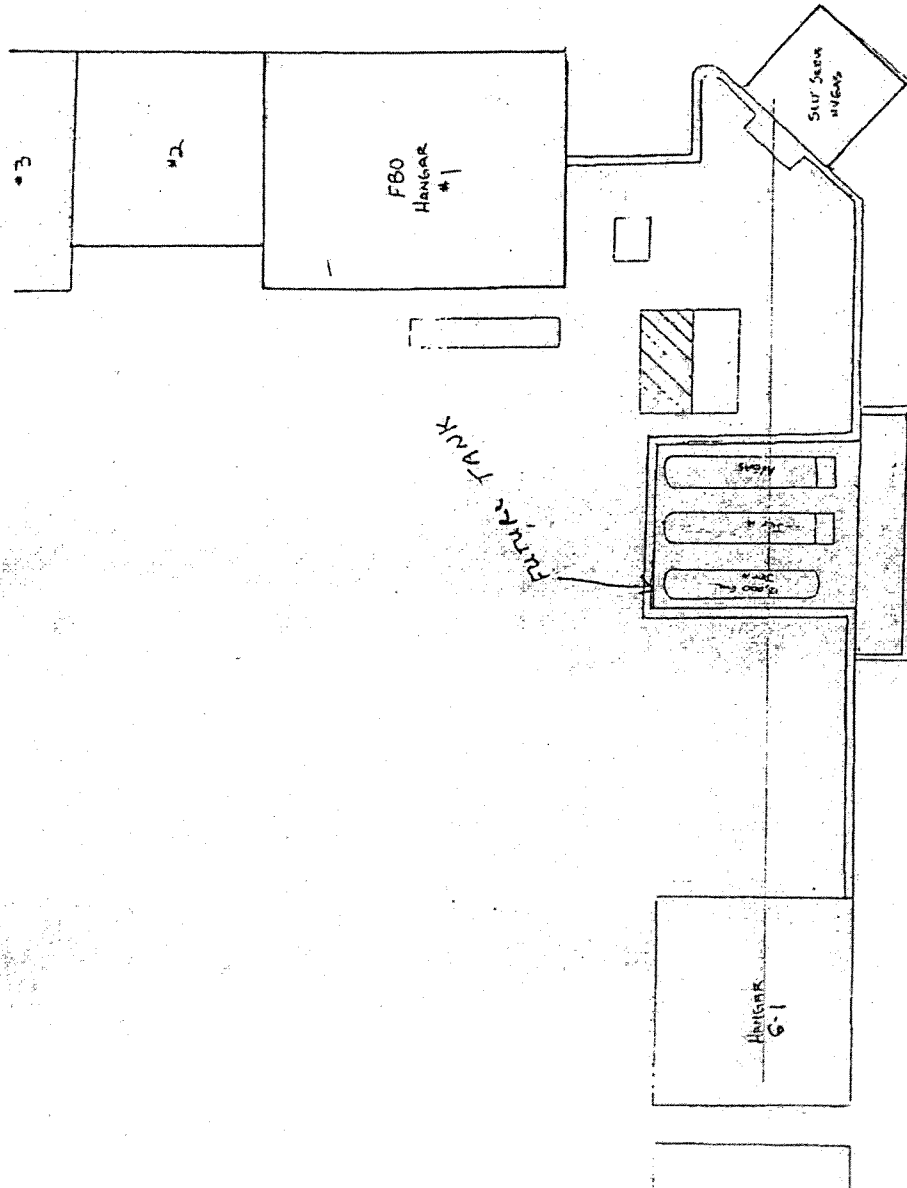




Source: SuperSafe Tanks, Inc.
Prepared by: Ricoondo & Associates, Inc.

Exhibit 4

not to scale

Fuel Storage Tanks Location

Draft Spill Prevention, Control and Countermeasure Plan

March 2002

3. Spill Prevention and Containment

This Section will discuss the spill prevention equipment and methods of containment in case of a spill or accidental release of hazardous substances maintained at Mammoth Yosemite Airport.

3.1 Equipment for Spill Prevention

The Airport management conducts annual checks of the fuel tanks to prevent potential leaks due to corrosion. The following measures have been put in place during the construction and placement of the tanks to prevent fuels reaching the navigable waters of United States.

Deicing, when required, would generally be accomplished by the use of glycol diluted to a 50 percent solution by water. All aircraft would be deiced at the same location on the planned commercial airline apron. The area on which the aircraft would park during the deicing operations would be graded such that all of the water from this area would be collected at one drop inlet. The pipes from this inlet would be constructed such that in normal operations, without any deicing fluid, the stormwater runoff is discharged into the oil/water separator. When deicing operations are being performed, the valves would be set such that all of the deicing fluids would be diverted to a holding tank. The runoff would be collected in the holding tank and removed from the site and suitably disposed.

The Airport has eight shovels and two loaders that would be used to dispose of any soil affected by a spill. In the event of a spill the first step undertaken to contain the spills would be to place wooden planks to reduce penetration of oil into the ground water, the second step would be remove the affected soil and replace it with new soil.

3.2 Personnel Training

OPA requirements stipulate that the owner or operator are responsible for properly instructing personnel in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution laws, rules and regulations. (40 CFR § 112.7 (e)(10)(i).) Further, spill prevention briefings for operating personnel need to be conducted frequently enough so that personnel have an adequate understanding of the SPCC Plan. The briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures. (40 CFR § 112.7 (e)(10)(iii).) The SPCC Spill Plan Coordinator will conduct briefings twice a year to review spill events or failures, malfunctioning components, and recently developed precautionary measures.

Airport and FBO employees are not trained to respond to hazardous substance spills. They may take immediate actions to lay down spill control equipment to prevent the hazardous substances from going into the ground water. Any additional response to a spill must be undertaken by trained personnel. Any spill greater than 10 square feet in area shall be responded by the Long Valley Fire Protection District (LVFPD). In the event that the spill is beyond the capabilities of the LVFPD a fully-trained emergency response team would be called upon.

However, all Airport and FBO employees who have the potential to witness a spill need to have sufficient awareness training to recognize that an emergency response situation exists and understand Plan procedures. It is expected that the Airport Manager or his designee would be the persons managing the spill control efforts and notifying the appropriate local, State, and federal agencies.

3.3 Security

All Airport facilities will be designed and constructed to conform with current FAA security requirements. 14 CFR Part 107 "Airport Security," Section 107.3, requires the operator of an airport serving scheduled passenger operations of carriers required to have a security program, and to produce a written security program to be approved by the Director of Civil Aviation Security that provides for "the safety of persons and property traveling in air transportation and intrastate air transportation against acts of criminal violence and aircraft piracy."

4. Spill Response

This section details the actions that must take place when a spill occurs, including responsibilities, spill notification, spill control and countermeasures, and clean up and disposal.

1. The Airport Manager or his designee will report any spills to the Lahontan Regional Water Quality Board ((761) 241-7365) within 48 hours. A written report will be provided within 14 days. Form A, which will be used for reporting the spills is attached.
2. The Airport Manager or his designee will also immediately notify the following State of California, the government of United States, and local emergency agencies providing them with all the information included in Form A.
 - a. The United States Coast Guard and the U.S. Environmental Protection Agency will be notified through the National Response Center (in accordance with federal law) if the hazardous material is likely to find its way into a navigable waterway or coastline. The telephone number of the NRC (Coast Guard) in Washington DC is (800) 424-8802. The EPA 24-hour emergency telephone number for oil spills/hazardous waste spills is (916) 262-1621.
 - b. The California State Emergency Service/Disaster Agency, telephone number is (916) 464-3271.
 - c. The local Long Valley Fire Protection District (LVFPD) will be contacted at (760) 935-4545 for emergency assistance.
3. Any measure to mitigate the adverse effects of the spills will be directed and coordinated by these federal, State, and local emergency agencies.
4. All steps would be taken to reduce the extent of the spill by closing appropriate valves, if possible.
5. If any spills endanger human life then life saving protection will be provided by LVFPD and Mono County Paramedics.
6. The Airport Manager or his designee will also develop a sampling plan to monitor the effectiveness of the spill cleanup after it has been contained and treated by the fire department.

Form A – Spill Reporting Form

1. Name of the person reporting the Spill: _____
2. Date: _____
3. Time of observation of Spill: _____
4. Location of Spill: _____
5. Identity of material spilled: _____
6. Probable source of Spill: _____
7. Estimate time of Spill: _____
8. Volume and duration of Spill: _____
9. Present and anticipated movement of Spill: _____
10. Weather conditions at the scene of Spill: _____
11. Personnel at the scene of Spill: _____
12. Action initiated by personnel at the scene of Spill: _____
13. Agencies contacted: _____
- FOLLOW UP:**
14. Disposal summary: _____
15. Comments: _____

Appendix A

40 CFR, Part 110 – Discharge of Oil and 40 CFR, Part 112 – Oil Pollution Prevention

tion Contingency Plan, 40 CFR part 300, subpart E. (Approved by the Office of Management and Budget under the control number 2050-0046)

§ 110.11 Discharge at deepwater ports.

(a) Except as provided in paragraph (b) below, for purposes of section 10(m)(3) of the Deepwater Port Act of 1974, the term "discharge" shall include but not be limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping into the marine environment of quantities of oil that:

- (1) Violate applicable water quality standards; or
- (2) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

(b) For purposes of section 10(m)(3) of the Deepwater Port Act of 1974, the term "discharge" excludes:

- (1) Discharges of oil from a properly functioning vessel engine; (including an engine on a public vessel), but not discharges of such oil accumulated in a vessel's bilges (unless in compliance with MARPOL 73/78, Annex I); and
- (2) Discharges of oil permitted under MARPOL 73/78, Annex I.

PART 112—OIL POLLUTION PREVENTION

Sec.

112.1 General applicability.

112.2 Definitions.

112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.

112.4 Amendment of SPEC Plans by Regional Administrator.

112.5 Amendment of Spill Prevention Control and Countermeasure Plans by owners or operators.

112.6 Civil penalties for violation of oil pollution prevention regulations.

112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

112.20 Facility response plans.

112.21 Facility response training and drills/exercises.

Environmental Protection Agency

(f) Onshore and offshore facilities, which, due to their location, could not reasonably be expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines. (This determination shall be based solely upon a consideration of the geographical, locational aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, drainage, etc.) and shall exclude consideration of manmade features such as dikes, equipment or other structures which may serve to restrain, hinder, contain, or otherwise prevent a discharge of oil from reaching navigable waters of the United States or adjoining shorelines; and

(ii) Equipment or operations of vessels and offshore facilities which are subject to authority and control of the Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 38 FR 24090.

(2) Those facilities which, although otherwise subject to the jurisdiction of the Environmental Protection Agency, meet both of the following requirements:

(i) The underground buried storage capacity of the facility is 42,000 gallons or less of oil; and

(ii) The storage capacity, which is not buried, of the facility is 1,320 gallons or less of oil, provided no single container has a capacity in excess of 650 gallons.

(c) This part provides for the preparation and implementation of Spill Prevention Control and Countermeasure Plans prepared in accordance with § 112.7, designed to complement existing laws, regulations, rules, standards, policies and procedures pertaining to safety standards, fire prevention and pollution prevention rules, so as to form a comprehensive balanced Federal/State spill prevention program to minimize the potential for oil discharges. Compliance with this part does not in any way relieve the owner or operator of an onshore or an off-

shore facility from compliance with other Federal, State or local laws.

(38 FR 34105, Dec. 11, 1973, as amended at 41 FR 12657, Mar. 26, 1976)

§ 112.2 Definitions.

For the purposes of this part:

Adverse weather means the weather conditions that make it difficult for response equipment and personnel to clean up or remove spilled oil, and that will be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in Appendix E to this part, as appropriate, ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment are intended to function.

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(f) of the Clean Water Act.

Contract or other approved means: (1) A written contractual agreement with an oil spill removal organization(s) that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or

(3) Active membership in a local or regional oil spill removal organization(s) that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times; and/or

(4) Other specific arrangements approved by the Regional Administrator upon request of the owner or operator. **Discharge** includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping. For purposes of this part, the term **discharge** shall not include any discharge of oil which is authorized by a

permit issued pursuant to section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or sections 402 or 405 of the FWPCA Amendments of 1972 (86 Stat. 816 *et seq.*, 33 U.S.C. 1251 *et seq.*).

Fish and wildlife and sensitive environments means areas that may be identified by either their legal designation or by evaluations of Area Committees (or planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered/threatened species, wilderness, and natural resource areas, marine, manmade and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as: aquaculture areas and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Spillability means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil, or exposure to a product of reactions resulting from a discharge of oil.

Maximum extent practicable means the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It considers the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in § 112.20 or in a specific plan approved by the Regional Administrator.

The term **navigable waters of the United States** means navigable waters as defined in section 602(7) of the FWPCA, and includes:

- (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-600), and tributaries of such waters;
- (2) Intrastate waters;
- (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and
- (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Onshore facility means any facility of any kind located in, on, or under any of the navigable waters of the United States, which is not a transportation-related facility.

Oil means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

Oil Spill Removal Organization means an entity that provides oil spill response resources, and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.

Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands, which is not a transportation-related facility.

Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment.

Person includes an individual, firm, corporation, association, and a partnership.

Regional Administrator, means the Regional Administrator of the Environmental Protection Agency, or his des-

igned, in and for the Region in which the facility is located.

Spill event means a discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities, as defined at 40 CFR part 110.

Transportation-related and non-transportation-related as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 36 FR 24000.

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used as a means of transportation on water, other than a public vessel.

Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in Appendix D to this part.

38 FR 34163, Dec. 11, 1973, as amended at 58 FR 16039, Aug. 23, 1993; 59 FR 34097, July 1, 1994.

§ 112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.

(a) Owners or operators of onshore and offshore facilities in operation on or before the effective date of this part that have discharged or, due to their location, could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare a Spill Prevention Control and Countermeasure Plan (hereinafter "SPCC Plan").

In writing and in accordance with § 112.7, except as provided for in paragraph (f) of this section, each SPCC Plan shall be prepared within six months after the effective date of this part and shall be fully implemented as soon as possible, but not

later than one year after the effective date of this part.

(b) Owners or operators of onshore and offshore facilities that become operational after the effective date of this part, and that have discharged or could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare an SPCC Plan in accordance with § 112.7. Except as provided for in paragraph (f) of this section, such SPCC Plan shall be prepared within six months after the date such facility begins operations and shall be fully implemented as soon as possible, but not later than one year after such facility begins operations.

(c) Owners or operators of onshore and offshore mobile or portable facilities, such as onshore drilling or workover rigs, barge mounted offshore drilling or workover rigs, and portable fueling facilities shall prepare and implement an SPCC Plan as required by paragraphs (a), (b) and (d) of this section. The owners or operators of such facility need not prepare a new SPCC Plan each time the facility is moved to a new site. The SPCC Plan may be a general plan, prepared in accordance with § 112.7, using good engineering practice. When the mobile or portable facility is moved, it must be located and installed using the spill prevention practices outlined in the SPCC Plan for the facility. No mobile or portable facility subject to this regulation shall operate unless the SPCC Plan has been implemented. The SPCC Plan shall only apply while the facility is in a fixed (non-transportation) operating mode.

(d) No SPCC Plan shall be effective to satisfy the requirements of this part unless it has been reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. By means of this certification the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the SPCC Plan has been prepared in accordance with good engineering practices. Such certification shall in no way relieve the owner or operator of an onshore or offshore facility of his duty to prepare

and fully implement such Plan in accordance with § 112.7, as required by paragraphs (a), (b) and (c) of this section.

(e) Owners or operators of a facility for which an SPCC Plan is required pursuant to paragraph (a), (b) or (c) of this section shall maintain a complete copy of the Plan at such facility. If the facility is normally attended at least 8 hours per day, or at the nearest field office if the facility is not so attended, and shall make such Plan available to the Regional Administrator for on-site review during normal working hours.

(f) *Extensions of time.* (1) The Regional Administrator may authorize an extension of time for the preparation and full implementation of an SPCC Plan beyond the time permitted for the preparation and implementation of an SPCC Plan pursuant to paragraph (a), (b) or (c) of this section where he finds that the owner or operator of a facility subject to paragraphs (a), (b) or (c) of this section cannot fully comply with the requirements of this part as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or their respective agents or employees.

(2) Any owner or operator seeking an extension of time pursuant to paragraph (f)(1) of this section may submit a letter of request to the Regional Administrator. Such letter shall include:

- (i) A complete copy of the SPCC Plan, if completed;
- (ii) A full explanation of the cause for any such delay and the specific aspects of the SPCC Plan affected by the delay;
- (iii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay;
- (iv) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment or other preventive measures.

In addition, such owner or operator may present additional oral or written statements in support of his letter of request.

(3) The submission of a letter of request for extension of time pursuant to

paragraph (f)(2) of this section shall in no way relieve the owner or operator from his obligation to comply with the requirements of § 112.3 (a), (b) or (c). Where an extension of time is authorized by the Regional Administrator for particular equipment or other specific aspects of the SPCC Plan, such extension shall in no way affect the owner's or operator's obligation to comply with the requirements of § 112.3 (a), (b) or (c) with respect to other equipment or other specific aspects of the SPCC Plan for which an extension of time has not been expressly authorized.

(38 FR 34165, Dec. 11, 1973, as amended at 41 FR 12650, Mar. 26, 1976)

§ 112.4 Amendment of SPCC Plans by Regional Administrator.

(a) Notwithstanding compliance with § 112.3, whenever a facility subject to § 112.3 (a), (b) or (c) has: Discharged more than 1,000 U.S. gallons of oil into or upon the navigable waters of the United States or adjoining shorelines in a single spill event, or discharged oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines, reportable under section 311(b)(6) of the FWPCA, occurring within any twelve month period, the owner or operator of such facility shall submit to the Regional Administrator, within 60 days from the time such facility becomes subject to this section, the following:

- (1) Name of the facility;
- (2) Name(s) of the owner or operator of the facility;
- (3) Location of the facility;
- (4) Date and year of initial facility operation;
- (5) Maximum storage or handling capacity of the facility and normal daily throughput;
- (6) Description of the facility, including maps, flow diagrams, and topographical maps;
- (7) A complete copy of the SPCC Plan with any amendments;
- (8) The cause(s) of such spill, including a failure analysis of system or subsystem in which the failure occurred;
- (9) The corrective actions and/or countermeasures taken, including an

adequate description of equipment repairs and/or replacements;

(10) Additional preventive measures taken or contemplated to minimize the possibility of recurrence;

(11) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or spill event.

(b) Section 112.4 shall not apply until the expiration of the time permitted for the preparation and implementation of an SPCC Plan pursuant to § 112.3 (a), (b), (c) and (f).

(c) A complete copy of all information provided to the Regional Administrator pursuant to paragraph (a) of this section shall be sent at the same time to the State agency in charge of water pollution control activities in and for the State in which the facility is located. Upon receipt of such information such State agency may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment and other requirements for equipment necessary to prevent and to contain discharges of oil from such facility.

(d) After review of the SPCC Plan for a facility subject to paragraph (a) of this section, together with all other information submitted by the owner or operator of such facility, and by the State agency under paragraph (c) of this section, the Regional Administrator may require the owner or operator of such facility to amend the SPCC Plan if he finds that the Plan does not meet the requirements of this part or that the amendment of the Plan is necessary to prevent and to contain discharges of oil from such facility.

(e) When the Regional Administrator proposes to require an amendment to the SPCC Plan, he shall notify the facility operator by certified mail addressed to, or by personal delivery to, the facility owner or operator, that he proposes to require an amendment to the Plan, and shall specify the terms of such amendment. If the facility owner or operator is a corporation, a copy of such notice shall also be mailed to the registered agent, if any, of such corporation in the State where such facility is located. Within 30 days from receipt of such notice, the facility owner or operator may submit written information

in support of his decision. The Regional Administrator shall, within 30 days of receipt of the notice from the Regional Administrator requiring the amendment, A complete copy of the appeal must be sent to the Regional Administrator at the time the appeal is made. The appeal shall contain a clear and concise statement of the issues and points of fact in the case. It may also contain additional information from the owner or operator, or from any other person. The Administrator or his designee may request additional information from the owner or operator, or from any other person. The Administrator or his designee shall render a decision within 60 days of receiving the appeal and shall notify the owner or operator of his decision.

(38 FR 34165, Dec. 11, 1973, as amended at 41 FR 12650, Mar. 26, 1976)

§ 112.5 Amendment of Spill Prevention Control and Countermeasure Plans by owners or operators.

(a) Owners or operators of facilities subject to § 112.3 (a), (b) or (c) shall amend the SPCC Plan for such facility in accordance with § 112.7 whenever there is a change in facility design, construction, operation or maintenance which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shore

(38 FR 34165, Dec. 11, 1973, as amended at 41 FR 12650, Mar. 26, 1976)

§ 112.5 Amendment of Spill Prevention Control and Countermeasure Plans by owners or operators.

(a) Owners or operators of facilities subject to § 112.3 (a), (b) or (c) shall amend the SPCC Plan for such facility in accordance with § 112.7 whenever there is a change in facility design, construction, operation or maintenance which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shore

lines. Such amendments shall be fully implemented as soon as possible, but not later than six months after such change occurs.

(b) Notwithstanding compliance with paragraph (a) of this section, owners and operators of facilities subject to § 112.3 (a), (b) or (c) shall complete a review and evaluation of the SPCC Plan at least once every three years from the date such facility becomes subject to this part. As a result of this review and evaluation, the owner or operator shall amend the SPCC Plan within six months of the review to include more effective prevention and control technology if: (1) Such technology will significantly reduce the likelihood of a spill event from the facility, and (2) If such technology has been field-proven at the time of the review.

(c) No amendment to an SPCC Plan shall be effective to satisfy the requirements of this section unless it has been certified by a Professional Engineer in accordance with § 112.3(d).

§ 112.6 Civil penalties for violation of oil pollution prevention regulations.

(a) Applicability of section. This section shall apply to violations specified in paragraph (b) of this section which occurred prior to August 18, 1990.

(b) Owners or operators of facilities subject to § 112.3 (a), (b) or (c) who violate the requirements of this part 112 by failing or refusing to comply with any of the provisions of § 112.3, § 112.4 or § 112.5 shall be liable for a civil penalty of not more than \$5,000 for each day such violation continues. Civil penalties shall be imposed in accordance with procedures set out in part 114 of this subchapter D.

1st FR 52705, Nov. 4, 1992

§ 112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

The SPCC Plan shall be a carefully thought-out plan, prepared in accordance with good engineering practices, and which has the full approval of management at a level with authority to commit the necessary resources. If the plan calls for additional facilities or procedures, methods, or equipment not

yet fully operational, these items should be discussed in separate paragraphs, and the details of installation and operational start-up should be explained separately. The complete SPCC Plan shall follow the sequence outlined below, and include a discussion of the facility's conformance with the appropriate guidelines listed:

(a) A facility which has experienced one or more spill events within twelve months prior to the effective date of this part should include a written description of each such spill, corrective action taken and plans for preventing recurrence.

(b) Where experience indicates a reasonable potential for equipment failure (such as tank overflow, rupture, or leakage), the plan should include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each major type of failure.

(c) Appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water course should be provided. One of the following preventive systems or its equivalent should be used as a minimum:

(i) Onshore facilities:
(1) Dikes, berms or retaining walls sufficiently impervious to contain spilled oil;

(ii) Curbing;

(iii) Culverting, gutters or other drainage systems;

(iv) Weirs, booms or other barriers;

(v) Spill diversion ponds;

(vi) Retention ponds;

(vii) Sorbent materials.

(2) Offshore facilities:
(i) Curbing, drip pans;

(ii) Sumps and collection systems.

(d) When it is determined that the installation of structures or equipment listed in § 112.7(c) to prevent discharged oil from reaching the navigable water is not practicable from any onshore or offshore facility, the owner or operator should clearly demonstrate such impracticability and provide the following:

(i) A strong oil spill contingency plan following the provision of 40 CFR part 109;

(2) A written commitment of man-

power, equipment and materials re-

quired to expeditiously control and remove any harmful quantity of oil discharged.

(e) In addition to the minimal prevention standards listed under § 112.7(c), sections of the Plan should include a complete discussion of conformance with the following applicable guidelines, other effective spill prevention and containment procedures (or, if more stringent, with State rules, regulations and guidelines):

(1) Facility drainage (onshore): (excluding production facilities). (i) Drainage from diked storage areas should be retained by valves or other positive means to prevent a spill or other excessive leakage of oil into the drainage system or inplant effluent treatment system, except where plan systems are designed to handle such leakage. Diked areas may be emptied by pumps or ejectors; however, these should be manually actuated and the condition of the accumulation should be examined before, starting to be sure no oil will be discharged into the water.

(ii) Flapper-type drain valves should not be used to drain diked areas. Valves used for the drainage of diked areas should, as far as practical, be of manual, open-and-closed design. When plant drainage drains directly into treatment plants, retained storm water should be inspected as provided in paragraphs (e)(2)(iii) (B), (C) and (D) of this section before drainage.

(iii) Plant drainage systems from undiked areas should, if possible, flow into ponds, lagoons or catchment basins, designed to retain oil or return it to the facility. Catchment basins should not be located in areas subject to periodic flooding.

