Title 40—Protection of the Environment
CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY
SUBCHAPTER D—WATER PROGRAMS
PART 112—OIL POLLUTION PREVENTION
Non-transportation Related Onshore and Offshore Facilities

Notice of proposed rule making was published on July 19, 1973, containing proposed regulations, required by an pursuant to section 311(f)(1)(C) of the Federal Water Pollution Control Act, as amended (86 Stat. 868, 39 U.S.C. 1251 et seq.), (FWPCA), to prevent discharges of oil into the navigable waters of the United States and to contain such discharges if they occur. The proposed regulations endeavor to prevent such spills by establishing procedures, methods and equipment requirements of owners or operators of facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, or consuming oil.

Written comments on the proposed regulations were solicited and received from interested parties. In addition, a number of verbal comments on the proposal were also received. The written comments were filed at the Department of Transportation, Oil and Hazardous Materials, Office of Water Program Operations, U.S. Environmental Protection Agency, Washington, D.C.

All of the comments have been given careful consideration and a number of changes have been made in the regulation. These changes incorporate either suggestions made in the comments or ideas initiated by the suggestions.

Some comments reflected a misunderstanding of the fundamental principles of the regulation, specifically as they applied to older facilities and marginal operations. During the development of the regulation it was recognized that no single design or operational standard can be used for all non-transportation related facilities, since the equipment and operational procedures appropriate for one facility may not be appropriate for another because of factors such as function, location, and age of each facility. Also, new facilities could achieve a higher level of spill prevention than older facilities by the use of fail-safe design concepts and innovative spill prevention methods and procedures. It was concluded that older facilities and marginal operations could develop strong spill containment plans and commit manpower, oil containment devices and removal equipment to compensate for inherent weaknesses in spill prevention.

Appropriate changes were made in the regulation to simplify, clarify or correct deficiencies in the proposal.

A discussion of these changes, section by section follows:

A. Section 112.1—General applicability.

Section 112.1(b), the "foreseeability" provision in §112.1(b) was added to paragraph 112.1(b). As modified, the regulation applies to non-transportation-related onshore and offshore facilities which, due to their location, could reasonably be expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines.

Sections 112.1(b), 112.1(d)(4) and 112.3 are now consistent.

Section 112.1(d)(2) was expanded to further clarify the respective authorities of the Department of Transportation and the Environmental Protection Agency by referring to the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency (Appendix).

Section 112.1(d)(2), the figure for barrels was converted to gallons, a unit of measure more familiar to the public, and now reads "45,000 gallons."

Section 112.1(d)(3), exemption for facilities with nonburied tankage was extended to 1200 gallons in aggregate with no single tank larger than 660 gallons and applies to all oils, not just heating oil and motor fuel. Tanks of 660 gallons are the normal domestic code size for nonburied heating oil tanks. Buildings may have two such tanks. Facilities containing small quantities of oil other than motor fuel or heating oil would also be exempt, thus making this consistent with the definition of oil in §112.2. Section 112.2—Definitions. Section 112.2(1), the term "navigable waters" was expanded to the more descriptive definition used by the National Pollutant Discharge Elimination System.

Section 112.2(m), the U.S. Coast Guard definition of the term "vessel" was included. This term is used in the regulation and is consistent with the Department of Transportation regulations.

C. Section 112.3—Requirements for the preparation and implementation of spill prevention control and countermeasure plans. A new paragraph (c) was added to §112.3 which applies to mobile or portable facilities subject to the regulation.

The change requires that the owner or operator review the SPCC Plan when his facility became subject to §112.4 (amendment to §112.4(a) on an amendment to §112.4(c) in the proposed rule making) have been modified to allow extensions of time beyond the normally specified periods for preparation of plans as well as to their implementation and to remove the time limitation of one year for extensions. Extensions may be allowed for whatever period of time considered reasonable by the Regional Administrator.

Section 112.3(e)(1), added to paragraph 112.3(e), was changed to include the availability of qualified personnel as a reason for the Regional Administrator granting an extension of time.

