



The U.S. EPA's Oil Program Center Report

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**Events and Announcements**

**Spill Prevention Control and Countermeasure Rule Deadline Extension**

EPA published a notice in the Federal Register (68 FR 18891) on April 17, 2003, extending by 18 months the compliance deadlines promulgated in the Spill Prevention Control and Countermeasure (SPCC) Rule at 40 CFR § 112.3(a) and 112.3(b). The Agency determined the length of extension to be appropriate after consideration of significant comments primarily from industry representatives and professional engineers (PEs). The Federal Register notice and additional information on the SPCC Rule can be found on EPA's Oil Program Center Internet Site at <http://www.epa.gov/oilspill>. These extensions have the following effects:

- Onshore or offshore facilities that were in operation on or before August 16, 2002, must maintain their SPCC Plans and must amend them, if necessary, to be compliant with the current SPCC Rule by or before August 17, 2004. Additionally, these facilities must implement their Plan as soon as possible and not later than February 18, 2005.

- Onshore or offshore facilities that became or become operational after August 16, 2002, through February 18, 2005, and could potentially have a reportable spill incident (see 40 CFR § 112.1(b)) must prepare and implement a Plan as soon as possible and not later than February 18, 2005.

- Facilities coming online following February 18, 2005, must prepare and implement a Plan before beginning operations.

EPA received numerous complaints that the deadlines in the amended SPCC rule did not allow enough time for the regulated community to update or prepare SPCC Plans to reflect the new amendments. Concerns were raised about the availability of a sufficient number of PEs to certify Plans and a variety of other issues pertaining to the feasibility of meeting the compliance deadlines. EPA believes that the recently extended time frame adequately addresses these concerns and avoids a potentially overwhelming number of individual extension requests.

During the transition to the revised SPCC Rule, EPA encourages all owners and operators of regulated facilities to ensure they are within substantial compliance of either the

current or revised regulations to ensure protection of human health and the environment. Verification of compliance may be required during a facility inspection.

For more information on the deadline extension notice or the SPCC Rule, visit the EPA Oil Program Center's website at <http://www.epa.gov/oilspill> or contact Hugo Fleischman, 703-603-8769, [fleischman.hugo@epa.gov](mailto:fleischman.hugo@epa.gov) or Mark Howard, 703-603-8715, [howard.markw@epa.gov](mailto:howard.markw@epa.gov).

### Fifth Biennial Freshwater Spills Symposium

EPA will host its Fifth Biennial Freshwater Spills Symposium (FSS) in April 2004, in New Orleans, Louisiana. The symposium encourages an exchange of ideas and solutions focused specifically on the unique issues related to freshwater oil spills. The FSS offers an opportunity for government, industry, and community stakeholders to network, share experiences, and attend presentations given by experts in oil-related fields. The 2004 Symposium's theme will revolve around the always crucial topic of the prevention of spills. Plenary speakers will explore reasons for the dilemma of historically steady numbers of freshwater spills during a modern decrease in the frequency of marine spills. The EPA Oil Program Center (OPC) continues to provide this venue to attendees without fee. Look for more information and for online registration to open soon on the OPC website at [www.epa.gov/oilspill](http://www.epa.gov/oilspill).

The last symposium was held in Cleveland, Ohio, March 19-21, 2002, at the Sheraton Cleveland City Centre Hotel. This symposium focused on counter-terrorism issues, sensitivity mapping and geographic information system applications, and the science of oil spills and spill response. The

plenary session included speakers from EPA Region 5, the Ohio Environmental Protection Agency, the U.S. Coast Guard, and the City of Toledo Division of Environmental Services. For more information on past symposia, visit [www.epa.gov/oilspill/fss](http://www.epa.gov/oilspill/fss).

### International Oil Spill Conference 2003

The 18<sup>th</sup> biennial International Oil Spill Conference (IOSC) was held in Vancouver, British Columbia, Canada April 6-10, 2003. The conference was held at the Vancouver Exhibition and Conference Center located right on the Vancouver Harbor. This was the first time the conference was held outside of the United States since its inception in 1969. The participants were welcomed by the Canadian Coast Guard and Environment Canada, cosponsors for the conference. Nearly 2,000 people from 50 countries attended this year's conference. The theme of the conference was "Prevention, Preparedness, Response, and Restoration - Perspectives for a Cleaner Environment." The theme included a view toward the future with special emphasis on appropriate strategies for improvement. The 2003 IOSC came at a time of heightened environmental concerns due to the war in the Middle East and the break up of the tanker M/V Prestige that spilled more than 5,600 tons of fuel oil off the coast of Spain. A Hot Topic session was presented on the last day of the conference on in-situ burning and phytoremediation.