(iv) If plant drainage is not engineered as above, the final discharge of all in-plant ditches should be equipped with a diversion system that could, in the event of an uncontrolled spill, re- turn the oil to the plant.

(v) Where drainage waters are treated in more than one treatment unit, natural hydraulic flow should be used. If pump transfer is needed, two "lift" pumps should be provided, and at least one of the pumps should be permanently installed when such treatment is continuous. In any event, whatever

power, equipment and materials re-

quired to expeditiously control and remove any harmful quantity of oil discharged.

(2) Bulk storage tanks (onshore): (excluding production facilities). (i) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

(ii) All bulk storage tank installations should be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spilled oil. Dikes, containment curbs, and pits are commonly employed for this purpose, but they may not always be appropriate. An alternative system could consist of a complete drainage trench enclosure arranged so that a spill could terminate and be safely confined in an in-plant catchment basin or holding pond.

(iii) Drainage of rainwater from the diked area into a storm drain or an effluent discharge that empties into an open water course, lake, or pond, and bypassing the in-plant treatment system may be acceptable if:

(A) The bypass valve is normally sealed closed.

(B) Inspection of the run-off rain water ensures compliance with applicable water quality standards and will not cause a harmful discharge as defined in 40 CFR part 110.

(C) The bypass valve is opened, and resealed following drainage under responsible supervision.

(D) Adequate records are kept of such events.

(iv) Buried metallic storage tanks represent a potential for undetected spills. A new buried installation should be protected from corrosion by coatings, cathodic protection, or other effective methods compatible with local soil conditions. Such buried tanks should at least be subjected to regular pressure testing.

(v) Partially buried metallic tanks for the storage of oil should be avoided, unless the buried section of the shell is

pumping well polish rod stuffing boxes, bleeder and gauge valves.

(B) Salt water (oil field brine) disposal facilities should be examined often, particularly following a sudden change in atmospheric temperature to detect possible system upsets that could cause an oil discharge.

(C) Production facilities should have a program of flowline maintenance to prevent spills from this source. The program should include periodic examinations, corrosion protection, flowline replacement, and adequate records, as appropriate, for the individual facility.

(6) *Oil drilling and workover facilities (onshore).* (i) Mobile drilling or workover equipment should be positioned or located so as to prevent spilled oil from reaching navigable waters.

(ii) Depending on the location, catchment basins or diversion structures may be necessary to intercept and contain spills of fuel, crude oil, or oily drilling fluids.

(iii) Before drilling below any casing string or during workover operations, a blowout prevention (BOP) assembly and well control system should be installed that is capable of controlling any well head pressure that is expected to be encountered while that BOP assembly is on the well. Casing and BOP installations should be in accordance with State regulatory agency requirements.

(7) *Oil drilling, production, or workover facilities (offshore).* (i) Definition: "An oil drilling, production or workover facility (offshore)" may include all drilling or workover equipment, wells, flowlines, gathering lines, platforms, and auxiliary nontransportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.

(ii) Oil drainage collection equipment should be used to prevent and control small oil spillage around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and allied equipment. Drains on the facility should be controlled and directed toward a central collection sump or equivalent collection system sufficient to prevent discharges of oil into the navigable waters of the United States. Where drains and

sumps are not practicable oil contained in collection equipment should be removed as often as necessary to prevent overflow.

(iii) For facilities employing a sump system, sump and drains should be adequately sized and a spare pump or equivalent method should be available to remove liquid from the sump and assure that oil does not escape. A regular scheduled preventive maintenance inspection and testing program should be employed to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(iv) In areas where separators and treaters are equipped with dump valves whose predominant mode of failure is in the closed position and pollution risk is high, the facility should be specially equipped to prevent the escape of oil. This could be accomplished by extending the fire line to a diked area if the separator is near shore, equipping it with a high liquid level sensor that will automatically shut-in wells producing to the separator, parallel redundant dump valves, or other feasible alternatives to prevent oil discharges.

(v) Atmospheric storage or surge tanks should be equipped with high liquid level sensing devices or other acceptable alternatives to prevent oil discharges.

(vi) Pressure tanks should be equipped with high and low pressure sensing devices to activate an alarm and/or control the flow or other acceptable alternatives to prevent oil discharges.

(vii) Tanks should be equipped with suitable corrosion protection.

(viii) A written procedure for inspecting and testing pollution prevention equipment and systems should be prepared and maintained at the facility. Such procedures should be included as part of the SPCC Plan.

(ix) Testing and inspection of the pollution prevention equipment and systems at the facility should be conducted by the owner or operator on a scheduled periodic basis commensurate with the complexity, conditions and circumstances of the facility or other appropriate regulations.

(x) Surface and subsurface well shut-in valves and devices in use at the facility should be sufficiently described to determine method of activation or control, e.g., pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms. Detailed records for each well, while not necessarily part of the plan should be kept by the owner or operator.

(xi) Before drilling below any casing string, and during workover operations a blowout preventer (BOP) assembly and well control system should be installed that is capable of controlling any well-head pressure that is expected to be encountered while that BOP assembly is on the well. Casing and BOP installations should be in accordance with State regulatory agency requirements.

(xii) Extraordinary well control measures should be provided should emergency conditions, including fire, loss of control and other abnormal conditions, occur. The degree of control system redundancy should vary with hazard exposure and probable consequences of failure. It is recommended that surface shut-in systems have redundant or "fail close" valving. Subsurface safety valves may not be needed in producing wells that will not flow but should be installed as required by applicable State regulations.

(xiii) In order that there will be no misunderstanding of joint and separate duties and obligations to perform work in a safe and pollution free manner, written instructions should be prepared by the owner or operator for contractors and subcontractors to follow whenever contract activities include servicing a well or systems appurtenant to a well or pressure vessel. Such instructions and procedures should be maintained at the offshore production facility. Under certain circumstances and conditions such contractor activities may require the presence at the facility of an authorized representative of the owner or operator who would intervene when necessary to prevent a spill event.

(xiv) All manifolds (headers) should be equipped with check valves on individual flowlines.

(xv) If the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves associated with that individual flowline, the flowline should be equipped with a high pressure sensing device and shut-in valve at the wellhead unless provided with a pressure relief system to prevent overpressuring.

(xvi) All pipelines appurtenant to the facility should be protected from corrosion. Methods used, such as protective coatings or cathodic protection, should be discussed.

(xvii) Submarine pipelines appurtenant to the facility should be adequately protected against environmental stresses and other activities such as fishing operations.

(xviii) Submarine pipelines appurtenant to the facility should be in good operating condition at all times and inspected on a scheduled periodic basis for failures. Such inspections should be documented and maintained at the facility.

(8) *Inspections and records.* Inspections required by this part should be in accordance with written procedures developed for the facility by the owner or operator. These written procedures and a record of the inspections, signed by the appropriate supervisor or inspector, should be made part of the SPCC Plan and maintained for a period of three years.

(9) *Security (excluding oil production facilities).* (i) All plants handling, processing, and storing oil should be fully fenced, and entrance gates should be locked and/or guarded when the plant is not in production or is unattended.

(ii) The master flow and drain valves and any other valves that will permit direct outward flow of the tank's content to the surface should be securely locked in the closed position when in non-operating or non-standby status.

(iii) The starter control on all oil pumps should be locked in the "off" position or located at a site accessible only to authorized personnel when the pumps are in a non-operating or non-standby status.

(iv) The bonding/unbonding connections of oil pipelines should be securely capped or blank-flanged when not in service or standby service for an ex-

tended time. This security practice should also apply to pipelines that are emptied of liquid content either by draining or by inert gas pressure.

(v) Facility lighting should be commensurate with the type and location of the facility. Consideration should be given to: (A) Discovery of spills occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.) and (B) prevention of spills occurring through acts of vandalism.

(10) *Personnel, training and spill prevention procedures.* (i) Owners or operators are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution control laws, rules and regulations.

(ii) Each applicable facility should have a designated person who is accountable for oil spill prevention and who reports to line management.

(iii) Owners or operators should schedule and conduct spill prevention briefings for their operating personnel at intervals frequent enough to assure adequate understanding of the STCC Plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures.

§ 112.20 Facility response plans.

(a) The owner or operator of any non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines shall prepare and submit a facility response plan to the Regional Administrator, according to the following provisions:

(1) For the owner or operator of a facility in operation on or before February 18, 1993 who is required to prepare and submit a response plan under 33 U.S.C. 1321(j)(5), the Oil Pollution Act of 1990 (Pub. L. 101-380, 33 U.S.C. 2701 et seq.) requires the submission of a response plan that satisfies the requirements of 33 U.S.C. 1321(j)(5) no later than February 18, 1993.

(i) The owner or operator of an existing facility that was in operation on or before February 18, 1993 who submitted a response plan by February 18, 1993 shall revise the response plan to satisfy the requirements of this section and resubmit the response plan or updated portions of the response plan to the Regional Administrator by February 18, 1995.

(ii) The owner or operator of an existing facility in operation on or before February 18, 1993 who failed to submit a response plan by February 18, 1993 shall prepare and submit a response plan that satisfies the requirements of this section to the Regional Administrator before August 30, 1994.

(2) The owner or operator of a facility in operation on or after August 30, 1994 that satisfies the criteria in paragraph (b)(1) of this section or that is notified by the Regional Administrator pursuant to paragraph (b) of this section shall prepare and submit a facility response plan that satisfies the requirements of this section to the Regional Administrator.

(i) For a facility that commenced operations after February 18, 1993 but prior to August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (b)(1) of this section, the owner or operator shall submit the response plan or updated portions of the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to August 30, 1994.

(ii) For a newly constructed facility that commences operation after August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (b)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to the start of operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iii) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of a planned change in design, construction, operation, or maintenance that renders the facility subject to the criteria in paragraph (b)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator before the portion of the facility undergoing change commences operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iv) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of an unplanned event or change in facility characteristics that renders the facility subject to the criteria in paragraph (b)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator within six months of the unplanned event or change.

(3) In the event the owner or operator of a facility that is required to prepare and submit a response plan uses an alternative formula that is comparable to one contained in Appendix C to this part to evaluate the criterion in paragraph (b)(1)(i)(B) or (b)(1)(i)(C) of this section, 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.

(b)(1) The Regional Administrator may at any time require the owner or operator of any non-transportation-related onshore facility to prepare and submit a facility response plan under this section after considering the factors in paragraph (b)(2) of this section. If such a determination is made, the Regional Administrator shall notify the facility owner or operator in writing and shall provide a basis for the determination. If the Regional Administrator

notifies the owner or operator in writing of the requirement to prepare and submit a response plan under this section, the owner or operator of the facility shall submit the response plan to the Regional Administrator within six months of receipt of such written notification.

(2) The Regional Administrator shall review plans submitted by such facilities to determine whether the facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines.

(c) The Regional Administrator shall determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, based on the factors in paragraph (b)(3) of this section. If such a determination is made, the Regional Administrator shall notify the owner or operator of the facility in writing and:

(1) Promptly review the facility response plan;

(2) Require amendments to any response plan that does not meet the requirements of this section;

(3) Approve any response plan that meets the requirements of this section; and

(4) Review each response plan periodically thereafter on a schedule established by the Regional Administrator provided that the period between plan reviews does not exceed five years.

(d)(1) The owner or operator of a facility for which a response plan is required under this part shall review and resubmit revised portions of the response plan within 60 days of each facility change that materially may affect the response to a worst case discharge. Including:

(i) A change in the facility's configuration that materially alters the information included in the response plan;

(ii) A change in the type of oil handled, stored, or transferred that materially alters the required response resources;

(iii) A material change in capabilities of the oil spill removal organization(s)

the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

APPENDIX B TO PART 112—MEMORANDUM OF UNDERSTANDING AMONG THE SECRETARY OF THE INTERIOR, AND ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Purpose

This Memorandum of Understanding (MOU) establishes the jurisdictional responsibilities for offshore facilities, including pipelines, pursuant to section 311 (X)(1)(c), (1)(d), and (1)(e)(A) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (Public Law 101-380). The Secretary of the Department of the Interior (DOI), Secretary of the Department of Transportation (DOT), and Administrator of the Environmental Protection Agency (EPA) agree to the division of responsibilities set forth below for spill prevention and control, response planning, and equipment inspection activities pursuant to those provisions.

BACKGROUND

Executive Order (E.O.) 12777 (56 FR 6757) delegates to DOI, DOT, and EPA various responsibilities identified in section 311(c) of the CWA. Sections 20(b)(3), 21(d)(3), and 21(e)(3) of E.O. 12777 assigned to DOI spill prevention and control, contingency planning, and equipment inspection activities associated with offshore facilities. Section 311(a)(1)(i) defines the term "offshore facility" to include facilities of any kind located in, on, or under navigable waters of the United States. By using this definition, the traditional DOI role of regulating facilities on the Outer Continental Shelf is expanded by E.O. 12777 to include inland lakes, rivers, streams, and any other inland waters.

RESPONSIBILITIES

Pursuant to section 211 of E.O. 12777, DOI, DOT, and EPA and DOT agree to assume the functions related in DOI by sections 21(b)(3), 21(d)(3), and 21(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/departments. 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 6, 1993.

Bruce Babbitt,
Secretary of the Interior.

Dated: December 14, 1993.

Federico Peña,
Secretary of DOT.

Dated: February 3, 1994.

Carol M. Browner,
Administrator of EPA.

Administrator, Environmental Protection Agency.
(60 FR 34102, July 1, 1994)

APPENDIX C TO PART 112—SUBSTANTIAL HARM CRITERIA

1.0 Introduction

The flowchart provided in Attachment C-1 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, WI;
- (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 in 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.

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 Transfer of Oil. A non-transportation-related facility with a total oil storage capacity greater than 42,000 gallons that transfers oil over water in 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 of 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 freedom to allow for precipitation must submit a response plan to EPA. Secondary containment structures that meet the standard of good engineering practices for the purpose 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 of 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 a 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 "Guidelines for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix B to this part, section 10, for availability) and the applicable Area Contingency Plan. Facility owners or operators must determine the distance at which an oil spill could cause injury to fish and wildlife and sensitive 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 of Facilities With a Total Storage Oil Capacity Greater Than or Equal to 1 Million Gallons. A facility with a total storage capacity

that provide equipment and personnel to respond to discharges of oil described in paragraph (h)(5) of this section;

(iv) A material change in the facility's spill prevention and response equipment or emergency response procedures; and

(v) Any other changes that materially affect the implementation of the response plan.

(2) Except as provided in paragraph (d)(1) of this section, amendments to personnel and telephone number lists included in the response plan and a change in the oil spill removal organization(s) that does not result in a material change in support capabilities do not require approval by the Regional Administrator. Facility owners or operators shall provide a copy of such changes to the Regional Administrator as the revisions occur.

(3) The owner or operator of a facility that submits changes to a response plan as provided in paragraph (d)(1) or (d)(2) of this section shall provide the EPA-issued facility identification number (where one has been assigned) with the changes.

(4) The Regional Administrator shall review for approval changes to a response plan submitted pursuant to paragraph (d)(1) of this section for a facility determined pursuant to paragraph (f)(3) of this section to have the potential to cause significant and substantial harm to the environment.

(e) If the owner or operator of a facility determines pursuant to paragraph (a)(2) of this section that the facility could not, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the owner or operator shall complete and maintain at the facility the certification form contained in Appendix C to this part and, in the event an alternative formula that is comparable to one contained in Appendix C to this part is used to evaluate the criterion in paragraph (f)(1)(i)(B) or (f)(1)(i)(C) of this section, the owner or operator shall attach documentation to the certification form that demonstrates the reliability and analytical soundness of the comparable formula and shall no-

tify the Regional Administrator in writing that an alternative formula was used.

(f)(1) A facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (a)(2) of this section, if it meets any of the following criteria applied in accordance with the flowchart contained in Attachment C-1 to Appendix C to this part:

(i) The facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 gallons; or

(ii) The facility's total oil storage capacity is greater than or equal to 1 million gallons, and one of the following is true:

(A) The facility does not have secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground oil storage tank within each storage area plus sufficient freeboard to allow for precipitation;

(B) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) 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 of the "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix B to this part, section 10, for availability) and the applicable Area Contingency Plan prepared pursuant to section 311(j)(4) of the Clean Water Act;

(C) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake; or

(D) The facility has had a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last 5 years.

(2)(i) To determine whether a facility could, because of its location, reason-

ably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (b) of this section, the Regional Administrator shall consider the following:

(A) Type of transfer operation;

(B) Oil storage capacity;

(C) Lack of secondary containment;

(D) Proximity to fish and wildlife and sensitive environments and other areas determined by the Regional Administrator to possess ecological value;

(E) Proximity to drinking water intakes;

(F) Spill history; and

(G) Other site-specific characteristics and environmental factors that the Regional Administrator determines to be relevant to protecting the environment from harm by discharges of oil into or on navigable waters or adjoining shorelines.

(ii) Any person, including a member of the public or any representative from a Federal, State, or local agency who believes that a facility subject to this section could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines may petition the Regional Administrator to determine whether the facility meets the criteria in paragraph (f)(2)(i) of this section. Such petition shall include a discussion of how the factors in paragraph (f)(2)(i) of this section apply to the facility in question. The RA shall consider such petitions and respond in an appropriate amount of time.

(3) To determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the Regional Administrator may consider the factors in paragraph (f)(2) of this section as well as the following:

(i) Frequency of past spills;

(ii) Proximity to navigable waters;

(iii) Age of oil storage tanks; and

(iv) Other facility-specific and Region-specific information, including local impacts on public health.

(g)(1) All facility response plans shall be consistent with the requirements of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) and applicable Area Contingency Plans prepared pursuant to section 311(j)(4) of the Clean Water Act. The facility response plan should be coordinated with the local emergency response plan developed by the local emergency planning committee under section 303 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.). Upon request, the owner or operator should provide a copy of the facility response plan to the local emergency planning committee or State emergency response commission.

(2) The owner or operator shall review relevant portions of the National Oil and Hazardous Substances Pollution Contingency Plan and applicable Area Contingency Plan annually and, if necessary, revise the facility response plan to ensure consistency with those plans.

(3) The owner or operator shall review and update the facility response plan periodically to reflect changes at the facility.

(h) A response plan shall follow the format of the model facility-specific response plan included in Appendix F to this part, unless an equivalent response plan has been prepared to meet State or other Federal requirements. A response plan that does not follow the specified format in Appendix F to this part shall have an emergency response action plan as specified in paragraph (h)(1) of this section and be supplemented with a cross-reference section to identify the location of the elements listed in paragraphs (h)(2) through (h)(10) of this section. To meet the requirements of this part, a response plan shall address the following elements, as further described in Appendix F to this part:

(i) Emergency response action plan. The response plan shall include an emergency response action plan in the format specified in paragraph (h)(1)(i) through (viii) of this section that is maintained in the front of the response plan, or as a separate document accompanying the response plan, and that includes the following information:

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- (i) The identity and telephone number of a qualified individual having full authority, including contracting authority, to implement removal actions;
 - (ii) The identity of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal officials and the persons providing response personnel and equipment can be ensured;
 - (iii) A description of information to pass to response personnel in the event of a reportable spill;
 - (iv) A description of the facility's response equipment and its location;
 - (v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;
 - (vi) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;
 - (vii) A description of immediate measures to secure the source of the discharge, and to provide adequate containment and drainage of spilled oil; and
 - (viii) A diagram of the facility.
- (2) Facility information. The response plan shall identify and discuss the location and type of the facility, the identity and tenure of the present owner and operator, and the identity of the qualified individual identified in paragraph (h)(1) of this section.
- (3) Information about emergency response. The response plan shall include:
- (i) The identity of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge and other discharges of oil described in paragraph (h)(5) of this section, and to mitigate or prevent a substantial threat of a worst case discharge (To identify response resources to meet the facility response plan requirements of this section, owners or operators shall follow Appendix E to this part or, where not appropriate, shall clearly demonstrate in the response plan why use of Appendix E of this part is not appropriate at the facility and make comparable arrangements for response resources);

- (ii) Evidence of contracts or other approved means for ensuring the availability of such personnel and equipment;
 - (iii) The identity and the telephone number of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal officials and the persons providing response personnel and equipment can be ensured;
 - (iv) A description of information to pass to response personnel in the event of a reportable spill;
 - (v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;
 - (vi) A description of the facility's response equipment, the location of the equipment, and equipment testing;
 - (vii) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;
 - (viii) A diagram of evacuation routes; and
 - (ix) A description of the duties of the qualified individual identified in paragraph (h)(1) of this section, that include:
- (A) Activate internal alarms and hazard and communication systems to notify all facility personnel;
 - (B) Notify all response personnel, as needed;
 - (C) Identify the character, exact source, amount, and extent of the release, as well as the other items needed for notification;
 - (D) Notify and provide necessary information to the appropriate Federal, State, and local authorities with designated response roles, including the National Response Center, State Emergency Response Commission, and Local Emergency Planning Committee;
 - (E) Assess the interaction of the spilled substance with water and/or other substances stored at the facility and notify response personnel at the scene of that assessment;
 - (F) Assess the possible hazards to human health and the environment due to the release. This assessment must consider both the direct and indirect

- shall be the larger of the amounts calculated for each component of the facility; and
- (iii) A discharge greater than 2,100 gallons and less than or equal to 26,000 gallons or 10 percent of the capacity of the largest tank at the facility, which ever is less, provided that this amount is less than the worst case discharge amount. For complexes, this planning quantity shall be the larger of the amounts calculated for each component of the facility.
- (6) Discharge detection systems. The response plan shall describe the procedures and equipment used to detect discharges.
- (7) Plan implementation. The response plan shall describe:

 - (i) Response actions to be carried out by facility personnel or contracted personnel under the response plan to ensure the safety of the facility and to mitigate or prevent discharges described in paragraph (h)(5) of this section or the substantial threat of such discharges;
 - (ii) A description of the equipment to be used for each scenario;
 - (iii) Plans to dispose of uncontaminated cleanup materials; and
 - (iv) Measures to provide adequate containment and drainage of spilled oil.

- (8) Self-inspection, drills/exercises, and response training. The response plan shall include:

 - (i) A checklist and record of inspections for tanks, secondary containment, and response equipment;
 - (ii) A description of the drill/exercise program to be carried out under the response plan as described in § 112.21;
 - (iii) A description of the training program to be carried out under the response plan as described in § 112.21; and
 - (iv) Logs of discharge prevention meetings, training sessions, and drill exercises. These logs may be maintained as an annex to the response plan.

- (9) Diagrams. The response plan shall include site plan and drainage plan diagrams.
- (10) Security system. The response plan shall include a description of facility security systems.
- (11) Response plan cover sheet. The response plan shall include a complete

response plan cover sheet provided in Section 2.0 of Appendix F to this part.

(1)(1) In the event the owner or operator of a facility does not agree with the Regional Administrator's determination that the facility could, because of its location, reasonably be expected to cause substantial harm or significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, or that amendments to the facility response plan are necessary prior to approval, such as changes to the worst case discharge planning volume, the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional information and data in writing to support the request. The request and accompanying information must be submitted to the Regional Administrator within 60 days of receipt of notice of the Regional Administrator's original decision. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.

(2) In the event the owner or operator of a facility believes a change in the facility's classification status is warranted because of an unplanned event or change in the facility's characteristics (i.e., substantial harm or significant and substantial harm), the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional information and data in writing to support the request. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.

(3) After a request for reconsideration under paragraph (1)(1) or (1)(2) of this section has been denied by the Regional Administrator, an owner or operator may appeal a determination made by the Regional Administrator. The appeal shall be made to the EPA Administrator and shall be made in writing within 60 days of receipt of the decision from the Regional Administrator that the request for reconsideration was denied. A complete copy of the appeal must be sent to the Regional Administrator at the time the appeal is made. The appeal shall contain a clear and concise statement of

the issues and points of fact in the case. It also may contain additional information from the owner or operator, or from any other person. The EPA Administrator may request additional information from the owner or operator, or from any other person. The EPA Administrator shall render a decision as rapidly as practicable and shall notify the owner or operator of the decision.

(59 FR 34098, July 1, 1994)

§ 112.21 Facility response training and drills/exercises.

(a) The owner or operator of any facility required to prepare a facility response plan under § 112.20 shall develop and implement a facility response training program and a drills/exercises program that satisfy the requirements of this section. The owner or operator shall describe the programs in the response plan as provided in § 112.20(h)(8).

(b) The facility owner or operator shall develop a facility response training program to train those personnel involved in oil spill response activities. It is recommended that the training program be based on the USCG's Training Elements for Oil Spill Response, as applicable to facility operations. An alternative program can also be acceptable subject to approval by the Regional Administrator.

(1) The owner or operator shall be responsible for the proper instruction of facility personnel in the procedures to respond to discharges of oil and in applicable oil spill response laws, rules, and regulations.

(2) Training shall be functional in nature according to job tasks for both supervisory and non-supervisory operational personnel.

(3) Trainers shall develop specific lesson plans on subject areas relevant to facility personnel involved in oil spill response and cleanup.