D. Section 112.4—Amendment of spill prevention control and countermeasure plans by Regional Administrator. Section 112.4(a)(11), permits the Regional Administrator to require that the owner or operator furnish additional information to EPA after one or more spill events have occurred. The change limits the request for additional information to that pertinent to the SPCC Plan or to the pollution incident.

Section 112.4(b) now reads "Section 112.4(a), not this subsection.

E. Section 112.4(e) allowed the Regional Administrator to require amendments to SPCC Plans and specifies that the amendment must be incorporated in the Plan within 30 days unless the Regional Administrator specifies an earlier effective date. The change allows the Regional Administrator to specify any appropriate time beyond the normally specified period.

Section 112.4(f). A new §112.4(f) has been added which provides for an appeal by an owner or operator from a decision rendered by the Regional Administrator on an amendment to a SPCC Plan. An appeal is made to the Administrator of EPA and the paragraph outlines the procedures for making such an appeal.

F. Section 112.5—Amendment of spill prevention control and countermeasure plans by owners or operators. Section 112.5(b) required the owner or operator to amend the SPCC Plan every three years. The amendment required the incorporation of any new, field-proven technology and had to be certified by a Professional Engineer.

The change requires that the owner or operator review the Plan every three years to see if it needs amendment. New technology need be incorporated only if it significantly reduces the likelihood of a spill. The change prevents frivolous retrofitting of equipment to facilities whose prevention plans are working efficiently, and will not require engineering certification unless an amendment is necessary.

Section 112.5(e), this paragraph required that the owner or operator amend his SPCC Plan when his facility became subject to §112.4 (amendment by the Regional Administrator). This paragraph was removed. It is inconsistent to require the owner or operator to independently amend the Plan while the Regional Administrator is reviewing it for possible amendment.

G. Section 112.6—Civil penalties. There are no changes in this section.

H. Section 112.7—Guidelines for the preparation and implementation of a spill prevention control and countermeasure plan. Numerous changes have been made in the guidelines section; the changes have been primarily: 1. To correct the language of the language inconsistent with guidelines. For example, the word "shall" has been changed to "should" in §112.6(a) through (e).
3. To give the engineer preparing the Plan greater latitude to use alternative methods, including energy, to a given facility or local conditions.

3. To cover facilities subject to the regulation, but for which no guidelines were previously given. This category includes things such as mobile facilities, and drilling and workover rigs.

In addition, wording was changed to differentiate between periodic observations by operating personnel and formal inspections with attendant record keeping.

These regulations shall become effective January 10, 1974.


JOHN QUARLES
Acting Administrator.

A new Part 112 would be added to subchapter D, Chapter II of Title 40, Code of Federal Regulations as follows:

Sec.112.1 General applicability.

112.2 Definitions.

112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans by Regional Administrator.

112.4 Amendment of Spill Prevention Control and Countermeasure Plans by Regional Administrator.

112.5 Amendment of Spill Prevention Control and Countermeasure Plans by owners or operators.

112.6 Civil penalties.

112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

Appendix

Memorandum of Understanding between the Secretary of the Department of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 36 FR 24000.

(2) Facilities which have an aggregate storage capacity of 42000 gallons or less of oil and such total storage capacity is buried underground.

(4) Non-transportation-related onshore and offshore facilities, which, due to their location, could not reasonably be expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines.

(e) This section provides for the preparation and implementation of Spill Prevention Control and Countermeasure Plans as defined in section 512.7, designated for the purpose of preventing oil discharges, in compliance with the related Federal, State or local laws.


§112.2 Definitions.

For the purposes of this part:

(a) "Oil" means 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.

(b) "Discharge" includes but is not limited to, any spilling, leaking, pumping, pouring, emptying, or dumping. For purposes of this part, the term "discharge" shall not include any discharge of oil which is authorized by a permit issued pursuant to Section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or Sections 402 or 408 of the FWPRA Amendments of 1972 (36 Stat. 616 et seq., 33 U.S.C. 1251 et seq.).

(c) "Onshore facility" means any facility of any kind located in, on, or under any land within the United States, other than submerged lands, which is not a transportation-related facility.

(d) "Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States, which is not a transportation-related facility.

(e) "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 such facility immediately prior to such abandonment.

(f) "Person" includes an individual, firm, corporation, association, and a partnership.

