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40 CFR Ch. I (7-1-21 Edition)

RESPONSIBILITIES

Pursuant to section 2(i) of E.O. 12777, DOI redelegates, and EPA and DOT agree to assume, the functions vested in DOI by sections 2(b)(3), 2(d)(3), and 2(e)(3) of E.O. 12777 as set forth below. For purposes of this MOU, the term "coast line" shall be defined as in the Submerged Lands Act (43 U.S.C. 1301(c)) to mean "the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

1. To EPA, DOI redelegates responsibility for non-transportation-related offshore facilities located landward of the coast line.

2. To DOT, DOI redelegates responsibility for transportation-related facilities, including pipelines, located landward of the coast line. The DOT retains jurisdiction for deepwater ports and their associated seaward pipelines, as delegated by E.O. 12777.

3. The DOI retains jurisdiction over facilities, including pipelines, located seaward of the coast line, except for deepwater ports and associated seaward pipelines delegated by E.O. 12777 to DOT.

EFFECTIVE DATE

This MOU is effective on the date of the final execution by the indicated signatories.

LIMITATIONS

1. The DOI, DOT, and EPA may agree in writing to exceptions to this MOU on a facility-specific basis. Affected parties will receive notification of the exceptions.

2. Nothing in this MOU is intended to replace, supersede, or modify any existing agreements between or among DOI, DOT, or EPA.

MODIFICATION AND TERMINATION

Any party to this agreement may propose modifications by submitting them in writing to the heads of the other agency/department. No modification may be adopted except with the consent of all parties. All parties shall indicate their consent to or disagreement with any proposed modification within 60 days of receipt. Upon the request of any party, representatives of all parties shall meet for the purpose of considering exceptions or modifications to this agreement. This MOU may be terminated only with the mutual consent of all parties.

Dated: November 8, 1993.
Bruce Babbitt,

Secretary of the Interior.

Dated: December 14, 1993.
Federico Peña,

Secretary of Transportation.

Dated: February 3, 1994.
Carol M. Browner,

Administrator, Environmental Protection Agency.

[59 FR 34102, July 1, 1994]

APPENDIX C TO PART 112—SUBSTANTIAL HARM CRITERIA

1.0 INTRODUCTION

The flowchart provided in Attachment C-I to this appendix shows the decision tree with the criteria to identify whether a facility "could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters or adjoining shorelines." In addition, the Regional Administrator has the discretion to identify facilities that must prepare and submit facility-specific response plans to EPA.

1.1 Definitions

1.1.1 *Great Lakes* means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

1.1.2 Higher Volume Port Areas include

- (1) Boston, MA;
- (2) New York, NY;
- (3) Delaware Bay and River to Philadelphia, PA;
- (4) St. Croix, VI;
- (5) Pascagoula, MS;
- (6) Mississippi River from Southwest Pass, LA to Baton Rouge, LA;
- (7) Louisiana Offshore Oil Port (LOOP), LA;
- (8) Lake Charles, LA;
- (9) Sabine-Neches River, TX;
- (10) Galveston Bay and Houston Ship Channel, TX;
- (11) Corpus Christi, TX;
- (12) Los Angeles/Long Beach Harbor, CA;
- (13) San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay to Antioch, CA;
- (14) Straits of Juan de Fuca from Port Angeles, WA to and including Puget Sound, WA;
- (15) Prince William Sound, AK; and
- (16) Others as specified by the Regional Administrator for any EPA Region.

1.1.3 *Inland Area* means the area shoreward of the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines as defined in 33 CFR 80.740-80.850). The inland area does not include the Great Lakes.

1.1.4 *Rivers and Canals* means a body of water confined within the inland area, including the Intracoastal Waterways and other waterways artificially created for navigating that have project depths of 12 feet or less.

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2.0 DESCRIPTION OF SCREENING CRITERIA FOR THE SUBSTANTIAL HARM FLOWCHART

A facility that has the potential to cause substantial harm to the environment in the event of a discharge must prepare and submit a facility-specific response plan to EPA in accordance with appendix F to this part. A description of the screening criteria for the substantial harm flowchart is provided below:

2.1 Non-Transportation-Related Facilities With a Total Oil Storage Capacity Greater Than or Equal to 42,000 Gallons Where Operations Include Over-Water Transfers of Oil. A non-transportation-related facility with a total oil storage capacity greater than or equal to 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA. Daily oil transfer operations at these types of facilities occur between barges and vessels and onshore bulk storage tanks over open water. These facilities are located adjacent to navigable water.