Over 200 technical papers were presented at the conference in varying formats, including poster and panel presentations. The keynote speaker for the conference was Admiral James D. Watkins, chairman of the U.S. Commission on Ocean Policy. Admiral Watkins was the chief of

naval operations under President Reagan in 1982. The other featured speaker was John C. Crosbie, former Canadian Minister of Fisheries and Oceans and Minister for the Atlantic Canada Opportunities Agency.

One of the highlights of the IOSC was the on-water demonstration of an oil spill response. The demonstration featured dozens of vessels and aircraft in the Vancouver Harbor. The Canadian Coast Guard demonstrated the use of its 92.5-foot long hovercraft outfitted for spill response.

The Exhibit Hall at hosted over 300 booths from organizations, government agencies, and companies from around the world. In the hall, some companies gave demonstrations of how their products could be employed at an oil spill site.

The Film Festival was showcased at this year's conference at which nearly fifty films were shown. Honorary awards were presented to the most popular films. The film topics included response activities, operations, education, and training.

Other sponsoring organizations for the conference included the U.S. Coast Guard, the U.S. Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the Minerals Management Service, the International Maritime Organization, the International Petroleum Industry Environmental Conservation Association, and the American Petroleum Institute.

For more information on the 2003 IOSC, visit the conference website at [www.iosc.org](http://www.iosc.org).

### Sixth Annual Above Ground Storage Tank Conference

The National Institute for Storage Tank Management's (NISTM) 6<sup>th</sup>

Annual International Conference on Above Ground Storage Tanks (ASTs) was held May 7-9, 2003, at the Rosen Plaza Hotel in Orlando, Florida. Nationally recognized government and industry experts provided the latest information available on AST technologies and management.

The conference attracted nearly 300 participants. Over 40 exhibits of materials, equipment, and services from companies involved in the manufacture, sale, and use of products by AST professionals were on display in the Exhibition Hall.

EPA's Oil Program Center (OPC) presented papers and participated in panel discussions. The OPC's Mark Howard made presentations on the National Program Update, which focused on the status of the revised Spill Prevention, Control, and Countermeasure (SPCC) rule (see Spill Prevention Control and Countermeasure Rule Deadline Extension); and the Inspectors Corner. He also participated in the SPCC panel discussion entitled, "Lets Talk about the Rule, Concerns, and Suggestions."

This conference provided an excellent opportunity for attendees to network with federal and state AST regulatory officials, facility owners and operators, equipment vendors, and environmental consultants. The 7<sup>th</sup> annual conference will again be held in Orlando, Florida at the Rozen Plaza Hotel, May 12-14, 2004. For more information visit [www.nitsm.org](http://www.nitsm.org).

### EPA Region 9 Oil Program Outreach Activities

EPA's Region 9 Oil Program has been actively providing outreach and education on the revised SPCC Rule to state and local governments and the regulated community throughout the Region. Outreach presentations have

been conducted in Arizona, California, and Hawaii. Additional outreach efforts are being planned for Nevada and American Samoa. Target audiences have included Tribal entities, state and local government officials, business interests and trade associations, military installations and commands, electrical utilities, and industry. The EPA Region 9 Oil Program remains committed to effective outreach and education on the revised SPCC Rule to ensure that the regulated community understands its roles and responsibilities with regard to the Oil Pollution Prevention Regulation. For more information on EPA Region 9 activities, please contact Peter Reich at 415-972-3052, or [reich.peter@epa.gov](mailto:reich.peter@epa.gov).

### Spills and Settlements

#### Chemical Fire Runoff Averted from Galveston Bay

On the night of June 11, 2003, a chemical fire broke out at the Nova Chemicals, Inc. Bayport Plant in Pasadena, Texas, posing potential danger to the air quality of nearby residents. The fire also resulted in a large volume of potentially contaminated fire runoff water that migrated offsite, threatening to flow into Galveston Bay. The fire is believed to have been caused by a leak in the plant's styrene monomer process heater unit and was fueled by a release of the chemicals benzene and ethyl benzene. The Nova plant produces chemicals that are used in the production of foam cups, plastic forks, and plates.

The fire began at approximately 7:05 p.m. local time. Responders from EPA's Region 6 and Superfund Technical Assessment and Response Team (START) responded to the scene along with firefighters from Houston, and La Porte, Texas; the Texas

Commission on Environmental Quality Strike Team; and emergency response contractors from the area petrochemical mutual aid system.

