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Region III Oil Program Activities

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FEATURE

PECO ENERGY COMPANY DRILL

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Five million gallons of fuel oil spilled into the Delaware River and there wasn't a TV news crew, radio or newspaper reporter in sight.

There were no police, no firefighters and no U.S. Coast Guard on site.

But then again, the spill was a hypothetical scenario used for a drill recently at Distributed Generation Division at Richmond Station.

That kind of scenario, coined by employees as "the mother of all spills," would never likely occur because although the site's oil tank has the structural capability to hold five million gallons, typically only carries about one million.

Nonetheless, even a much smaller oil spill would pose a potential serious threat to the environment. Regardless of the amount of oil, and assessment of the drill indicated that Richmond had the situation well in hand.

"The likelihood of this very happening - we hope - is nil," said Dennis Ray, manager of Distributed Generation Division. "I'm very pleased with the kind of response I witnessed during the drill."

Notifications were made in a timely way and all those who were notified, responded appropriately.

If an accident like this should ever happen," he added, "it would likely cost more than \$1 million to capture and contain it, not to mention months of clean up and earth decontamination. By having rapid response, deployment and containment, the adverse affects go down noticeably."

The "Qualified Individual," who serves as the head of the emergency response, was Vern Lucas who was supported by shift manager, Len Trush and environmental manager Keith Smith.

Joe Perkins and Mike Myles, the operators on duty, made the notifications. Also participating in the drill were Walt Masny, Al Belmondo and Jay Doering. Mark Rothstein of the Legal Department's Environmental Affairs and Walt Lenard of PPG's Environmental Affairs participated as observers.

The distributed Generation Division includes a small fleet of combustion turbine units used usually only during periods of high energy demand.

At Richmond Station, where the drill took place, there are two combustion turbines and two frequency converters, known as "the freaks" which convert standard cycle electricity to a frequency that is used by Amtrack to run its trains.

Distributed Generation sites such as Richmond and Croydon are required to conduct annual drills due to the significant amount of oil stored at those sites.

Although the media didn't participate in the drill, four representatives from the EPA observed and provided feedback.

Mikal Shabazz, an EPA On-Scene Coordinator, commented during the notification phase of the facility response plan that the group appeared well organized and everyone knew what they had to do and did it.

"The notifications phase is a critical element, Shabazz said. "The next logical step that follows is the response phase."

He noted that the EPA looks for response within an hour of the spill or catastrophe.

Shabazz explained that in an actual emergency, the EPA's role is to step back and observe as long as everything is happening as

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it should.

After the drill was officially terminated, Shabazz and EPA representative Linda Ziegler, Michael Welsh and an EPA subcontractor Donielle Perri, provided overall comments and feedback on some possible improvements.

The Distributed Generation Division will be reviewing the lessons learned and assessing what improvements will be made.

WELL PLUGGING OPERATIONS

Bull Creek Oil Wells, Willow Island, Pleasants County, WV

Work was completed this year at this abandoned oil field site in the Bull Creek and Horse Neck Run area of Pleasants County. A total of 24 oil wells were plugged utilizing Oil Pollution Act (OPA) Funding. The total cost of the project was \$413,171. On site plugging operations were initiated in January 1997, and completed in November 1997. No further plugging operations are anticipated, however, remaining abandoned oil wells in the area will continue to be monitored. The abandoned oil wells were first discovered leaking during the winter flood of January 1996. The abandoned oil wells may have started to leak due to hydraulic pressure exerted on the oil sands due to severe flooding of the Pleasants County area. The wells are being plugged with the assistance of the WVDEP under a Pollution Removal Funding Authorization (PRFA).

OR 176 Oil Wells, Boaz, Wood County, WV

This Oil Field is located on and near the West Virginia bank of the Ohio River Mile Point 176 and adjoining wet land area. This area of the Ohio River contains protected and endangered species of wild life. Site work was initiated in October 1997 to start plugging the most significant abandoned and leaking oil wells. A permit has been obtained from the U.S. Army Corps of Engineers to temporarily fill in wetland areas to the extent necessary to access some of the well site locations. A total of eight wells have been plugged to date. OSC Downie will meet with the WVDEP to scout out additional wells to be plugged in this oil field. It is estimated that as many as 50 oil wells may need to be plugged in this area. The wells are being plugged with the assistance of the WVDEP under a Pollution Removal Funding Authorization (PRFA). For further information, contact Jack Downie at (304) 234-0255.

