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Region III Oil Program Activities

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REGULATIONS

OIL POLLUTION PREVENTION AND RESPONSE REGULATION TO BE AMENDED

EPA proposes to amend the Facility Response Plan (FRP) requirements in the Oil Pollution Prevention and Response regulation, found at 40 CFR part 112 and promulgated under the Clean Water Act (CWA), for non-transportation-related facilities. The main purpose of the proposed rule is to provide a more specific methodology for planning response resources that can be used by owners or operators of facilities that handle, store, or transport animal fats and vegetable oils. Under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105-276), which was signed into law on October 21, 1998, Congress directed the EPA to issue regulations amending 40 CFR part 112 not later than March 31, 1999 to comply with the requirements of the Edible Oil Regulatory Reform Act (Public Law 104-55). EPA is issuing this proposed rule in response to P.L. 105-276.

On July 1, 1994, EPA published the final FRP rule amending 40 CFR part 112 to add new planning requirements for worst case discharges to implement section 311(j)(5) of the CWA, as amended by OPA (59 FR 34070, July 1, 1994). Under the authority of section 311 (j)(1)(C) of the CWA, the agency also required planning for small and medium discharges of oil, as appropriate.

By a letter dated August 12, 1994, the agency received a "Petition for Reconsideration and Stay of Effective Date" of the OPA-mandated FRP final rule as the rule applies to facilities that handle, store, or transport animal fats or vegetable oils. The petition was submitted on behalf of seven agricultural organizations ("the Petitioners"). To support their claims, the Petitioners submitted an industry-sponsored report and an associated study. They suggested specific language revisions for the July 1, 1994, FRP rule.

The federal natural resource trustee agencies reviewed the submitted report and study. The views of the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) on the adverse effects of animal fats and vegetable oils are discussed in detail in the Agency's Notice and Request for Data (59 FR 53742, October 26, 1994) and the preamble to the United States Coast Guard (USCG) final rule setting forth response plan requirements for marine transportation-related facilities (62 FR 54508, October 20, 1997).

The October 26, 1994 Notice and Request for Data was published in view of the differing scientific conclusions reached by the Petitioners, the FWS, and other groups and agencies, and asked for broader public comment on issues raised by the Petitioners; the Agency did not receive any new data on these issues.

Congress enacted the Edible Oil Regulatory Reform Act (EORRA) (33 U.S.C.§ 2720) on November 20, 1995. Under this law, EPA must, in the issuance or enforcement of any regulation or the establishment of any interpretation or guideline relating to the transportation, storage, discharge, release, emission, or disposal of a fat, oil, or grease, differentiate between and establish separate classes for animal fats and oils and greases, fish and marine mammal oils, and oils of vegetable origin (as opposed to petroleum and other oils and greases).

On October 20, 1997, EPA denied the petition to amend the FRP rule. The Agency found that the petition did not substantiate claims that animal fats and vegetable oils differ from petroleum oils in properties and effects and did not support a further differentiation between these groups of oils under the FRP rule. The Agency pointed out that the FRP rule already provides for different response planning requirements for petroleum and non-petroleum oils, including animal fats and vegetable oils. Petroleum oils, vegetable oils and animal fats, and other non-petroleum oils share common

Karen Melvin, Chief, Removal Enforcement and Oil Section
1650 Arch Street, Philadelphia, PA 19103
Phone: (215) 814-3275

Paula Curtin, Editor, Spill Enforcement Coordinator
303 Methodist Building, Wheeling, WV 26003
Phone: (304) 234-0256

physical properties and produce similar environmental effects. The bottom line is that physical contact, destruction of food sources, and toxic contamination produce the harmful environmental effects of spills of petroleum oils, animal fats and vegetable oils, and non-petroleum oils other than animal fats and vegetable oils (62 FR 54508, October 20, 1997).

On January 16, 1998, the Agency received a request from the Animal Fat/Vegetable Oil Coalition to modify the FRP rule as it applies to facilities that handle, store, or transport vegetable oils and animal fats. The Agency met with the Coalition representatives on April 6, 1998 to clarify their request. On April 9, 1998, the Agency received a second request amending two items in the previous request. The Agency addresses some of the issues in detail in this 1999 proposed rule. On March 14, 1997, the National Oilseed Processors Association filed a petition with the USCG requesting similar amendments to the marine-transportation-related facility response plan regulations. To further address these petitions, EPA and the USCG are requesting comments and information on how facilities that handle animal fats and vegetable oils should be regulated.