(g) "Regional Administrator" means the Regional Administrator of the Environmental Protection Agency, or his designee, in and for the Region in which the facility is located.

(h) "Transportation-related" and "non-transportation-related" as applied to an onshore or offshore facility, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 36 FR 24000.

(i) "Spill event" means a discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities, as defined in 40 CFR Part 110.

(j) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(k) "Navegable waters of the United States" means "navigable waters" as defined in section 502(7) of the FWPCA, and includes:

(1) all navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters;

(2) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes.

(4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

(l) "Vessel" means every description of watercraft or appurtenance thereto, which is a means of transportation of persons or property, other than a public vessel.

§112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.

(a) Owners or operators of onshore and offshore facilities in operation on or before the effective date of this part that have discharged or could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR Part 110, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare a Spill Prevention Control and Countermeasure Plan (hereinafter "SPCC Plan"), in accordance with §112.7. Except as provided for in paragraph (f) of this section, such SPCC Plans shall be prepared within six months after the effective date of this part and shall be fully implemented as soon as possible, but not later than one year after the effective date of this part.
(b) Owners or operators of onshore and offshore facilities that become operational after the effective date of this part, and that have discharged or could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR Part 110, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare an SPCC Plan in accordance with § 112.7. Except as provided for in paragraph (f) of this section, each time the facility is moved to a new site. The SPCC Plan for mobile facilities such as onshore drilling or workover rigs, and portable fueling facilities shall prepare and implement an SPCC Plan as required by paragraphs (a), (b) and (d) of this section. Each time the facility is moved within six months after the date such facility begins operations and shall be fully implemented as soon as possible, but not later than one year after such facility begins operations.

(c) Onshore and offshore mobile or portable facilities such as onshore drilling or workover rigs, barge mounted offshore drilling or workover rigs, and portable fueling facilities shall prepare and implement an SPCC Plan as required by paragraphs (a), (b) and (d) of this section. A complete copy of the Plan at such facility if the facility is moved to a new site. The SPCC Plan for mobile facilities should be prepared in accordance with § 112.7, utilizing good engineering practice, and when the mobile facility is moved it should be located and installed utilizing spill prevention practices outlined in the SPCC Plan for the facility. The SPCC Plan shall only apply while the facility is in a fixed (non transportation) operating mode.

(d) No SPCC Plan shall be effective to satisfy the requirements of this part unless it has been reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. By means of this certification the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the SPCC Plan has been prepared in accordance with good engineering practices. Such certification shall in no way relieve the owner or operator of such facility from his obligation to comply with the requirements of this part or that the owner or operator shall in no way relieve the owner or operator from his obligation to comply with the requirements of § 112.3 (a), (b) or (c). Where an extension of time is authorized, the Regional Administrator may require the owner or operator of such facility to amend the Plan to satisfy the requirements of this part or that the owner or operator shall in no way relieve the owner or operator from his obligation to comply with the requirements of § 112.3 (a), (b) or (c).

§ 112.4 Amendment of SPCC Plans by Regional Administrator.

(a) Notwithstanding compliance with § 112.3, an amendment to a facility Plan subject to § 112.3 (a), (b) or (c) has: Discharged more than 1,000 U.S. gallons of oil into or upon the navigable waters of the United States or adjoining shorelines in a single spill event, or discharged oil in harmful quantities, as defined in 40 CFR Part 110, into or upon the navigable waters of the United States or adjoining shorelines in a single spill event, reportable under section 311(b) (6) of the FWPCA, occurring within any twelve month period, the owner or operator of such facility shall notify the Regional Administrator, within 60 days from the time such facility becomes subject to this section, the following:

(1) Name(s) of the facility;

(2) Name(s) of the owner or operator of the facility;

(3) Location of the facility;

(4) Date and year of initial facility operation;

(5) Maximum storage or handling capacity of the facility and normal daily throughput;

(b) Section 112.4 shall not apply until the expiration of the time permitted for the preparation and implementation of an SPCC Plan pursuant to § 112.3 (a), (b), (c) and (f).