(c) The facility owner or operator shall develop a program of facility response drills/exercises, including evaluation procedures. A program that follows the National Preparedness for Response Exercise Program (PREP) (see Appendix E to this part, section 10, for availability) will be deemed satisfactory for purposes of this section. An alternative program can also be acceptable.

able subject to approval by the Regional Administrator.

(59 FR 34101, July 1, 1994)

APPENDIX A TO PART 112—MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARY OF TRANSPORTATION AND THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

SECTION II—DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11540, the term:

(1) *Non-transportation-related onshore and offshore facilities* means:

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platform, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and the wellhead separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purposes of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the

handling or transferring of oil in bulk to or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding inline or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for off-loading vessels.

(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation-related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles.

(J) Highway vehicles, which are used for the transport of oil exclusively within the confines of a nontransportation-related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) *Transportation-related onshore and offshore facilities* means:

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a nontransportation-related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for

adequately coated, since partial burial in damp earth can cause rapid corrosion of metallic surfaces, especially at the earth/air interface.

(vi) Aboveground tanks should be subject to periodic integrity testing, taking into account tank design (floating roof, etc.) and using such techniques as hydrostatic testing, visual inspection or a system of non-destructive shell thickness testing. Comparison records should be kept where appropriate, and tank supports and foundations should be included in these inspections. In addition, the outside of the tank should frequently be observed by operating personnel for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked areas.

(vii) To control leakage through defective internal heating coils, the following factors should be considered and applied, as appropriate.

(A) The steam return or exhaust lines from internal heating coils which discharge into an open water course should be monitored for contamination, or passed through a settling tank, skimmer, or other separation or retention system.

(B) The feasibility of installing an external heating system should also be considered.

(viii) New and old tank installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to avoid spills. Consideration should be given to providing one or more of the following devices:

(A) High liquid level alarms with an audible or visual signal at a constantly manned operation or surveillance station; in smaller plants an audible air vent may suffice.

(B) Considering size and complexity of the facility, high liquid level pump cutoff devices act to stop flow at a predetermined tank content level.

(C) Direct audible or code signal communication between the tank gauger and the pumping station.

(D) A fast response system for determining the liquid level of each bulk storage tank such as digital computers, telephones, or direct vision gauges or their equivalent.

(E) Liquid level sensing devices should be regularly tested to insure proper operation.

(ix) Plant effluents which are discharged into navigable waters should have disposal facilities observed frequently enough to detect possible system upsets that could cause an oil spill event.

(x) Visible oil leaks which result in a loss of oil from tank seams, gaskets, rivets and bolts sufficiently large to cause the accumulation of oil in diked areas should be promptly corrected.

(xi) Mobile or portable oil storage tanks (onshore) should be positioned or located so as to prevent spilled oil from resulting navigable waters. A secondary means of containment, such as dikes or catchment basins, should be furnished for the largest single compartment or tank. These facilities should be located where they will not be subject to periodic flooding or washout.

(3) *Facility transfer operations, pumping, and in-plant process (onshore)*: (excluding production facilities). (i) Buried piping installations should have a protective wrapping and coating, and should be cathodically protected if soil conditions warrant. If a section of buried line is exposed for any reason, it should be carefully examined for deterioration. If corrosion damage is found, additional examination and corrective action should be taken as indicated by the magnitude of the damage. An alternative would be the more frequent use of exposed pipe corridors or galleries.

(ii) When a pipeline is not in service, or in standby service for an extended time, the terminal connection at the transfer point should be capped or blank-flanged, and marked as to origin.

(iii) Pipe supports should be properly designed to minimize abrasion and corrosion and allow for expansion and contraction.

(iv) All aboveground valves and pipelines should be subjected to regular examinations by operating personnel at which time the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces should be assessed. In addition, periodic pressure testing may be warranted for piping in areas where facility drainage is such

that a failure might lead to a spill event.

(v) Vehicular traffic granted entry into the facility should be warned verbally or by appropriate signs to be sure that the vehicle, because of its size, will not endanger above ground piping.

(4) *Facility tank car and tank truck loading/unloading rack (onshore)*. (i) Tank car and tank truck loading/unloading procedures should meet the minimum requirements and regulation established by the Department of Transportation.

(ii) Where rack area drainage does not flow into a catchment basin or treatment facility designed to handle spills, a quick-drainage system should be used for tank truck loading and unloading areas. The containment system should be designed to hold at least maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded in the plant.

(iii) An interlocked warning light or physical barrier system, or warning signs, should be provided in loading/unloading areas to prevent vehicular departure before complete disconnect of flexible or fixed transfer lines.

(iv) Prior to filling and departure of any tank car or tank truck, the lowermost drain and all outlets of such vehicles should be closely examined for leakage, and if necessary, tightened, adjusted, or replaced to prevent liquid leakage while in transit.

(5) *Oil production facilities (onshore)*—(i) *Definition*. An onshore production facility may include all wells, flowlines, separation equipment, storage facilities, gathering lines, and auxiliary non-transportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.

(ii) *Oil production facility (onshore) drainage*. (A) At tank batteries and central treating stations where an accidental discharge of oil would have a reasonable possibility of reaching navigable waters, the dikes or equivalent required under §112.7(c)(1) should have drains closed and sealed at all times except when rainwater is being drained. Prior to drainage, the diked area should be inspected as provided in paragraphs (c)(2)(iii) (B), (C), and (D) of this section. Accumulated oil on the

rainwater should be picked up and returned to storage or disposed of in accordance with approved methods.

(ii) Field drainage ditches, road ditches, and oil traps, sumps or skimmers, if such exist, should be inspected at regularly scheduled intervals for accumulation of oil that may have escaped from small leaks. Any such accumulations should be removed.

(iii) *Oil production facility (onshore) bulk storage tanks*. (A) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(B) All tank battery and central treating plant installations should be provided with a secondary means of containment for the entire contents of the largest single tank if feasible, or alternate systems such as those outlined in §112.7(c)(1). Drainage from undiked areas should be safely confined in a catchment basin or holding pond.

(C) All tanks containing oil should be visually examined by a competent person for condition and need for maintenance on a scheduled periodic basis. Such examination should include the foundation and supports of tanks that are above the surface of the ground.

(D) New and old tank battery installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to prevent spills. Consideration should be given to one or more of the following:

(i) Adequate tank capacity to ensure that a tank will not overflow in making pump/gauger be delayed in making his regular rounds.

(2) Overflow equalizing lines between tanks so that a full tank can overflow to an adjacent tank.

(3) Adequate vacuum protection to prevent tank collapse during a pipeline run.

(4) High level sensors to generate and transmit an alarm signal to the computer where facilities are a part of a computer production control system.

(iv) *Facility transfer operations, oil production facility (onshore)*. (A) All above ground valves and pipelines should be examined periodically on a scheduled basis for general condition of items such as flange joints, valve glands and bodies, drip pans, pipeline supports,

Appendix B – Determination of Substantial Harm

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 X .

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

Yes _____ No X .

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 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" and the applicable Area Contingency Plan.

Yes _____ No X .

4. Does the facility have a total oil storage capacity greater than or equal to 1 millions gallons and is the facility located at a distance such that a discharge from the facility would shut down a public drinking water intake?

Yes _____ No X .

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

Yes _____ No X .

Attachment E
Copy of the Caltrans transmittal form

AR 001829

LSA

LSA ASSOCIATES, INC.
ONE PARK PLAZA, SUITE 500
IRVINE, CALIFORNIA 92614

949-553-0666 TEL
949-553-5076 FAX

OTHER OFFICES:
BERKELEY
FT. RICHMOND
FT. COLLINS
RIVERSIDE
ROCKLIN

TRANSMITTAL

TO: Tom MeyersCaltrans District 9500 South Main StreetBishop, CA 93514DATE: September 4, 2001☐ FOR YOUR REVIEW☐ FOR YOUR FILES☐ AT YOUR REQUEST☐ FOR YOUR INFORMATION☐ FOR YOUR APPROVAL☐ DISTRIBUTION

SUBJECT: _____

PROJECT: Mammoth-Yosemite Airport Traffic StudyPROJECT NUMBER: TML030

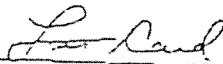
ITEMS BELOW ARE TRANSMITTED: & HERewith UNDER SEPARATE COVER VIA: _____

DATE	COPIES	DESCRIPTION
August 31, 2001	1	Revised Mammoth Lakes-Yosemite Traffic Study

GENERAL REMARKS:

The attached traffic study has been updated to reflect the agreed upon revisions discussed at our meeting on August 28. Specifically the intersection analysis methodology has been updated to the recently released HCM 2000, the deceleration/acceleration lanes at the Hot Creek Road/U.S. Route 395 intersection have been committed as initial first phase project components, and an annual intersection monitoring requirement has been included to assure timely implementation of mitigation measures

We would appreciate your and Jerry Gabriel's written confirmation that, with these revisions, the report is technically acceptable to Caltrans.



COPIES TO: Bill Taylor, Town of Mammoth Lakes
Bill Manning, Mammoth Lakes Airport
Tom Cornell, Ricondo and Associates (1 bound, 1 unbound)
Reinard Brandley
Jerry Gabriel, Caltrans District 9 Traffic Engineer

BY: Les Card

PRINTED AT THE CALTRANS DISTRICT 9 OFFICE

AR 001830

RESOLUTION NO. PC-02-08

**A RESOLUTION OF THE
MAMMOTH LAKES PLANNING COMMISSION
RECOMMENDING TO THE TOWN COUNCIL ADOPTION OF THE
MAMMOTH YOSEMITE AIRPORT CAPITAL IMPROVEMENT PROGRAM**

WHEREAS, The Town of Mammoth Lakes proposes to upgrade the Mammoth Yosemite Airport, including lengthening the existing runway by 1200 feet to a total length of 8200 feet, widening the entire runway from 100 feet to 150 feet, lengthening and widening the taxiway from 50 feet to 75 feet, constructing a new passenger terminal, enlargement of the apron, replacement of the existing barbed wire fence with an eight foot high chain link fence, and associated lighting upgrades;

WHEREAS, A Subsequent Environmental Impact Report and Supplement to the Subsequent Environmental Impact Report have been reviewed by the Commission and recommended to the Town Council as complete and adequate;

WHEREAS, the Planning Commission conducted a noticed Business Item review on the application request on February 27, 2002, at which time all information in the record, including public comments was considered; and

WHEREAS, the Planning Commission made the following findings pursuant to the requirements of CEQA and the Mammoth Lakes Municipal Code:

1. The Commission reviewed and considered the information contained in the Final Supplement to the Subsequent Environmental Impact Report prior to approving the Capital Improvement Plan,
2. Changes or alterations (mitigation measures) are included in the project that avoid or substantially lessen potentially significant environmental effects as identified in the Final EIR and a mitigation measure monitoring and reporting plan has been prepared.
3. The project is consistent with the Airport Land Use Designation as described in the Mammoth Lakes General Plan and with the Airport Zoning classification as found in the Mammoth Lakes Municipal Code.
4. All records of these proceedings upon which this decision is based are maintained at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby recommends that the Town Council Adopt the Capital Improvement Plan and Mitigation Monitoring and Reporting Plan for the Mammoth Yosemite Airport.

AR 001831

PASSED AND ADOPTED this 27th day of February, 2002, by the following vote,
to wit:

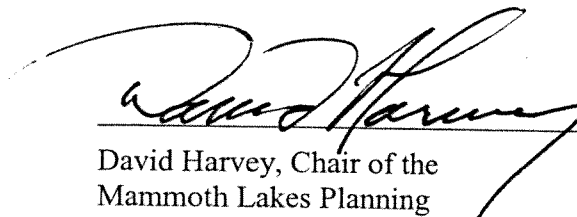
AYES: Five

NAYS: None

ABSENT: None

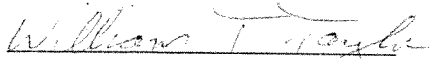
ABSTAIN: None

DISQUALIFIED: None



David Harvey, Chair of the
Mammoth Lakes Planning
Commission

ATTEST:



William T. Taylor

Secretary of the Planning Commission

AR 001832

RESOLUTION NO. PC-2002-07

**A RESOLUTION OF THE
MAMMOTH LAKES PLANNING COMMISSION
RECOMMENDING TO THE TOWN COUNCIL CERTIFICATION OF A
FINAL SUPPLEMENT TO THE SUBSEQUENT ENVIRONMENTAL IMPACT
REPORT FOR THE MAMMOTH YOSEMITE AIRPORT EXPANSION PROJECT**

WHEREAS, The Town of Mammoth Lakes proposes to upgrade the Mammoth Yosemite Airport, including lengthening the existing runway by 1,200 feet to a total length of 8200 feet, widening the entire runway from 100 feet to 150 feet, lengthening the taxiway and widening the taxiway from 50 feet to 75 feet, constructing a new passenger terminal, enlargement of the apron, replacement of the existing barbed wire fence with an eight foot high chain link fence, construction of a sewage treatment facility, and associated lighting upgrades;

WHEREAS, Three prior EIRs for improvement of the Mammoth Yosemite Airport and for Airport land use planning have been prepared and certified;

WHEREAS, Modifications to the project since the certification of a Subsequent EIR in 1997 required additional analysis resulting in preparation of a Supplemental EIR;

WHEREAS, The Town of Mammoth Lakes fulfilled all procedural requirements of the California Environmental Quality Act(Cal. Pub. Res. Code Section 21000 et seq. (hereinafter "CEQA") and the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000, et seq.),

WHEREAS, A Notice of Preparation was circulated by the State Clearinghouse for 30 days beginning on April 16, 2001.

WHEREAS, On October 9, 2001 a 45-day public review and comment period commenced with notice in local newspaper of general circulation, delivery of a copy of the Draft EIR to all entities requesting it, and the required number of copies to the State Clearinghouse,

WHEREAS, Responses to the comments received on the Draft Supplement were prepared and delivered to the commenting agencies and to the Planning Commission,

WHEREAS, The Final Supplement to the Subsequent Environmental Impact Report (hereinafter "FEIR") consists of the Draft Supplement, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses, all as required by Law,

WHEREAS, Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Town Offices at 437 Old Mammoth Road, Suite R, Mammoth Lakes, and are part of the record before the Commission,

AR 001833

WHEREAS, the Planning Commission conducted a noticed Business Item review on the application request on February 27, 2002, at which time all information in the record, including public comments was considered; and

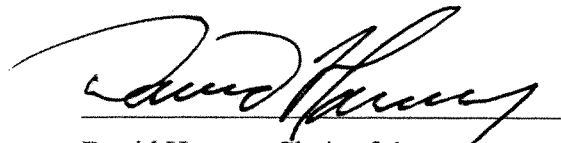
WHEREAS, the Planning Commission made the following findings pursuant to the requirements of CEQA:

1. The Final EIR has been completed in compliance with CEQA; and
2. The Final EIR represents the Town's independent judgment and analysis.

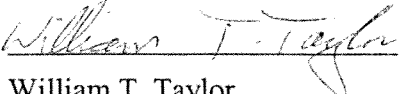
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby recommends that the Town Council Certify the Final Supplement to the Subsequent Environmental Impact Report for the Mammoth Yosemite Airport Improvement Project with the wording modifications as requested by Caltrans.

PASSED AND ADOPTED this 27th day of February, 2002, by the following vote, to wit:

AYES: Five
NAYS: None
ABSENT: None
ABSTAIN: None
DISQUALIFIED: None


David Harvey, Chair of the
Mammoth Lakes Planning
Commission

ATTEST:


William T. Taylor
Secretary of the Planning Commission

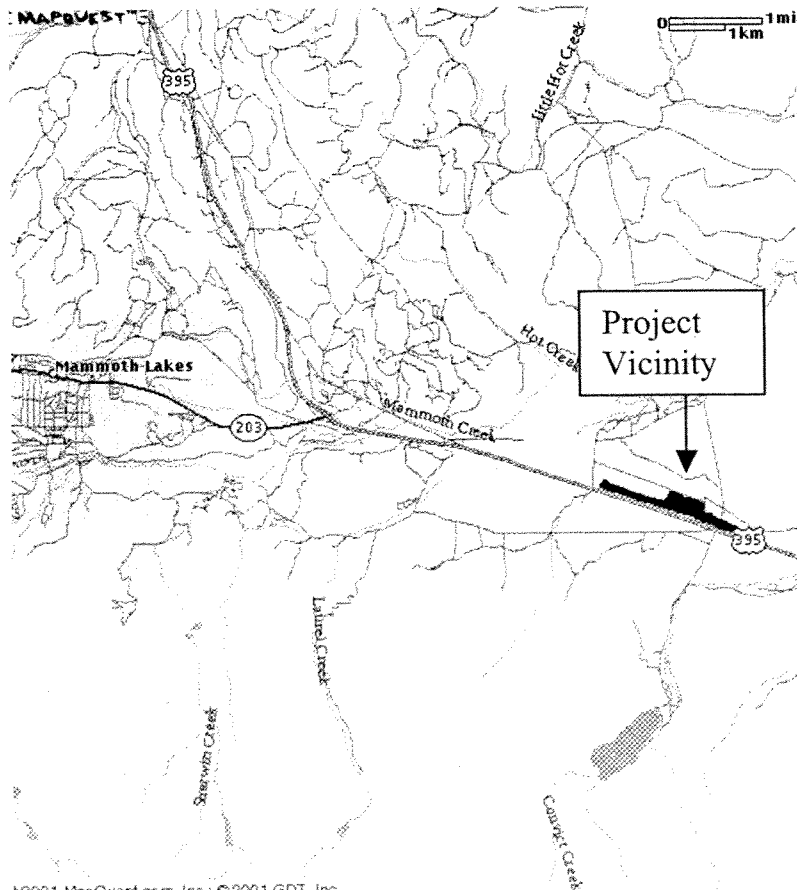
AR 001834



COMMUNITY DEVELOPMENT

P.O. Box 1609 Mammoth Lakes, CA 93546

MEETING DATE: February 27, 2002
TO: Planning Commission
FROM: Bill Taylor, Senior Planner
SUBJECT: Recommendation to the Town Council on Certification of Final Supplemental Environmental Impact Report, Mammoth Yosemite Airport Expansion Project
APPLICANT: Town of Mammoth Lakes
OWNER: Town of Mammoth Lakes
ENGINEER: Reinard W. Brandley
LOCATION: Mammoth Yosemite Airport
CURRENT ZONING: Airport
GENERAL PLAN: Airport



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AR 001835

PROPOSED ACTION

The proposed action is a recommendation to the Town Council for the certification of a Final Supplement to the Subsequent Environmental Impact Report for the Mammoth Yosemite Airport Expansion Project.

DEVELOPMENT PROPOSAL

Major components of the development proposal at the airport include lengthening the existing runway by 1,200 feet to a total length of 8,200 feet, widening the entire runway from 100 feet to 150 feet, lengthening and widening the taxiway, constructing a new passenger terminal, enlargement of the apron, replacement of the existing barbed wire fence with an eight foot high chain link fence, construction of a sewage treatment facility, and associated lighting upgrades. A complete description of the proposed improvements is included in the Capital Improvement Program for the Mammoth Yosemite Airport.

This Supplement to Subsequent EIR is focused on those items in the CIP that have been amended since the certification of the Subsequent EIR in 1997.

SUBJECT PROPERTY AND SURROUNDING LAND USES

The subject property is the Mammoth Yosemite Airport. This facility is currently developed with a 7,000 foot paved runway and 3,400 foot paved overrun area, taxiways, apron, hangars, terminal, Fixed Base Operator building, and airport office and vehicle storage building. The airport is surrounded by lands administered by the Inyo National Forest on the north, south, and west and lands owned by the City of Los Angeles on the east. The surrounding lands are used primarily for cattle grazing. US Highway 395, a four lane divided highway abuts the airport on the south. Electrical transmission lines parallel Highway 395 to the south and a gravel pit and site of a proposed business park sits to the southwest across Highway 395. The Inyo National Forest operates a gravel pit immediately to the north of the airport. The California Department of Fish and Game operates a fish hatchery approximately one half mile to the north and the Hot Creek Ranch, a fishing resort is located to the northeast of the hatchery.

ANALYSIS

Background

The action before the Planning Commission is a recommendation to the Town Council on the certification of a Final Supplement to the Subsequent Environmental Impact Report on the Mammoth Yosemite Airport.

Prior to the present document, three environmental impact reports for improvement of the Airport and vicinity have been prepared and certified, two by Mono County and one by the Town of Mammoth Lakes. In addition, at least two environmental assessments were prepared by the Inyo National Forest and the Federal Aviation Administration.

This Supplemental EIR supplements the Subsequent EIR prepared by the Town of Mammoth Lakes and certified in 1997. All information contained in the prior documents, including comments in the record, was considered in the preparation of the Supplement. These include the oral comments presented at the November 14, 2000 public hearing on the Draft Environmental Assessment for the Mammoth Yosemite Airport. The Supplement analyzes potential impacts from changes in the project since the certification of the prior environmental document in 1997.

AR 001836

The Draft Supplement was circulated for public review and comment for a period of 45 days, from October 9, 2001 to November 22, 2001. The purpose of the review period is to provide interested public agencies, groups, and individuals to opportunity to comment on the contents and completeness of the Draft Supplement. A total of 32 individuals, groups, and agencies submitted comments on the Draft Supplement. The attached responses to comments, together with the Draft, constitute the Final EIR.

CEQA Guidelines state that the focus of the Final EIR should be on the response to comments on the Draft EIR. The Lead Agency may provide an opportunity for public review of the FEIR, however, a public hearing is not required for a FEIR. In reviewing and certifying the Final EIR, section 15090 of CEQA states that the lead agency must certify that the FEIR is an adequate document that has been completed in accordance with CEQA, and that the information contained within the FEIR has been reviewed and considered prior to final action on a project. Section 15151 of the CEQA Guidelines discusses the standards for adequacy of an EIR. The evaluation of the environmental impacts of a project does not need to be exhaustive, but it needs to include an evaluation of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate. Lastly, the document does not need to be perfect, but adequate, complete and a good faith effort at full disclosure. All of these regulations and principals apply equally to a Supplement or a full EIR.

Planning Commission Action

The purpose of this meeting is to review, consider, and comment on the Final EIR. Also, the Planning Commission will make a recommendation to the Town Council on compliance of the Final EIR with the requirements of CEQA. The Town Council will receive the public comments and the Commission's discussion of the Final EIR via the Planning Commission minutes. The Town Council, as the decision-making body, then has the authority to take action on the Final EIR through the certification of the Final EIR as an adequate and complete document.

Comment Summary

The supplement evaluated potential effects on the environment resulting from the modification of the project approved in 1997. It evaluated in detail potential effects to aesthetics, air quality, biological resources, traffic, water quality, and noise.

The EIR found that, with mitigation, no significant adverse environmental effects would result from the project modification.

In the comments on the Draft Supplement, the main issues of common concern were:

- Growth inducing and cumulative impacts.
- Bishop Airport as an alternative.
- Impacts to sage grouse, mule deer.
- Impacts to water quality, including impacts to Hot Creek and Tui chub habitat.

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The Final Supplement responds in detail to these areas of concern and to all other comments.

Growth inducing and cumulative effects have been addressed in each of the prior documents and are addressed in this Supplement. The Supplement concludes that no "cumulatively considerable" or growth inducing effects resulting in significant adverse effects to the environment occur as a result of this project.

Improvement of Bishop Airport was eliminated from consideration as an alternative in this Supplement for the following reasons. The fundamental project objective is to accommodate traveler demand at a location that best serves the primary visitor bed base of the region, Mammoth Lakes. The decision to upgrade the Mammoth Yosemite Airport was made by Mono County in 1978 and a substantial investment has already been made to further that objective.

The Supplement demonstrates, and the responses to comments reinforce, that the project will have no significant direct or cumulative effects on either mule deer or sage grouse.

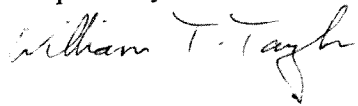
The Supplement also demonstrates that water quality in Hot Creek and the Hot Creek springs will not be affected to any substantial extent by the project. Surface runoff from the project does not reach Hot Creek and mitigation measures designed into the project protect groundwater from contamination.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution recommending that the Town Council certify that:

1. The Final Supplemental EIR has been completed in compliance with CEQA; and
2. The Final Supplemental EIR represents the Town's independent judgment and analysis.