2.2 Lack of Adequate Secondary Containment at Facilities With a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons. Any facility with a total oil storage capacity greater than or equal to 1 million gallons without secondary containment sufficiently large to contain the capacity of the largest aboveground oil storage tank within each area plus sufficient freeboard to allow for precipitation must submit a response plan to EPA. Secondary containment structures that meet the standard of good engineering practice for the purposes of this part include berms, dikes, retaining walls, curbing, culverts, gutters, or other drainage systems.

2.3 Proximity to Fish and Wildlife and Sensitive Environments at Facilities With a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons. A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility could cause injury (as defined at 40 CFR 112.2) to fish and wildlife and sensitive environments. For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan. Facility owners or operators must determine the distance at which an oil discharge could cause injury to fish and wildlife and sen-

sitive environments using the appropriate formula presented in Attachment C-III to this appendix or a comparable formula.

2.4 Proximity to Public Drinking Water Intakes at Facilities with a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons. A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility would shut down a public drinking water intake, which is analogous to a public water system as described at 40 CFR 143.2(c). The distance at which an oil discharge from an SPCC-regulated facility would shut down a public drinking water intake shall be calculated using the appropriate formula presented in Attachment C-III to this appendix or a comparable formula.

2.5 Facilities That Have Experienced Reportable Oil Discharges in an Amount Greater Than or Equal to 10,000 Gallons Within the Past 5 Years and That Have a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons. A facility's oil spill history within the past 5 years shall be considered in the evaluation for substantial harm. Any facility with a total oil storage capacity greater than or equal to 1 million gallons that has experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the past 5 years must submit a response plan to EPA.

3.0 CERTIFICATION FOR FACILITIES THAT DO NOT POSE SUBSTANTIAL HARM

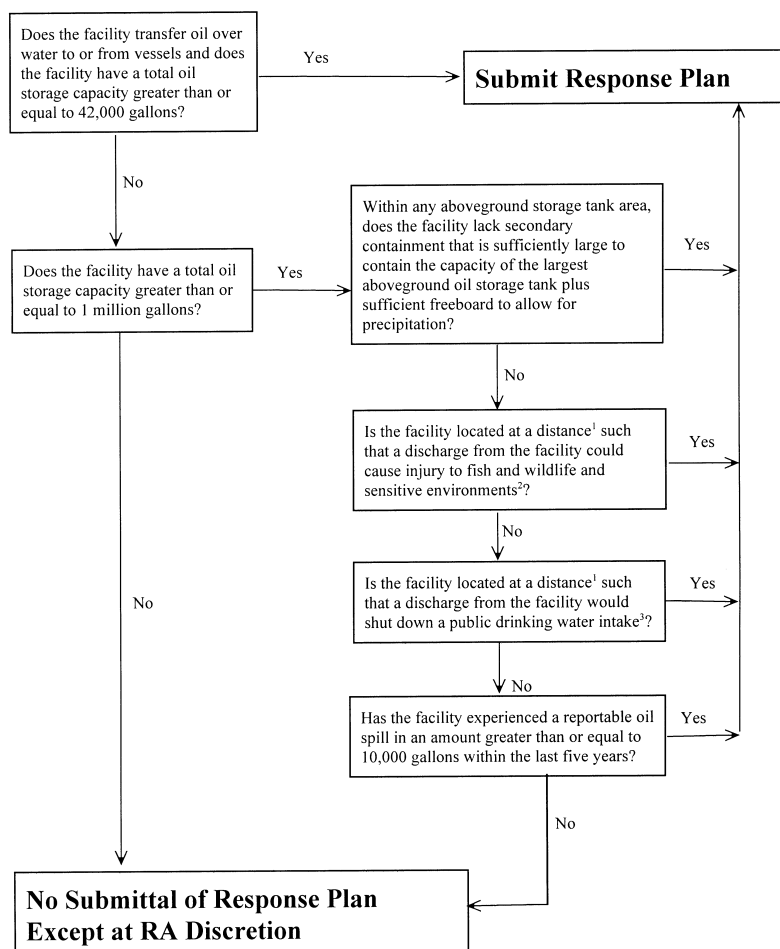
If the facility does not meet the substantial harm criteria listed in Attachment C-I to this appendix, the owner or operator shall complete and maintain at the facility the certification form contained in Attachment C-II to this appendix. In the event an alternative formula that is comparable to the one in this appendix is used to evaluate the substantial harm criteria, the owner or operator shall attach documentation to the certification form that demonstrates the reliability and analytical soundness of the comparable formula and shall notify the Regional Administrator in writing that an alternative formula was used.

4.0 REFERENCES

- Chow, V.T. 1959. Open Channel Hydraulics. McGraw Hill.
- USCG IFR (58 FR 7353, February 5, 1993). This document is available through EPA's rulemaking docket as noted in appendix E to this part, section 13.