(e) When the Regional Administrator proposes to require an amendment to the SPCC Plan, he shall notify the facility owner or operator by certified mail addressed to, or by personal delivery to, the facility owner or operator, that he proposes to require an amendment to the Plan, and shall specify the terms of such amendment. If the facility owner or operator is a corporation, a copy of such notice shall also be mailed to the registered agent, if any, of such corporation in the State in which such facility is located. Within 30 days from receipt of such notice, the facility owner or operator may require the Regional Administrator to amend the Plan if he finds that the Plan does not meet the requirements of this part or that the amendment is necessary to prevent and to contain discharges of oil from such facility.

(f) After review of the SPCC Plan for a facility subject to paragraph (a) of this section, together with all other information submitted by the owner or operator of such facility, and by the State agency under paragraph (c) of this section, the Regional Administrator may require the owner or operator of such facility to amend the SPCC Plan if he finds that the Plan does not meet the requirements of this part or that the amendment is necessary to prevent and to contain discharges of oil from such facility.

(g) Notwithstanding § 11.2.3, the Regional Administrator may require the owner or operator of any facility subject to § 112.3 (a), (b), (c) or (f) to submit a copy of all information provided to the Regional Administrator pursuant to § 112.4 (a) of this section along with the information submitted by the owner or operator of such facility, and by the State agency under paragraph (c) of this section, the Regional Administrator may require the owner or operator of such facility to amend the SPCC Plan if he finds that the Plan does not meet the requirements of this part or that the amendment is necessary to prevent and to contain discharges of oil from such facility.

(h) Upon receipt of such information such State agency may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment and other requirements for equipment necessary to prevent and to contain discharges of oil from such facility.
after such notice, unless the Regional Administrator, for good cause, shall specify another effective date. The owner or operator of the facility shall implement the amendments of the Plan as soon as possible, but not later than six months after the amendment becomes part of the Plan, unless the Regional Administrator specifies another date. The owner or operator may appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan. The appeal shall be made to the Administrator of the United States Environmental Protection Agency and must be made in writing within 30 days of receipt of the notice from the Regional Administrator requiring the amendment. A complete copy of the appeal must be sent to the Regional Administrator at the time the appeal is made. The appeal shall contain a clear and concise statement of the issues and points of fact in the case. It may also contain additional information which the owner or operator wishes to present in light of his appeal. The Administrator or his designee may request additional information from the owner or operator, or from any other person. The Administrator or his designee may request additional information from the owner or operator, or from any other person. The Administrator or his designee shall render a decision within 60 days of receiving the appeal and shall notify the owner or operator of his decision.

§ 112.5 Amendment of Spill Prevention Control and Countermeasure Plans by owners or operators.

(a) Owners or operators of facilities subject to § 112.3 (a), (b) or (c) shall amend the SPCC Plan for such facility in accordance with § 112.7 whenever there is a change in facility design, construction, operation, or maintenance which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines. Such amendments shall be fully implemented as soon as possible, but not later than six months after such change occurs.

(b) Whenever an owner or operator of a facility subject to § 112.3 (a), (b) or (c) shall amend the SPCC Plan within six months of the review to include more effective prevention and control technology if:

(1) Such technology will significantly reduce the likelihood of a spill from the facility, and (2) if such technology has been field-proven at the time of the review.

(c) No amendment to an SPCC Plan shall be effective to satisfy the requirements of this section unless it has been certified by a Professional Engineer in accordance with § 112.3 (d).

§ 112.6 Civil penalties.

Owners or operators of facilities subject to § 112.3 (a), (b) or (c) who violate the requirements of this part by failing or refusing to comply with any of the provisions of this section or § 112.5 shall be liable for a civil penalty of not more than $5,000 for each day that such violation continues. The Regional Administrator may assess and compromise such civil penalty. No penalty shall be assessed until the owner or operator shall have been given notice and an opportunity for hearing.

§ 112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

The SPCC Plan shall be a carefully thought-out plan, prepared in accordance with good engineering practices, and which has the full approval of management at a level with authority to commit the necessary resources. If the plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, these items should be discussed in separate paragraphs, and the details of installation and operational start-up should be explained separately. The complete SPCC Plan shall follow the sequence outlined below, and include a discussion of the facility's conformance with the appropriate guidelines listed:

(a) A facility which has experienced one or more spill events within twelve months prior to the effective date of this part shall include a written description of each such spill, corrective action taken and plans for preventing recurrence.