Respectfully Submitted



AR 001838

EXHIBIT "1"
RESOLUTION NO. PC-02-__

**A RESOLUTION OF THE
MAMMOTH LAKES PLANNING COMMISSION
RECOMMENDING TO THE TOWN COUNCIL CERTIFICATION OF A
FINAL SUPPLEMENT TO THE SUBSEQUENT ENVIRONMENTAL IMPACT
REPORT FOR THE MAMMOTH YOSEMITE AIRPORT EXPANSION PROJECT**

WHEREAS, The Town of Mammoth Lakes proposes to upgrade the Mammoth Yosemite Airport, including lengthening the existing runway by 1,200 feet to a total length of 8200 feet, widening the entire runway from 100 feet to 150 feet, lengthening and widening the taxiway, constructing a new passenger terminal, enlargement of the apron, replacement of the existing barbed wire fence with an eight foot high chain link fence, construction of a sewage treatment facility, and associated lighting upgrades;

WHEREAS, Three prior EIRs for improvement of the Mammoth Yosemite Airport and for Airport land use planning have been prepared and certified;

WHEREAS, Modifications to the project since the certification of a Subsequent EIR in 1997 required additional analysis resulting in preparation of a Supplemental EIR;

WHEREAS, The Town of Mammoth Lakes fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 et seq. (hereinafter "CEQA") and the State CEQA Guidelines (Cal. Admin. Code, Title 14, Section 15000, et seq.);

WHEREAS, A Notice of Preparation was circulated by the State Clearinghouse for 30 days beginning on April 16, 2001;

WHEREAS, On October 9, 2001 a 45-day public review and comment period commenced with notice in a local newspaper of general circulation, delivery of a copy of the Draft Supplement to all entities requesting it, and delivery of the required number of copies to the State Clearinghouse;

WHEREAS, Responses to the comments received on the Draft Supplement were prepared and delivered to the commenting agencies and to the Planning Commission;

WHEREAS, The Final Supplement to the Subsequent Environmental Impact Report (hereinafter "FEIR") consists of the Draft Supplement, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses, all as required by Law;

WHEREAS, Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Town Offices at 437 Old Mammoth Road, Suite R, Mammoth Lakes, and are part of the record before the Commission;

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WHEREAS, the Planning Commission conducted a Business Item review on the application request at its regularly scheduled meeting of February 27, 2002, at which time all information in the record, including public comments was considered; and

WHEREAS, the Planning Commission made the following findings pursuant to the requirements of CEQA:

1. The Final Supplemental EIR has been completed in compliance with CEQA; and
2. The Final Supplemental EIR represents the Town's independent judgment and analysis.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby recommends that the Town Council Certify the Final Supplement to Subsequent Environmental Impact Report for the Mammoth Yosemite Airport Improvement Project.

PASSED AND ADOPTED this 27th day of February, 2002, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DISQUALIFIED:

David Harvey, Chair of the
Mammoth Lakes Planning
Commission

ATTEST:

William T. Taylor
Secretary of the Planning Commission

AR 001840

Attachment D
Draft Spill Prevention, Control and Countermeasure Plan

AR 001798

Spill Prevention, Control, and Countermeasure Plan

Facility:

Mammoth Yosemite Airport

Physical Location:

6 miles East of MAMMOTH LAKES, CA

Adjacent U.S. Highway 395

Facility Contact and Phone Number:

Bill Manning, Airport Manager

(760)-934-3813

Date:

March 2002

Summary

1. Name and Location of Facility
Mammoth Yosemite Airport
U.S. Highway 395, North Airport Road
Mammoth Lakes, California 93546
2. Name of Operator
Town of Mammoth Lakes
3. Name of Person in Charge of Facility
Bill Manning
Airport Manager
Telephone: (760) 934-3813 (daytime)
(760) 924-3326 (home)
4. Name and Telephone of Person for Oil Spill Prevention at facility
Bill Kerns
Telephone: (760) 934-3813 (daytime)
(760) 935-4950 (home)
5. Nearest Navigable Waters
 1. Hot Creek, one half mile north of the Airport.
 2. Convict Creek, one half mile south of the Airport.
6. Possible Spill Sources

The possible sources of spills of oil or other hazardous substances are limited at the Mammoth Yosemite Airport. The Fixed Base Operator maintains above ground aviation fuel on the field. There is a possibility of a fuel spill of aviation and automobile gasoline. The location of these fuel tanks is shown on the attached Exhibit.

There is also mechanical work done to aircraft on the field that could result in the spillage of a small amount of engine motor oil.

No other use of fuel or other hazardous materials occurs on the Airport.
7. Distances from Mammoth Yosemite Airport
 1. Nearest Hospital: Mammoth Hospital, six miles
 2. Nearest Fire Department: Mammoth Lakes Fire Protection District, six miles. Long Valley Fire Protection District, seven miles.
 3. Nearest Hazmat Team: No Team in area, contact Long Valley Fire Protection District.
8. Spill Prevention and Control Equipment available at the Airport.
 1. Shovels: 8
 2. Loaders: 2

SPCC PLAN REVIEW - 40 CFR 112.5(b)

A review and evaluation of the SPCC plan is completed at least once every three years. All substantive amendments to the plan are certified by a registered professional engineer in accordance with §112.3(d). Evidence of these reviews and applicable certifications is recorded in the table below. [Note: Administrative modifications are made, as appropriate, to ensure the accuracy of plan information in response to modifications in the assignment of personnel or contact information (e.g., telephone numbers).]

Date	Reason for Review	SPCC Coordinator's Name and Initials	Professional Engineer Name and Initials

MANAGEMENT APPROVAL - 40 CFR 112.7

This SPCC plan is fully approved by the management of the Airport, which will provide all the necessary funds and man-power to fully implement the plan as it is described in this document.

NAME

DATE

1. Introduction

This section provides background information, presents the objectives of the plan, explains when amendments/updates to the plan need to be performed, lists the Plan Coordinator, states the location of the Plan and provides for Plan certifications.

1.1 Background

This document presents the Spill Prevention, Control, and Countermeasure (SPCC) Plan for the Mammoth Yosemite Airport. The Airport is owned and operated by Town of Mammoth Lakes. The SPCC Plan (the plan) is a requirement of the Oil Pollution Act of 1990 (OPA), which mandates a spill response system for the proper handling, storage, and transportation of oil in the event a discharge occurs. OPA is authorized under Section 311 of the Clean Water Act (CWA). The regulations pertaining to preparing a SPCC Plan are found at Title 40 Code of Federal Regulations (CFR), Part 110 and 112 (40 CFR § 112). (See Appendix A for a copy of the regulations.)

A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the navigable waters of the United States. This plan establishes procedures, methods, and equipment and other requirements to prevent discharge of oil from onshore facilities into or upon the navigable water of the United States. Owners or operators of facilities that, due to their location, could reasonably be expected to discharge oil in harmful quantities into or upon the navigable waters of the United States must prepare a SPCC Plan. Oil is defined as oil of any kind or in any form including, but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil. Oil in harmful quantities results when the discharge causes: (40 CFR § 110.3.)

- Violations of applicable water quality standards. The water quality standards are discussed in Section 2.2, "NPDES Permit" of this Plan.
- A film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

The Town of Mammoth Lakes has prepared this Spill Prevention, Control, and Countermeasure Plan as part of the environmental analysis done for the improvements at the Airport. Mammoth Yosemite Airport is not required to prepare a Facility Response Plan. (see Appendix B - Determination of Substantial Harm).

Two 12,000 gallons above ground fuels tanks are presently located at the Airport as shown on Exhibit 1. Existing Airport facilities were designed to accommodate an additional 12,000 gallons tank at the Airport. This would result in a total fuel storage capacity of 36,000 gallons.

Section 3, "Spill Prevention and Containment" explains the spill prevention procedures employed by the Airport, and Section 4, "Spill Response" explains the Town's response procedures in the event of a spill and discusses when federal and State agencies need to be informed in the event of a spill.

1.2 Objectives of the Plan

This SPCC Plan is intended to meet or exceed the OPA requirements for the preparation of an SPCC Plan for the facilities at the Airport.

1.3 Plan Amendments and Updates

The SPCC Plan needs to be amended whenever there is a change in facility design, construction, operation or maintenance, which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States. Also, a complete review and evaluation of the SPCC Plan must be performed once every three years. (40 CFR § 112.5.)

Also, if the facility discharges more than 1,000 gallons of oil into the surrounding waters in a single spill event, or discharges oil in harmful quantities, as defined in 40 CFR Part 110, in two spill events reportable under Section 311 (b)(5) of the CWA within a 12 month period, the facility must submit within 60 days of the event to the Lahontan Regional Water Quality Control Board (RWQCB) and U.S. Environmental Protection Agency detailed information about the nature and cause of the spill. (40 CFR § 112.4.)

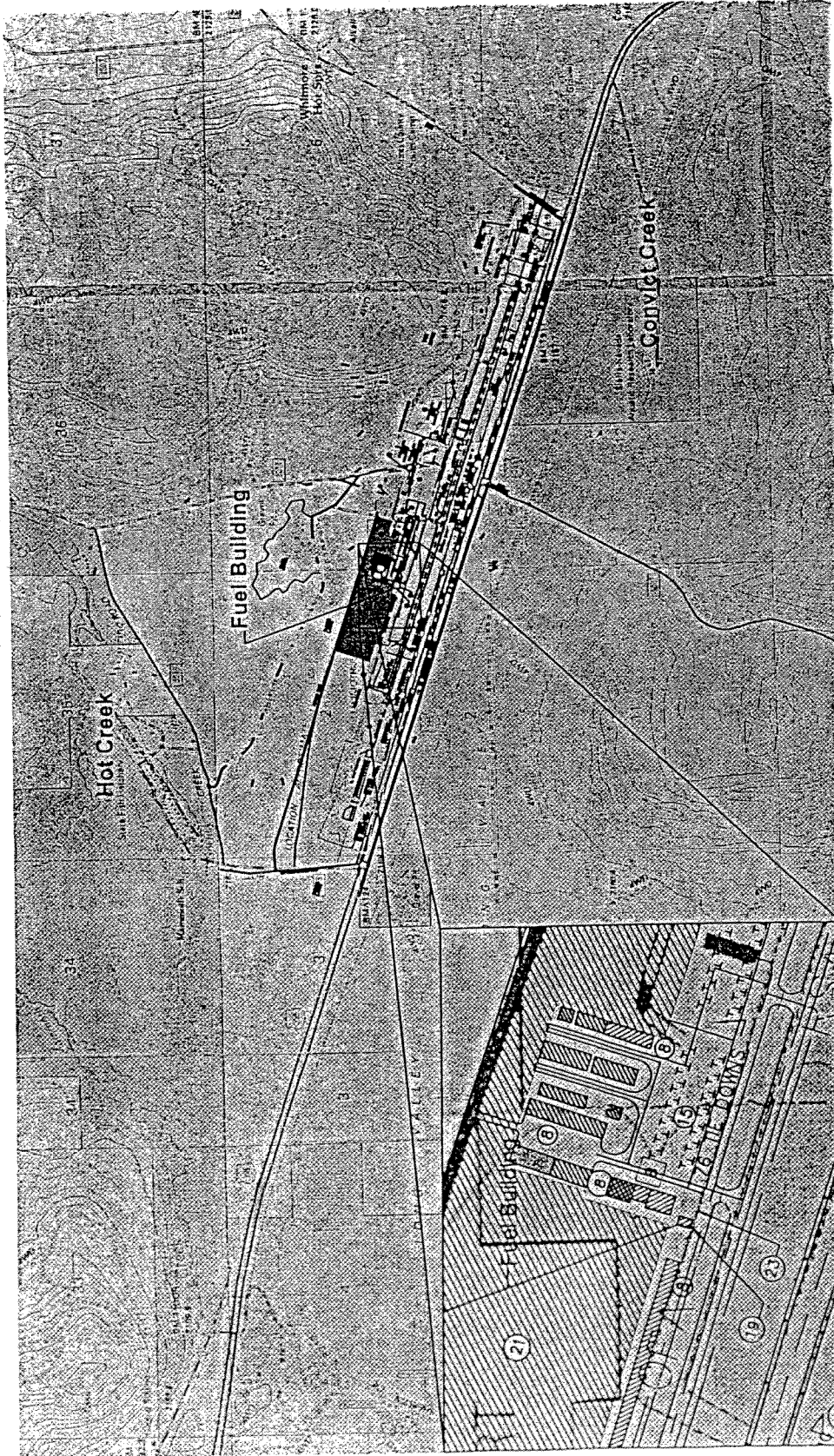
1.4 Plan Coordination

A person needs to be designated who is accountable for oil spill prevention. The Airport Manager of Mammoth Yosemite Airport will be the Spill Coordinator. The Spill Coordinator has the following responsibilities as part of the SPCC Plan implementation:

- prevent the willful discharge of oil from any facilities or vehicle onto the land or into surrounding waterways;
- keep an adequate amount of absorbent materials at potential spill sites for containment purposes;
- ensure that all waste materials from spills are disposed in compliance with local, State, and federal regulations;
- ensure compliance with federal SPCC Plan requirements;
- ensure that any hazardous substance spill from the Airport that exceeds reportable quantities (RQ) is reported to the appropriate State and federal authorities;
- ensure that contractors are available that can support the Long Valley Fire Protection District, if needed, during any spill that may occur at the Airport; and
- conduct personnel briefing twice a year to review spill events or failures.

1.5 Plan Locations

The SPCC Plan is located at the office of the Airport Manager and Fixed Base Operator (FBO) facilities.



Source: U.S. Geological Survey; Mammoth Lakes Airport Expansion Subsequent EIR and Updated EA, March 1997.
Prepared by: Ricoondo & Associates, Inc.

Exhibit 1

Mammoth Yosemite Airport Area Fuel Storage Locations

March 2002

Draft Spill Prevention, Control and Countermeasure Plan

2. Facility Description

The purpose of this section is to explain drainage systems at Mammoth Yosemite Airport, determine potential sources of spills and discuss how a spill might be transferred to a surrounding waterway. A review of historical spills is also provided.

2.1 Site Drainage

There are no bodies of water on Airport property. There are, however, three surface drainage systems in the vicinity of the Airport. These drainage systems are depicted in Exhibit 2. The area west of the Airport is within the western portion of the Mammoth Creek/Hot Creek watershed of the Mammoth Basin drainage system. The area south of the Airport is within the Convict Creek watershed. The drainage divide between the Mammoth Basin and Convict Creek watersheds passes through the westerly portion of the Airport. The third drainage divide lies east of Doe Ridge and flows into Crowley Lake.

The lower reaches of the Mammoth Basin drainage system are significantly affected by rising geothermal ground waters, which include mixed hot-cold spring discharges at the Hot Creek Fish Hatchery and numerous hot springs within the Hot Creek Gorge. The Convict Creek drainage system appears to contain only cold groundwater elements. Studies conducted by the California State Department of Water Resources and U.S. Geological Service (USGS) indicate that geological formations located north of the Airport confine a relatively extensive cold groundwater basin.

The two nearest navigable waters to the Airport as shown on Exhibit 1 are the following:

1. Hot Creek, one half mile north of the Airport.
2. Convict Creek, one half mile south of the Airport.

2.2 NPDES Permit

Mammoth Yosemite Airport operates under NPDES Permit Number 6B26S003690 granted by Regional Water Quality Board. A new permit would be needed for the planned improvements at the Airport.

2.3 On-Site Activities of Concern

Following are some of the activities, which can be the cause of a potential spill.

- aircraft fuel storage, transport, transfer and fueling operations
- non-aircraft fuel handling and storage
- runway deicer/anti-icer storage, handling, and transport
- used oil collection and storage from maintenance activities
- waste oil storage handling

The potential impacts of spills generated by the activities described above vary significantly. The potential impacts determined by factors such as the types and quantities of materials involved and the location of spills.

2.4 Potential Sources of Spills

2.4.1 Storage Tanks

Currently, there are two above ground 12,000 gallons fuel tanks at Mammoth Yosemite Airport as shown in Exhibit 3 and 4. One additional 12,000 gallons tank can be accommodated at the existing fuel tank enclosure.

The Aboveground Storage Tanks (AST) are situated on a concrete pad located to the east of the six existing hangars. The ASTs are of double wall design/construction, and surrounded by a secondary containment system and a spill prevention system that exceeds all permit requirements.

2.4.2 Hazardous Substances

The storage and use of hazardous substances can present instances when spills can occur that could be released into the surrounding waterways.

2.4.3 Transfer Operations

The transfer of oil and fuel may create a situation where a spill could occur. Currently, the fuel supplier to the Airport utilizes an 8,000-gallon transport that makes deliveries to the Airport approximately two times a month. After the implementation of the proposed project a 14,000 gallon transport is expected to make 1 to 2 daily round trips in the future to satisfy the daily fuel uplift requirements. The current aircraft fueling plan calls for a capacity of 20,000 to 24,000 gallons stored in a combination of existing above ground storage tanks and trucks. Airfield fuel trucks would deliver fuel from the storage areas to the aircraft.

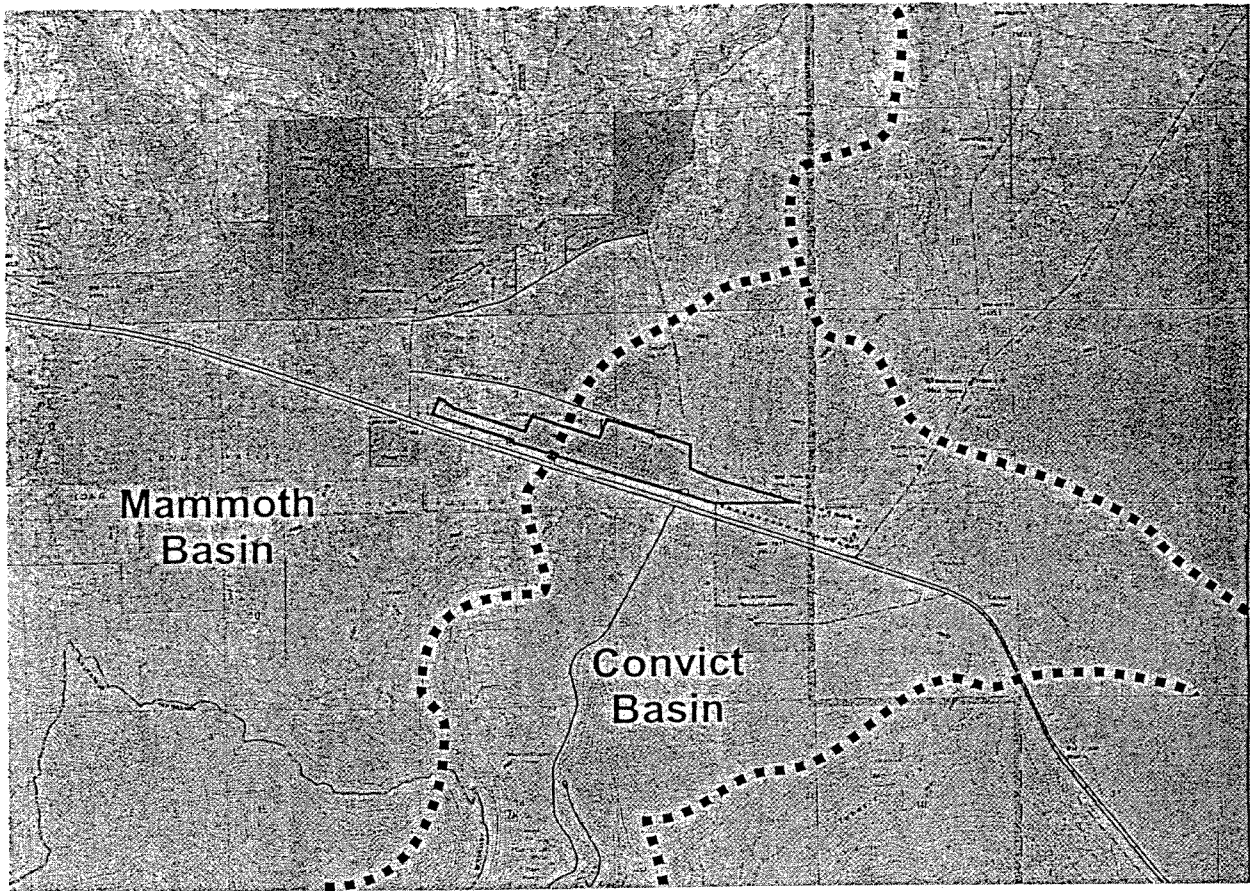
2.5 Spill Pathways & Scenarios

Scenarios were developed as part of this plan to suggest how oil might be released into the surrounding waterways and also to develop a spill response plan. The drainage system in the vicinity of the Airport was described in Section 2.1 "Site Drainage". The various scenarios that could result in spills are described as: Storage Tank Operations, Airplane Accident, Vehicle Accident, or Hazardous Substance Storage or Transfer. These scenarios are more fully discussed below:

2.5.1 Storage Tank Operations

Storage tank operations include filling or removing fuel or hazardous substances to or from a storage tank. It is during these operations that a spill may occur. Tanks could also rupture or the associated equipment and piping could be subject to failure, which can result in a release. All aboveground storage tanks at the Airport are within double walls therefore a spill or release from these tanks would not reach the water bodies near the Airport. The fuel farm is surrounded by a modern secondary containment system that reduces the chances of any potential spill reaching the navigable waters of United States.

Table 1 shows various potential spill volumes and rates from the fuel storage tanks.



Legend

- Drainage Divide
- Existing Airport Property Line
- Proposed Airport Property Line

Source: Mammoth Lakes Airport Expansion, Subsequent EIR and Updated EA, March, 1997.
Prepared by: Ricondo & Associates, Inc.

Exhibit 2

↑
north Scale 1" = 5,000'

**Mammoth Yosemite Airport
Area Drainage System**

Draft Spill Prevention, Control and Countermeasure Plan

March 2002

AR 001807

Table 1

Potential Spill Volumes and Rates for Above Ground Storage Tanks

Type of Major Failure	Max. Possible Quantity Released	Rate of Flow
Complete failure of a full tank\	12,000 gallons (largest tank size)	Instantaneous
Partial failure of a full tank	1 to 12,000 gallons	Gradual to instantaneous
Tank overfill while transferring to and from truck	1 to many gallons	10 to 100 gallon per minute

Source: Mammoth Yosemite Airport and Super tanks, Inc.
Prepared By: Ricondo & Associates, Inc.

2.5.2 Airplane Accident

A crash on a runway or taxiway could present a problem with aviation fuel being spilled. The worst case scenario is based on the largest aircraft being fully loaded with fuel and losing half the contents of its tanks. The largest aircraft that would be used at the Airport would be a Boeing 757. These planes hold approximately 11,466 gallons of fuel. (Boeing Commercial Airplane Group, 757-200 *Airplane Characteristics for Airport Planning*, October 1994.) If half of the tanks were to puncture and loose all of the fuel, approximately 5,700 gallons of jet fuel would be spilled onto the airfield.

The possibility of an aircraft accident at Mammoth Yosemite Airport is very low. Any such occurrences at on the apron area would be contained in the apron drainage system.

2.5.3 Vehicle Accident

A vehicle on the Airport could potentially have its tank rupture or leak as a result of valve or fitting failure or leaking hoses. The type of fuel that could be spilled from a vehicle tank could include: gasoline, diesel, ethylene glycol, or propane. The worst case scenario is that a fully loaded truck delivering product would be involved in an accident that would result in a spill of all of the contents of the truck. Currently the Airport is served by a 8,000 gallon transport.

2.5.4 Hazardous Substance Storage or Transfer

Currently the following items are stored at the Airport in addition to the fuel in the storage tanks.

- 100 gallons of de-icer fluid
- 50 gallons of tractor hydraulic/motor oil

For the most part all of the substances are stored in buildings in locations where the substance would not reach exposed soil in and around the Airport

2.6 Spill History

The spill history lists any spills that have occurred at Mammoth Yosemite Airport. A spill event is defined as a discharge of a "harmful quantity" into the navigable waters of the United States. (40 CFR § 112.1 (b)(1).) Table 2 provides a list of previous spills at Mammoth Yosemite Airport, action taken to reduce the impacts of the spill and prevent future occurrences.