In addition, EPA is providing an advance notice for similar revisions that will be proposed for the Spill Prevention, Control, and Countermeasures (SPCC) Plan requirements, also found at 40 CFR part 112, in a future rulemaking. EPA requests comments concerning ways we might differentiate among the various classes of oils listed in the Edible Oil Regulatory Reform Act (EORRA) for purposes of the Spill Prevention, Control, and Countermeasures (SPCC) Rule.

In addition, the Agency has to consider the following: 1. Executive Order (E.O.) 12866: OMB Review, 2. E.O. 12875: Enhancing the Intergovernmental Partnership, 3. E.O. 13084: Consultation and Coordination with Indian Tribal Governments, 4. E.O. 13045: Children's Health, 5. Regulatory Flexibility Act, 6. Paperwork Reduction Act, 7. Unfunded Mandates, 8. National Technology Transfer and Advancement Act, and 9. Differentiation Between Classes of Oils.

INTERESTING FACTS ABOUT OIL

- The United States consumed 18.2 million barrels of oil a day in 1996.
- Total remaining recoverable U.S. Oil may exceed 200 billion barrels -- about 70 years worth at the current rate of consumption. Total world reserves may total 2 trillion barrels.
- About half of the oil we consume is produced here in the United States. The rest is imported. Of the oil we import, 51 percent comes from other nations in the Western Hemisphere, 21 percent from the Middle East, 18 percent from Africa and 11 percent from other countries.
- Oil furnishes about 40 percent of our energy needs, natural gas 25 percent, coal 22 percent, nuclear 8 percent, and renewable 4 percent.
- It takes about 20 new cars today to produce the tailpipe pollution of one new car in the 1960s because of cleaner burning gasolines and improved automobile technology.

TITUSVILLE, PA - BIRTHPLACE OF THE OIL INDUSTRY

Jonathan Titus and Samuel Kerr founded Titusville in 1796. It became a borough in 1847. Ten years later Colonel Edwin Drake arrived in town. Colonel Drake was employed by the Pennsylvania Rock Oil Company. He was given the duty of drilling for oil, a process used in salt wells. On August 27, 1859, the world had its first producing oil well. Like the 1849 gold rush which saw multitudes of would-be miners arrive in the frontier regions of California, this brought thousands of new residents to the little town that became incorporated in 1866 with a population of 8,000. Drake left the oil belt which he had discovered, only to suffer debilitating sickness and to die in penury. An industry which brought great riches to so many, finally honored him by bringing his body back to Titusville and interring it in a fine tomb replete with symbolic bronze sculpture. The oil industry honors its birthplace with a museum and memorial park at the site where Drake struck oil in his pioneer well.

PLANNING INFORMATION

INLAND AREA CONTINGENCY PLAN NOW AVAILABLE ON THE INTERNET

The Region III Inland Area Committee is comprised of federal, state and local officials. As mandated by the Oil Pollution Act of 1990, its purpose is to prepare and maintain an Area Contingency Plan and work with state and local officials to enhance their contingency planning efforts and to assure preplanning of joint response efforts. The Region III Inland Area Contingency Plan can now be found on the Internet("http://www.epa.gov/reg3hwmd/iacp/r3iacp.htm"). Although the site is still under construction, information is now available. Fact sheets and GIS data and maps will be available in the future.

For additional information, contact the Region III Inland

Area Committee Chairperson, Stephen Jarvela at (215) 814-3259.

PREPAREDNESS ACTIVITIES

CHESAPEAKE AREA REGIONAL DRILL

Chesapeake Area Regional Drill - On March 23-24, 1999 Citgo conducted a drill to test their newly developed Regional Integrated Contingency Plan (ICP). The EPA Facility Response Plan (FRP) Final Rule (July 1, 1994) requires that the owner or operator of any facility required to prepare a facility response plan under 40 C.F.R. §112.20 shall develop and implement a facility response training program and a drill/exercise program. Citgo developed a Regional ICP that incorporates four facilities located in the Chesapeake Regional Area. The Citgo Baltimore Terminal (MD-FRP-007), which is located in the Baltimore Sub-area of the Region III Inland Area Contingency Plan, hosted the first Regional Drill. OSC Kevin Boyd was the lead for this Sub-area and participated in the Unified Command. Several members of the Removal Enforcement and Oil Section also attended this drill which focused on: communications, documentation and follow-up. For further information, contact Linda Ziegler at (215) 814-3277.

SPCC INFORMATION

AN API 653 ON A TANK - WITHOUT HAVING TO TAKE IT OUT-OF-SERVICE?

