

III. OIL SPILL PREVENTION SELF-AUDIT CHECKLIST

This section contains a checklist and associated background information on the U.S. Environmental Protection Agency's (EPA) oil spill requirements for construction activities, developed under Section 311 of the Clean Water Act (CWA). If a construction site consumes, stores, transfers, or otherwise handles oils, appropriate preparation will need to be taken to prevent oil spills, and to take action in case of a spill.

For oil spill prevention and response, construction sites must follow EPA's Spill Prevention Control and Countermeasures Plan (SPCC Plan) requirement. A construction project must meet SPCC requirements if it meets the following three criteria:

1. The site stores, uses, transfers, or otherwise handles oil;
2. The site has a maximum aboveground storage *capacity* greater than 1,320 gallons of oil (which includes both bulk and operational storage volumes) OR total underground storage *capacity* greater than 42,000 gallons of oil; AND
3. There is a reasonable expectation (based on location of the site) that an oil spill would reach navigable waters or adjoining shorelines of the United States.

The Background discussion following the checklist and Section V of Part I of this Guide provide more detailed information on SPCC program requirements including instructions on calculating aboveground storage volume. Attachment A to this checklist includes information on the August 2002 updates to the SPCC rule. The current compliance dates for the new rule are as follows:

- February 17, 2006: Facilities must prepare and certify (using a Professional Engineer, or P.E.) an SPCC Plan in accordance with the new SPCC rule.
- August 18, 2006: The revised SPCC Plan must be implemented.

Affected facilities that start operations between August 16, 2002 and August 18, 2006 must prepare and implement an SPCC Plan by August 18, 2006. Affected facilities that become operational after August 18, 2006 must prepare and implement an SPCC Plan before starting operations.

CHECKLIST FOR OIL SPILL REQUIREMENTS AT CONSTRUCTION ACTIVITIES

BACKGROUND INFORMATION

Name of Auditor: _____

Date of Audit: _____

Name of Project/Site: _____

There are three parts to this checklist. The first part covers the spill prevention control and countermeasure (SPCC) written requirements. The second part is a field checklist for inspecting oil storage areas. The third part is a checklist for determining whether requirements are met following an on-site oil spill.

A “notes” area is provided at the end of each section of this checklist. For every “No” answer, enter a description of the missing information and the action required to bring the site into compliance into the “notes” area.

WHAT REQUIREMENTS APPLY?

<u>Yes</u>	<u>No</u>	
		1. Does the construction site meet the following requirements?
<input type="checkbox"/>	<input type="checkbox"/>	Stores, uses, transfers, or otherwise handles oil.
<input type="checkbox"/>	<input type="checkbox"/>	Has a maximum aboveground storage capacity greater than 1,320 gallons of oil OR total underground storage capacity greater than 42,000 gallons of oil ¹ .
<input type="checkbox"/>	<input type="checkbox"/>	Reasonable expectation (based on location of site) that an oil spill would reach navigable waters or adjoining shorelines of the U.S.
		<i>If yes to all of the above, the site must meet the requirements of EPA’s SPCC program.</i>

¹ The following items are exempt from SPCC calculations and requirements: completely buried tanks subject to all the technical requirements of the underground storage tank regulation (40 CFR Part 280/281), storage tanks with less than 55-gallon capacity, and permanently closed tanks.

<u>Yes</u>	<u>No</u>	
<input type="checkbox"/>	<input type="checkbox"/>	2. Does the construction site meet the following requirements for “substantial harm” sites? Transfers oil over water and has a total oil storage capacity of 42,000 gallons, OR Total oil storage capacity greater than one million gallons. <i>If yes to either of the above, the site must meet Facility Response Plan requirements. See http://www.epa.gov/oilspill/frps/index.htm.</i>