STATE NEWS

PENNSYLVANIA

The Department of Environmental Protection has recently warned of next years' deadline for upgrading underground storage tanks.

There are approximately 40,000 regulated underground tanks in the state and more than 10,000 of them need to be upgraded.

The upgrades were mandated in 1988 by the U.S. Environmental Protection Agency to prevent leaks that can contaminate soil and groundwater. A ten year window was written into the law because the upgrades can be costly.

The law applies to tanks that contain petroleum products and hazardous substances and have a capacity of more than 110 gallons. Tanks are classified as underground when at least 10 percent of the stored volume is below ground.

Owners of tanks must register each one with the DEP and pay an annual registration fee. The most heavily affected group are gas station owners.

(Information taken from Philadelphia Inquirer, 12/23/97, Douglas Belkin)

ENFORCEMENT

PENALTIES UNDER THE LAW

Under the Clean Water Act, as amended by the Oil Pollution Act of 1990, EPA has greater authority to pursue administrative, judicial, and criminal penalties for violations of the regulations and for discharges of oil and hazardous substances. Under the new penalty system, three different courses of action are available to EPA in the event of a spill: 1) EPA may assess an administrative penalty against the facility, 2) EPA may seek a judicial penalty against the facility in the federal court system, or 3) EPA may seek a criminal action against the facility in the federal court system.

Administrative Penalties: EPA may assess administrative penalties against oil or hazardous substance dischargers as well as facility owners or operators who fail to comply with Spill Prevention Regulations. Class I violations may be assessed an administrative penalty up to \$10,000 per violations, but no more than \$25,000 total. The more serious Class II violations may be assessed up to \$10,000 per day, but no more than \$125,000.

Judicial Penalties: EPA may assess judicial penalties against facility owners or operators who discharge oil or hazardous substances, who fail to properly carry out a cleanup ordered by EPA, or who fail to comply with the Spill Prevention Regulations. Courts may assess judicial penalties for discharges as high as \$25,000 per day or up to \$1,000 per barrel of oil

spilled. For those discharges that result from gross negligence or willful misconduct, the penalties increase to no less than \$100,000 and up to \$3,000 per barrel of oil spilled.

Criminal Penalties: EPA may pursue criminal penalties against facility owners or operators who fail to notify the appropriate Federal Agency of a discharge of oil. Specifically, under the Clean Water Act, the Federal government can impose a penalty up to a maximum of \$250,000 for an individual or \$500,000 for a corporation, and a maximum prison sentence of five years.

WHAT IS AN OIL?

Oils are defined under several statutes including the Clean Water Act (CWA) and the Oil Pollution Act of 1990 (OPA). As a result, overlapping regulatory interpretations exist. The U.S. EPA and the U.S. Coast Guard are currently developing a nationally consistent program policy for facilities to determine whether a substance is considered an oil under the existing CWA.

Under the CWA, the definition of oil includes oil of any kind and any form, such as petroleum and nonpetroleum oils. Generally, oils fall into the following categories: crude oil and refined petroleum products, edible animal and vegetable oil, and other oils of animal or vegetable origin, and other nonpetroleum oils.

UPCOMING EVENTS

ABOVE GROUND STORAGE TANK SYMPOSIUM

The Atlanta Fire Department is presenting an Aboveground Storage Tank (AST) Symposium May 11 through May 15, 1998. The symposium consists of two unique three day course 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.

The cost of each course is \$600.00 or both courses can be taken for \$900.00. For more information, contact James C. Brundage,

AST Symposium Chairman (404)530-6639 or Chief H.D. Jones (404)853-7010. You can also access their Web page at HLTP://WWW/atlanta/org/dept/fire/symp98.