(b) Where experience indicates a reasonable potential for equipment failure (such as tank overflow, rupture, or leakage), the plan should include a discussion of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each major type of failure.

(c) Appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water course should be provided. One of the following preventive systems or its equivalent should be used as a minimum:

(i) Onshore facilities.

(ii) Dikes, berms or retaining walls sufficiently impervious to contain spilled oil

(iii) Curbing

(iv) Culverting, gutters or other drainage systems

(v) Weirs, booms or other barriers

(vi) Spill diversion ponds

(vii) Retention ponds

(viii) Sorbent materials

(ix) Offshore facilities.

(x) Curbing, drip pans

(xi) Dumps and collection systems

(xii) Water treatment systems

(xiii) The installation of structures or equipment listed in § 112.7(e) to prevent discharged oil from reaching the navigable waters is not practicable from any onshore or offshore facility, the owner or operator should clearly demonstrate such impracticability and provide the following:

(1) A strong oil spill contingency plan following the provisions of 40 CFR Part 109.

(2) A written commitment of manpower, equipment and materials required to expeditiously control and remove any harmful quantity of oil discharged.

(e) In addition to the minimal prevention standards listed under § 112.7 (c), sections of the Plan should include a complete discussion of conformance with the following: drilling, dispersal and other effective spill prevention and containment procedures (or, if more stringent, with State rules, regulations and guidelines):

(1) Facility drainage (onshore); (excluding production facilities).

(2) Diked areas for storage of produced water and other oil (onshore).

(3) Movement of oil from onshore storage areas from any onshore or offshore facility to water course and into wastewater treatment plants.

(4) Appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water course

(f) Plant drainage systems from undiked areas should, as far as practical, be of open and closed design. When using closed systems, it should be examined before starting to be sure all oil will be discharged into the water.

(g) Plan drainage systems from undiked areas should, as far as practical, be of open and closed design. When using closed systems, it should be examined before starting to be sure all oil will be discharged into the water.

(h) Plan drainage systems from undiked areas should, as far as practical, be of open and closed design. When using closed systems, it should be examined before starting to be sure all oil will be discharged into the water.

(i) Plan drainage systems from undiked areas should, as far as practical, be of open and closed design. When using closed systems, it should be examined before starting to be sure all oil will be discharged into the water.

(j) Plan drainage systems from undiked areas should, as far as practical, be of open and closed design. When using closed systems, it should be examined before starting to be sure all oil will be discharged into the water.

(k) Plan drainage systems from undiked areas should, as far as practical, be of open and closed design. When using closed systems, it should be examined before starting to be sure all oil will be discharged into the water.
tank should be used for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure, etc.

(ii) All bulk storage tank installations should be constructed so that a secondary means of containment is provided for the entire volume of the largest single tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spilled oil. Fast-acting enclosures, and piping are commonly employed for this purpose, but they may not always be appropriate. An alternative system could consist of a complete drainage trench enclosure arranged so that a spill could terminate and be safely confined in an in-plant catchment basin or holding pond.

(iii) Drainage of rainfall from the dike area into a storm drain or an efficient discharge that empties into an open water course, lake, or pond, and bypassing the in-plant treatment system may be feasible.

(A) The bypass valve is normally sealed closed.

(B) Inspection of the run-off rain water drainage system for compliance with applicable water quality standards and shall not cause a hazardous damage as defined in 40 CFR 110.

(C) The bypass valve is opened, and the associated following drainage under responsible supervision.

(D) Adequate records are kept of such events.

(iv) Buried metallic storage tanks represent a potential for undetected spills. A new buried installation should be protected from corrosion by coatings, cathodic protection or other effective methods compatible with local soil conditions. Such buried tanks should at least be subjected to regular pressure testing.

(v) Partially buried metallic tanks for the storage of oil should be avoided, unless protection of the shell is adequately coated, since partial burial in damp earth can cause rapid corrosion of metallic surfaces, especially at the earth/air interface.

