

Appendix E: Spills

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Spill Prevention, Control, and Countermeasure Plans

The federal Clean Water Act requires facilities that store any kind of oil in certain volumes to prepare and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans to prevent the discharge of oil from a facility into navigable waters or adjoining shorelines. SPCC Plans require that your facility have adequate containment, such as berms and dikes around aboveground fuel tanks, to protect the soil and water in the event of a spill [40 CFR 112.1].

SPCC Plans are federal requirements administered by the U.S. Environmental Protection Agency (EPA).

Does Your Marina Require a SPCC Plan?

Your facility needs to develop a SPCC plan if it does any of the following:

- ◆ Stores oil above ground in any size tank(s) with a total aggregate volume over 1,320 gallons (containers of less than 55 gallons and/or permanently closed storage tanks are exempt from the total); **or**
- ◆ Stores oil below ground in any size tank(s) with at total aggregate volume of 42,000 gallons (except for tanks that are compliant with the state requirement for Underground Storage Tanks);

AND

- ◆ Could reasonably be expected to discharge oil to a “navigable water of the United States” or “adjoining shorelines” considering a possible worst-case scenario. (This criterion applies to just about every marina in the state, since a facility cannot take into consideration any man-made impediments to the flow of oil.)

NOTE: “Oil” is defined in Section 311(a)(1) of the Clean Water Act as “oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.” EPA interprets this definition to include crude oil, petroleum, and petroleum-refined products, as well as non-petroleum oils such as vegetable and animal oils.

NOTE: “Navigable waters” are broadly defined under the Clean Water Act and the Oil Pollution Act to include all waters that are used in interstate or foreign commerce, all interstate waters including wetlands, and all intrastate water including wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds.

- ◆ A registered Professional Engineer, not the facility management, must make a determination that a SPCC Plan is not necessary for a facility.

What is an SPCC Plan?

A SPCC Plan outlines a facility's oil containment systems and procedures to prevent an oil spill. It also outlines oil spill response and cleanup protocols.

Each SPCC Plan is site specific, but must address the following:

- ◆ Operating procedures that prevent oil spills;
- ◆ Control measures installed to prevent a spill from reaching the environment; and
- ◆ Countermeasures to contain, clean up, and mitigate the effects of an oil spill that reaches the environment.

Who Writes an SPCC Plan?

The facility can prepare the plan but a Registered Professional Engineer must certify the plan.

Is There a Particular Form or Format for the SPCC Plan?

The EPA does not expect any two plans to look alike. However, at a minimum, all plans must include:

- ◆ Facility layout and drainage patterns;
- ◆ List of all oil storage tanks and areas;
- ◆ Quantities of oil that could be released, with predicted path of flow and flow rate;
- ◆ Procedures for receiving oil from the supplier, transfer of oil within the facility, end point uses of the oil, and waste oil disposal;
- ◆ Effects of a spill at the facility, fire hazards, employee evacuation, customer/neighbor considerations, press relations;
- ◆ Capacity of required secondary containment devices;
- ◆ Clean-up procedures, including use of in-house staff versus contractors;
- ◆ Notification list – Name(s) and phone numbers of in-house management, remote management, fire and police, municipal, state and federal agencies requiring notification;
- ◆ Facility security for prevention of internal sabotage and external vandalism;
- ◆ Employee training for spill prevention, oil handling, and spill clean-up; and
- ◆ OSHA considerations.

Where Should the SPCC Plan be Located?

REQUIRED: A copy of the SPCC plan must be maintained at any facility manned at least 8 hours per day. For remote locations, the SPCC plan should be filed at the nearest field office. A copy does not have to be filed with the EPA or any other agency unless it is a condition of a permit or license held by the facility. However, the SPCC plan must be available during normal business hours for review by an EPA inspector. The EPA requires that facilities submit a copy of the SPCC plan to EPA Region 10 if a single spill of greater than 1,000 gallons occurs or if two discharges of 42 gallons or more occurs within one year.

All employees must be made aware of the SPCC plan. It is highly recommended that you post copies of the plan in plain view at oil storage locations.

Does a SPCC Plan Need to be Reviewed and/or Updated?

