

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

FACILITY NAME: _____

FACILITY ADDRESS: _____

1. Does the facility have an oil storage capacity that is greater than or equal to 42,000 gallons and conduct operations that include over-water transfers to or from vessels?
 Yes
 No *proceed to questions below*

2. Does the facility have an oil storage capacity greater than or equal to one million gallons **and** does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation with any aboveground storage area
 Yes
 No *proceed to next question*

3. Does the facility have an oil storage capacity greater than or equal to one 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 *proceed to next question*

4. Does the facility have an oil storage capacity greater than or equal to one 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 formula¹ such that a discharge from the facility would shut down a public drinking water intake²?
 Yes
 No *proceed to next question*

5. Does the facility have an oil storage capacity greater than or equal to one 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 *proceed to next question*

Certification

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

Signature _____

Name (please type or print) _____

Title _____

Date _____

Footnotes:

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).