SPCC Plan Requirements

<input type="checkbox"/>	<input type="checkbox"/>	3. Is the SPCC Plan up to date?
<input type="checkbox"/>	<input type="checkbox"/>	4. Does the SPCC Plan include a Professional Engineer certification?
<input type="checkbox"/>	<input type="checkbox"/>	5. Does the SPCC plan follow the format listed in the rule OR cross-reference the requirements in 40 CFR Part 112.7?
<input type="checkbox"/>	<input type="checkbox"/>	6. Does the SPCC plan include a site diagram that identifies the location and contents of each container (including underground storage tanks that are otherwise exempt from the SPCC requirements)?
<input type="checkbox"/>	<input type="checkbox"/>	7. For each container, does the SPCC Plan include the type of oil stored and storage capacity?
<input type="checkbox"/>	<input type="checkbox"/>	8. Does the SPCC plan include site procedures for preventing oil spills (discharge prevention measures and oil handling procedures)?
<input type="checkbox"/>	<input type="checkbox"/>	9. Does the SPCC Plan include oil spill predictions, including direction, flow rate, and total quantity that could be discharged as a result of a major equipment failure?
<input type="checkbox"/>	<input type="checkbox"/>	10. Does the SPCC Plan include site drainage?
<input type="checkbox"/>	<input type="checkbox"/>	11. Does the SPCC plan include site inspection documentation?
<input type="checkbox"/>	<input type="checkbox"/>	12. Does the SPCC Plan include site security?
<input type="checkbox"/>	<input type="checkbox"/>	13. Does the SPCC Plan include management approval?
<input type="checkbox"/>	<input type="checkbox"/>	14. Does the SPCC Plan include requirements for mobile, portable containers (e.g., totes, drums, or fuel vehicles)?
<input type="checkbox"/>	<input type="checkbox"/>	15. Does the SPCC plan identify secondary containment or diversionary structures?

<u>Yes</u>	<u>No</u>	
<input type="checkbox"/>	<input type="checkbox"/>	16. Does the SPCC plan identify secondary containment for fuel transfer?
<input type="checkbox"/>	<input type="checkbox"/>	17. Does the SPCC plan include personnel training records and oil spill briefings?
<input type="checkbox"/>	<input type="checkbox"/>	18. Does the SPCC Plan include tank integrity testing?
<input type="checkbox"/>	<input type="checkbox"/>	19. Does the SPCC Plan include bulk storage container compliance?
<input type="checkbox"/>	<input type="checkbox"/>	20. Does the SPCC Plan include transfer procedures and transfer equipment information (including piping)?
<input type="checkbox"/>	<input type="checkbox"/>	21. If construction lasts five years, does the SPCC plan include the five-year plan review?

Meeting Oil Spill Requirements

<input type="checkbox"/>	<input type="checkbox"/>	22. Is the site following the SPCC Plan site security procedures?
<input type="checkbox"/>	<input type="checkbox"/>	23. Is the site following the SPCC Plan requirements for mobile, portable containers (e.g., totes, drums, or fuel vehicles)?
<input type="checkbox"/>	<input type="checkbox"/>	24. Is the site following the SPCC Plan requirements for tank integrity testing?
<input type="checkbox"/>	<input type="checkbox"/>	25. Is the site following the SPCC Plan requirements for bulk storage container compliance?
<input type="checkbox"/>	<input type="checkbox"/>	26. Is the site following the SPCC Plan transfer (loading and unloading) procedures and maintaining transfer equipment (e.g., piping)?
<input type="checkbox"/>	<input type="checkbox"/>	27. Is the site regularly inspecting the oil storage containers to check for spills and leaks?
<input type="checkbox"/>	<input type="checkbox"/>	28. Is the site following the procedures outlined in the SPCC Plan to prevent oil spills?
<input type="checkbox"/>	<input type="checkbox"/>	29. Are the appropriate secondary containment or diversionary structures in place?
<input type="checkbox"/>	<input type="checkbox"/>	30. Are the secondary containment practices for fuel transfer in place?
<input type="checkbox"/>	<input type="checkbox"/>	31. Are all employees trained on how to prevent oil spills and what to do in the event of an oil spill?
<input type="checkbox"/>	<input type="checkbox"/>	32. Do the SPCC records include written inspection procedures?
<input type="checkbox"/>	<input type="checkbox"/>	33. Do the SPCC records include inspection reports and any corrective actions taken based on the inspection? These records must be maintained for three years.

NOTES / ACTIONS NEEDED TO BRING SITE INTO COMPLIANCE: _____

SELF-AUDIT FIELD CHECKLIST: SPCC REQUIREMENTS

Date of Audit/Self-Audit: _____

Auditor (name, title, qualifications): _____

Name & Location of Project/Site: _____

Oil Storage Area: _____

1. Is the site following the SPCC Plan transfer (loading and unloading) procedures and maintaining transfer equipment (e.g., piping)?