- ◆ The plan has to be reviewed at least once every five years. You must keep records of these reviews. An example of such documentation is “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 (signature)”.
- ◆ The plan must be amended when:
 - There are changes in facility design, construction, operation, or maintenance that materially affect the facility’s potential for the discharge of oil or
 - There are two or more spills in 12 months or one spill of 1,000 gallons.
- ◆ A Registered Professional Engineer must certify only technical changes to the SPCC plan. Non-technical amendments include personnel or contact information changes.

Who Cares if My Facility Does Not Have a Plan?

- ◆ Company management. Having measures in place to prevent spills is cost effective, since spill cleanup can be costly. However, when a plan is in place, spill cleanup can be more efficient, more effective and less costly than if there is no course of action.
- ◆ The U.S. EPA. The penalty of failure to have a SPCC Plan can be up to \$27,500 per day of violation (up to a maximum of \$137,500) if an administrative action is filed. The EPA performs random, unannounced inspections of facilities suspected of needing a SPCC Plan.

If There is a Spill, What Could I be Held Responsible for?

- ◆ Removing the material from public property. Cleaning of highways, waterways, storm drains, bridge abutments, etc.
- ◆ Removing the material from private property, such as boat hulls and parking lots.
- ◆ Paying for natural resources damages (lost parking receipts at public beaches; lost revenues from fishing licenses; replacing killed fish, shellfish, and waterfowl).
- ◆ Paying for lost livelihood wages of fisherman and shell fisherman, devaluation of property for sale. Private suits.
- ◆ Civil penalty for spilling into a water of the U.S.
- ◆ Criminal penalty if you fail to notify the federal authorities. State agencies and contractors have no responsibility to notify for you.

For more information about the federal SPCC program, visit www.epa.gov/oilspill/spcc.htm.

Your Role in Spill Response: What to Do if You Have a Spill

You are responsible for the *immediate* cleanup of your spill, regardless of the quantity involved. The responsibility lies with the person who spills the product, as well as the person owning or having authority over the oil or hazardous material.

Reportable spills include:

- any amount of oil to waters of the state;
- oil spills on land in excess of 42 gallons;
- hazardous materials that are equal to, or greater than, the quantity listed in the Code of Federal Regulations, 40 CFR Part 302 (List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002.

Immediately report the spill or threatened spill to the Oregon Emergency Response System (OERS) phone number is **1-800-452-0311**.

When you report the spill to OERS you will need to provide basic spill information:

- type of oil or hazardous material
- quantity
- location of spill (land or water)
- names and phone numbers

Some oil or hazardous material spills will require a separate notification to the National Response Center at 1-800-424-8802. The Web site at www.epa.gov/oilspill/oilregs.htm will provide you with information necessary to determine if you need to report to the federal system.

Actions to Take

- Move away or upwind from the spill if you detect an odor and are unsure if it's safe.
- Avoid contact with liquids or fumes.
- Keep non-emergency people out of the area.
- Wear protective clothing.
- Control and contain the spill.
- Clean up what you can immediately.
- Contact DEQ to confirm the appropriate disposal site for contaminated materials.
- Remove the cleanup materials to a facility (such as a solid or hazardous waste landfill or recycling facility.) Save your receipts. You may need them for documentation.
- Continue with long-term cleanup.

- You will then be asked to file a report to the Department of Environmental Quality (DEQ). The form is available at:

<http://www.deq.state.or.us/wmc/documents/SpillReportform.pdf>



Truck crash on Highway 20 at Bowers Slough. Contractors work to control and contain the spill of diesel.

DEQ's Role

DEQ is responsible for ensuring that the cleanup is done in a way that protects human health and the environment. Oregon law also requires DEQ to recover its costs in carrying out this responsibility.

Depending on the type and quantity of material spilled, and the potential threat to people or the environment, DEQ may choose to oversee the cleanup. This oversight may take the form of DEQ staff at the scene, phone contact, document review or a combination of these. You are responsible for these oversight costs, including staff salaries, supplies, and equipment used. You will normally be billed for DEQ costs within 45 days. However, additional charges, such as lodging and transportation, may arrive later.

If you fail to clean up your spill, DEQ may clean it up for you and is allowed by law to fine you up to three times the cost of the cleanup, in addition to the actual cost of the cleanup.

To Find Out More

The Emergency Response coordinators assigned to each of DEQ's regional offices are listed in the margin. You can also find out more about DEQ's Emergency Response program by visiting our web site at:

www.deq.state.or.us/wmc/



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Last Updated: 8-04
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DEQ 04-WR-010