ATTACHMENTS TO APPENDIX C

Attachment C-1

Flowchart of Criteria for Substantial Harm

¹ Calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula.

² For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and vessel response Plans: Fish and Wildlife and Sensitive Environments" (59 FR 14713, March 29, 1994) and the applicable Area Contingency Plan.

³ Public drinking water intakes are analogous to public water systems as described at CFR 143.2(c).

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ATTACHMENT C-II—CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

Facility Name: _____

Facility Address: _____

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?

Yes _____ No _____

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?

Yes _____ No _____

3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula¹) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan.

Yes _____ No _____

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula¹) such that a discharge from the facility would shut down a public drinking water intake?²

Yes _____ No _____

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?

Yes _____ No _____

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document,

¹If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable formula must be attached to this form.

²For the purposes of 40 CFR part 112, public drinking water intakes are analogous to public water systems as described at 40 CFR 143.2(c).

and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature _____

Name (please type or print) _____

Title _____

Date _____

ATTACHMENT C-III—CALCULATION OF THE PLANNING DISTANCE

1.0 Introduction

1.1 The facility owner or operator must evaluate whether the facility is located at a distance such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments or disrupt operations at a public drinking water intake. To quantify that distance, EPA considered oil transport mechanisms over land and on still, tidal influence, and moving navigable waters. EPA has determined that the primary concern for calculation of a planning distance is the transport of oil in navigable waters during adverse weather conditions. Therefore, two formulas have been developed to determine distances for planning purposes from the point of discharge at the facility to the potential site of impact on moving and still waters, respectively. The formula for oil transport on moving navigable water is based on the velocity of the water body and the time interval for arrival of response resources. The still water formula accounts for the spread of discharged oil over the surface of the water. The method to determine oil transport on tidal influence areas is based on the type of oil discharged and the distance down current during ebb tide and up current during flood tide to the point of maximum tidal influence.

1.2 EPA's formulas were designed to be simple to use. However, facility owners or operators may calculate planning distances using more sophisticated formulas, which take into account broader scientific or engineering principles, or local conditions. Such comparable formulas may result in different planning distances than EPA's formulas. In the event that an alternative formula that is comparable to one contained in this appendix is used to evaluate the criterion in 40 CFR 112.20(f)(1)(ii)(B) or (f)(1)(ii)(C), the owner or operator shall attach documentation to the response plan cover sheet contained in appendix F to this part that demonstrates the reliability and analytical soundness of the alternative formula and shall notify the Regional Administrator in

writing that an alternative formula was used.¹

1.3 A regulated facility may meet the criteria for the potential to cause substantial harm to the environment without having to perform a planning distance calculation. For facilities that meet the substantial harm criteria because of inadequate secondary containment or oil spill history, as listed in the flowchart in Attachment C-I to this appendix, calculation of the planning distance is unnecessary. For facilities that do not meet the substantial harm criteria for secondary containment or oil spill history as listed in the flowchart, calculation of a planning distance for proximity to fish and wildlife and sensitive environments and public drinking water intakes is required, unless it is clear without performing the calculation (e.g., the facility is located in a wetland) that these areas would be impacted.

1.4 A facility owner or operator who must perform a planning distance calculation on navigable water is only required to do so for the type of navigable water conditions (i.e., moving water, still water, or tidal-influenced water) applicable to the facility. If a facility owner or operator determines that more than one type of navigable water condition applies, then the facility owner or operator is required to perform a planning distance calculation for each navigable water type to determine the greatest single distance that oil may be transported. As a result, the final planning distance for oil transport on water shall be the greatest individual distance rather than a summation of each calculated planning distance.

1.5 The planning distance formula for transport on moving waterways contains three variables: the velocity of the navigable water (v), the response time interval (t), and a conversion factor (c). The velocity, v, is determined by using the Chezy-Manning equation, which, in this case, models the flood flow rate of water in open channels. The Chezy-Manning equation contains three variables which must be determined by facility owners or operators. Manning's Roughness

Coefficient (for flood flow rates), n, can be determined from Table 1 of this attachment. The hydraulic radius, r, can be estimated using the average mid-channel depth from charts provided by the sources listed in Table 2 of this attachment. The average slope of the river, s, can be determined using topographic maps that can be ordered from the U.S. Geological Survey, as listed in Table 2 of this attachment.