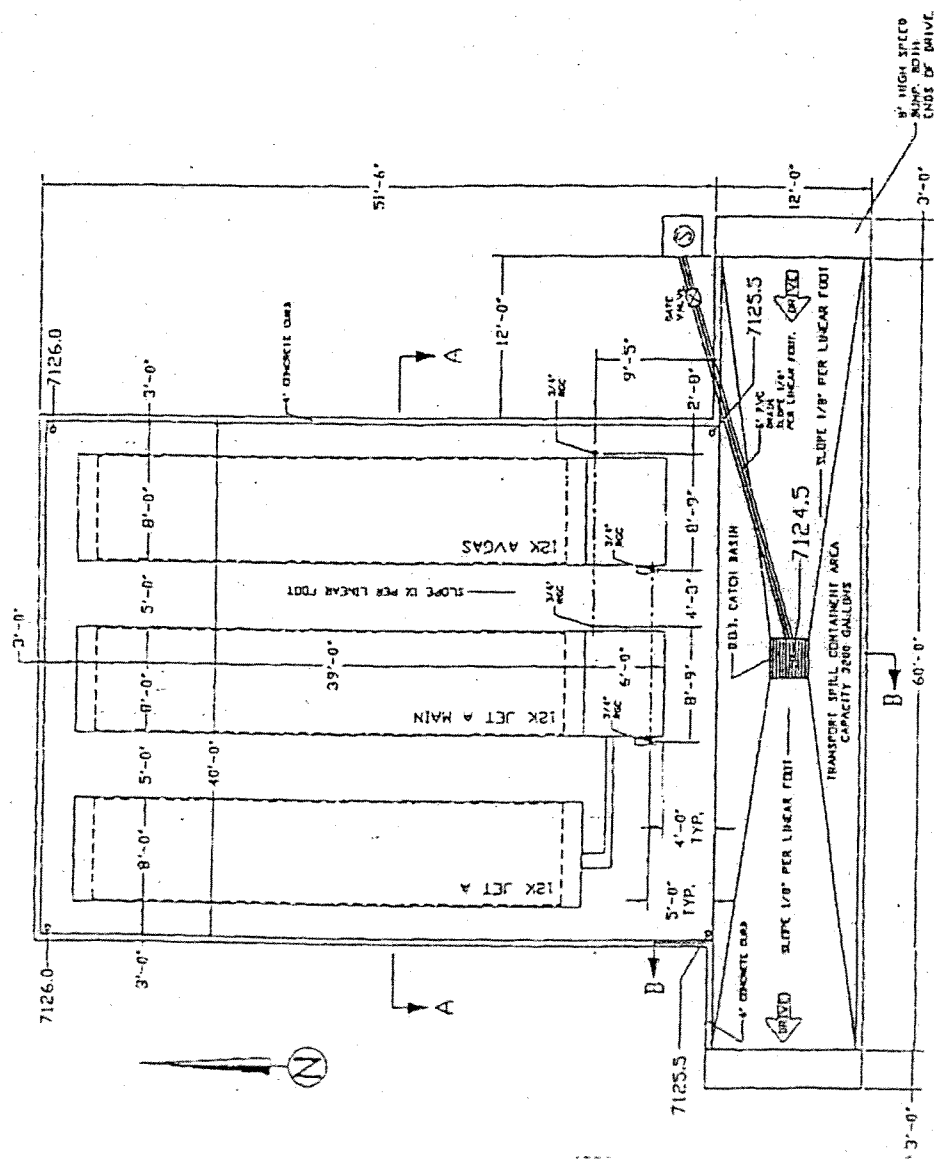
Table 2

Spill History at Mammoth Yosemite Airport

Date	Time	Estimated Amount	Material Spilled	Company (s) Involved	Action Taken	Remarks
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Source: Mammoth Yosemite Airport
Prepared By: Ricondo & Associates, Inc.

There have been no known incidents of spills at the Airport in the last couple of years. Several Underground Storage Tanks (UST) left over from military operations at the Airport were removed from the Airport facility and site characterizations/remedial investigations performed on the soil under and around the former USTs. The removal of these USTs was conducted in accordance to the direction of the Mono County Environmental Health Department, the lead agency for the remediation projects at the Airport property. No soil contamination was noted in the former area containing the four USTs situated to the east of the terminal building. Contaminated soil was noted in the area of the three former USTs situated to the west of the terminal building. Contaminated soil was removed from this location. The contamination did not impact the ground water in and around the Airport.



Source: SuperSafe Tanks, Inc.
Prepared by: Ricondo & Associates, Inc.

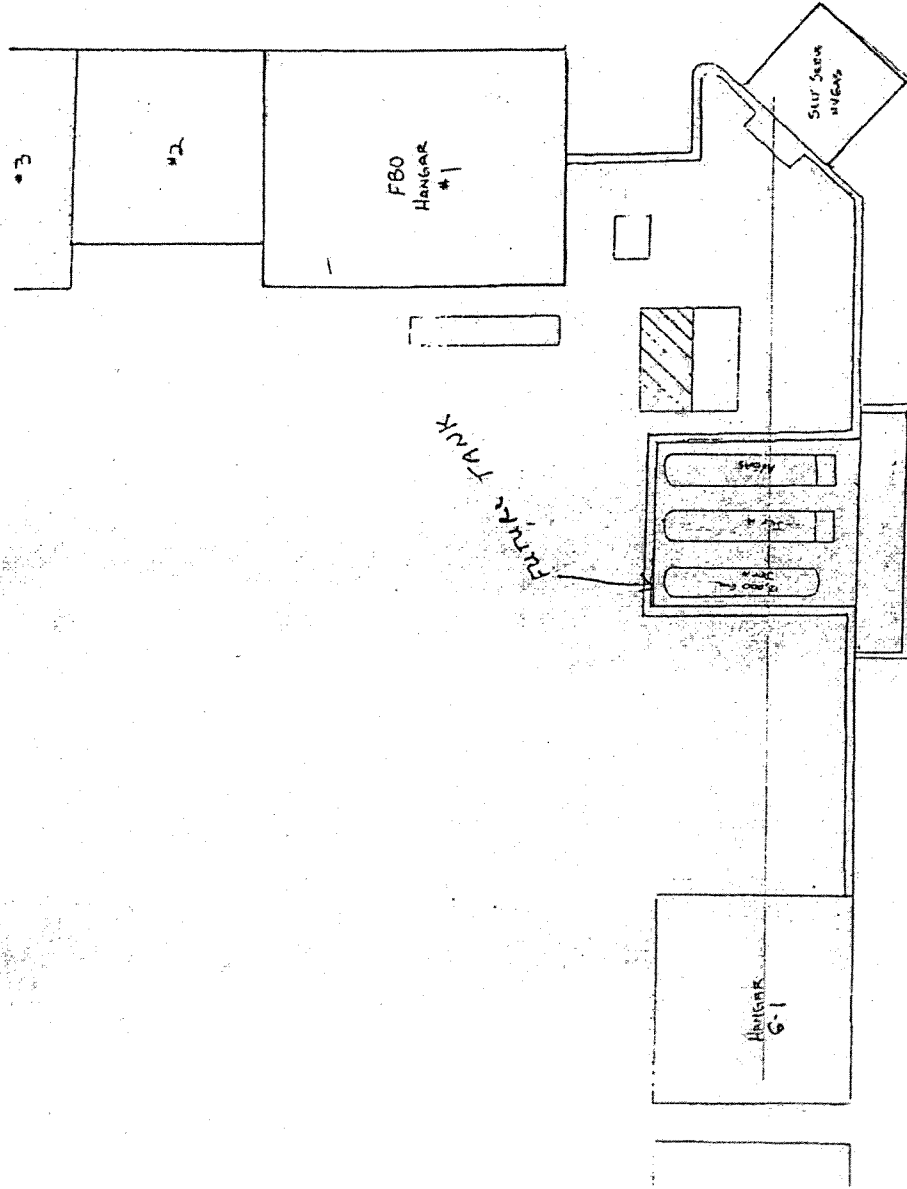
Exhibit 3

not to scale

Fuel Storage Tank Details

Draft Spill Prevention, Control and Countermeasure Plan

March 2002



Source: SuperSafe Tanks, Inc.
Prepared by: Ricoondo & Associates, Inc.

Exhibit 4

not to scale

Fuel Storage Tanks Location

Draft Spill Prevention, Control and Countermeasure Plan

March 2002

3. Spill Prevention and Containment

This Section will discuss the spill prevention equipment and methods of containment in case of a spill or accidental release of hazardous substances maintained at Mammoth Yosemite Airport.

3.1 Equipment for Spill Prevention

The Airport management conducts annual checks of the fuel tanks to prevent potential leaks due to corrosion. The following measures have been put in place during the construction and placement of the tanks to prevent fuels reaching the navigable waters of United States.

Deicing, when required, would generally be accomplished by the use of glycol diluted to a 50 percent solution by water. All aircraft would be deiced at the same location on the planned commercial airline apron. The area on which the aircraft would park during the deicing operations would be graded such that all of the water from this area would be collected at one drop inlet. The pipes from this inlet would be constructed such that in normal operations, without any deicing fluid, the stormwater runoff is discharged into the oil/water separator. When deicing operations are being performed, the valves would be set such that all of the deicing fluids would be diverted to a holding tank. The runoff would be collected in the holding tank and removed from the site and suitably disposed.

The Airport has eight shovels and two loaders that would be used to dispose of any soil affected by a spill. In the event of a spill the first step undertaken to contain the spills would be to place wooden planks to reduce penetration of oil into the ground water, the second step would be remove the affected soil and replace it with new soil.

3.2 Personnel Training

OPA requirements stipulate that the owner or operator are responsible for properly instructing personnel in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution laws, rules and regulations. (40 CFR § 112.7 (e)(10)(i).) Further, spill prevention briefings for operating personnel need to be conducted frequently enough so that personnel have an adequate understanding of the SPCC Plan. The briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures. (40 CFR § 112.7 (e)(10)(iii).) The SPCC Spill Plan Coordinator will conduct briefings twice a year to review spill events or failures, malfunctioning components, and recently developed precautionary measures.

Airport and FBO employees are not trained to respond to hazardous substance spills. They may take immediate actions to lay down spill control equipment to prevent the hazardous substances from going into the ground water. Any additional response to a spill must be undertaken by trained personnel. Any spill greater than 10 square feet in area shall be responded by the Long Valley Fire Protection District (LVFPD). In the event that the spill is beyond the capabilities of the LVFPD a fully-trained emergency response team would be called upon.

However, all Airport and FBO employees who have the potential to witness a spill need to have sufficient awareness training to recognize that an emergency response situation exists and understand Plan procedures. It is expected that the Airport Manager or his designee would be the persons managing the spill control efforts and notifying the appropriate local, State, and federal agencies.

3.3 Security

All Airport facilities will be designed and constructed to conform with current FAA security requirements. 14 CFR Part 107 "Airport Security," Section 107.3, requires the operator of an airport serving scheduled passenger operations of carriers required to have a security program, and to produce a written security program to be approved by the Director of Civil Aviation Security that provides for "the safety of persons and property traveling in air transportation and intrastate air transportation against acts of criminal violence and aircraft piracy."

4. Spill Response

This section details the actions that must take place when a spill occurs, including responsibilities, spill notification, spill control and countermeasures, and clean up and disposal.

1. The Airport Manager or his designee will report any spills to the Lahontan Regional Water Quality Board ((761) 241-7365) within 48 hours. A written report will be provided within 14 days. Form A, which will be used for reporting the spills is attached.
2. The Airport Manager or his designee will also immediately notify the following State of California, the government of United States, and local emergency agencies providing them with all the information included in Form A.
 - a. The United States Coast Guard and the U.S. Environmental Protection Agency will be notified through the National Response Center (in accordance with federal law) if the hazardous material is likely to find its way into a navigable waterway or coastline. The telephone number of the NRC (Coast Guard) in Washington DC is (800) 424-8802. The EPA 24-hour emergency telephone number for oil spills/hazardous waste spills is (916) 262-1621.
 - b. The California State Emergency Service/Disaster Agency, telephone number is (916) 464-3271.
 - c. The local Long Valley Fire Protection District (LVFPD) will be contacted at (760) 935-4545 for emergency assistance.
3. Any measure to mitigate the adverse effects of the spills will be directed and coordinated by these federal, State, and local emergency agencies.
4. All steps would be taken to reduce the extent of the spill by closing appropriate valves, if possible.
5. If any spills endanger human life then life saving protection will be provided by LVFPD and Mono County Paramedics.
6. The Airport Manager or his designee will also develop a sampling plan to monitor the effectiveness of the spill cleanup after it has been contained and treated by the fire department.

Form A – Spill Reporting Form

1. Name of the person reporting the Spill: _____
2. Date: _____
3. Time of observation of Spill: _____
4. Location of Spill: _____
5. Identity of material spilled: _____
6. Probable source of Spill: _____
7. Estimate time of Spill: _____
8. Volume and duration of Spill: _____
9. Present and anticipated movement of Spill: _____
10. Weather conditions at the scene of Spill: _____
11. Personnel at the scene of Spill: _____
12. Action initiated by personnel at the scene of Spill: _____
13. Agencies contacted: _____
- FOLLOW UP:**
14. Disposal summary: _____
15. Comments: _____

Appendix A

40 CFR, Part 110 – Discharge of Oil and 40 CFR, Part 112 – Oil Pollution Prevention

tion Contingency Plan, 40 CFR part 300, subpart E. (Approved by the Office of Management and Budget under the control number 2050-0046)

§ 110.11 Discharge at deepwater ports.

- (a) Except as provided in paragraph (b) below, for purposes of section 10(m)(3) of the Deepwater Port Act of 1974, the term "discharge" shall include but not be limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping into the marine environment of quantities of oil that:

- (1) Violate applicable water quality standards; or
- (2) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

(b) For purposes of section 10(m)(3) of the Deepwater Port Act of 1974, the term "discharge" excludes:

- (1) Discharges of oil from a properly functioning vessel engine; (including an engine on a public vessel), but not discharges of such oil accumulated in a vessel's bilges (unless in compliance with MARPOL 73/78, Annex I); and

(2) Discharges of oil permitted under MARPOL 73/78, Annex I.

PART 112—OIL POLLUTION PREVENTION

Sec.

112.1 General applicability.

112.2 Definitions.

112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.

112.4 Amendment of SPEC Plans by Regional Administrator.

112.5 Amendment of Spill Prevention Control and Countermeasure Plans by owners or operators.

112.6 Civil penalties for violation of oil pollution prevention regulations.

112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

112.20 Facility response plans.

112.21 Facility response training and drills/exercises.

Environmental Protection Agency

(f) Onshore and offshore facilities, which, due to their location, could not reasonably be expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines. (This determination shall be based solely upon a consideration of the geographical, locational aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, drainage, etc.) and shall exclude consideration of manmade features such as dikes, equipment or other structures which may serve to restrain, hinder, contain, or otherwise prevent a discharge of oil from reaching navigable waters of the United States or adjoining shorelines; and

(ii) Equipment or operations of vessels and offshore facilities which are subject to authority and control of the Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 38 FR 24090.

(2) Those facilities which, although otherwise subject to the jurisdiction of the Environmental Protection Agency, meet both of the following requirements:

(i) The underground buried storage capacity of the facility is 42,000 gallons or less of oil; and

(ii) The storage capacity, which is not buried, of the facility is 1,320 gallons or less of oil, provided no single container has a capacity in excess of 650 gallons.

(c) This part provides for the preparation and implementation of Spill Prevention Control and Countermeasure Plans prepared in accordance with § 112.7, designed to complement existing laws, regulations, rules, standards, policies and procedures pertaining to safety standards, fire prevention and pollution prevention rules, so as to form a comprehensive balanced Federal/State spill prevention program to minimize the potential for oil discharges. Compliance with this part does not in any way relieve the owner or operator of an onshore or an off-

shore facility from compliance with other Federal, State or local laws.

(38 FR 34105, Dec. 11, 1973, as amended at 41 FR 12657, Mar. 26, 1976)

§ 112.2 Definitions.

For the purposes of this part:

Adverse weather means the weather conditions that make it difficult for response equipment and personnel to clean up or remove spilled oil, and that will be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in Appendix E to this part, as appropriate, ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment are intended to function.

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(f) of the Clean Water Act.

Contract or other approved means: (1) A written contractual agreement with an oil spill removal organization(s) that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or

(3) Active membership in a local or regional oil spill removal organization(s) that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times; and/or

(4) Other specific arrangements approved by the Regional Administrator upon request of the owner or operator. Discharge includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping. For purposes of this part, the term discharge shall not include any discharge of oil which is authorized by a

permit issued pursuant to section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or sections 402 or 405 of the FWPCA Amendments of 1972 (86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.).

Fish and wildlife and sensitive environments means areas that may be identified by either their legal designation or by evaluations of Area Committees (or planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered/threatened species, wilderness, and natural resource areas, marine, manmade and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as: aquaculture areas and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Spill means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil, or exposure to a product of reactions resulting from a discharge of oil.

Maximum extent practicable means the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It considers the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in § 112.20 or in a specific plan approved by the Regional Administrator.

The term navigable waters of the United States means navigable waters as defined in section 602(7) of the FWPCA, and includes:

- (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-600), and tributaries of such waters;
- (2) Intrastate waters;
- (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and
- (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Onshore facility means any facility of any kind located in, on, or under any of the navigable waters of the United States, which is not a transportation-related facility.

Oil means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

Oil Spill Removal Organization means an entity that provides oil spill response resources, and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.

Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands, which is not a transportation-related facility.

Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment.

Person includes an individual, firm, corporation, association, and a partnership.

Regional Administrator, means the Regional Administrator of the Environmental Protection Agency, or his des-

igned, in and for the Region in which the facility is located.

Spill event means a discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities, as defined at 40 CFR part 110.

Transportation-related and non-transportation-related as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 36 FR 24000.

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used as a means of transportation on water, other than a public vessel.

Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in Appendix D to this part.

38 FR 34163, Dec. 11, 1973, as amended at 58 FR 16039, Aug. 23, 1993; 59 FR 34097, July 1, 1994.

§ 112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.

(a) Owners or operators of onshore and offshore facilities in operation on or before the effective date of this part that have discharged or, due to their location, could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare a Spill Prevention Control and Countermeasure Plan (hereinafter "SPCC Plan").

In writing and in accordance with § 112.7, except as provided for in paragraph (f) of this section, each SPCC Plan shall be prepared within six months after the effective date of this part and shall be fully implemented as soon as possible, but not

later than one year after the effective date of this part.

(b) Owners or operators of onshore and offshore facilities that become operational after the effective date of this part, and that have discharged or could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare an SPCC Plan in accordance with § 112.7. Except as provided for in paragraph (f) of this section, such SPCC Plan shall be prepared within six months after the date such facility begins operations and shall be fully implemented as soon as possible, but not later than one year after such facility begins operations.

(c) Owners or operators of onshore and offshore mobile or portable facilities, such as onshore drilling or workover rigs, barge mounted offshore drilling or workover rigs, and portable fueling facilities shall prepare and implement an SPCC Plan as required by paragraphs (a), (b) and (d) of this section. The owners or operators of such facility need not prepare a new SPCC Plan each time the facility is moved to a new site. The SPCC Plan may be a general plan, prepared in accordance with § 112.7, using good engineering practice. When the mobile or portable facility is moved, it must be located and installed using the spill prevention practices outlined in the SPCC Plan for the facility. No mobile or portable facility subject to this regulation shall operate unless the SPCC Plan has been implemented. The SPCC Plan shall only apply while the facility is in a fixed (non-transportation) operating mode.

(d) No SPCC Plan shall be effective to satisfy the requirements of this part unless it has been reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. By means of this certification the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the SPCC Plan has been prepared in accordance with good engineering practices. Such certification shall in no way relieve the owner or operator of an onshore or offshore facility of his duty to prepare

and fully implement such Plan in accordance with § 112.7, as required by paragraphs (a), (b) and (c) of this section.

(e) Owners or operators of a facility for which an SPCC Plan is required pursuant to paragraph (a), (b) or (c) of this section shall maintain a complete copy of the Plan at such facility. If the facility is normally attended at least 8 hours per day, or at the nearest field office if the facility is not so attended, and shall make such Plan available to the Regional Administrator for on-site review during normal working hours.

(f) *Extensions of time.* (1) The Regional Administrator may authorize an extension of time for the preparation and full implementation of an SPCC Plan beyond the time permitted for the preparation and implementation of an SPCC Plan pursuant to paragraph (a), (b) or (c) of this section where he finds that the owner or operator of a facility subject to paragraphs (a), (b) or (c) of this section cannot fully comply with the requirements of this part as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or their respective agents or employees.

(2) Any owner or operator seeking an extension of time pursuant to paragraph (f)(1) of this section may submit a letter of request to the Regional Administrator. Such letter shall include:

- (i) A complete copy of the SPCC Plan, if completed;
- (ii) A full explanation of the cause for any such delay and the specific aspects of the SPCC Plan affected by the delay;
- (iii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay;
- (iv) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment or other preventive measures.

In addition, such owner or operator may present additional oral or written statements in support of his letter of request.

(3) The submission of a letter of request for extension of time pursuant to

paragraph (f)(2) of this section shall in no way relieve the owner or operator from his obligation to comply with the requirements of § 112.3 (a), (b) or (c). Where an extension of time is authorized by the Regional Administrator for particular equipment or other specific aspects of the SPCC Plan, such extension shall in no way affect the owner's or operator's obligation to comply with the requirements of § 112.3 (a), (b) or (c) with respect to other equipment or other specific aspects of the SPCC Plan for which an extension of time has not been expressly authorized.

(38 FR 34165, Dec. 11, 1973, as amended at 41 FR 12650, Mar. 26, 1976)

§ 112.4 Amendment of SPCC Plans by Regional Administrator.

(a) Notwithstanding compliance with § 112.3, whenever a facility subject to § 112.3 (a), (b) or (c) has: Discharged more than 1,000 U.S. gallons of oil into or upon the navigable waters of the United States or adjoining shorelines in a single spill event, or discharged oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines, reportable under section 311(b)(6) of the FWPCA, occurring within any twelve month period, the owner or operator of such facility shall submit to the Regional Administrator, within 60 days from the time such facility becomes subject to this section, the following:

- (1) Name of the facility;
- (2) Name(s) of the owner or operator of the facility;
- (3) Location of the facility;
- (4) Date and year of initial facility operation;
- (5) Maximum storage or handling capacity of the facility and normal daily throughput;
- (6) Description of the facility, including maps, flow diagrams, and topographical maps;
- (7) A complete copy of the SPCC Plan with any amendments;
- (8) The cause(s) of such spill, including a failure analysis of system or subsystem in which the failure occurred;
- (9) The corrective actions and/or countermeasures taken, including an

adequate description of equipment repairs and/or replacements;

(10) Additional preventive measures taken or contemplated to minimize the possibility of recurrence;

(11) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or spill event.

(b) Section 112.4 shall not apply until the expiration of the time permitted for the preparation and implementation of an SPCC Plan pursuant to § 112.3 (a), (b), (c) and (f).

(c) A complete copy of all information provided to the Regional Administrator pursuant to paragraph (a) of this section shall be sent at the same time to the State agency in charge of water pollution control activities in and for the State in which the facility is located. Upon receipt of such information such State agency may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment and other requirements for equipment necessary to prevent and to contain discharges of oil from such facility.

(d) After review of the SPCC Plan for this section, together with all other information submitted by the owner or operator of such facility, and by the State agency under paragraph (c) of this section, the Regional Administrator may require the owner or operator of such facility to amend the SPCC Plan if he finds that the Plan does not meet the requirements of this part or that the amendment of the Plan is necessary to prevent and to contain discharges of oil from such facility.

(e) When the Regional Administrator proposes to require an amendment to the SPCC Plan, he shall notify the facility operator by certified mail addressed to, or by personal delivery to, the facility owner or operator, that he proposes to require an amendment to the Plan, and shall specify the terms of such amendment. If the facility owner or operator is a corporation, a copy of such notice shall also be mailed to the registered agent, if any, of such corporation in the State where such facility is located. Within 30 days from receipt of such notice, the facility owner or operator may submit written information

in support of his decision. (f) An owner or operator may appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan. The appeal shall be made to the Administrator of the United States Environmental Protection Agency and must be made in writing within 30 days of receipt of the notice from the Regional Administrator requiring the amendment. A complete copy of the appeal must be sent to the Regional Administrator at the time the appeal is made. The appeal shall contain a clear and concise statement of the issues and points of fact in the case. It may also contain additional information from the owner or operator, or from any other person. The Administrator or his designee may request additional information from the owner or operator, or from any other person. The Administrator or his designee shall render a decision within 60 days of receiving the appeal and shall notify the owner or operator of his decision.

(38 FR 34165, Dec. 11, 1973, as amended at 41 FR 12650, Mar. 26, 1976)

§ 112.5 Amendment of Spill Prevention Control and Countermeasure Plans by owners or operators.

(a) Owners or operators of facilities subject to § 112.3 (a), (b) or (c) shall amend the SPCC Plan for such facility in accordance with § 112.7 whenever there is a change in facility design, construction, operation or maintenance which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shore

lines. Such amendments shall be fully implemented as soon as possible, but not later than six months after such change occurs.

(b) Notwithstanding compliance with paragraph (a) of this section, owners and operators of facilities subject to § 112.3 (a), (b) or (c) shall complete a review and evaluation of the SPCC Plan at least once every three years from the date such facility becomes subject to this part. As a result of this review and evaluation, the owner or operator shall amend the SPCC Plan within six months of the review to include more effective prevention and control technology if: (1) Such technology will significantly reduce the likelihood of a spill event from the facility, and (2) If such technology has been field-proven at the time of the review.

(c) No amendment to an SPCC Plan shall be effective to satisfy the requirements of this section unless it has been certified by a Professional Engineer in accordance with § 112.3(d).

§ 112.6 Civil penalties for violation of oil pollution prevention regulations.

(a) Applicability of section. This section shall apply to violations specified in paragraph (b) of this section which occurred prior to August 18, 1990.

(b) Owners or operators of facilities subject to § 112.3 (a), (b) or (c) who violate the requirements of this part 112 by failing or refusing to comply with any of the provisions of § 112.3, § 112.4 or § 112.5 shall be liable for a civil penalty of not more than \$5,000 for each day such violation continues. Civil penalties shall be imposed in accordance with procedures set out in part 114 of this subchapter D.

1st FR 52705, Nov. 4, 1992

§ 112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

The SPCC Plan shall be a carefully thought-out plan, prepared in accordance with good engineering practices, and which has the full approval of management at a level with authority to commit the necessary resources. If the plan calls for additional facilities or procedures, methods, or equipment not

yet fully operational, these items should be discussed in separate paragraphs, and the details of installation and operational start-up should be explained separately. The complete SPCC Plan shall follow the sequence outlined below, and include a discussion of the facility's conformance with the appropriate guidelines listed:

(a) A facility which has experienced one or more spill events within twelve months prior to the effective date of this part should include a written description of each such spill, corrective action taken and plans for preventing recurrence.