(vi) Aboveground tanks should be subject to periodic integrity testing, taking into account tank design (floating roof, etc.) and using such techniques as hydrostatic testing, visual inspection or a system of non-destructive shell thickness testing. Comparison records should be kept where appropriate, and tank supports and foundations should be included in these inspections. In addition, the outside of the tank should frequently be observed by operating personnel for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked areas.

(vii) To control leakage through defective internal heating coils, the following should be considered and applied, as appropriate.

(A) The steam return or exhaust lines from internal heating coils which discharge water could be monitored for contamination or passed through a settling tank, skimmer, or other separation or retention system.

(B) The feasibility of installing an external heating system should also be considered.

(viii) New and old tank installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to avoid spills. Consideration should be given to providing the following devices: (A) High liquid level alarms with an audible or visual signal at a constantly manned operation or surveillance station; if the plant has audible air vents may suffice.

(B) Considering size and complexity of the facility, high liquid level pump cutoff devices set to stop flow at a predetermined tank content level.

(C) Direct audible or code signal communication between the tank gauger and the pumping station.

(D) A fast response system for determining the liquid level of each bulk storage tank such as digital computers, telepuls, or direct vision gauges or their equivalent.

(E) Liquid level sensing devices should be regularly tested to insure proper operation.

(ix) Plant effluents which are discharged into navigable waters should have disposal facilities observed frequently enough to detect possible system upset that could cause an oil spill event.

(x) Visible oil leaks which result in a loss of oil from tank seams, gaskets, rivets and bolts sufficiently large to cause the accumulation of oil in diked areas should be promptly corrected.

(xi) Mobile or portable oil storage tanks (onshore) should be positioned or located so as to prevent spilled oil from reaching navigable waters. A secondary means of containment, such as dike or catchment basins, should be furnished for the largest single compartment or tank. These facilities should be located where they will not be subject to periodic flooding or washout.

(3) Facility transfer operations, pumping, and in-plant process (onshore); (excluding production facilities) (A) Buried piping installations should have a protective wrapping and coating and should be cathodically protected if soil conditions warrant. If a section of buried line is exposed for any reason, it should be carefully examined for deterioration. If corrosion damage is found, additional examination and corrective action should be taken as determined by the magnitude of the damage. An alternative would be the more frequent use of exposed pipe corridiers or galleries.

(B) When a pipeline is not in service, or in standby service for an extended time the terminal connection at the transfer point should be capped or blank-flanged, and marked as to origin.

(C) Pipe supports should be properly designed to minimize abrasion and corrosion and allow for expansion and contraction.

(D) All aboveground valves and pipelines should be subjected to regular examinations by operating personnel at which time 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 should be assessed. In addition, periodic pressure testing may be required for piping in areas where facility drainage is such that a failure might lead to a spill event.

(E) Vehicular traffic granted entry into the facility should be controlled by any means or by appropriate signs to be sure that the vehicle, because of its size, will not endanger above ground piping.

(4) Facility drainage (onshore) bulk storage tanks. (A) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

FEDERAL REGISTER, VOL. 38, NO. 237—TUESDAY, DECEMBER 11, 1973
(B) All tank battery and central treating plant installations should be provided with a secondary means of containment for the entire contents of the largest single tank if feasible, or alternate systems such as those outlined in § 112.7(c)(1). Drainage from undiked areas should be safely confined in a catchment basin or holding pond.

(C) All tanks containing oil should be visually examined by a competent person for condition and need for maintenance on a scheduled periodic basis. Such examination should include the foundation and supports of tanks that may be hazardous to public or private facilities and in areas where public or private facilities are vulnerable to damage. All tanks should be visually examined by a competent person for condition and need for maintenance on a scheduled periodic basis.

(D) New and old tank battery installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to prevent spills. Consideration should be given to one or more of the following:

(1) Adequate tank capacity to assure that a tank will not overflow should a pump/gauge be delayed in making his regular rounds.

(2) Overflow equalizing lines between tanks so that a full tank can overflow to an adjacent tank.

(3) Adequate vacuum protection to prevent tank collapse during a pipeline rupture.

(4) High level sensors to generate and transmit an alarm signal to the computer where facilities are a part of a computer production control system.

Facility transfer operations, oil production facility (onshore).