Upon notification to the National Response Center, EPA mobilized START to conduct air monitoring. Due to a large smoke plume from the fire, a shelter-in-place was issued as a precautionary measure, and residents of the nearby El Jardin Del Mar and Shore Acres subdivisions were advised to stay indoors, keep doors and windows closed, and to turn off air conditioners to reduce potential exposure to any chemicals that might have been released into the air. Strong winds helped dissipate the smoke and soot, minimizing the effect on local air quality, and the warning was lifted after the fire had been suppressed. The fire was extinguished at approximately 12:30 a.m. with all plant workers accounted for and no reported injuries. The chemicals involved were highly volatile and quickly burned or dissipated. No harmful chemicals were detected in the air as a result of the blaze.

During the response, runoff water resulting from efforts to extinguish the fire exceeded the facility's capacity to retain it. The potentially contaminated liquid spilled over from the chemical plant into a vegetated drainage ditch and migrated into the Bayport Ship Channel and Pine Gully. Responders worked through the night to prevent its flow into Galveston Bay, establishing a dirt berm north of the facility to prevent additional overflow in the event of rain. Results of a water sample that were collected by Nova and analyzed by a private laboratory indicated that the runoff contained styrene at 2,417 parts per billion (ppb). Trace amounts of benzene, toluene, ethyl benzene, and xylene were also detected at levels ranging from 30-100 ppb.

According to EPA Region 6 On-Scene Coordinator (OSC) Richard Franklin, It took “a considerable effort to clean the offsite ditches and waterways up.” Responders succeeded in averting the flow of runoff and no contamination reached Galveston Bay as a result of the chemical fire response.

For more information, contact Richard Franklin, EPA Region 6, (214) 665-2785, franklin.richard@epa.gov

### Enbridge Energy Pipeline Rupture

On Friday, January 24, 2003, a pipeline leak was discovered at the Enbridge Energy terminal at approximately 9:30 p.m. A pipeline carrying crude oil ruptured, spilling onto the frozen Nemadji River, a tributary of Lake Superior. The Office of Pipeline Safety is investigating the rupture but has not yet determined the cause.

At least 100,000 gallons of oil spilled during the event. Most of the spill was contained within the terminal’s storm water ditches and two retention ponds. The spill occurred during the transport of oil from the pipeline to a storage tank. Approximately 18,000 gallons migrated from the terminal to the Nemadji River, about a half mile to the south.

The crude oil that reached the river was contained by a two-foot thick sheet of ice frozen over the water. Borings of the ice taken after the spill revealed no contamination of the river from the oil. An operator at the facility was alerted of the spill immediately by an alarm at the terminal. The pipeline was immediately shut down, and a company emergency crew was sent to begin the cleanup. A Unified Command was quickly established consisting of the responsible party, the U.S. Coast Guard (USCG), and state

and federal responders. The USCG was responsible for the oversight of the cleanup of the Nemadji River. Cleanup of the river was expected to take only a few days.

The Wisconsin Department of Natural Resources is responsible for overseeing the cleanup of the Enbridge Energy terminal. An environmental contractor appointed by the responsible party is conducting the cleanup effort, expected to last for several weeks.

Fortunately, the spill occurred in a non-residential area and human health was not threatened. The cold weather also helped minimize the effects of the spill and reduced vapor problems. The Douglas County Sheriff Department and the Superior Police Department prevented public access to the affected area and the Nemadji River was patrolled by the Douglas County rescue squad.

Enbridge Energy resumed the transportation of oil on the day after the spill by bypassing the ruptured pipeline. Enbridge Energy had a smaller spill in 2000, but that leak was contained within the terminal.

For more information on this spill, contact Brad Benning, EPA, Region 5 On-Scene Coordinator, at 312-353-7613.

### Whitman Visits Spain in Aftermath of *Prestige* Oil Spill

The Liberian-owned, Russian-chartered *Prestige* oil tanker sank on November 19, 2002, after losing power and control at the mercy of gale-force



*Prestige* in Peril - courtesy Fernando De Carolis

winds roughly 150 miles off the coast of Spain. About 42,000 tons or 12.4 million gallons of oil spilled into the ocean, affecting 700 beaches all along the northwest coast of Spain as well as Southern France. The contaminated area contains Spain’s most ecologically important coastlines, unique for their 13 ecosystem types protected by the European Union’s habitats directive. One area known as Cape Vilan is home to a rare subspecies of Spanish guillemot, of which there are only 12 breeding pairs left. Cape Vilan also contains puffins, kittiwakes, and peregrine falcons. The spill impacted thousands of fishermen forced to depend on government handouts when a ban was placed on fishing and seafood harvesting.