(b) Where experience indicates a reasonable potential for equipment failure (such as tank overflow, rupture, or leakage), the plan should include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each major type of failure.

(c) Appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water course should be provided. One of the following preventive systems or its equivalent should be used as a minimum:

(i) Onshore facilities:
(1) Dikes, berms or retaining walls sufficiently impervious to contain spilled oil;

(ii) Curbing;

(iii) Culverting, gutters or other drainage systems;

(iv) Weirs, booms or other barriers;

(v) Spill diversion ponds;

(vi) Retention ponds;

(vii) Sorbent materials.

(2) Offshore facilities:

(i) Curbing, drip pans;

(ii) Sumps and collection systems.

(d) When it is determined that the installation of structures or equipment listed in § 112.7(c) to prevent discharged oil from reaching the navigable water is not practicable from any onshore or offshore facility, the owner or operator should clearly demonstrate such impracticability and provide the following:

(i) A strong oil spill contingency plan pump transfer is needed, two "lift" following the provision of 40 CFR part 109.

(2) A written commitment of man-

techniques are used facility drains. systems should be adequately engineered to prevent oil from reaching navigable waters in the event of equipment failure or human error at the facility.

(2) *Bulk storage tanks (onshore):* (excluding production facilities). (i) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

(ii) All bulk storage tank installations should be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spilled oil. Dikes, containment curbs, and pits are commonly employed for this purpose, but they may not always be appropriate. An alternative system could consist of a complete drainage trench enclosure arranged so that a spill could terminate and be safely confined in an in-plant catchment basin or holding pond.

(iii) Drainage of rainwater from the diked area into a storm drain or an open water course, lake, or pond, and bypassing the in-plant treatment system may be acceptable if:

(A) The bypass valve is normally sealed closed.

(B) Inspection of the run-off rain water ensures compliance with applicable water quality standards and will not cause a harmful discharge as defined in 40 CFR part 110.

(C) The bypass valve is opened, and released following drainage under responsible supervision.

(D) Adequate records are kept of such events.

(iv) Buried metallic storage tanks represent a potential for undetected spills. A new buried installation should be protected from corrosion by coatings, cathodic protection, or other effective methods compatible with local soil conditions. Such buried tanks should at least be subjected to regular pressure testing.

(v) Partially buried metallic tanks for the storage of oil should be avoided, unless the buried section of the shell is

pumping well polish rod stuffing boxes, bleeder and gauge valves.

(B) Salt water (oil field brine) disposal facilities should be examined often, particularly following a sudden change in atmospheric temperature to detect possible system upsets that could cause an oil discharge.

(C) Production facilities should have a program of flowline maintenance to prevent spills from this source. The program should include periodic examinations, corrosion protection, flowline replacement, and adequate records, as appropriate, for the individual facility.

(6) *Oil drilling and workover facilities (onshore).* (i) Mobile drilling or workover equipment should be positioned or located so as to prevent spilled oil from reaching navigable waters.

(ii) Depending on the location, catchment basins or diversion structures may be necessary to intercept and contain spills of fuel, crude oil, or oily drilling fluids.

(iii) Before drilling below any casing string or during workover operations, a blowout prevention (BOP) assembly and well control system should be installed that is capable of controlling any well head pressure that is expected to be encountered while that BOP assembly is on the well. Casing and BOP installations should be in accordance with State regulatory agency requirements.

(7) *Oil drilling, production, or workover facilities (offshore).* (i) Definition: "An oil drilling, production or workover facility (offshore)" may include all drilling or workover equipment, wells, flowlines, gathering lines, platforms, and auxiliary nontransportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.

(ii) Oil drainage collection equipment should be used to prevent and control small oil spillage around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and allied equipment. Drains on the facility should be controlled and directed toward a central collection sump or equivalent collection system sufficient to prevent discharges of oil into the navigable waters of the United States. Where drains and

sumps are not practicable oil contained in collection equipment should be removed as often as necessary to prevent overflow.

(iii) For facilities employing a sump system, sump and drains should be adequately sized and a spare pump or equivalent method should be available to remove liquid from the sump and assure that oil does not escape. A regular scheduled preventive maintenance inspection and testing program should be employed to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(iv) In areas where separators and treaters are equipped with dump valves whose predominant mode of failure is in the closed position and pollution risk is high, the facility should be specially equipped to prevent the escape of oil. This could be accomplished by extending the fire line to a diked area if the separator is near shore, equipping it with a high liquid level sensor that will automatically shut-in wells producing to the separator, parallel redundant dump valves, or other feasible alternatives to prevent oil discharges.

(v) Atmospheric storage or surge tanks should be equipped with high liquid level sensing devices or other acceptable alternatives to prevent oil discharges.

(vi) Pressure tanks should be equipped with high and low pressure sensing devices to activate an alarm and/or control the flow or other acceptable alternatives to prevent oil discharges.

(vii) Tanks should be equipped with suitable corrosion protection.

(viii) A written procedure for inspecting and testing pollution prevention equipment and systems should be prepared and maintained at the facility. Such procedures should be included as part of the SPCC Plan.

(ix) Testing and inspection of the pollution prevention equipment and systems at the facility should be conducted by the owner or operator on a scheduled periodic basis commensurate with the complexity, conditions and circumstances of the facility or other appropriate regulations.

(x) Surface and subsurface well shut-in valves and devices in use at the facility should be sufficiently described to determine method of activation or control, e.g., pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms. Detailed records for each well, while not necessarily part of the plan should be kept by the owner or operator.

(xi) Before drilling below any casing string, and during workover operations a blowout preventer (BOP) assembly and well control system should be installed that is capable of controlling any well-head pressure that is expected to be encountered while that BOP assembly is on the well. Casing and BOP installations should be in accordance with State regulatory agency requirements.

(xii) Extraordinary well control measures should be provided should emergency conditions, including fire, loss of control and other abnormal conditions, occur. The degree of control system redundancy should vary with hazard exposure and probable consequences of failure. It is recommended that surface shut-in systems have redundant or "fail close" valving. Subsurface safety valves may not be needed in producing wells that will not flow but should be installed as required by applicable State regulations.

(xiii) In order that there will be no misunderstanding of joint and separate duties and obligations to perform work in a safe and pollution free manner, written instructions should be prepared by the owner or operator for contractors and subcontractors to follow whenever contract activities include servicing a well or systems appurtenant to a well or pressure vessel. Such instructions and procedures should be maintained at the offshore production facility. Under certain circumstances and conditions such contractor activities may require the presence at the facility of an authorized representative of the owner or operator who would intervene when necessary to prevent a spill event.

(xiv) All manifolds (headers) should be equipped with check valves on individual flowlines.

(xv) If the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves associated with that individual flowline, the flowline should be equipped with a high pressure sensing device and shut-in valve at the wellhead unless provided with a pressure relief system to prevent overpressuring.

(xvi) All pipelines appurtenant to the facility should be protected from corrosion. Methods used, such as protective coatings or cathodic protection, should be discussed.

(xvii) Submarine pipelines appurtenant to the facility should be adequately protected against environmental stresses and other activities such as fishing operations.

(xviii) Submarine pipelines appurtenant to the facility should be in good operating condition at all times and inspected on a scheduled periodic basis for failures. Such inspections should be documented and maintained at the facility.

(8) *Inspections and records.* Inspections required by this part should be in accordance with written procedures developed for the facility by the owner or operator. These written procedures and a record of the inspections, signed by the appropriate supervisor or inspector, should be made part of the SPCC Plan and maintained for a period of three years.

(9) *Security (excluding oil production facilities).* (i) All plants handling, processing, and storing oil should be fully fenced, and entrance gates should be locked and/or guarded when the plant is not in production or is unattended.

(ii) The master flow and drain valves and any other valves that will permit direct outward flow of the tank's content to the surface should be securely locked in the closed position when in non-operating or non-standby status.

(iii) The starter control on all oil pumps should be locked in the "off" position or located at a site accessible only to authorized personnel when the pumps are in a non-operating or non-standby status.

(iv) The bonding/unbonding connections of oil pipelines should be securely capped or blank-flanged when not in service or standby service for an ex-

tended time. This security practice should also apply to pipelines that are emptied of liquid content either by draining or by inert gas pressure.

(v) Facility lighting should be commensurate with the type and location of the facility. Consideration should be given to: (A) Discovery of spills occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.) and (B) prevention of spills occurring through acts of vandalism.

(10) *Personnel, training and spill prevention procedures.* (i) Owners or operators are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution control laws, rules and regulations.

(ii) Each applicable facility should have a designated person who is accountable for oil spill prevention and who reports to line management.

(iii) Owners or operators should schedule and conduct spill prevention briefings for their operating personnel at intervals frequent enough to assure adequate understanding of the SPCC Plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures.

§ 112.20 Facility response plans.

(a) The owner or operator of any non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines shall prepare and submit a facility response plan to the Regional Administrator, according to the following provisions:

(1) For the owner or operator of a facility in operation on or before February 18, 1993 who is required to prepare and submit a response plan under 33 U.S.C. 1321(j)(5), the Oil Pollution Act of 1990 (Pub. L. 101-380, 33 U.S.C. 2701 et seq.) requires the submission of a response plan that satisfies the requirements of 33 U.S.C. 1321(j)(5) no later than February 18, 1993.

(i) The owner or operator of an existing facility that was in operation on or before February 18, 1993 who submitted a response plan by February 18, 1993 shall revise the response plan to satisfy the requirements of this section and resubmit the response plan or updated portions of the response plan to the Regional Administrator by February 18, 1995.

(ii) The owner or operator of an existing facility in operation on or before February 18, 1993 who failed to submit a response plan by February 18, 1993 shall prepare and submit a response plan that satisfies the requirements of this section to the Regional Administrator before August 30, 1994.

(2) The owner or operator of a facility in operation on or after August 30, 1994 that satisfies the criteria in paragraph (b)(1) of this section or that is notified by the Regional Administrator pursuant to paragraph (b) of this section shall prepare and submit a facility response plan that satisfies the requirements of this section to the Regional Administrator.

(i) For a facility that commenced operations after February 18, 1993 but prior to August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (b)(1) of this section, the owner or operator shall submit the response plan or updated portions of the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to August 30, 1994.

(ii) For a newly constructed facility that commences operation after August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (b)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to the start of operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iii) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of a planned change in design, construction, operation, or maintenance that renders the facility subject to the criteria in paragraph (b)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator before the change commences operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iv) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of an unplanned event or change in facility characteristics that renders the facility subject to the criteria in paragraph (b)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator within six months of the unplanned event or change.

(3) In the event the owner or operator of a facility that is required to prepare and submit a response plan uses an alternative formula that is comparable to one contained in Appendix C to this part to evaluate the criterion in paragraph (b)(1)(i)(B) or (b)(1)(i)(C) of this section, 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.

(b)(1) The Regional Administrator may at any time require the owner or operator of any non-transportation-related onshore facility to prepare and submit a facility response plan under this section after considering the factors in paragraph (b)(2) of this section. If such a determination is made, the Regional Administrator shall notify the facility owner or operator in writing and shall provide a basis for the determination. If the Regional Administrator

notifies the owner or operator in writing of the requirement to prepare and submit a response plan under this section, the owner or operator of the facility shall submit the response plan to the Regional Administrator within six months of receipt of such written notification.

(2) The Regional Administrator shall review plans submitted by such facilities to determine whether the facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines.

(c) The Regional Administrator shall determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, based on the factors in paragraph (b)(3) of this section. If such a determination is made, the Regional Administrator shall notify the owner or operator of the facility in writing and:

(1) Promptly review the facility response plan;

(2) Require amendments to any response plan that does not meet the requirements of this section;

(3) Approve any response plan that meets the requirements of this section; and

(4) Review each response plan periodically thereafter on a schedule established by the Regional Administrator provided that the period between plan reviews does not exceed five years.

(d)(1) The owner or operator of a facility for which a response plan is required under this part shall review and resubmit revised portions of the response plan within 60 days of each facility change that materially may affect the response to a worst case discharge. Including:

(i) A change in the facility's configuration that materially alters the information included in the response plan;

(ii) A change in the type of oil handled, stored, or transferred that materially alters the required response sources;

(iii) A material change in capabilities of the oil spill removal organization(s)

the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

APPENDIX B TO PART 112—MEMORANDUM OF UNDERSTANDING AMONG THE SECRETARY OF THE INTERIOR, AND ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Purpose

This Memorandum of Understanding (MOU) establishes the jurisdictional responsibilities for offshore facilities, including pipelines, pursuant to section 311 (X)(1)(c), (1)(d), and (1)(e)(A) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (Public Law 101-380). The Secretary of the Department of the Interior (DOI), Secretary of the Department of Transportation (DOT), and Administrator of the Environmental Protection Agency (EPA) agree to the division of responsibilities set forth below for spill prevention and control, response planning, and equipment inspection activities pursuant to those provisions.

BACKGROUND

Executive Order (E.O.) 12777 (56 FR 6757) delegates to DOI, DOT, and EPA various responsibilities identified in section 311(c) of the CWA. Sections 20(b)(3), 20(d)(3), and 20(e)(3) of E.O. 12777 assigned to DOI spill prevention and control, contingency planning, and equipment inspection activities associated with offshore facilities. Section 311(a)(1)(i) defines the term "offshore facility" to include facilities of any kind located in, on, or under navigable waters of the United States. By using this definition, the traditional DOI role of regulating facilities on the Outer Continental Shelf is expanded by E.O. 12777 to include inland lakes, rivers, streams, and any other inland waters.

RESPONSIBILITIES

Pursuant to section 20(i) of E.O. 12777, DOI, DOT, and EPA and DOT agree to assume, the functions vested in DOI by sections 20(b)(3), 20(d)(3), and 20(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/departments. 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 6, 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.
(60 FR 34102, July 1, 1995)

APPENDIX C TO PART 112—SUBSTANTIAL HARM CRITERIA

1.0 Introduction

The flowchart provided in Attachment C-1 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, WI;
- (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 in 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.

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 Transfer of Oil. A non-transportation-related facility with a total oil storage capacity greater than 42,000 gallons that transfers oil over water in 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 of 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 freedom to allow for precipitation must submit a response plan to EPA. Secondary containment structures that meet the standard of good engineering practices for the purpose 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 of 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 a 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 "Guidelines for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix B to this part, section 10, for availability) and the applicable Area Contingency Plan. Facility owners or operators must determine the distance at which an oil spill could cause injury to fish and wildlife and sensitive 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 Storage Oil Capacity Greater Than or Equal to 1 Million Gallons. A facility with a total storage capacity

that provide equipment and personnel to respond to discharges of oil described in paragraph (h)(5) of this section;

(iv) A material change in the facility's spill prevention and response equipment or emergency response procedures; and

(v) Any other changes that materially affect the implementation of the response plan.

(2) Except as provided in paragraph (d)(1) of this section, amendments to personnel and telephone number lists included in the response plan and a change in the oil spill removal organization(s) that does not result in a material change in support capabilities do not require approval by the Regional Administrator. Facility owners or operators shall provide a copy of such changes to the Regional Administrator as the revisions occur.

(3) The owner or operator of a facility that submits changes to a response plan as provided in paragraph (d)(1) or (d)(2) of this section shall provide the EPA-issued facility identification number (where one has been assigned) with the changes.

(4) The Regional Administrator shall review for approval changes to a response plan submitted pursuant to paragraph (d)(1) of this section for a facility determined pursuant to paragraph (f)(3) of this section to have the potential to cause significant and substantial harm to the environment.

(e) If the owner or operator of a facility determines pursuant to paragraph (a)(2) of this section that the facility could not, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the owner or operator shall complete and maintain at the facility the certification form contained in Appendix C to this part and, in the event an alternative formula that is comparable to one contained in Appendix C to this part is used to evaluate the criterion in paragraph (b)(1)(i)(B) or (b)(1)(i)(C) of this section, the owner or operator shall attach documentation to the certification form that demonstrates the reliability and analytical soundness of the comparable formula and shall not

ify the Regional Administrator in writing that an alternative formula was used.

(f)(1) A facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (a)(2) of this section, if it meets any of the following criteria applied in accordance with the flowchart contained in Attachment C-1 to Appendix C to this part:

(i) The facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 gallons; or

(ii) The facility's total oil storage capacity is greater than or equal to 1 million gallons, and one of the following is true:

(A) The facility does not have secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground oil storage tank within each storage area plus sufficient freeboard to allow for precipitation;

(B) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) 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 of the "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix B to this part, section 10, for availability) and the applicable Area Contingency Plan prepared pursuant to section 311(j)(4) of the Clean Water Act;

(C) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake; or

(D) The facility has had a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last 5 years.

(2)(i) To determine whether a facility could, because of its location, reason-

ably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (b) of this section, the Regional Administrator shall consider the following:

(A) Type of transfer operation;

(B) Oil storage capacity;

(C) Lack of secondary containment;

(D) Proximity to fish and wildlife and sensitive environments and other areas determined by the Regional Administrator to possess ecological value;

(E) Proximity to drinking water intakes;

(F) Spill history; and

(G) Other site-specific characteristics and environmental factors that the Regional Administrator determines to be relevant to protecting the environment from harm by discharges of oil into or on navigable waters or adjoining shorelines.

(ii) Any person, including a member of the public or any representative from a Federal, State, or local agency who believes that a facility subject to this section could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, may petition the Regional Administrator to determine whether the facility meets the criteria in paragraph (f)(2)(i) of this section. Such petition shall include a discussion of how the factors in paragraph (f)(2)(i) of this section apply to the facility in question. The RA shall consider such petitions and respond in an appropriate amount of time.

(3) To determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the Regional Administrator may consider the factors in paragraph (f)(2) of this section as well as the following:

(i) Frequency of past spills;

(ii) Proximity to navigable waters;

(iii) Age of oil storage tanks; and

(iv) Other facility-specific and Region-specific information, including local impacts on public health.

(g)(1) All facility response plans shall be consistent with the requirements of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) and applicable Area Contingency Plans prepared pursuant to section 311(j)(4) of the Clean Water Act. The facility response plan should be coordinated with the local emergency response plan developed by the local emergency planning committee under section 303 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.). Upon request, the owner or operator should provide a copy of the facility response plan to the local emergency planning committee or State emergency response commission.

(2) The owner or operator shall review relevant portions of the National Oil and Hazardous Substances Pollution Contingency Plan and applicable Area Contingency Plan annually and, if necessary, revise the facility response plan to ensure consistency with those plans.

(3) The owner or operator shall review and update the facility response plan periodically to reflect changes at the facility.

(h) A response plan shall follow the format of the model facility-specific response plan included in Appendix F to this part, unless an equivalent response plan has been prepared to meet State or other Federal requirements. A response plan that does not follow the specified format in Appendix F to this part shall have an emergency response action plan as specified in paragraph (h)(1) of this section and be supplemented with a cross-reference section to identify the location of the elements listed in paragraphs (h)(2) through (h)(10) of this section. To meet the requirements of this part, a response plan shall address the following elements, as further described in Appendix F to this part:

(i) Emergency response action plan. The response plan shall include an emergency response action plan in the format specified in paragraph (h)(1)(i) through (viii) of this section that is maintained in the front of the response plan, or as a separate document accompanying the response plan, and that includes the following information:

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- (i) The identity and telephone number of a qualified individual having full authority, including contracting authority, to implement removal actions;
 - (ii) The identity of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal officials and the persons providing response personnel and equipment can be ensured;
 - (iii) A description of information to pass to response personnel in the event of a reportable spill;
 - (iv) A description of the facility's response equipment and its location;
 - (v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;
 - (vi) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;
 - (vii) A description of immediate measures to secure the source of the discharge, and to provide adequate containment and drainage of spilled oil; and
 - (viii) A diagram of the facility.
- (2) Facility information. The response plan shall identify and discuss the location and type of the facility, the identity and tenure of the present owner and operator, and the identity of the qualified individual identified in paragraph (h)(1) of this section.
- (3) Information about emergency response. The response plan shall include:
- (i) The identity of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge and other discharges of oil described in paragraph (h)(5) of this section, and to mitigate or prevent a substantial threat of a worst case discharge (To identify response resources to meet the facility response plan requirements of this section, owners or operators shall follow Appendix E to this part or, where not appropriate, shall clearly demonstrate in the response plan why use of Appendix E of this part is not appropriate at the facility and make comparable arrangements for response resources);

- (ii) Evidence of contracts or other approved means for ensuring the availability of such personnel and equipment;
 - (iii) The identity and the telephone number of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal officials and the persons providing response personnel and equipment can be ensured;
 - (iv) A description of information to pass to response personnel in the event of a reportable spill;
 - (v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;
 - (vi) A description of the facility's response equipment, the location of the equipment, and equipment testing;
 - (vii) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;
 - (viii) A diagram of evacuation routes; and
 - (ix) A description of the duties of the qualified individual identified in paragraph (h)(1) of this section, that include:
- (A) Activate internal alarms and hazard communication systems to notify all facility personnel;
 - (B) Notify all response personnel, as needed;
 - (C) Identify the character, exact source, amount, and extent of the release, as well as the other items needed for notification;
 - (D) Notify and provide necessary information to the appropriate Federal, State, and local authorities with designated response roles, including the National Response Center, State Emergency Response Commission, and Local Emergency Planning Committee;
 - (E) Assess the interaction of the spilled substance with water and/or other substances stored at the facility and notify response personnel at the scene of that assessment;
 - (F) Assess the possible hazards to human health and the environment due to the release. This assessment must consider both the direct and indirect

- shall be the larger of the amounts calculated for each component of the facility; and
- (iii) A discharge greater than 2,100 gallons and less than or equal to 26,000 gallons or 10 percent of the capacity of the largest tank at the facility, which ever is less, provided that this amount is less than the worst case discharge amount. For complexes, this planning quantity shall be the larger of the amounts calculated for each component of the facility.
- (6) Discharge detection systems. The response plan shall describe the procedures and equipment used to detect discharges.
- (7) Plan implementation. The response plan shall describe:

 - (i) Response actions to be carried out by facility personnel or contracted personnel under the response plan to ensure the safety of the facility and to mitigate or prevent discharges described in paragraph (h)(5) of this section or the substantial threat of such discharges;
 - (ii) A description of the equipment to be used for each scenario;
 - (iii) Plans to dispose of uncontaminated cleanup materials; and
 - (iv) Measures to provide adequate containment and drainage of spilled oil.

- (8) Self-inspection, drills/exercises, and response training. The response plan shall include:

 - (i) A checklist and record of inspections for tanks, secondary containment, and response equipment;
 - (ii) A description of the drill/exercise program to be carried out under the response plan as described in § 112.21;
 - (iii) A description of the training program to be carried out under the response plan as described in § 112.21; and
 - (iv) Logs of discharge prevention meetings, training sessions, and drill exercises. These logs may be maintained as an annex to the response plan.

- (9) Diagrams. The response plan shall include site plan and drainage plan diagrams.
- (10) Security system. The response plan shall include a description of facility security systems.
- (11) Response plan cover sheet. The response plan shall include a complete

response plan cover sheet provided in Section 2.0 of Appendix F to this part.

(1)(1) In the event the owner or operator of a facility does not agree with the Regional Administrator's determination that the facility could, because of its location, reasonably be expected to cause substantial harm or significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, or that amendments to the facility response plan are necessary prior to approval, such as changes to the worst case discharge planning volume, the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional information and data in writing to support the request. The request and accompanying information must be submitted to the Regional Administrator within 60 days of receipt of notice of the Regional Administrator's original decision. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.

(2) In the event the owner or operator of a facility believes a change in the facility's classification status is warranted because of an unplanned event or change in the facility's characteristics (i.e., substantial harm or significant and substantial harm), the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional information and data in writing to support the request. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.

(3) After a request for reconsideration under paragraph (1)(1) or (1)(2) of this section has been denied by the Regional Administrator, an owner or operator may appeal a determination made by the Regional Administrator. The appeal shall be made to the EPA Administrator and shall be made in writing within 60 days of receipt of the decision from the Regional Administrator that the request for reconsideration was denied. A complete copy of the appeal must be sent to the Regional Administrator at the time the appeal is made. The appeal shall contain a clear and concise statement of

the issues and points of fact in the case. It also may contain additional information from the owner or operator, or from any other person. The EPA Administrator may request additional information from the owner or operator, or from any other person. The EPA Administrator shall render a decision as rapidly as practicable and shall notify the owner or operator of the decision.

(59 FR 34098, July 1, 1994)

§ 112.21 Facility response training and drills/exercises.

(a) The owner or operator of any facility required to prepare a facility response plan under § 112.20 shall develop and implement a facility response training program and a drills/exercises program that satisfy the requirements of this section. The owner or operator shall describe the programs in the response plan as provided in § 112.20(h)(8).

(b) The facility owner or operator shall develop a facility response training program to train those personnel involved in oil spill response activities. It is recommended that the training program be based on the USCG's Training Elements for Oil Spill Response, as applicable to facility operations. An alternative program can also be acceptable subject to approval by the Regional Administrator.