(A) Above ground valves and pipelines should be examined periodically on a scheduled basis for general appearance of the ground such as flange joints, valve glands and bodies, drip pans, pipeline supports, pumping well polished rod stuffing boxes, blader and gauge valves.

(B) Salt water (oil field brine), disposal facilities should be examined often, particularly following a sudden change in atmospheric temperature to detect possible system upsets that could cause an oil discharge.

(C) Production facilities should have a procedure, maintenance to prevent spills from this source. The program should include periodic examinations, corrosion protection, flowline replacement, and appropriate records, as appropriate, for the individual facility.

(6) Oil drilling and workover facilities (onshore). (i) Mobile drilling or workover equipment should be positioned on a terrain that will eliminate or contain spills of fuel, crude oil, or oil drilling fluids.

(ii) Depending on the location, catchment basins or diversion structures may be necessary to intercept and contain spills of fuel, crude oil, or oil drilling fluids.

(iii) Before drilling below any casing strings or below any known of contamination a blowout prevention (BOP) assembly and well control system should be installed that is capable of controlling any well head pressure that is expected to be encountered while that BOP assembly is on the well. Casing and BOP installations should be in accordance with State regulatory agency requirements.

(7) Oil drilling, production, or workover facilities (offshore). (i) Definition: "An oil drilling, production or workover facility (offshore)" may include all drilling or workover equipment, wells, flowlines, gathering lines, platforms, and all related used equipment and facilities in a single geographical or field operated by a single operator.

(ii) Oil drainage collection equipment should be used to prevent and control small oil spillage around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and allied equipment. Drains on the facility should be controlled and directed toward a central collection sump or equivalent collection system sufficient to prevent discharges of oil into the navigable waters of the United States. Where drains and sumps are not practicable oil contained in collection equipment should be removed as often as necessary to prevent overflow.

(iii) For facilities employing a sump system, sump and drains should be adequately sized and a spare pump or equivalent collection system sufficient to prevent discharges of oil into the navigable waters of the United States. Where drains and sumps are not practicable oil contained in collection equipment should be removed as often as necessary to prevent overflow.

(iv) In areas where separators and treaters are equipped with dump valves whose predominant mode of failure is in the closed position and pollution risk is high, the facility should be specially equipped to prevent the escape of oil. This should be accomplished by extending the flare line to a diked area if the separator is near shore, equipping it with a high liquid level sensor that will automatically shut off valves producing to the separator, parallel redundant dump valves, or other feasible alternatives to prevent oil discharges.

(v) Atmospheric storage or surge tanks should be equipped with high liquid level sensing devices or other acceptable alternatives to prevent oil discharges.

(vi) Pressure vessels should be equipped with high and low pressure sensing devices to activate an alarm and/or control the flow or other acceptable alternatives to prevent oil discharges.

(vii) Tanks should be equipped with suitable corrosion protection.

(viii) A written procedure for inspecting and testing pollution prevention equipment should be prepared and maintained at the facility.

(ix) Testing and inspection of the pollution prevention equipment and systems at the facility should be conducted by the owner or operator on a scheduled periodic basis commensurate with the complexity, conditions and circumstances of the facility or other appropriate regulations.

(x) Surface and subsurface well shut-in valves and devices in use at the facility should be sufficiently described to determine method of activation or control, e.g., pressure differential, change in fluid or fluid conditions, combination of pressure and flow, manual or remote control mechanisms. Detailed records for each well, while not necessarily part of the plan should be kept by the owner or operator.

(xi) Before drilling below any casing string, and during workover operations a blowout preventer (BOP) assembly and well control system should be installed that is capable of controlling any well head pressure that is expected to be encountered while that BOP assembly is on the well. Casing and BOP installations should be in accordance with State regulatory agency requirements.

(xii) Extraordinary well control measures should be provided should emergency conditions, including fire, loss of control and other abnormal conditions, occur. The degree of control system redundancy should vary with hazard exposures and probable consequences of failure. It is recommended that surface shut-in systems have redundant or "fail close" valving. Subsurface safety valves should be used in producing wells that will not flow but should be installed as required by applicable State regulations.