Months later, the oil is still present all along the coast, lying in matted clumps just below the surface of the sand and water. Nevertheless, 65,000 tons of fuel oil mixed with sand and seaweed has been collected from a 600 mile stretch of coastline. The Spanish

Slick from the *Prestige* - courtesy Fernando De Carolis





government is gradually allowing the fisherman to resume work in those regions that sustained the worst financial hit by the disaster; areas where the economies were dominated by fishing and tourism.

The Spanish government drew widespread criticism in its handling of the disaster when most of the initial responders appeared to be volunteers, later prompting the government to mobilize 750 sailors, 500 air force members, and 4,500 army soldiers from all over Spain to relieve the over 5,000 volunteers that had initially responded.

At the invitation of Spain's Prime Minister Jose Maria Aznar, EPA Administrator Christine Todd Whitman visited Spain on January 22, 2003, to sign a joint statement on bilateral collaboration on environmental issues. The motivation behind the statement was primarily the *Prestige* oil tanker spill. Whitman stopped in Spain for two days en route to Switzerland to participate in the World Economic Forum.

Whitman pledged to have the United States send oil spill experts to Spain to help with the *Prestige* catastrophe. Before traveling to the northwest Galicia region for a flyover of the coastline most affected by the spill, Whitman told reporters that "we are prepared to provide the expertise of scientists who dealt with the Exxon Valdez." She also signed an environmental cooperation agreement with Environmental Minister Jaume Matas supporting Spain's proposal to set up a special United Nations compensation fund for environmental disasters.

The compensation plan will be put in place by the International Maritime Organization (IMO). Seafaring countries from around the world, as well as those that import oil, will

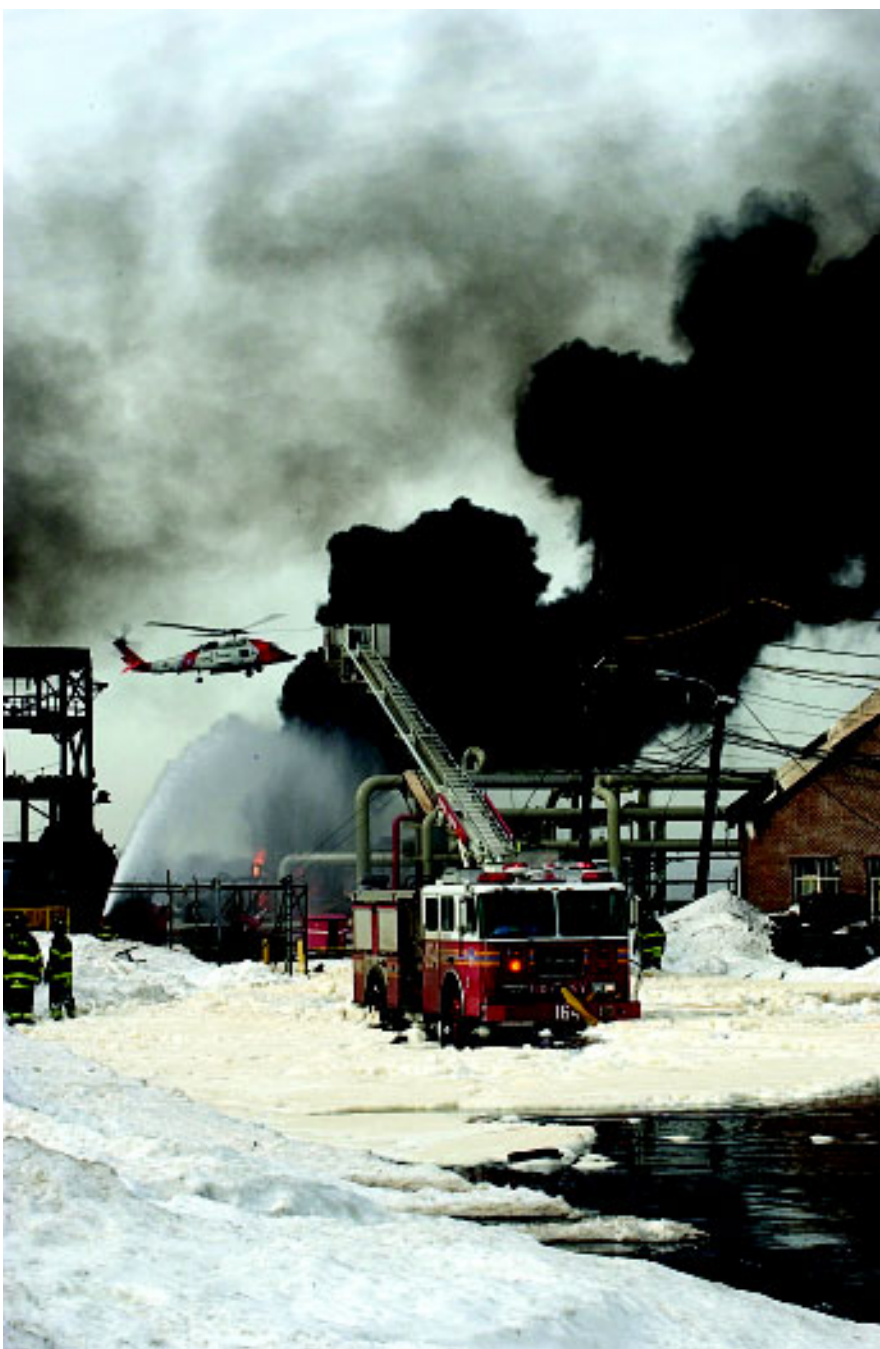
contribute to the fund to ensure that an oil spill disaster can be responded to without being hindered by the cost of cleanup. The fund would only be triggered for a major oil spill such as the *Prestige* disaster, but 100% of any claim from the affected country would be covered. Some countries are unhappy about the compensation fund because they feel the responsible parties are not being held accountable, while some small countries might have