1.6 Table 3 of this attachment contains specified time intervals for estimating the arrival of response resources at the scene of a discharge. Assuming no prior planning, response resources should be able to arrive at the discharge site within 12 hours of the discovery of any oil discharge in Higher Volume Port Areas and within 24 hours in Great Lakes and all other river, canal, inland, and nearshore areas. The specified time intervals in Table 3 of appendix C are to be used only to aid in the identification of whether a facility could cause substantial harm to the environment. Once it is determined that a plan must be developed for the facility, the owner or operator shall reference appendix E to this part to determine appropriate resource levels and response times. The specified time intervals of this appendix include a 3-hour time period for deployment of boom and other response equipment. The Regional Administrator may identify additional areas as appropriate.

2.0 Oil Transport on Moving Navigable Waters

2.1 The facility owner or operator must use the following formula or a comparable formula as described in §112.20(a)(3) to calculate the planning distance for oil transport on moving navigable water:

$$d = v \times t \times c; \text{ where}$$

d: the distance downstream from a facility within which fish and wildlife and sensitive environments could be injured or a public drinking water intake would be shut down in the event of an oil discharge (in miles);

v: the velocity of the river/navigable water of concern (in ft/sec) as determined by Chezy-Manning's equation (see below and Tables 1 and 2 of this attachment);

t: the time interval specified in Table 3 based upon the type of water body and location (in hours); and

c: constant conversion factor 0.68 sec/mile/hour ft (3600 sec/hr ÷ 5280 ft/mile).

2.2 Chezy-Manning's equation is used to determine velocity:

$$v = 1.49/n \times r^{2/3} \times s^{1/2}; \text{ where}$$

v = the velocity of the river of concern (in ft/sec);

n = Manning's Roughness Coefficient from Table 1 of this attachment;

r = the hydraulic radius; the hydraulic radius can be approximated for parabolic channels by multiplying the average

¹For persistent oils or non-persistent oils, a worst case trajectory model (i.e., an alternative formula) may be substituted for the distance formulas described in still, moving, and tidal waters, subject to Regional Administrator's review of the model. An example of an alternative formula that is comparable to the one contained in this appendix would be a worst case trajectory calculation based on credible adverse winds, currents, and/or river stages, over a range of seasons, weather conditions, and river stages. Based on historical information or a spill trajectory model, the Agency may require that additional fish and wildlife and sensitive environments or public drinking water intakes also be protected.

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mid-channel depth of the river (in feet) by 0.667 (sources for obtaining the mid-channel depth are listed in Table 2 of this attachment); and
 s = the average slope of the river (unitless) obtained from U.S. Geological Survey topographic maps at the address listed in Table 2 of this attachment.

TABLE 1—MANNING'S ROUGHNESS COEFFICIENT FOR NATURAL STREAMS

[NOTE: Coefficients are presented for high flow rates at or near flood stage.]

Stream description	Roughness coefficient (n)
Minor Streams (Top Width <100 ft.)	
Clean:	
Straight	0.03
Winding	0.04
Sluggish (Weedy, deep pools):	
No trees or brush	0.06
Trees and/or brush	0.10
Major Streams (Top Width >100 ft.)	
Regular section:	
(No boulders/brush)	0.035
Irregular section:	
(Brush)	0.05

TABLE 2—SOURCES OF R AND S FOR THE CHEZY-MANNING EQUATION

All of the charts and related publications for navigational waters may be ordered from:
 Distribution Branch
 (N/CG33)
 National Ocean Service
 Riverdale, Maryland 20737-1199
 Phone: (301) 436-6990
 There will be a charge for materials ordered and a VISA or Mastercard will be accepted. The mid-channel depth to be used in the calculation of the hydraulic radius (r) can be obtained directly from the following sources:
 Charts of Canadian Coastal and Great Lakes Waters:
 Canadian Hydrographic Service
 Department of Fisheries and Oceans Institute
 P.O. Box 8080
 1675 Russell Road
 Ottawa, Ontario K1G 3H6
 Canada
 Phone: (613) 998-4931
 Charts and Maps of Lower Mississippi River (Gulf of Mexico to Ohio River and St. Francis, White, Big Sunflower, Atchafalaya, and other rivers):
 U.S. Army Corps of Engineers
 Vicksburg District
 P.O. Box 60
 Vicksburg, Mississippi 39180
 Phone: (601) 634-5000
 Charts of Upper Mississippi River and Illinois Waterway to Lake Michigan:
 U.S. Army Corps of Engineers
 Rock Island District