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1998 INTERNATIONAL HAZARDOUS MATERIAL SPILLS CONFERENCE

The National Response Team is sponsoring the 14th International Meeting on Prevention, Preparedness, and Response to Hazardous Material Spills on April 5-9, 1998. The conference brings together colleagues from industry, federal, state and local agencies to explore all aspects of risk management as it applies to communities. The conference will be held in Chicago, IL. Further information can be obtained from the web site: <http://www.nrt.org/nrt/hazmat98.nsf>.

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REGION III RRT MEETING

The next regularly scheduled Region III RRT meeting will be held January 27 - 29, 1998 in Williamsburg, VA.

For further information, contact Linda Marzulli at (215) 566-3256.

SPCC INFORMATION

OIL POLLUTION PREVENTION AND RESPONSE; NON-TRANSPORTATION RELATED ONSHORE AND OFFSHORE FACILITIES

The U.S. Environmental Protection Agency (EPA or the Agency) proposes to revise the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements to reduce its information collection burden. Proposed revisions as follows: 1) give facility owners or operators flexibility to use alternative formats for SPCC Plans; 2) allow the use of certain records maintained pursuant to usual and customary business practices, or pursuant to the National Pollutant Discharge Elimination System (NPDES) program, to be used in lieu of records mandated by the SPCC requirements; 3) reduce the information required to be submitted after certain spill events; and extend the period in which SPCC Plans must be reviewed and evaluated.

EPA also proposes to amend the Facility Response Plan (FRP) requirements, for the following two purposes: 1) EPA proposes to provide a method to calculate storage capacity when certain

facilities have tanks which contain mixtures of process water/waste water with 10% or less of oil. This calculation is for the sole purpose of determining whether a facility has sufficient capacity to subject it to the requirement in §112.20 to prepare an FRP; 2) EPA proposes to amend the FRP requirements to clarify that the Integrated Contingency Plan format may be acceptable for an FRP. EPA believes that none of the proposed changes will have an adverse impact on public health or the environment. This is so because the proposal would maintain the same standards of environmental protection that the rule now affords while reducing its information collection burden. To determine whether your facility could be regulated by this action, you should carefully examine the criteria in §112 of title 40 of the Code of Federal Regulations.

EPA proposes to reduce the information collection burden of the SPCC rule through program changes. In connection with these proposed changes, EPA requests public comment on new standards, technologies, or approaches that have been developed which would reduce the burden of other SPCC rule requirements, without compromising environmental protection. EPA also seeks comments on measures not now required that would enhance the environmental protection the SPCC rule provides. Both of these requests for public comments are for the purpose of securing information to develop possible future rules or policies, and are not for the purpose of developing a final rule implementing this proposed rule. Lastly, for purposes of developing a final rule (not presently in the proposed rule cited above), EPA is considering whether any change is justified in the level of storage capacity which subjects a facility to the requirement to prepare an SPCC Plan. Currently, a facility with a total aboveground storage capacity of 1320 gallons or less of oil, but that has a single container with a capacity in excess of 660 gallons of oil is subject to SPCC requirements. EPA is considering eliminating the provision in the current rule that requires a facility having a container with a storage capacity in excess of 660 gallons to prepare an SPCC Plan, as long as the total capacity of the facility remained at 1,320 gallons or less. The effect of such a change would be to raise the threshold for regulation to an aggregate aboveground storage capacity greater than 1,320 gallons, thereby eliminating the need for facilities with less than that capacity to prepare an SPCC Plan. EPA invites public comment on this issue and supporting data where available.

Proposed rule was published in the Federal Register (62 FR 63811) on December 2, 1997. Comments must be submitted on or before January 31, 1998.

FOR FURTHER INFORMATION CONTACT: Hugo Paul Fleischman, Oil Program Center, U.S. Environmental Protection Agency, at 703-603-8769.

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“Drill for Oil? You mean drill into the ground to try and find oil? You’re crazy.”

Comment made by drillers who Edwin L. Drake tried to enlist to his project to drill for oil in 1859.

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