The biggest drawback in having an API 653 inspection done on a tank is that the tank has to be taken out-of-service to allow personnel to enter and inspect the tank bottom. This may soon change. As some may know, technology has been available for the last few years which allows a fully submersible, robotic device to scan the bottom of a tank and provide information on pitting and bottom plate thickness. This provided (and continues to provide) invaluable information on a floor's corrosion rate to determine a proper inspection interval to conduct a formal API 653 inspection. However, this in-service inspection may soon in itself be accepted as part of the formal API 653 inspection. It seems that the American Petroleum Institute (API) is on the verge of amending the 653 Standard to include the in-service inspection as an accepted method to inspect a tank bottom.

There are many benefits to an in-service vs. an out-of-service inspection. The in-service inspection allows a facility to continue to use the tank during the inspection, while the traditional out-of-service inspection required that the tank be emptied and thoroughly cleaned. In addition, minimum manpower is required and the in-service inspection is safer because a confined space entry is not required. Also, some devices allow sludge to be removed during the inspection, a procedure which also has required the tank to be out-of-service in the past.

Although the in-service test has been recognized for some time as a useful inspection tool, it was not considered as a viable test for 653 until it was proven conclusively that the test was just as accurate as the out-of-service test in determining the condition of tank bottoms. The amendment allowing the in-service robotic inspection is expected to be added during April 1999.

UPCOMING EVENTS

ABOVE GROUND STORAGE TANK SYMPOSIUM

The Atlanta Fire Department is presenting an Aboveground Storage Tank (AST) Symposium May 17 through May 21, 1999. The symposium consists of two unique three day courses, and one five day course.

Course A covers inspection of AST facilities for fire safety. The course involves design, construction and leak detection of petroleum storage tank facilities. In addition, the course shows how to properly inspect ASTs to protect against fire or catastrophic failure. The course also includes a section on EPA regulations affecting ASTs.

Course B involves fire prevention, protection and suppression of AST fires. The course shows how to mitigate consequences when a tank or petroleum storage facility catches fire or explodes, what equipment is necessary, how to pre-plan for these events, and when to stay and fight, and when to evacuate.

Course C includes both courses. Free baseball tickets for the Braves vs. the Cubs will be given to all Course C attendees.

The cost of each course is $600.00 or both courses can be taken for $900.00. For further information, contact Mr. James Brundage or Chief H.D. Jones at (404) 853-7010.

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REGION III RRT MEETING

The next regularly scheduled Region III RRT meeting will be

held at Ocean City, MD on May 18-20, 1999.

For further information, contact Linda Marzulli at (215) 814-3256.

EPA REGION III's 1999 CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION CONFERENCE

EPA Region III's 1999 Chemical Emergency Preparedness and Prevention Conference "Make a Difference" will be held September 22-23, 1999 at the Hilton Washington & Towers, Washington, DC.

The best conference of its kind anywhere in the USA. More topics, more workshops, more case studies, more networking, more fund than you are probably entitled to for $95.

To Register, call toll free 1-877-804-CEPP, or register online at www.epacepp.com.

SPCC/FRP OUTREACH MANUAL

REGION III'S SPCC/FRP OUTREACH MANUAL

__SPCC MANUAL ___FRP MANUAL

IF YOU WOULD LIKE TO RECEIVE A COPY PLEASE SEND OR FAX TO:

Betty Polkowski (3HS32)
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103
Phone#: (215) 814-3102
Fax#: (215) 814-3254

Region III Oil Program Contacts:

Karen Melvin *(215) 814-3275*
-Chief, Removal Enforcement and Oil Section

Cordy Stephens *(215) 814-3276*
-Secretary

Betty Polkowski *(215)814-3102*
-Outreach and data Entry

Steve Jarvela *(215) 814-3259*
-On-Scene Coordinator
-Inland Area Committee, Chair

Linda Ziegler *(215) 814-3277*
-Facility Response Plan (FRP) Coordinator
-Oil Pollution Act
-RRT, Area Committees, Port Area Committee
-Spill Response Countermeasure (Dispersants)
-Outreach

Jean Starkey *(215) 814-3292*
-SPCC Coordinator
-SPCC Enforcement
- Multi-Media Enforcement Outreach

Paula Curtin *(304) 234-0256*
-Oil Enforcement Coordinator
-OPA Spill Penalty Program
-Spill Investigations
-Oil Program Activities Newsletter
-Outreach

Neeraj Sharma (Raj) *(215)814-3260*
- SPCC Inspections
- FRP Inspections
-Outreach

Edwardo Rovira *(215)814-3436*
- SPCC Inspections
- FRP Inspections
-Outreach

Bernie Stepanski *(215) 814-3288*
-Spill Investigations

Frank Cosgrove *(215) 814-3284*
-SPCC/FRP Inspections and Plan Review
-SPCC Enforcement Support
-Outreach