P.O. Box 2004
 Rock Island, Illinois 61204
 Phone: (309) 794-5552
 Charts of Missouri River:
 U.S. Army Corps of Engineers
 Omaha District
 6014 U.S. Post Office and Courthouse
 Omaha, Nebraska 68102
 Phone: (402) 221-3900
 Charts of Ohio River:
 U.S. Army Corps of Engineers
 Ohio River Division
 P.O. Box 1159
 Cincinnati, Ohio 45201
 Phone: (513) 684-3002
 Charts of Tennessee Valley Authority Reservoirs, Tennessee River and Tributaries:
 Tennessee Valley Authority
 Maps and Engineering Section
 416 Union Avenue
 Knoxville, Tennessee 37902
 Phone: (615) 632-2921
 Charts of Black Warrior River, Alabama River, Tombigbee River, Apalachicola River and Pearl River:
 U.S. Army Corps of Engineers
 Mobile District
 P.O. Box 2288
 Mobile, Alabama 36628-0001
 Phone: (205) 690-2511
 The average slope of the river (s) may be obtained from topographic maps:
 U.S. Geological Survey
 Map Distribution
 Federal Center
 Bldg. 41
 Box 25286
 Denver, Colorado 80225
 Additional information can be obtained from the following sources:
 1. The State's Department of Natural Resources (DNR) or the State's Aids to Navigation office;
 2. A knowledgeable local marina operator; or
 3. A knowledgeable local water authority (e.g., State water commission)
 2.3 The average slope of the river (s) can be determined from the topographic maps using the following steps:
 (1) Locate the facility on the map.
 (2) Find the Normal Pool Elevation at the point of discharge from the facility into the water (A).
 (3) Find the Normal Pool Elevation of the public drinking water intake or fish and wildlife and sensitive environment located downstream (B) (Note: The owner or operator should use a minimum of 20 miles downstream as a cutoff to obtain the average slope if the location of a specific public drinking water intake or fish and wildlife and sensitive environment is unknown).
 (4) If the Normal Pool Elevation is not available, the elevation contours can be used to find the slope. Determine elevation of the water at the point of discharge from the facility (A). Determine the elevation of the

water at the appropriate distance downstream (B). The formula presented below can be used to calculate the slope.

(5) Determine the distance (in miles) between the facility and the public drinking water intake or fish and wildlife and sensitive environments (C).

(6) Use the following formula to find the slope, which will be a unitless value: Average Slope=[(A–B) (ft)/C (miles)] × [1 mile/5280 feet]

2.4 If it is not feasible to determine the slope and mid-channel depth by the Chezy-Manning equation, then the river velocity can be approximated on-site. A specific length, such as 100 feet, can be marked off along the shoreline. A float can be dropped into the stream above the mark, and the time required for the float to travel the distance can be used to determine the velocity in feet per second. However, this method will not yield an average velocity for the length of the stream, but a velocity only for the specific location of measurement. In addition, the flow rate will vary depending on weather conditions such as wind and rainfall. It is recommended that facility owners or operators repeat the measurement under a variety of conditions to obtain the most accurate estimate of the surface water velocity under adverse weather conditions.

2.5 The planning distance calculations for moving and still navigable waters are based on worst case discharges of persistent oils. Persistent oils are of concern because they can remain in the water for significant periods of time and can potentially exist in large quantities downstream. Owners or operators of facilities that store persistent as well as non-persistent oils may use a comparable formula. The volume of oil discharged is not included as part of the planning distance calculation for moving navigable waters. Facilities that will meet this substantial harm criterion are those with facility capacities greater than or equal to 1 million gallons. It is assumed that these facilities are capable of having an oil discharge of sufficient quantity to cause injury to fish and wildlife and sensitive environments or shut down a public drinking water intake. While owners or operators of transfer facilities that store greater than or equal to 42,000 gallons are not required to use a planning distance formula for purposes of the substantial harm criteria, they should use a planning distance calculation in the development of facility-specific response plans.

TABLE 3—SPECIFIED TIME INTERVALS

Operating areas	Substantial harm planning time (hrs)
Higher volume port area.	12 hour arrival + 3 hour deployment = 15 hours.
Great Lakes ...	24 hour arrival + 3 hour deployment = 27 hours.

TABLE 3—SPECIFIED TIME INTERVALS—Continued

Operating areas	Substantial harm planning time (hrs)
All other rivers and canals, inland, and nearshore areas.	24 hour arrival + 3 hour deployment = 27 hours.

2.6 *Example of the Planning Distance Calculation for Oil Transport on Moving Navigable Waters.* The following example provides a sample calculation using the planning distance formula for a facility discharging oil into the Monongahela River:

(1) Solve for v by evaluating n , r , and s for the Chezy-Manning equation:

Find the roughness coefficient, n , on Table 1 of this attachment for a regular section of a major stream with a top width greater than 100 feet. The top width of the river can be found from the topographic map.

$n = 0.035$.

Find slope, s , where $A = 727$ feet, $B = 710$ feet, and $C = 25$ miles.