to raise taxes to pay their contributions to the fund. The fund will come into operation as soon as it is ratified by at least eight countries.

### Staten Island Fuel Facility Explosion

On Friday, February 21, 2003, at 10:16 a.m., an Exxon/Mobil Oil Storage Facility on New York's Staten Island

Smoke Plume from Staten Island Barge Explosion - courtesy USCG





NYC Fire Department Cools the Barge After Explosion - courtesy USCG

exploded. The storage facility, Port Mobil, is located at the southern end of New York Harbor on Arthur Kill River. The site is 203 acres, has 39 operational tanks, and employs 31 people. The tanks hold premium gasoline, regular gasoline, low sulfur diesel, other distillates, and jet fuel. The explosion apparently occurred when a pump malfunctioned while unloading unleaded gasoline from a barge. A plume of smoke was seen for miles. Information posted on the Exxon/Mobil website the afternoon of the incident informed the public that the air at ground level posed no significant health risks and the black particles seen in the air were essentially soot.

The owners of the barge, the Bouchard Barge Company, lost two employees in the explosion. An unknown number of people were evacuated within a half mile of the site of the accident. The owner of the depot was in critical condition with 15% of his body covered in third degree burns.

The local fire department was called to the scene. Clean Harbors, a cleanup contractor, was also mobilized at the event but was not allowed to begin work until the fire was extinguished and the appropriate authorities granted permission. The U.S. Coast Guard

(USCG) lead response efforts and placed oil boom in the water surrounding the facility to contain the spill and allow the fuel to burn off the surface. EPA Region II supported the response and the Edison, New Jersey Emergency Response Team and additional contractors were called in to assist at the site.

An Exxon/Mobil employee claimed that the malfunctioning pump was tested before the blast occurred. The USCG is investigating the accident to determine the cause of the explosion and to help prevent and better respond to future occurrences.

For more information, contact James Daloia, EPA Region 2 at 732-906-6907, [deloia.james@epa.gov](mailto:deloia.james@epa.gov).

### DOJ and EPA Settle with Colonial Pipeline

In April 2003, the U.S. Department of Justice and EPA settled a civil claim with Colonial Pipeline for \$34 million in relation to seven spills that have occurred on their pipeline system since 1996. This is the largest civil penalty in EPA history. The penalty payment will go toward the Oil Spill Liability Trust Fund, run by the U.S. Coast Guard to help pay for spill responses

nationwide. The spills totaled 1.45 million gallons of oil from its 5,500-mile pipeline occurring in five states. Colonial has agreed to pay an estimated \$30 million in pipeline upgrades and is required to pay for an independent contractor, approved by EPA, to ensure that the upgrades are incorporated into their programs and implemented onsite.