(1) The owner or operator shall be responsible for the proper instruction of facility personnel in the procedures to respond to discharges of oil and in applicable oil spill response laws, rules, and regulations.

(2) Training shall be functional in nature according to job tasks for both supervisory and non-supervisory operational personnel.

(3) Trainers shall develop specific lesson plans on subject areas relevant to facility personnel involved in oil spill response and cleanup.

(c) The facility owner or operator shall develop a program of facility response drills/exercises, including evaluation procedures. A program that follows the National Preparedness for Response Exercise Program (PREP) (see Appendix E to this part, section 10, for availability) will be deemed satisfactory for purposes of this section. An alternative program can also be acceptable.

able subject to approval by the Regional Administrator.

(59 FR 34101, July 1, 1994)

APPENDIX A TO PART 112—MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARY OF TRANSPORTATION AND THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

SECTION II—DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11540, the term:

(1) *Non-transportation-related onshore and offshore facilities* means:

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platform, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and the wellhead separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purposes of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the

handling or transferring of oil in bulk to or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding inline or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for off-loading vessels.

(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation-related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation-related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) *Transportation-related onshore and offshore facilities* means:

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a nontransportation-related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for

adequately coated, since partial burial in damp earth can cause rapid corrosion of metallic surfaces, especially at the earth/air interface.

(vi) Aboveground tanks should be subject to periodic integrity testing, taking into account tank design (floating roof, etc.) and using such techniques as hydrostatic testing, visual inspection or a system of non-destructive shell thickness testing. Comparison records should be kept where appropriate, and tank supports and foundations should be included in these inspections. In addition, the outside of the tank should frequently be observed by operating personnel for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked areas.

(vii) To control leakage through defective internal heating coils, the following factors should be considered and applied, as appropriate.

(A) The steam return or exhaust lines from internal heating coils which discharge into an open water course should be monitored for contamination, or passed through a settling tank, skimmer, or other separation or retention system.

(B) The feasibility of installing an external heating system should also be considered.

(viii) New and old tank installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to avoid spills. Consideration should be given to providing one or more of the following devices:

(A) High liquid level alarms with an audible or visual signal at a constantly manned operation or surveillance station; in smaller plants an audible air vent may suffice.

(B) Considering size and complexity of the facility, high liquid level pump cutoff devices act to stop flow at a predetermined tank content level.

(C) Direct audible or code signal communication between the tank gauger and the pumping station.

(D) A fast response system for determining the liquid level of each bulk storage tank such as digital computers, telephones, or direct vision gauges or their equivalent.

(E) Liquid level sensing devices should be regularly tested to insure proper operation.

(ix) Plant effluents which are discharged into navigable waters should have disposal facilities observed frequently enough to detect possible system upsets that could cause an oil spill event.

(x) Visible oil leaks which result in a loss of oil from tank seams, gaskets, rivets and bolts sufficiently large to cause the accumulation of oil in diked areas should be promptly corrected.

(xi) Mobile or portable oil storage tanks (onshore) should be positioned or located so as to prevent spilled oil from resulting navigable waters. A secondary means of containment, such as dikes or catchment basins, should be furnished for the largest single compartment or tank. These facilities should be located where they will not be subject to periodic flooding or washout.

(3) *Facility transfer operations, pumping, and in-plant process (onshore)*: (excluding production facilities). (i) Buried piping installations should have a protective wrapping and coating, and should be cathodically protected if soil conditions warrant. If a section of buried line is exposed for any reason, it should be carefully examined for deterioration. If corrosion damage is found, additional examination and corrective action should be taken as indicated by the magnitude of the damage. An alternative would be the more frequent use of exposed pipe corridors or galleries.

(ii) When a pipeline is not in service, or in standby service for an extended time, the terminal connection at the transfer point should be capped or blank-flanged, and marked as to origin.

(iii) Pipe supports should be properly designed to minimize abrasion and corrosion and allow for expansion and contraction.

(iv) All aboveground valves and pipelines should be subjected to regular examinations by operating personnel at which time the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces should be assessed. In addition, periodic pressure testing may be warranted for piping in areas where facility drainage is such

that a failure might lead to a spill event.

(v) Vehicular traffic granted entry into the facility should be warned verbally or by appropriate signs to be sure that the vehicle, because of its size, will not endanger above ground piping.

(4) *Facility tank car and tank truck loading/unloading rack (onshore)*. (i)

Tank car and tank truck loading/unloading procedures should meet the minimum requirements and regulation established by the Department of Transportation.

(ii) Where rack area drainage does not flow into a catchment basin or treatment facility designed to handle spills, a quick-drainage system should be used for tank truck loading and unloading areas. The containment system should be designed to hold at least maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded in the plant.

(iii) An interlocked warning light or physical barrier system, or warning signs, should be provided in loading/unloading areas to prevent vehicular departure before complete disconnect of flexible or fixed transfer lines.

(iv) Prior to filling and departure of any tank car or tank truck, the lowermost drain and all outlets of such vehicles should be closely examined for leakage, and if necessary, tightened, adjusted, or replaced to prevent liquid leakage while in transit.

(5) *Oil production facilities (onshore)*—(i) *Definition*. An onshore production facility may include all wells, flowlines, separation equipment, storage facilities, gathering lines, and auxiliary non-transportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.

(ii) *Oil production facility (onshore) drainage*. (A) At tank batteries and central treating stations where an accidental discharge of oil would have a reasonable possibility of reaching navigable waters, the dikes or equivalent required under §112.7(c)(1) should have drains closed and sealed at all times except when rainwater is being drained. Prior to drainage, the diked area should be inspected as provided in paragraphs (c)(2)(iii) (B), (C), and (D) of this section. Accumulated oil on the

rainwater should be picked up and returned to storage or disposed of in accordance with approved methods.

(ii) Field drainage ditches, road ditches, and oil traps, sumps or skimmers, if such exist, should be inspected at regularly scheduled intervals for accumulation of oil that may have escaped from small leaks. Any such accumulations should be removed.

(iii) *Oil production facility (onshore) bulk storage tanks*. (A) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(B) All tank battery and central treating plant installations should be provided with a secondary means of containment for the entire contents of the largest single tank if feasible, or alternate systems such as those outlined in §112.7(c)(1). Drainage from undiked areas should be safely confined in a catchment basin or holding pond.

(C) All tanks containing oil should be visually examined by a competent person for condition and need for maintenance on a scheduled periodic basis. Such examination should include the foundation and supports of tanks that are above the surface of the ground.

(D) New and old tank battery installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to prevent spills. Consideration should be given to one or more of the following:

(i) Adequate tank capacity to ensure that a tank will not overflow in making pump/gauger be delayed in making his regular rounds.

(2) Overflow equalizing lines between tanks so that a full tank can overflow to an adjacent tank.

(3) Adequate vacuum protection to prevent tank collapse during a pipeline run.

(4) High level sensors to generate and transmit an alarm signal to the computer where facilities are a part of a computer production control system.

(iv) *Facility transfer operations, oil production facility (onshore)*. (A) All above ground valves and pipelines should be examined periodically on a scheduled basis for general condition of items such as flange joints, valve glands and bodies, drip pans, pipeline supports,

Appendix B – Determination of Substantial Harm

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 X .

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

Yes _____ No X .

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 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" and the applicable Area Contingency Plan.

Yes _____ No X .

4. Does the facility have a total oil storage capacity greater than or equal to 1 millions gallons and is the facility located at a distance such that a discharge from the facility would shut down a public drinking water intake?

Yes _____ No X .

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

Yes _____ No X .

Attachment E
Copy of the Caltrans transmittal form

AR 001829

LSA

LSA ASSOCIATES, INC.
ONE PARK PLAZA, SUITE 500
IRVINE, CALIFORNIA 92614

949-553-0666 TEL
949-553-5076 FAX

OTHER OFFICES:
BERKELEY
FT. RICHMOND
FT. COLLINS
RIVERSIDE
ROCKLIN

TRANSMITTAL

TO: Tom MeyersDATE: September 4, 2001Caltrans District 9☐ FOR YOUR REVIEW ☐ FOR YOUR FILES500 South Main Street☐ AT YOUR REQUEST ☐ FOR YOUR INFORMATIONBishop, CA 93514☐ FOR YOUR APPROVAL ☐ DISTRIBUTION

SUBJECT: _____

PROJECT: Mammoth-Yosemite Airport Traffic StudyPROJECT NUMBER: TML030

ITEMS BELOW ARE TRANSMITTED: & HERewith UNDER SEPARATE COVER VIA: _____

DATE	COPIES	DESCRIPTION
August 31, 2001	1	Revised Mammoth Lakes-Yosemite Traffic Study

GENERAL REMARKS:

The attached traffic study has been updated to reflect the agreed upon revisions discussed at our meeting on August 28. Specifically the intersection analysis methodology has been updated to the recently released HCM 2000, the deceleration/acceleration lanes at the Hot Creek Road/U.S. Route 395 intersection have been committed as initial first phase project components, and an annual intersection monitoring requirement has been included to assure timely implementation of mitigation measures

We would appreciate your and Jerry Gabriel's written confirmation that, with these revisions, the report is technically acceptable to Caltrans.



COPIES TO: Bill Taylor, Town of Mammoth Lakes
Bill Manning, Mammoth Lakes Airport
Tom Cornell, Ricondo and Associates (1 bound, 1 unbound)
Reinard Brandley
Jerry Gabriel, Caltrans District 9 Traffic Engineer

BY: Les Card

PRINTED AT THE CALTRANS DISTRICT 9 OFFICE

AR 001830

RESOLUTION NO. PC-02-08

**A RESOLUTION OF THE
MAMMOTH LAKES PLANNING COMMISSION
RECOMMENDING TO THE TOWN COUNCIL ADOPTION OF THE
MAMMOTH YOSEMITE AIRPORT CAPITAL IMPROVEMENT PROGRAM**

WHEREAS, The Town of Mammoth Lakes proposes to upgrade the Mammoth Yosemite Airport, including lengthening the existing runway by 1200 feet to a total length of 8200 feet, widening the entire runway from 100 feet to 150 feet, lengthening and widening the taxiway from 50 feet to 75 feet, constructing a new passenger terminal, enlargement of the apron, replacement of the existing barbed wire fence with an eight foot high chain link fence, and associated lighting upgrades;

WHEREAS, A Subsequent Environmental Impact Report and Supplement to the Subsequent Environmental Impact Report have been reviewed by the Commission and recommended to the Town Council as complete and adequate;

WHEREAS, the Planning Commission conducted a noticed Business Item review on the application request on February 27, 2002, at which time all information in the record, including public comments was considered; and

WHEREAS, the Planning Commission made the following findings pursuant to the requirements of CEQA and the Mammoth Lakes Municipal Code:

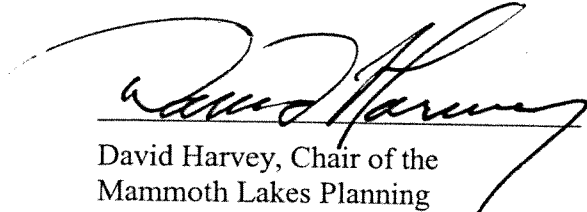
1. The Commission reviewed and considered the information contained in the Final Supplement to the Subsequent Environmental Impact Report prior to approving the Capital Improvement Plan,
2. Changes or alterations (mitigation measures) are included in the project that avoid or substantially lessen potentially significant environmental effects as identified in the Final EIR and a mitigation measure monitoring and reporting plan has been prepared.
3. The project is consistent with the Airport Land Use Designation as described in the Mammoth Lakes General Plan and with the Airport Zoning classification as found in the Mammoth Lakes Municipal Code.
4. All records of these proceedings upon which this decision is based are maintained at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby recommends that the Town Council Adopt the Capital Improvement Plan and Mitigation Monitoring and Reporting Plan for the Mammoth Yosemite Airport.

AR 001831

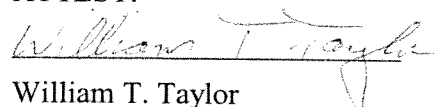
PASSED AND ADOPTED this 27th day of February, 2002, by the following vote,
to wit:

AYES: Five
NAYS: None
ABSENT: None
ABSTAIN: None
DISQUALIFIED: None



David Harvey, Chair of the
Mammoth Lakes Planning
Commission

ATTEST:



William T. Taylor
Secretary of the Planning Commission

AR 001832

RESOLUTION NO. PC-2002-07

**A RESOLUTION OF THE
MAMMOTH LAKES PLANNING COMMISSION
RECOMMENDING TO THE TOWN COUNCIL CERTIFICATION OF A
FINAL SUPPLEMENT TO THE SUBSEQUENT ENVIRONMENTAL IMPACT
REPORT FOR THE MAMMOTH YOSEMITE AIRPORT EXPANSION PROJECT**

WHEREAS, The Town of Mammoth Lakes proposes to upgrade the Mammoth Yosemite Airport, including lengthening the existing runway by 1,200 feet to a total length of 8200 feet, widening the entire runway from 100 feet to 150 feet, lengthening the taxiway and widening the taxiway from 50 feet to 75 feet, constructing a new passenger terminal, enlargement of the apron, replacement of the existing barbed wire fence with an eight foot high chain link fence, construction of a sewage treatment facility, and associated lighting upgrades;

WHEREAS, Three prior EIRs for improvement of the Mammoth Yosemite Airport and for Airport land use planning have been prepared and certified;

WHEREAS, Modifications to the project since the certification of a Subsequent EIR in 1997 required additional analysis resulting in preparation of a Supplemental EIR;

WHEREAS, The Town of Mammoth Lakes fulfilled all procedural requirements of the California Environmental Quality Act(Cal. Pub. Res. Code Section 21000 et seq. (hereinafter "CEQA") and the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000, et seq.),

WHEREAS, A Notice of Preparation was circulated by the State Clearinghouse for 30 days beginning on April 16, 2001.

WHEREAS, On October 9, 2001 a 45-day public review and comment period commenced with notice in local newspaper of general circulation, delivery of a copy of the Draft EIR to all entities requesting it, and the required number of copies to the State Clearinghouse,

WHEREAS, Responses to the comments received on the Draft Supplement were prepared and delivered to the commenting agencies and to the Planning Commission,

WHEREAS, The Final Supplement to the Subsequent Environmental Impact Report (hereinafter "FEIR") consists of the Draft Supplement, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses, all as required by Law,

WHEREAS, Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Town Offices at 437 Old Mammoth Road, Suite R, Mammoth Lakes, and are part of the record before the Commission,

AR 001833

WHEREAS, the Planning Commission conducted a noticed Business Item review on the application request on February 27, 2002, at which time all information in the record, including public comments was considered; and

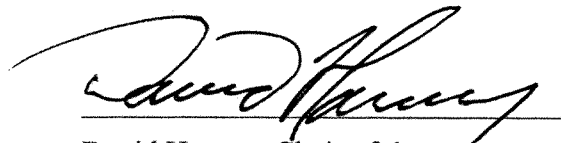
WHEREAS, the Planning Commission made the following findings pursuant to the requirements of CEQA:

1. The Final EIR has been completed in compliance with CEQA; and
2. The Final EIR represents the Town's independent judgment and analysis.

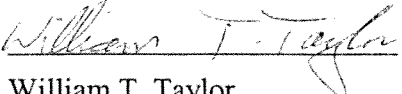
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby recommends that the Town Council Certify the Final Supplement to the Subsequent Environmental Impact Report for the Mammoth Yosemite Airport Improvement Project with the wording modifications as requested by Caltrans.

PASSED AND ADOPTED this 27th day of February, 2002, by the following vote, to wit:

AYES: Five
NAYS: None
ABSENT: None
ABSTAIN: None
DISQUALIFIED: None


David Harvey, Chair of the
Mammoth Lakes Planning
Commission

ATTEST:


William T. Taylor
Secretary of the Planning Commission

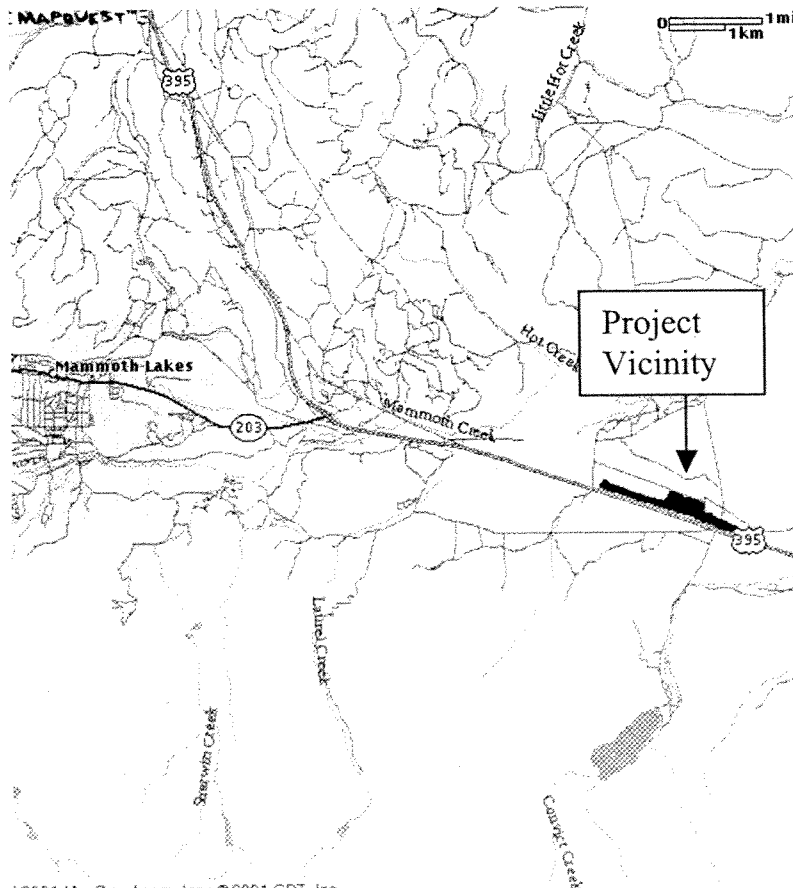
AR 001834



COMMUNITY DEVELOPMENT

P.O. Box 1609 Mammoth Lakes, CA 93546

MEETING DATE: February 27, 2002
TO: Planning Commission
FROM: Bill Taylor, Senior Planner
SUBJECT: Recommendation to the Town Council on Certification of Final Supplemental Environmental Impact Report, Mammoth Yosemite Airport Expansion Project
APPLICANT: Town of Mammoth Lakes
OWNER: Town of Mammoth Lakes
ENGINEER: Reinard W. Brandley
LOCATION: Mammoth Yosemite Airport
CURRENT ZONING: Airport
GENERAL PLAN: Airport



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AR 001835

PROPOSED ACTION

The proposed action is a recommendation to the Town Council for the certification of a Final Supplement to the Subsequent Environmental Impact Report for the Mammoth Yosemite Airport Expansion Project.

DEVELOPMENT PROPOSAL

Major components of the development proposal at the airport include lengthening the existing runway by 1,200 feet to a total length of 8,200 feet, widening the entire runway from 100 feet to 150 feet, lengthening and widening the taxiway, constructing a new passenger terminal, enlargement of the apron, replacement of the existing barbed wire fence with an eight foot high chain link fence, construction of a sewage treatment facility, and associated lighting upgrades. A complete description of the proposed improvements is included in the Capital Improvement Program for the Mammoth Yosemite Airport.

This Supplement to Subsequent EIR is focused on those items in the CIP that have been amended since the certification of the Subsequent EIR in 1997.

SUBJECT PROPERTY AND SURROUNDING LAND USES

The subject property is the Mammoth Yosemite Airport. This facility is currently developed with a 7,000 foot paved runway and 3,400 foot paved overrun area, taxiways, apron, hangars, terminal, Fixed Base Operator building, and airport office and vehicle storage building. The airport is surrounded by lands administered by the Inyo National Forest on the north, south, and west and lands owned by the City of Los Angeles on the east. The surrounding lands are used primarily for cattle grazing. US Highway 395, a four lane divided highway abuts the airport on the south. Electrical transmission lines parallel Highway 395 to the south and a gravel pit and site of a proposed business park sits to the southwest across Highway 395. The Inyo National Forest operates a gravel pit immediately to the north of the airport. The California Department of Fish and Game operates a fish hatchery approximately one half mile to the north and the Hot Creek Ranch, a fishing resort is located to the northeast of the hatchery.

ANALYSIS

Background

The action before the Planning Commission is a recommendation to the Town Council on the certification of a Final Supplement to the Subsequent Environmental Impact Report on the Mammoth Yosemite Airport.

Prior to the present document, three environmental impact reports for improvement of the Airport and vicinity have been prepared and certified, two by Mono County and one by the Town of Mammoth Lakes. In addition, at least two environmental assessments were prepared by the Inyo National Forest and the Federal Aviation Administration.

This Supplemental EIR supplements the Subsequent EIR prepared by the Town of Mammoth Lakes and certified in 1997. All information contained in the prior documents, including comments in the record, was considered in the preparation of the Supplement. These include the oral comments presented at the November 14, 2000 public hearing on the Draft Environmental Assessment for the Mammoth Yosemite Airport. The Supplement analyzes potential impacts from changes in the project since the certification of the prior environmental document in 1997.

AR 001836

The Draft Supplement was circulated for public review and comment for a period of 45 days, from October 9, 2001 to November 22, 2001. The purpose of the review period is to provide interested public agencies, groups, and individuals to opportunity to comment on the contents and completeness of the Draft Supplement. A total of 32 individuals, groups, and agencies submitted comments on the Draft Supplement. The attached responses to comments, together with the Draft, constitute the Final EIR.

CEQA Guidelines state that the focus of the Final EIR should be on the response to comments on the Draft EIR. The Lead Agency may provide an opportunity for public review of the FEIR, however, a public hearing is not required for a FEIR. In reviewing and certifying the Final EIR, section 15090 of CEQA states that the lead agency must certify that the FEIR is an adequate document that has been completed in accordance with CEQA, and that the information contained within the FEIR has been reviewed and considered prior to final action on a project. Section 15151 of the CEQA Guidelines discusses the standards for adequacy of an EIR. The evaluation of the environmental impacts of a project does not need to be exhaustive, but it needs to include an evaluation of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate. Lastly, the document does not need to be perfect, but adequate, complete and a good faith effort at full disclosure. All of these regulations and principals apply equally to a Supplement or a full EIR.

Planning Commission Action

The purpose of this meeting is to review, consider, and comment on the Final EIR. Also, the Planning Commission will make a recommendation to the Town Council on compliance of the Final EIR with the requirements of CEQA. The Town Council will receive the public comments and the Commission's discussion of the Final EIR via the Planning Commission minutes. The Town Council, as the decision-making body, then has the authority to take action on the Final EIR through the certification of the Final EIR as an adequate and complete document.

Comment Summary

The supplement evaluated potential effects on the environment resulting from the modification of the project approved in 1997. It evaluated in detail potential effects to aesthetics, air quality, biological resources, traffic, water quality, and noise.

The EIR found that, with mitigation, no significant adverse environmental effects would result from the project modification.

In the comments on the Draft Supplement, the main issues of common concern were:

- Growth inducing and cumulative impacts.
- Bishop Airport as an alternative.
- Impacts to sage grouse, mule deer.
- Impacts to water quality, including impacts to Hot Creek and Tui chub habitat.

AR 001837

The Final Supplement responds in detail to these areas of concern and to all other comments.

Growth inducing and cumulative effects have been addressed in each of the prior documents and are addressed in this Supplement. The Supplement concludes that no "cumulatively considerable" or growth inducing effects resulting in significant adverse effects to the environment occur as a result of this project.

Improvement of Bishop Airport was eliminated from consideration as an alternative in this Supplement for the following reasons. The fundamental project objective is to accommodate traveler demand at a location that best serves the primary visitor bed base of the region, Mammoth Lakes. The decision to upgrade the Mammoth Yosemite Airport was made by Mono County in 1978 and a substantial investment has already been made to further that objective.

The Supplement demonstrates, and the responses to comments reinforce, that the project will have no significant direct or cumulative effects on either mule deer or sage grouse.

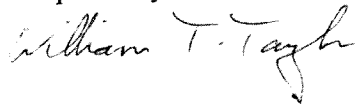
The Supplement also demonstrates that water quality in Hot Creek and the Hot Creek springs will not be affected to any substantial extent by the project. Surface runoff from the project does not reach Hot Creek and mitigation measures designed into the project protect groundwater from contamination.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution recommending that the Town Council certify that:

1. The Final Supplemental EIR has been completed in compliance with CEQA; and
2. The Final Supplemental EIR represents the Town's independent judgment and analysis.