(xiii) In order that there will be no misunderstanding of joint and separate duties and obligations to perform work in a safe and pollution free manner, written instructions should be prepared by the owner or operator for contractors and subcontractors to follow whenever contract activities include servicing a well or systems appurtenant to a well or producing vessel. Such instructions and procedures should be maintained at the offshore production facility. Under certain circumstances and conditions such contractor activities may require the presence at the facility of an authorized representative of the owner or operator who would intervene when necessary to prevent a spill event.

(xiv) If the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves associated with that individual flowline, the flowline should be equipped with high pressure sensing device and shut-in valve at the wellhead unless provided with a pressure relief system to prevent over pressure.

(xv) All pipelines (headers) should be equipped with check valves on individual flowlines.

(xvi) If the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves associated with that individual flowline, the flowline should be equipped with high pressure sensing device and shut-in valve at the wellhead unless provided with a pressure relief system to prevent over pressure.

(xvii) All pipelines appurtenant to the facility should be protected from corrosion. Methods used, such as protective coatings or cathodic protection, should be described.

(xviii) Submarine pipelines appurtenant to the facility should be adequately protected against environmental stresses and other activities such as fishing operations.

(xix) Submarine pipelines appurtenant to the facility should be in good
RULES AND REGULATIONS

operating condition at all times and inspected on a scheduled periodic basis for failures. Such inspections should be documented and maintained at the facility.

(8) Inspections and records. Inspections required by this part should be in accordance with written procedures developed for the facility by the owner or operator. These written procedures and a record of the inspections, signed by the appropriate supervisor or inspector, should be made part of the SPCC Plan and maintained for a period of three years.

(9) Security (excluding oil production facilities). (i) All plants handling, processing, and storing oil should be fully fenced, and entrance gates should be locked and/or guarded when the plant is not in production or is unattended.

(ii) The master flow and drain valves and any other valves that will permit direct outward flow of the tank's contents should be securely locked in the closed position when in non-operating or non-standby status.

(iii) The starter control on all oil pumps should be locked in the "off" position or located at a site accessible only to authorized personnel when the pumps are in a non-operating or non-standby status.

(iv) The loading/unloading connections, valves, and any other equipment which are emptied of liquid content either by draining or by inert gas pressure.

(v) Facility lighting should be commensurate with the type and location of the facility. Consideration should be given to: (A) Discovery of spills occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.) and (B) prevention of spills occurring through acts of vandalism.

(10) Personnel, training and spill prevention procedures. (i) Owners or operators are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution control laws, rules and regulations.

(ii) Each applicable facility should have a designated person who is accountable for oil spill prevention and who reports to line management.

(iii) Owners or operators should schedule and conduct spill prevention briefings for their operating personnel at intervals frequent enough to assure adequate understanding of the SPCC Plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning conditions, and the facility's emergency spill prevention measures.

APPENDIX

Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency.

SECTION II—DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11848, the term:

(i) "Non-transportation-related onshore and offshore facilities" means:

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities used for the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production facilities including all equipment and appurtenances related thereto, as well as completed wells and the wellhead separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto, as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refineries or oil production facilities including all equipment and appurtenances related thereto, as well as completed refineries and refineries used in the refining of oil, and excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto, as well as completed storage tanks and storage terminal oil storage facilities, container storage, pumps and drainage systems used in the storage of oil, the shipping of oil in bulk or break-out storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or other oil facilities located on or near oil refineries or oil production facilities, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including terminal pumping stations, loading arms and other equipment which are not intended to transport oil in bulk or to from high-volume oil tank cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a non-transportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a non-transportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used for the transport of oil in bulk to or from a vessel.

(L) "Transportation-related onshore and offshore facilities" means:

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms, and equipment appurtenant to a non-transportation-related facility which is used to transfer oil in bulk to or from a vessel.

(B) Transfer hoses, loading arms and other equipment appurtenant to a non-transportation-related facility which is used to transport oil in interstate or intrastate commerce.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or break-out storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a non-transportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the cleaning of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a non-transportation-related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

[FR Doc.75-32446 Filed 12-10-75; 8:45 am]

* U.S. GOVERNMENT PRINTING OFFICE: 1974-625-018/891 3-