Solving:

$s = [(727 \text{ ft} - 710 \text{ ft}) / 25 \text{ miles}] \times [1 \text{ mile}/5280 \text{ feet}] = 1.3 \times 10^{-4}$

The average mid-channel depth is found by averaging the mid-channel depth for each mile along the length of the river between the facility and the public drinking water intake or the fish or wildlife or sensitive environment (or 20 miles downstream if applicable). This value is multiplied by 0.667 to obtain the hydraulic radius. The mid-channel depth is found by obtaining values for r and s from the sources shown in Table 2 for the Monongahela River.

Solving:

$r = 0.667 \times 20 \text{ feet} = 13.33 \text{ feet}$

Solve for v using:

$v = 1.49 \times r^{2/3} \times s^{1/2}$:

$v = [1.49/0.035] \times (13.33)^{2/3} \times (1.3 \times 10^{-4})^{1/2}$

$v = 2.73 \text{ feet/second}$

(2) Find t from Table 3 of this attachment. The Monongahela River's resource response time is 27 hours.

(3) Solve for planning distance, d :

$d = v \times t \times c$

$d = (2.73 \text{ ft/sec}) \times (27 \text{ hours}) \times (0.68 \text{ sec/mile/hr} \times 5280 \text{ ft})$

$d = 50 \text{ miles}$

Therefore, 50 miles downstream is the appropriate planning distance for this facility.

3.0 Oil Transport on Still Water

3.1 For bodies of water including lakes or ponds that do not have a measurable velocity, the spreading of the oil over the surface must be considered. Owners or operators of facilities located next to still water bodies may use a comparable means of calculating

the planning distance. If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable calculation must be attached to the response plan cover sheet.

3.2 *Example of the Planning Distance Calculation for Oil Transport on Still Water.* To assist those facilities which could potentially discharge into a still body of water, the following analysis was performed to provide an example of the type of formula that may be used to calculate the planning distance. For this example, a worst case discharge of 2,000,000 gallons is used.

(1) The surface area in square feet covered by an oil discharge on still water, A_1 , can be determined by the following formula,² where V is the volume of the discharge in gallons and C is a constant conversion factor:

$$A_1 = 10^5 \times V^{3/4} \times C$$

$$C = 0.1643$$

$$A_1 = 10^5 \times (2,000,000 \text{ gallons})^{3/4} \times (0.1643)$$

$$A_1 = 8.74 \times 10^8 \text{ ft}^2$$

(2) The spreading formula is based on the theoretical condition that the oil will spread uniformly in all directions forming a circle. In reality, the outfall of the discharge will direct the oil to the surface of the water where it intersects the shoreline. Although the oil will not spread uniformly in all directions, it is assumed that the discharge will spread from the shoreline into a semi-circle (this assumption does not account for winds or wave action).

(3) The area of a circle = πr^2

(4) To account for the assumption that oil will spread in a semi-circular shape, the area of a circle is divided by 2 and is designated as A_2 .

$$A_2 = (\pi r^2)/2$$

Solving for the radius, r , using the relationship $A_1 = A_2$: $8.74 \times 10^8 \text{ ft}^2 = (\pi r^2)/2$

$$\text{Therefore, } r = 23,586 \text{ ft}$$

$$r = 23,586 \text{ ft} \div 5,280 \text{ ft/mile} = 4.5 \text{ miles}$$

Assuming a 20 knot wind under storm conditions:

$$1 \text{ knot} = 1.15 \text{ miles/hour}$$

$$20 \text{ knots} \times 1.15 \text{ miles/hour/knot} = 23 \text{ miles/hr}$$

$$\text{Assuming that the oil slick moves at 3 percent of the wind's speed:}^3$$

$$23 \text{ miles/hour} \times 0.03 = 0.69 \text{ miles/hour}$$

(5) To estimate the distance that the oil will travel, use the times required for response resources to arrive at different geographic locations as shown in Table 3 of this attachment.

For example:

²Huang, J.C. and Monastero, F.C., 1982. *Review of the State-of-the-Art of Oil Pollution Models*. Final report submitted to the American Petroleum Institute by Raytheon Ocean Systems, Co., East Providence, Rhode Island.

³*Oil Spill Prevention & Control*. National Spill Control School, Corpus Christi State University, Thirteenth Edition, May 1990.

