination as required by LAC 33:I.3919, unless otherwise provided for in a valid permit or other department regulation.

1. If mailed by US mail or other courier service (e.g., Federal Express, UPS, etc.), the submittal date will be the date of the postmark on the envelope accompanying the written notification report.

2. If delivered by other means (e.g., hand-delivered, FAXed, etc.), the submittal date of the written notification will be the date of receipt by the department.

B. Written notification reports will include, but are not limited to, the following information:

1. name of person, company, or other party who is filing the written report;

2. time and date of verbal notification, name of person making the notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;

3. date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;

4. details of the circumstances and events leading to any emergency condition, including incidents of loss of sources of radiation;

5. common or scientific chemical name, the CAS number, U.S. Department of Transportation hazard classification, and best estimate of amounts of any or all discharged pollutants, including methodology for calculations and estimates;

6. statement of actual or probable fate or disposition of the pollutant or source of radiation;

7. remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation;

8. procedures or measures which have or will be adopted to prevent recurrence of the incident or similar incidents, including incidents of loss of sources of radiation;

9. if an unpermitted or unlicensed site or facility is involved in the unauthorized discharge, a schedule for submitting a permit or license application to the department, or rationale for not requiring a permit or license;

10. the reporting party's status (former or present owner, operator, disposer, etc.);

11. for discharges to the ground or groundwater, the following information shall also be included: all information of which the reporting party is aware that indicates pollutants are migrating, including, but not limited to, monitoring well data; possible routes of migrations; and all information of which the reporting party is aware regarding any public or private wells in the area of the migration used for drinking, stock watering, or irrigation;

12. names of all other responsible parties of which the reporting party is aware; and

13. a determination by the discharger of whether or not the discharge was preventable; if not, an explanation of why the discharge was not preventable.

C. Written notification reports should be submitted to the Office of Environmental Compliance by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000).

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3927. Determination and Use of Reportable Quantity

A. The reportable quantity list in this Subchapter should be used to determine the need for and timeliness of notification to the department for unauthorized discharges which do not cause an emergency condition. This list is intended as a guide for the regulated community to reportable quantities of some of the more common pollutants. Exclusion of a substance from this list does not relieve the discharger from the reporting requirements of this regulation or from those of other department regulations. Each discharge must be evaluated individually and reported appropriately by the discharger.

B. The basis for determination of the reportable quantity for any pollutant in this Subchapter, unless otherwise noted, will be that quantity of the substance discharged continuously, intermittently, or as a one-time mass discharge within any continuous 24-hour period.

C. The reportable quantity determined under this Subchapter, except where otherwise noted, will apply regardless of the environmental medium (land, air, water, groundwater) into which the pollutant is discharged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), repromulgated LR 20:182 (February 1994).

§3929. Radionuclides: Notification of Incidents

The reportable quantity for all radionuclides will be determined in accordance with the Louisiana Radiation Regulations, LAC 33:XV.Chapter 4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), repromulgated LR 20:182 (February 1994).

§3931. Reportable Quantity List for Pollutants

A. Incorporation by Reference of Federal Regulations. Except as provided in Subsection B of this Section, the following federal reportable quantity lists are incorporated by reference:

1. 40 CFR 117.3 (7-1-97 Edition) Table 117.3—Reportable Quantities of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act; and

2. 40 CFR 302.4 (7-1-97 Edition) Table 302.4—List of Hazardous Substances and Reportable Quantities; Appendix A to §302.4—Sequential CAS Registry Number List of CERCLA Hazardous Substances.

B. Modifications or Additions. The following table contains modifications to the federal reportable quantity lists incorporated by reference in Subsection A of this Section, as well as reportable quantities for additional pollutants.

Pollutant	CAS No.[1]	RCRA[2] Waste Number	Pounds
Allyl chloride	107051		1000/10 @
Aniline	62533	U012	5000/1000 @
Antimony*	7440360		5000/100 @
Antimony Compounds	20008		100 @
Barium*	7440393		100 @
Barium compounds	20020		100 @
Pollutant	**CAS No.[1]**	**RCRA[2] Waste Number**	**Pounds**
Biphenyl	92524		100/100 @
1-Butanol	71363	U031	5000/1000 @
2-Butanone	78933	U159	5000/1000 @
n-Butyl alcohol	71363	U031	5000/1000 @
Carbonic dichloride	75445	P095	10/1 @
Carbonyl sulfide	463581		100/100 @
Chlorinated Dibenzo Furans, all isomers			1
Chlorine Dioxide	10049044		1
Chromium[3] *	7440473		5000/100 @
Chromium compounds	20064		100 @
Copper[3]	7440508		5000/100 @
Copper Compounds	20086		100 @
Cumene	98828	U055	5000/1000 @
1,3-Dichloropropylene	542756		100 @
Ethyl acrylate	140885	U113	1000/10 @
Ethylene	74851		5000
Ethylene glycol	107211		5000/5000 @
Glycol ethers **			100 @
Hexane	110543		5000/1000 @
Hydrochloric acid	7647010		5000/1000 @
Hydrofluoric acid	7664393	U134	100/10 @
Hydrogen chloride	7647010		5000/1000 @
Hydrogen fluoride	7664393	U134	100/10 @
Pollutant	**CAS No.[1]**	**RCRA[2] Waste Number**	**Pounds**
1,3-Isobenzofurandione	85449	U190	5000/1000 @
Manganese*	7439965		100 @
Manganese compounds			100 @