The claim alleges that pipeline corrosion, mechanical damage, and operator error resulted in the seven spills releasing petroleum products into the environment, including numerous rivers, streams, and wetlands. The spills damaged aquatic systems, affected fish and other forms of wildlife, and have left impacts that will last for years.

The lawsuit moves to ask the court to enforce steps to prevent future spills. This includes addressing exposed or shallow pipes; inspecting the pipeline for defects and repair them promptly; inspecting, upgrading, and maintaining the cathodic protection system that controls corrosion; upgrading the pipeline's leak detection system; having personnel onsite when third parties are working within five feet of pipeline; and maintaining its right of ways, including mowing and moving debris.

Colonial, based in Atlanta, Georgia, is the largest volume transporter of refined petroleum products in the world, moving an average of 83 million gallons of product per day from pipelines that stretch from Port Arthur, Texas to Linden, New Jersey passing through many states and the District of Columbia. This volume represents 20 percent of total of refined petroleum products transported in the United States.

Before the civil action settlement, Colonial moved to dramatically change its management and its

operating performance. For the past two years, it has held the “best in class” operating record for similarly sized operations, as recognized by the American Petroleum Institute. A company spokeswoman noted that, since management changes, the company is moving towards a more environmentally friendly philosophy and “...spilled 51,00 gallons of oil in 1998 but only 700 gallons in 2000.”

For more information, contact Cheryl Rose, EPA at 202-564-4136 or [rose.cheryl@epa.gov](mailto:rose.cheryl@epa.gov).

### Olympic Pipeline Settlement

In January 2003, the U.S. Justice Department, EPA, and the State of Washington reached a civil settlement with Olympic Pipe Line Company and Shell Pipeline Company LP for environmental violations. The settlement against the two companies addresses claims that the rupture of a pipeline resulted in the release of 236,796 gallons of gasoline into Hanna and Whatcom Creeks near Bellingham, Washington, and affected their adjoining shorelines.

The rupture discharged enough gasoline to cover the surface of Hanna and Whatcom Creeks covering a distance of two to two and a half miles with a layer approximately three inches deep. The spill caught fire creating a fireball a mile long and creating a plume of smoke six miles high. Two ten-year-olds died from burns sustained while playing in or near the creeks when the fire erupted. An eighteen year-old man was apparently fishing in Whatcom Creek when overcome by the fumes of the gasoline and drowned in the creek before it ignited. At least nine other people were injured and one home was completely destroyed. The spill and fire killed over 100,000 fish and other

wildlife and destroyed habitat. Vegetation along the banks of both creeks was affected, and a burn zone of 26 acres of mature growth was killed or damaged. The City of Bellingham’s municipal water supply was also adversely affected by the incident.

According to the claim, the following factors were determined to have caused or contributed to the incident: failure to supervise, inspect, or monitor construction activity near the pipeline; failure to detect or repair damage to the pipeline; inadequacies in the design, construction, maintenance, and operation of a facility on the Pipeline System; inadequacy of the computer system used to monitor and control the Pipeline System; inadequate operator training; operator error on the day of the rupture; and management decisions related to these factors.

The settlement requires Shell to pay \$10 million in civil penalties to EPA and the Washington Department of Ecology (WDOE), in addition to \$15 million in criminal fines. Shell is also required to spend an estimated \$62 million to conduct a minimum five-year program to perform state-of-the-art spill prevention work on 2,100 miles of pipelines spanning seven states: Colorado, Kansas, Illinois, Indiana, Ohio, Oklahoma, and Texas.

The settlement with Olympic is based on a limited ability to pay and requires payment of civil penalties of \$5 million to EPA and WDOE in addition to \$6 million in criminal fines. Olympic’s settlement also requires them to spend an estimated \$15 million on a minimum five-year spill prevention program on 400 miles of pipeline where the spill occurred.

The required programs supplement the pipeline safety remedial program required by the Department of Transportation (DOT) since the accident occurred. These programs are designed to prevent another tragedy from occurring and deter other pipeline companies from endangering the public and the environment.

For more information, contact Cheryl Rose, EPA, Water Enforcement Division (2243A) at (202) 564-4136 or [rose.cheryl@epa.gov](mailto:rose.cheryl@epa.gov)

### About The Update

The goal of the EPA Oil Program Center *Update* is to provide straight-forward information to keep EPA Regional staff, other federal agencies and departments, industries and businesses, and the regulated community current with the latest developments. The *Update* is produced quarterly, using a compilation of several sources. The views expressed here are not necessarily those of the EPA.