For Higher Volume Port Areas: $15 \text{ hrs} \times 0.69 \text{ miles/hr} = 10.4 \text{ miles}$

For Great Lakes and all other areas: $27 \text{ hrs} \times 0.69 \text{ miles/hr} = 18.6 \text{ miles}$

(6) The total distance that the oil will travel from the point of discharge, including the distance due to spreading, is calculated as follows:

Higher Volume Port Areas: $d = 10.4 + 4.5 \text{ miles}$ or approximately 15 miles

Great Lakes and all other areas: $d = 18.6 + 4.5 \text{ miles}$ or approximately 23 miles

4.0 Oil Transport on Tidal-Influence Areas

4.1 The planning distance method for tidal influence navigable water is based on worst case discharges of persistent and non-persistent oils. Persistent oils are of primary concern because they can potentially cause harm over a greater distance. For persistent oils discharged into tidal waters, the planning distance is 15 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 15 miles, whichever is less, during flood tide.

4.2 For non-persistent oils discharged into tidal waters, the planning distance is 5 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 5 miles, whichever is less, during flood tide.

4.3 *Example of Determining the Planning Distance for Two Types of Navigable Water Conditions.* Below is an example of how to determine the proper planning distance when a facility could impact two types of navigable water conditions: moving water and tidal water.

(1) Facility X stores persistent oil and is located downstream from locks along a slow moving river which is affected by tides. The river velocity, v , is determined to be 0.5 feet/second from the Chezy-Manning equation used to calculate oil transport on moving navigable waters. The specified time interval, t , obtained from Table 3 of this attachment for river areas is 27 hours. Therefore, solving for the planning distance, d :

$$d = v \times t \times c$$

$$d = (0.5 \text{ ft/sec}) \times (27 \text{ hours}) \times (0.68 \text{ sec/mile/hrft})$$

$$d = 9.18 \text{ miles.}$$

(2) However, the planning distance for maximum tidal influence down current during ebb tide is 15 miles, which is greater than the calculated 9.18 miles. Therefore, 15 miles downstream is the appropriate planning distance for this facility.

5.0 Oil Transport Over Land

5.1 Facility owners or operators must evaluate the potential for oil to be transported over land to navigable waters of the United States. The owner or operator must evaluate the likelihood that portions of a worst case discharge would reach navigable

waters via open channel flow or from sheet flow across the land, or be prevented from reaching navigable waters when trapped in natural or man-made depressions excluding secondary containment structures.

5.2 As discharged oil travels over land, it may enter a storm drain or open concrete channel intended for drainage. It is assumed that once oil reaches such an inlet, it will flow into the receiving navigable water. During a storm event, it is highly probable that the oil will either flow into the drainage structures or follow the natural contours of the land and flow into the navigable water. Expected minimum and maximum velocities are provided as examples of open concrete channel and pipe flow. The ranges listed below reflect minimum and maximum velocities used as design criteria.⁴ The calculation below demonstrates that the time required for oil to travel through a storm drain or open concrete channel to navigable water is negligible and can be considered instantaneous. The velocities are:

For open concrete channels:

maximum velocity = 25 feet per second

minimum velocity = 3 feet per second

For storm drains:

maximum velocity = 25 feet per second

minimum velocity = 2 feet per second

5.3 Assuming a length of 0.5 mile from the point of discharge through an open concrete channel or concrete storm drain to a navigable water, the travel times (distance/velocity) are:

1.8 minutes at a velocity of 25 feet per second

14.7 minutes at a velocity of 3 feet per second

22.0 minutes for at a velocity of 2 feet per second

5.4 The distances that shall be considered to determine the planning distance are illustrated in Figure C-I of this attachment. The relevant distances can be described as follows:

D1 = Distance from the nearest opportunity for discharge, X₁, to a storm drain or an open concrete channel leading to navigable water.

D2 = Distance through the storm drain or open concrete channel to navigable water.

D3 = Distance downstream from the outfall within which fish and wildlife and sen-

sitive environments could be injured or a public drinking water intake would be shut down as determined by the planning distance formula.

D4 = Distance from the nearest opportunity for discharge, X₂, to fish and wildlife and sensitive environments not bordering navigable water.