Methanethiol	74931	U153	100/25 @
Methyl acrylate	96333		10 @
Methyl ethyl ketone (MEK)	78933	U159	5000/1000 @
Methyl isobutyl ketone	108101	U161	5000/1000 @
Methylmercaptan	74931	U153	100/25 @
Methyl methacrylate	80626	U162	1000/100 @
4-Methyl-2-pentanone	108101	U161	5000/1000 @
Methylene diphenyl isocyanate	101688		1000 @
Nitric acid	7697372		1000/100 @
Oil			1 barrel
Phthalic anhydride	85449	U190	5000/1000 @
Produced Water			1 barrel
2-Propenoic acid, ethyl ester	140885	U113	1000/10 @
2-Propenoic acid, 2-methyl-, methyl ester	80626	U162	1000/100 @
Propionaldehyde	123386		1000/100 @
Strontium sulfide	1314961	P107	100
Sweet Pipeline Gas (Methane/Ethane)			42000 (1,000,000 scf)
Thiomethanol	74931	U153	100/25 @
Vinyl acetate	108054		5000/100 @
Pollutant	**CAS No.[1]**	**RCRA[2] Waste Number**	**Pounds**
Vinyl acetate monomer	108054		5000/100 @
Volatile Organic Compounds not otherwise listed[4]			5000
F003 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:		F003	100
Methyl isobutyl ketone	108101		5000/1000 @
n-Butyl alcohol	71363		5000/1000 @
F005 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:		F005	100

Methyl ethyl ketone	78933	U159	5000/1000 @

* No reporting of releases into the ambient air of this metal is required if the diameter of the pieces of solid metal released is equal to or exceeds 100 micrometers (0.004 inches).

** The combined emissions of all glycol ethers shall be totaled to determine if a Reportable Quantity has been exceeded.

*** The combined emissions of all Polynuclear Aromatic Hydrocarbons (PAHs), excluding any PAHs otherwise listed, shall be totaled to determine if a Reportable Quantity has been exceeded.

[1] Chemical Abstracts Service Registry Number.

[2] Resource Conservation and Recovery Act of 1976, as amended.

[3] Prompt notification of releases of massive forms of these substances is not required if the diameter of the pieces of the substance released is equal to or exceeds 100 micrometers (0.004 inches).

[4] The combined emissions of all volatile organic compounds (VOCs), excluding any VOCs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded. VOC is defined in LAC 33:III.111 and exempt compounds are listed in LAC 33:III.2117.

@ The first RQ listed denotes the reportable quantities that will apply to unauthorized emissions based on total mass emitted into or onto all media within any consecutive 24-hour period. The second RQ listed denotes the reportable quantities that will apply to unauthorized emissions based on total mass emitted into the atmosphere.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), R.S. 30:2060(H), R.S. 30:2076(D), R.S. 30:2183(I), R.S. 30:2194(C), R.S. 30:2204(A), and R.S. 30:2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998

40 CFR
Protection of Environment
CHAPTER I

ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D -- WATER PROGRAMS

PART 112 -- OIL POLLUTION PREVENTION

Sec.
Subpart A -- Applicability, Definitions, and General Requirements For All Facilities and All Types of Oils

Sec.
112.1 General applicability.
112.2 Definitions.
112.3 Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan.
112.4 Amendment of Spill Prevention, Control, and Countermeasure Plan by Regional Administrator.
112.5 Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators.
112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans.

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)

Sec.
112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).

Subpart A -- Applicability, Definitions, and General Requirements for All Facilities and All Types of Oils

Source: 67 FR 47140, July 17, 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 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. The completely buried storage capacity of a facility also excludes the capacity of a container that is "permanently closed," as defined in §112.2.

(ii) The aggregate aboveground storage capacity of the facility is 1,320 gallons or less of oil. For purposes of this exemption, only containers of oil with a capacity of 55 gallons or greater are counted. The aggregate aboveground storage capacity of a facility excludes the capacity of a container that is "permanently closed," as defined in §112.2.

(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, t 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, except that such a tank 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.

(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.

§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, 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 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 the types of activity at the site.

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.

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.

Navigable waters means the waters of the United States, including the territorial seas.

(1) The term includes:

(i) 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 subject to the ebb and flow of the tide;

(ii) All interstate waters, including interstate wetlands;

(iii) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters:

(A) That are or could be used by interstate or foreign travelers for recreational or other purposes; or

(B) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or,

(C) That are or could be used for industrial purposes by industries in interstate commerce;

(iv) All impoundments of waters otherwise defined as waters of the United States under this section;

(v) Tributaries of waters identified in paragraphs (1)(i) through (iv) of this definition;

(vi) The territorial sea; and

(vii) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraph (1) of this definition.