Transfer Procedures and Observations: _____

Corrective Actions Needed/Expected Completion Date: _____

2. Are there any spills or leaks at the oil storage containers?

Container Locations and Observations: _____

Corrective Actions Needed/Expected Completion Date: _____

3. Are the appropriate secondary containment or diversionary structures in place?

Containment Locations and Observations: _____

Corrective Actions Needed/Expected Completion Date: _____

4. Are the secondary containment practices for fuel transfer in place?

Containment Practices and Observations: _____

Corrective Actions Needed/Expected Completion Date: _____

SELF-AUDIT CHECKLIST: SPCC REQUIREMENTS FOLLOWING AN OIL SPILL

Date of Spill: _____

Description/Location of Spill: _____

Name & Location of Project/Site: _____

Yes	No	
		1. If a spill resulting in a discharge to navigable waters or adjoining shorelines of the United States has occurred, did the site notify the following?
<input type="checkbox"/>	<input type="checkbox"/>	Site Emergency Coordinator and any client representatives.
<input type="checkbox"/>	<input type="checkbox"/>	National Response Center (1-800-424-8802) - if oil discharge meets the "sheen rule" (see Appendix A).
<input type="checkbox"/>	<input type="checkbox"/>	State Emergency Response Commission - if spill may potentially harm people off site.
<input type="checkbox"/>	<input type="checkbox"/>	Local Emergency Planning Committee or local fire department - if spill may potentially harm people off site.
<input type="checkbox"/>	<input type="checkbox"/>	2. If a spill has occurred, were the necessary response actions, as outlined in the SPCC Plan, performed?
<input type="checkbox"/>	<input type="checkbox"/>	3. Was EPA notified of any spills over 1,000 gallons or of any two spills over 42 gallons within a 12-month period?
<input type="checkbox"/>	<input type="checkbox"/>	4. For any reportable oil spills, did the site add a copy of the report with oil spill details to the SPCC Plan documentation? The oil spill details should include corrective actions taken, cause of discharge, and additional preventive measures taken.

NOTES / ACTIONS NEEDED TO BRING SITE INTO COMPLIANCE: _____

BACKGROUND ON OIL SPILL PREVENTION REQUIREMENTS FOR CONSTRUCTION ACTIVITIES

DEFINITIONS

- **Bulk Storage Container.** 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. Bulk storage containers include items such as tanks, containers, drums, and mobile or portable totes.
- **Oil.** Oil of any kind or in any form, including, but not limited to: petroleum; fuel oil; sludge; oil refuse; oil mixed with wastes other than dredged spoil; fats, oils or greases of animal, fish, or marine mammal origin; vegetable oils, including oil from seeds, nuts, fruits, or kernels; and other oils and greases, including synthetic oils and mineral oils.
- **Storage Capacity.** The shell capacity of the container (i.e., the maximum volume of the storage container used to store oil, not the actual amount of product stored in the container).

APPLICABILITY

The construction project must adhere to SPCC program requirements if it meets the following three criteria:

1. Stores, uses, transfers, or otherwise handles oil;
2. Has a maximum aboveground storage *capacity* greater than 1,320 gallons of oil (which includes both bulk and operational storage volumes) OR total underground storage *capacity* greater than 42,000 gallons of oil; AND
3. There is a reasonable expectation (based on location of the site) that an oil spill would reach navigable waters or adjoining shorelines of the United States.

CALCULATING STORAGE CAPACITY

To calculate the maximum aboveground storage capacity at the site, add together the capacity of the following:

- Aboveground oil storage tanks;
- Fuel/fluid tanks on mobile equipment; and
- Fuel/fluid tanks on other operation/construction equipment (e.g., fuel tanks on bulldozers, cranes, and backhoes).

For storage capacity calculations, do not include the following oil tanks: completely buried tanks subject to all the technical requirements of the underground storage regulation, tanks (aboveground or underground, including mobile and operation/construction equipment tanks) with storage capacity less than 55 gallons, and permanently closed tanks.

If the site's storage capacity exceeds 1,320 gallons, it must meet the SPCC requirements.