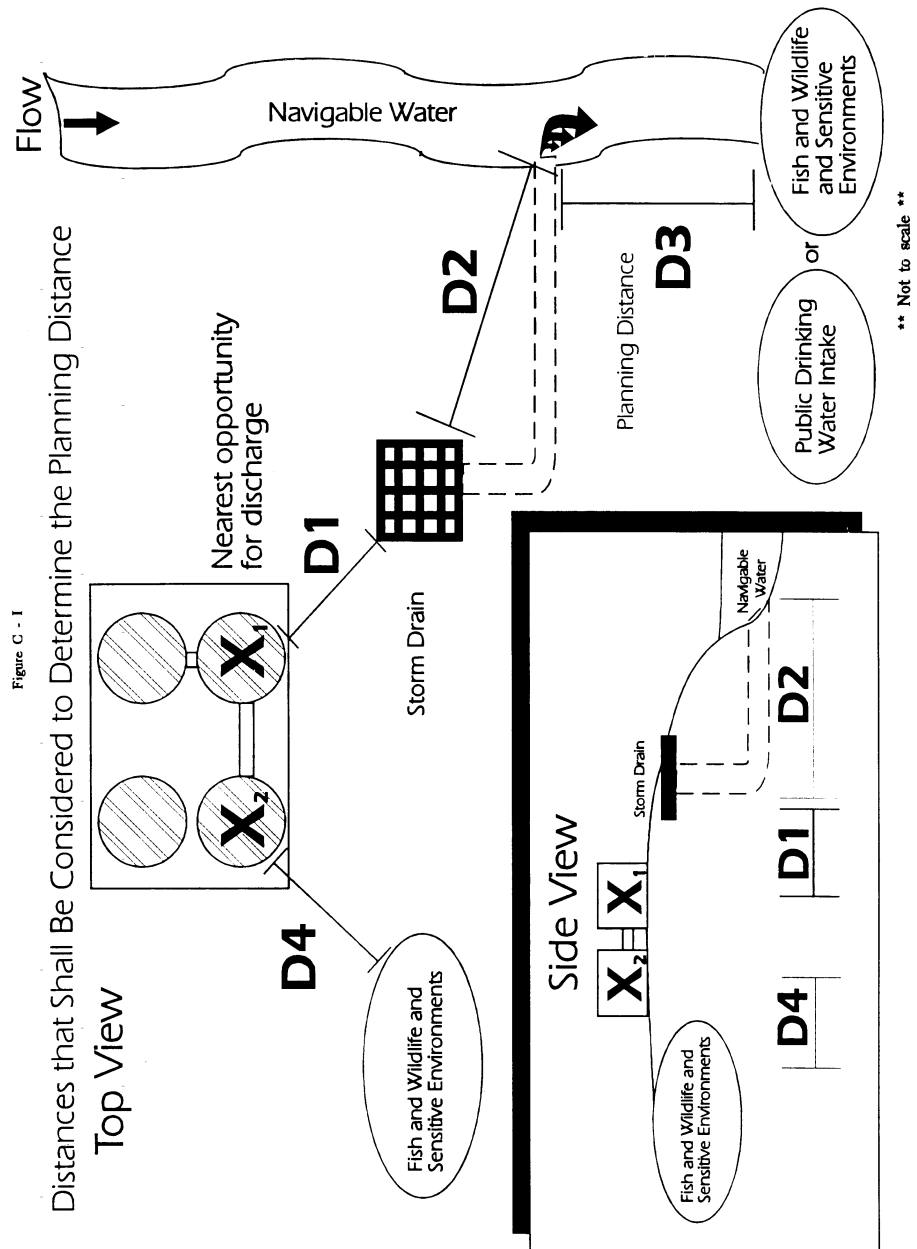
5.5 A facility owner or operator whose nearest opportunity for discharge is located within 0.5 mile of a navigable water must complete the planning distance calculation (D3) for the type of navigable water near the facility or use a comparable formula.

5.6 A facility that is located at a distance greater than 0.5 mile from a navigable water must also calculate a planning distance (D3) if it is in close proximity (i.e., D1 is less than 0.5 mile and other factors are conducive to oil travel over land) to storm drains that flow to navigable waters. Factors to be considered in assessing oil transport over land to storm drains shall include the topography of the surrounding area, drainage patterns, man-made barriers (excluding secondary containment structures), and soil distribution and porosity. Storm drains or concrete drainage channels that are located in close proximity to the facility can provide a direct pathway to navigable waters, regardless of the length of the drainage pipe. If D1 is less than or equal to 0.5 mile, a discharge from the facility could pose substantial harm because the time to travel the distance from the storm drain to the navigable water (D2) is virtually instantaneous.

5.7 A facility's proximity to fish and wildlife and sensitive environments not bordering a navigable water, as depicted as D4 in Figure C-I of this attachment, must also be considered, regardless of the distance from the facility to navigable waters. Factors to be considered in assessing oil transport over land to fish and wildlife and sensitive environments should include the topography of the surrounding area, drainage patterns, man-made barriers (excluding secondary containment structures), and soil distribution and porosity.

5.8 If a facility is not found to pose substantial harm to fish and wildlife and sensitive environments not bordering navigable waters via oil transport on land, then supporting documentation should be maintained at the facility. However, such documentation should be submitted with the response plan if a facility is found to pose substantial harm.

⁴The design velocities were obtained from Howard County, Maryland Department of Public Works' Storm Drainage Design Manual.



[59 FR 34102, July 1, 1994, as amended at 65 FR 40798, June 30, 2000; 67 FR 47152, July 17, 2002]