(2) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds which also meet the criteria of this definition) 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 CWA, the final authority regarding CWA jurisdiction remains with EPA.

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 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.

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil, or associated storage or measurement, and located in a single geographical oil or gas field operated by a single operator.

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.

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

The owner or operator of an onshore or offshore facility subject to this section must prepare a Spill Prevention, Control, and Countermeasure Plan (hereafter "SPCC Plan" or "Plan)," in writing, and 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, on or before February 17, 2003, and must implement the amended Plan as soon as possible, but not later than August 18, 2003. If your onshore or offshore facility becomes operational after August 16, 2002, through August 18, 2003, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare a Plan on or before August 18, 2003, and fully implement it as soon as possible, but not later than August 18, 2003.

(b) If you are the owner or operator of an onshore or offshore facility that becomes operational after August 18, 2003, 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.

(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. 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. You may not operate a mobile or portable facility subject to this part unless you have implemented the Plan. The Plan is applicable only while the facility is in a fixed (non-transportation) operating mode.

(d) 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.

(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.

§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) Have a Professional Engineer certify any technical amendment to your Plan in accordance with §112.3(d).

§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. 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), 112.10(c), 12.12(c)(2), 112.12(c)(11),112.13(c)(2), and 112.14(c), 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 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), 112.12(c)(11), 112.13(c)(2), and 112.14(c), 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 container. The facility diagram must include completely buried 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. You must also address in your Plan:

(i) The type of oil in each container and its storage capacity;

(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). 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 or pipe, will not escape the containment system before cleanup occurs. 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;

(iii) Culverting, gutters, or other drainage systems;

(iv) Weirs, booms, or other barriers;

(v) Spill diversion ponds;

(vi) Retention ponds; or

(vii) Sorbent materials.

(2) For offshore facilities:

(i) Curbing or drip pans; or

(ii) Sumps and collection systems.

(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), 112.12(c)(11), 112.13(c)(2),

and 112.14(c) 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). (1) Fully fence each facility handling, processing, or storing oil, and lock and/or guard entrance gates when the facility is not in production or is unattended.

(2) Ensure that the master flow and drain valves and any other valves permitting direct outward flow of the container's contents to the surface have adequate security measures so that they remain in the closed position when in non-operating or non-standby status.

(3) Lock the starter control on each oil pump in the "off" position and locate it at a site accessible only to authorized personnel when the pump is in a non-operating or non-standby status.

(4) Securely cap or blank-flange the loading/unloading connections of oil pipelines or facility piping when not in service or when in standby service for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure.

(5) Provide facility lighting commensurate with the type and location of the facility that will assist in the:

(i) Discovery of discharges occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.); and

(ii) Prevention of discharges occurring through acts of vandalism.

(h) Facility tank car and tank truck loading/unloading rack (excluding offshore facilities). (1) Where loading/unloading area 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 and unloading areas. 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 break interlock system in loading/unloading areas 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.

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 container 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 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 catholic 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 each aboveground container for integrity on a regular schedule, and whenever you make material repairs. The frequency of and type of testing must take into account container size and design (such as floating roof, skid-mounted, elevated, or partially buried). You must combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell 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 will suffice for purposes 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). 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 catholically 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.

APPENDIX I
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Corporate

131 Keating Drive
Belle Chasse, LA 70037
Office: (504) 394-6110
Fax: (504) 392-8977

Louisiana

131 Keating Drive
Belle Chasse, LA 70037
Office: (504) 394-6110
Fax: (504) 392-8977

221 Clendenning Road
Houma, LA 70363
Office: (985) 868-0119
Fax: (985) 868-0425

9625 Highway 182
Morgan City, LA 70381
Office: (985) 631-9664
Fax: (985) 631-2823

3401 Jack Brooks Road
New Iberia, LA 70560
Office: (337) 364-5373
Fax: (337) 367-9444

5227 N. River Road
Port Allen, LA 70767
Office: (225) 388-9992
Fax: (225) 388-0895

11966 River Road
St. Rose, LA 70087
Office: (504) 712-6947
Fax: (504) 712-6949

42519 Highway 23
Venice, LA 70091
Office: (504) 534-7563
Fax: (504) 534-7566

Texas

2308 W. Fairmont Pkwy.
La Porte, TX 77571
Office: (281) 470-2016
Fax: (281) 470-2216

8725 Industrial Circle
Port Arthur, TX 77640
Office: (409) 962-7226
Fax: (409) 962-7260

5172 W. Loop 281 South
Longview, TX 75603
Office: (903) 232-7151
Fax: (903) 232-7140

Environmental & Safety Products

1601 4th Street
Harvey, LA 70058
Office: (504) 367-7562
Fax: (504) 367-7567