OIL SPILL REQUIREMENTS

If the site meets the storage capacity criteria, it must prepare and follow spill prevention plans to avoid oil spills into navigable waters or adjoining shorelines of the United States. The plan must identify operating procedures in place and control measures installed to prevent oil spills, and countermeasures to contain, clean up, or mitigate the effects of any oil spills that occur. The plan must be updated as conditions change at the construction site. Specific items in the SPCC plan include the following:

- Professional Engineer certification;
- For plans not following the format listed in the rule (e.g., plans developed for a combined Stormwater Pollution Prevention Plan and SPCC Plan), cross-references to the requirements in 40 CFR Part 112.7;
- Site diagram that identifies the location and contents of each container (including completely buried tanks that are otherwise exempted from the SPCC requirements);
- For each container, the type of oil stored and the storage capacity;
- Discharge prevention measures, including procedures for oil handling;

- Predictions of direction, flow rate, and total quantity of oil that could be discharged from the site as a result of a major equipment failure;
- Site drainage;
- Site inspections;
- Site security;
- Five-year plan review (if construction lasts five years);
- Management approval;
- Requirements for mobile, portable containers (e.g., totes, drums, or fuel vehicles that remain on the construction site);
- Appropriate secondary containment or diversionary structures;
- Secondary containment for fuel transfer;
- Personnel training and oil spill prevention briefings;
- Tank integrity testing;
- Bulk storage container compliance; and
- Transfer procedures and equipment (including piping).

Spill Response Requirements

If a spill occurs, the site must follow the spill response procedures outlined in the SPCC Plan. These procedures should include identifying the spilled material, preventing (or restricting) additional leaks from the container, confining the spill area with absorbent materials or dikes, beginning cleanup (remediation and decontamination) of the spill areas, and notifying all of the appropriate parties.

In the event of an oil spill, the construction site Emergency Coordinator and any client representatives should be notified. If the oil spill results in a discharge, the National Response Center must be notified at 1-800-424-8802. 40 CFR Part 110 defines an oil discharge as a quantity that:

- Violates applicable water quality standards;
- Causes a film or “sheen” upon, or discoloration of, the surface water or adjoining shorelines; or
- Causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

This is referred to as the “sheen rule.” If the oil spill has the potential to harm people off site, the State Emergency Response Commission and Local Emergency Planning Committee (or local fire department) must also be notified.

Facility Response Plans

In addition to SPCC requirements, the Clean Water Act/Oil Pollution Act (CWA/OPA) requires Facility Response Plans for “substantial harm” sites. Substantial harm sites include:

- Sites that transfer oil over water AND have a total oil storage capacity of 42,000 gallons or more; or
- Sites with a total oil storage capacity greater than one million gallons.

Construction sites are not expected to meet the definition of “substantial harm”; however, if the site does meet one of the definitions above, the Facility Response Plan requirements should be reviewed at <http://www.epa.gov/oilspill/frps/index.htm>.

Attachment A. August 2002 Update of the SPCC Rule

This attachment highlights how the August 2002 update of the SPCC rule may affect the construction site.

What Are the Major Changes to the SPCC Rule?

- Individual aboveground tanks with storage capacity greater than 660 gallons of oil are no longer regulated unless the total site capacity is greater than 1,320 gallons of oil.
- The following are exempt from the storage capacity calculations and SPCC requirements:
 - Completely buried storage tanks subject to all of the technical requirements of the underground storage tank (UST) regulations (40 CFR Parts 280 or 281), and
 - Tanks with a storage capacity of 55 gallons or less.
- Sites do not need to report oil spills to EPA unless the site has:
 - Two discharges (over 42 gallons) in any 12-month period, or
 - A single discharge of more than 1,000 gallons.
- The rule allows deviations from most provisions (with the exception of secondary containment requirements) when equivalent environmental protection is provided.
- The rule provides for a flexible plan format, but requires a **cross-reference** showing that all regulatory requirements are met.
- The rule clarifies applicability to the storage and operational use of oil.

When Do I Need to Meet the New SPCC Rule Requirements?

On July 16, 2002, EPA promulgated a revised final SPCC regulation, which became effective August 17, 2002. EPA subsequently extended the regulatory compliance schedule included in the new SPCC rule.

The current compliance dates for the new rule are as follows:

- February 17, 2006: Facilities must prepare and certify (using a Professional Engineer, or P.E.) an SPCC Plan in accordance with the new SPCC rule.
- August 18, 2006: The revised SPCC Plan must be implemented.

Affected facilities that start operations between August 16, 2002 and August 18, 2006 must prepare and implement an SPCC Plan by August 18, 2006. Affected facilities that become operational after August 18, 2006 must prepare and implement an SPCC Plan before starting operations.