Respectfully Submitted



AR 001838

EXHIBIT "1"
RESOLUTION NO. PC-02-__

**A RESOLUTION OF THE
MAMMOTH LAKES PLANNING COMMISSION
RECOMMENDING TO THE TOWN COUNCIL CERTIFICATION OF A
FINAL SUPPLEMENT TO THE SUBSEQUENT ENVIRONMENTAL IMPACT
REPORT FOR THE MAMMOTH YOSEMITE AIRPORT EXPANSION PROJECT**

WHEREAS, The Town of Mammoth Lakes proposes to upgrade the Mammoth Yosemite Airport, including lengthening the existing runway by 1,200 feet to a total length of 8200 feet, widening the entire runway from 100 feet to 150 feet, lengthening and widening the taxiway, constructing a new passenger terminal, enlargement of the apron, replacement of the existing barbed wire fence with an eight foot high chain link fence, construction of a sewage treatment facility, and associated lighting upgrades;

WHEREAS, Three prior EIRs for improvement of the Mammoth Yosemite Airport and for Airport land use planning have been prepared and certified;

WHEREAS, Modifications to the project since the certification of a Subsequent EIR in 1997 required additional analysis resulting in preparation of a Supplemental EIR;

WHEREAS, The Town of Mammoth Lakes fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 et seq. (hereinafter "CEQA") and the State CEQA Guidelines (Cal. Admin. Code, Title 14, Section 15000, et seq.);

WHEREAS, A Notice of Preparation was circulated by the State Clearinghouse for 30 days beginning on April 16, 2001;

WHEREAS, On October 9, 2001 a 45-day public review and comment period commenced with notice in a local newspaper of general circulation, delivery of a copy of the Draft Supplement to all entities requesting it, and delivery of the required number of copies to the State Clearinghouse;

WHEREAS, Responses to the comments received on the Draft Supplement were prepared and delivered to the commenting agencies and to the Planning Commission;

WHEREAS, The Final Supplement to the Subsequent Environmental Impact Report (hereinafter "FEIR") consists of the Draft Supplement, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses, all as required by Law;

WHEREAS, Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Town Offices at 437 Old Mammoth Road, Suite R, Mammoth Lakes, and are part of the record before the Commission;

AR 001839

WHEREAS, the Planning Commission conducted a Business Item review on the application request at its regularly scheduled meeting of February 27, 2002, at which time all information in the record, including public comments was considered; and

WHEREAS, the Planning Commission made the following findings pursuant to the requirements of CEQA:

1. The Final Supplemental EIR has been completed in compliance with CEQA; and
2. The Final Supplemental EIR represents the Town's independent judgment and analysis.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby recommends that the Town Council Certify the Final Supplement to Subsequent Environmental Impact Report for the Mammoth Yosemite Airport Improvement Project.

PASSED AND ADOPTED this 27th day of February, 2002, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DISQUALIFIED:

David Harvey, Chair of the
Mammoth Lakes Planning
Commission

ATTEST:

William T. Taylor
Secretary of the Planning Commission

AR 001840

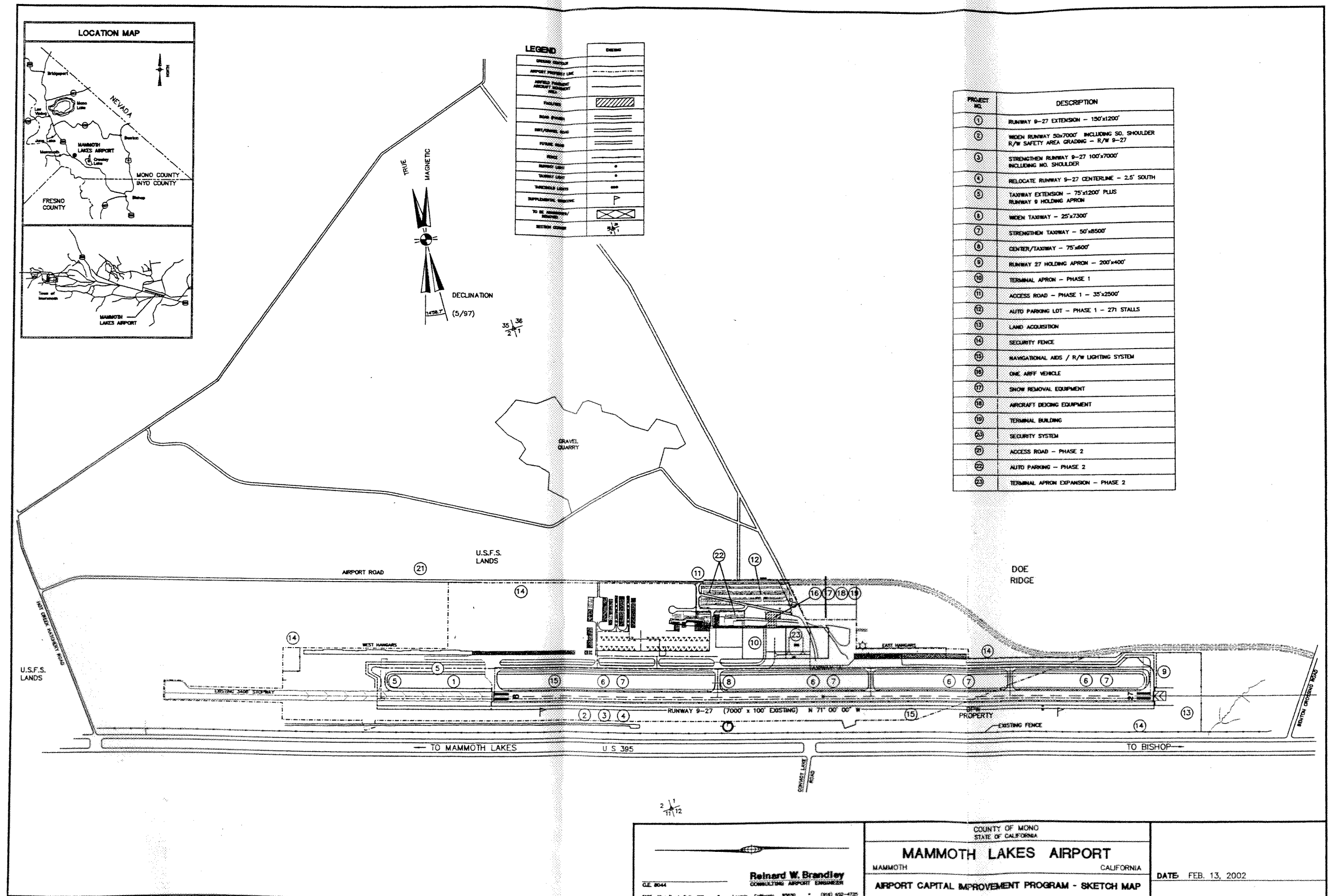


TABLE NO. 1

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 1 - Runway 9-27 Extension (150' x 1,200')

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark and Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 10,000
2	Mobilization	L.S.	L.S.	L.S.	15,000
3	Clearing and Grubbing	Acre	\$ 2,000.00	17.0	34,000
4	Unclassified Excavation	Cu. Yd.	7.00	37,000.0	259,000
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	38,000.0	76,000
6	6" Aggregate Base Shoulders	Ton	27.00	2,300.0	62,100
7	12" Aggregate Subbase	Ton	17.00	13,000.0	221,000
8	12" Aggregate Base	Ton	27.00	13,500.0	364,500
9	4" Asphaltic Concrete	Ton	67.00	4,600.0	308,200
10	2" AC Shoulders	Ton	67.00	700.0	46,900
11	Bituminous Prime Coat	Ton	500.00	22.0	11,000
12	Bituminous Tack Coat	Ton	500.00	8.0	4,000
13	Groove Runway	Sq. Yd.	2.50	20,000.0	50,000
14	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	34,000.0	68,000
15	Marking	Sq. Ft.	2.00	21,000.0	42,000
16	Marking Removal	Sq. Ft.	3.00	12,000.0	36,000
17	Drainage Allowance	L.S.	L.S.	L.S.	100,000
18	Cable, 1/C, No. 8, L824	Ln. Ft.	1.50	2,800.0	4,200
19	Underground Duct - 1W-2", Type II	Ln. Ft.	8.00	2,400.0	19,200
20	Underground Duct - 1W-2", Type I	Ln. Ft.	10.00	230.0	2,300
21	New Runway Edge Lights	Each	900.00	10.0	9,000
22	New Runway Threshold Lights	Each	900.00	6.0	5,400
23	Relocate PAPI	L.S.	L.S.	L.S.	20,000
	TOTAL PROJECT NO. 1				\$ 1,767,800

AR 001853

TABLE NO. 2

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

***Project No. 2 - Widen Runway 50' x 7,000' Including South Shoulder
Runway Safety Area Grading Runway 9-27***

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark and Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 10,000
2	Mobilization	L.S.	L.S.	L.S.	10,000
3	Clearing and Grubbing	Acre	\$ 500.00	40.0	20,000
4	Unclassified Excavation	Cu. Yd.	7.00	120,000.0	840,000
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	38,500.0	77,000
6	6" Aggregate Base Shoulders	Ton	27.00	7,100.0	191,700
7	12" Aggregate Subbase	Ton	17.00	19,700.0	334,900
8	12" Aggregate Base	Ton	27.00	19,000.0	513,000
9	4" Asphaltic Concrete	Ton	67.00	6,400.0	428,800
10	2" AC Shoulders	Ton	67.00	4,400.0	294,800
11	Bituminous Prime Coat	Ton	500.00	50.0	25,000
12	Bituminous Tack Coat	Ton	500.00	18.0	9,000
13	Groove Runway	Sq. Yd.	2.50	40,000.0	100,000
14	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	102,700.0	205,400
15	Marking	Sq. Ft.	2.00	51,500.0	103,000
16	Marking Removal	Sq. Ft.	2.00	51,500.0	103,000
17	Cable, 1/C, No. 8, L824	Ln. Ft.	1.50	20,000.0	30,000
18	Underground Duct - 1W-2", Type II	Ln. Ft.	8.00	16,000.0	128,000
19	Relocate Existing Runway Edge Lights	Each	900.00	82.0	73,800
20	Relocate Existing Runway Guidance Signs	Each	1,500.00	5.0	7,500
TOTAL PROJECT NO. 2					\$ 3,504,900

AR 001854

TABLE NO. 3

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

***Project No. 3 - Strengthen Runway 9-27 (100' x 7,000')
Including North Shoulder***

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark and Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 10,000
2	Mobilization	L.S.	L.S.	L.S.	10,000
3	Unclassified Excavation	Cu. Yd.	\$ 7.00	4,800.0	33,600
4	Scarify and Recompact Subgrade	Sq. Yd.	2.00	35,500.0	71,000
5	6" Aggregate Base	Ton	27.00	3,550.0	95,850
6	Aggregate Base Course	Ton	27.00	5,250.0	141,750
7	12" Aggregate Subbase Course	Ton	17.00	30,500.0	518,500
8	Heater Remix	Sq. Yd.	2.50	43,000.0	107,500
9	Asphalt Rejuvenating Agent	Ton	500.00	42.0	21,000
10	2" AC Shoulder Pavement	Ton	67.00	810.0	54,270
11	Bituminous Surface Course Overlay	Ton	67.00	25,800.0	1,728,600
12	Bituminous Prime Coat	Ton	500.00	43.0	21,500
13	Bituminous Tack Coat	Ton	500.00	100.0	50,000
14	Groove Runway	Sq. Yd.	2.50	80,000.0	200,000
15	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	113,000.0	226,000
16	Marking	Sq. Ft.	2.00	51,500.0	103,000
TOTAL PROJECT NO. 3					\$ 3,392,570

AR 001855

TABLE NO. 4

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 4 - Relocate Runway 9-27 Centerline 25' South

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark and Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 10,000
2	Mobilization	L.S.	L.S.	L.S.	10,000
3	Bituminous Surface Course Overlay	Ton	\$ 67.00	6,000.0	402,000
4	Bituminous Tack Coat	Ton	500.00	10.0	5,000
	<i>TOTAL PROJECT NO. 4</i>				\$ 427,000

AR 001856

TABLE NO. 5

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 5 - Taxiway Extension (75' x 1,200') plus Runway 9 Holding Aprons

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark and Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 10,000
2	Mobilization	L.S.	L.S.	L.S.	15,000
3	Clearing and Grubbing	Acre	\$ 2,000.00	9.0	18,000
4	Unclassified Excavation	Cu. Yd.	7.00	1,000.0	7,000
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	22,000.0	44,000
6	6" Aggregate Base Shoulders	Ton	27.00	2,900.0	78,300
7	12" Aggregate Subbase	Ton	17.00	9,000.0	153,000
8	12" Aggregate Base	Ton	27.00	9,000.0	243,000
9	4" Asphaltic Concrete	Ton	67.00	2,900.0	194,300
10	2" AC Shoulders	Ton	67.00	900.0	60,300
11	Bituminous Prime Coat	Ton	500.00	22.0	11,000
12	Bituminous Tack Coat	Ton	500.00	8.0	4,000
13	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	22,100.0	44,200
14	Marking	Sq. Ft.	2.00	2,000.0	4,000
15	Drainage Allowance	L.S.	L.S.	L.S.	100,000
16	Cable, 1/C, No. 8, L824	Ln. Ft.	1.50	3,200.0	4,800
17	Underground Duct - 1W-2", Type II	Ln. Ft.	8.00	2,900.0	23,200
18	Underground Duct - 1W-2", Type I	Ln. Ft.	10.00	175.0	1,750
19	Underground Duct - 2W-4", Type I	Ln. Ft.	15.00	175.0	2,625
20	New L867 Size E Handhole	Each	900.00	2.0	1,800
21	New Taxiway Edge Lights	Each	900.00	32.0	28,800
22	New Taxiway Guidance Signs	Each	3,000.00	2.0	6,000
23	Retaining Wall 2' to 8'	Ln. Ft.	200.00	1,300.0	260,000
	TOTAL PROJECT NO. 5				\$ 1,315,075

AR 001857

TABLE NO. 6

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 6 - Widen Taxiways (25' x 7,300')

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark and Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 10,000
2	Mobilization	L.S.	L.S.	L.S.	10,000
3	Clearing and Grubbing	Acre	\$ 2,000.00	3.0	6,000
4	Unclassified Excavation	Cu. Yd.	7.00	16,500.0	115,500
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	62,500.0	125,000
6	6" Aggregate Base Shoulders	Ton	17.00	11,500.0	195,500
7	12" Aggregate Subbase	Ton	17.00	11,700.0	198,900
8	12" Crushed Aggregate Base	Ton	27.00	12,500.0	337,500
9	4" Asphaltic Concrete	Ton	67.00	4,200.0	281,400
10	2" AC Shoulders	Ton	67.00	4,100.0	274,700
11	Bituminous Prime Coat	Ton	500.00	53.0	26,500
12	Bituminous Tack Coat	Ton	500.00	7.0	3,500
13	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	79,050.0	158,100
14	Marking	Sq. Ft.	2.00	7,500.0	15,000
15	Taxiway Edge Lighting System	L.S.	L.S.	L.S.	50,000
	TOTAL PROJECT NO. 6				\$ 1,807,600

AR 001858

TABLE NO. 7

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 7 - Strengthen Taxiways (50' x 8,500')

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark and Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 10,000
2	Mobilization	L.S.	L.S.	L.S.	10,000
3	Heater Remix	Sq. Yd.	2.50	47,000.0	117,500
4	Asphalt Rejuvenating Agent	Ton	500.00	45.0	22,500
5	3" Bituminous Surface Course	Ton	67.00	8,200.0	549,400
6	Bituminous Tack Coat	Ton	500.00	18.0	9,000
7	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	54,000.0	108,000
8	Marking	Sq. Ft.	2.00	14,000.0	28,000
9	Taxiway Edge Lighting System	L.S.	L.S.	L.S.	50,000
	TOTAL PROJECT NO. 7				\$ 904,400

AR 001859

TABLE NO. 8

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 8 - Center Taxiway (75' x 600')

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark & Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 8,000
2	Mobilization	L.S.	L.S.	L.S.	10,000
3	Clearing and Grubbing	Acre	\$ 2,000.00	3.0	6,000
4	Excavation	Cu. Yd.	7.00	2,000.0	14,000
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	10,000.0	20,000
6	12" Aggregate Subbase	Ton	17.00	3,500.0	59,500
7	12" Crushed Aggregate Base	Ton	27.00	4,000.0	108,000
8	6" Crushed Aggregate Base Shoulders	Ton	27.00	1,600.0	43,200
9	4" Bituminous Surface Course	Ton	67.00	1,200.0	80,400
10	2" Bituminous Surface Course Shoulders	Ton	67.00	600.0	40,200
11	Bituminous Prime Coat	Ton	500.00	10.0	5,000
12	Bituminous Tack Coat	Ton	500.00	4.0	2,000
13	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	11,000.0	22,000
14	Marking	Sq. Ft.	2.00	1,000.0	2,000
15	Lighting Allowance	L.S.	L.S.	L.S.	40,000
16	Drainage Allowance	L.S.	L.S.	L.S.	20,000
TOTAL PROJECT NO. 8					\$ 480,300

AR 001860

TABLE NO. 9

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 9 - Runway 27 Holding Apron (200' x 400')

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark & Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 10,000
2	Mobilization	L.S.	L.S.	L.S.	10,000
3	Clearing and Grubbing	Acre	\$ 2,000.00	2.0	4,000
4	Excavation	Cu. Yd.	7.00	7,900.0	55,300
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	12,400.0	24,800
6	6" Aggregate Base Shoulders	Ton	27.00	800.0	21,600
7	12" Aggregate Subbase	Ton	17.00	6,600.0	112,200
8	12" Crushed Aggregate Base	Ton	27.00	6,900.0	186,300
9	4" Bituminous Surface Course	Ton	67.00	2,400.0	160,800
10	2" Bituminous Surface Course Shoulders	Ton	67.00	250.0	16,750
11	Bituminous Prime Coat	Ton	500.00	12.0	6,000
12	Bituminous Tack Coat	Ton	500.00	4.0	2,000
13	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	11,600.0	23,200
14	Marking	Sq. Ft.	2.00	800.0	1,600
15	Drainage Allowance	L.S.	L.S.	L.S.	15,000
16	Cable, L824, 1/C, No. 8	Ln. Ft.	1.50	1,200.0	1,800
17	Underground Duct - 1W-2", Type II	Ln. Ft.	8.00	1,000.0	8,000
18	New L867 Size E Handhole	Each	900.00	2.0	1,800
19	New Taxiway Edge Lights	Each	900.00	20.0	18,000
	TOTAL PROJECT NO. 9				\$ 679,150

AR 001861

TABLE NO. 10

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 10 - Terminal Apron - Phase I

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark & Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 1,000
2	Mobilization	L.S.	L.S.	L.S.	2,500
3	Clearing and Grubbing	Acre	\$ 1,000.00	4.0	4,000
4	Excavation	Cu. Yd.	7.00	16,000.0	112,000
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	21,000.0	42,000
6	12" Aggregate Subbase	Ton	17.00	13,500.0	229,500
7	12" Crushed Aggregate Base	Ton	27.00	13,000.0	351,000
8	4" Bituminous Surface Course	Ton	67.00	1,700.0	113,900
9	1 1/2" Bituminous Surface Course	Ton	67.00	2,300.0	154,100
10	16" Portland Cement Concrete	Sq. Yd.	70.00	13,500.0	945,000
11	Bituminous Prime Coat	Ton	500.00	20.0	10,000
12	Bituminous Tack Coat	Ton	500.00	3.0	1,500
13	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	27,000.0	54,000
14	Marking	Sq. Ft.	2.00	600.0	1,200
15	Drainage Allowance	L.S.	L.S.	L.S.	50,000
16	Floodlighting Allowance	Each	25,000.00	4.0	100,000
TOTAL PROJECT NO. 10					\$ 2,171,700

AR 001862

TABLE NO. 11

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 11 - Access Road - Phase I (35' x 2,800')

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark & Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 5,000
2	Mobilization	L.S.	L.S.	L.S.	5,000
3	Clearing and Grubbing	Acre	\$ 2,000.00	3.0	6,000
4	Excavation	Cu. Yd.	7.00	2,500.0	17,500
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	4,500.0	9,000
6	Heater Remix	Sq. Yd.	2.50	2,500.0	6,250
7	Asphalt Rejuvenating Agent	Ton	500.00	6.0	3,000
8	5" Crushed Aggregate Base	Ton	27.00	1,500.0	40,500
9	Bituminous Surface Course - 2" Overlay	Ton	67.00	1,000.0	67,000
10	3" Bituminous Surface Course	Ton	67.00	1,000.0	67,000
11	Bituminous Prime Coat	Ton	500.00	8.0	4,000
12	Bituminous Tack Coat	Ton	500.00	4.0	2,000
13	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	12,000.0	24,000
14	Marking	Sq. Ft.	2.00	4,000.0	8,000
15	Drainage Allowance	L.S.	L.S.	L.S.	30,000
16	Landscape Allowance	L.S.	L.S.	L.S.	30,000
17	Floodlighting Allowance	L.S.	L.S.	L.S.	20,000
TOTAL PROJECT NO. 11					\$ 344,250

AR 001863

TABLE NO. 12

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 12 - Auto Parking Lot - Phase 1 - 271 Stalls

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark & Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 2,000
2	Mobilization	L.S.	L.S.	L.S.	5,000
3	Clearing and Grubbing	Acre	\$ 2,000.00	10.0	20,000
4	Excavation	Cu. Yd.	7.00	2,500.0	17,500
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	12,500.0	25,000
6	5" Crushed Aggregate Base	Ton	27.00	3,500.0	94,500
7	3" Bituminous Surface Course	Ton	67.00	2,150.0	144,050
8	Bituminous Prime Coat	Ton	500.00	9.0	4,500
9	Bituminous Tack Coat	Ton	500.00	5.0	2,500
10	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	9,000.0	18,000
11	Marking	Sq. Ft.	2.00	1,900.0	3,800
12	Drainage Allowance	L.S.	L.S.	L.S.	24,000
13	Concrete Curb	Ln. Ft.	15.00	1,300.0	19,500
14	Landscape Allowance	L.S.	L.S.	L.S.	26,000
15	Floodlighting Allowance	L.S.	L.S.	L.S.	100,000
	TOTAL PROJECT NO. 12				\$ 506,350

AR 001864

TABLE NO. 13

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 13 - Land Acquisition

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Land Acquisition				
	TOTAL PROJECT NO. 13				\$ 550,000
					\$ 550,000

TABLE NO. 14

Project No. 14 - Security Fencing

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Security Fencing	Ln. Ft.	\$ 22.00	25,000.0	\$ 550,000
	TOTAL PROJECT NO. 14				\$ 550,000
					\$ 550,000

AR 001865

TABLE NO. 15

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 15 - Navigational Aids/Runway Lighting System

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Navigational Aids	L.S.	L.S.	L.S.	\$ 1,560,000
	TOTAL PROJECT NO. 15				\$ 1,560,000

TABLE NO. 16

Project No. 16 - One ARFF Vehicle

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	ARFF Vehicle	L.S.	L.S.	L.S.	\$ 440,000
	TOTAL PROJECT NO. 16				\$ 440,000

TABLE NO. 17

Project No. 17 - Snow Removal Equipment

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Snow Removal Equipment	L.S.	L.S.	L.S.	\$ 825,000
	TOTAL PROJECT NO. 17				\$ 825,000

AR 001866

TABLE NO. 18

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 18 - Aircraft Deicing Equipment

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Aircraft Deicing Equipment	L.S.	L.S.	L.S.	\$ 1,100,000
	TOTAL PROJECT NO. 18				\$ 1,100,000

TABLE NO. 19

Project No. 19 - Terminal Building

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Terminal Building	L.S.	L.S.	L.S.	\$ 9,035,000
	TOTAL PROJECT NO. 19				\$ 9,035,000

AR 001867

TABLE NO. 20

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 20 - Security System

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Baggage Screening - Trace Detection Devices	Each	\$ 30,000.00	2.0	\$ 60,000
2	<i>Passenger Security Checkpoint:</i>				
	a. Magnetometers	Each	10,000.00	2.0	20,000
	b. Baggage X-ray Equipment	Each	60,000.00	2.0	120,000
	c. Trace Detection Devices	Each	30,000.00	1.0	30,000
	d. Miscellaneous Tables, etc.	L.S.	L.S.	L.S.	4,000
3	CCTV - Network Digital Video Surveillance - 10 Cameras, 1 Monitoring Station	L.S.	L.S.	L.S.	100,000
4	Key Card Controller - 4 Gates, 6 Doors in Terminal	L.S.	L.S.	L.S.	100,000
5	Vehicle Identification System	L.S.	L.S.	L.S.	40,000
	TOTAL PROJECT NO. 20				\$ 474,000

AR 001868

TABLE NO. 21

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 21 - Access Road - Phase 2

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark & Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 2,000
2	Mobilization	L.S.	L.S.	L.S.	5,000
3	Clearing and Grubbing	Acre	\$ 2,000.00	2.0	4,000
4	Excavation	Cu. Yd.	7.00	2,000.0	14,000
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	8,500.0	17,000
6	Heater Remix	Sq. Yd.	2.50	1,700.0	4,250
7	Asphalt Rejuvenating Agent	Ton	500.00	2.0	1,000
8	5" Crushed Aggregate Base	Ton	27.00	3,000.0	81,000
9	Bituminous Surface Course - 2" Overlay	Ton	67.00	200.0	13,400
10	3" Bituminous Surface Course	Ton	67.00	1,800.0	120,600
11	Bituminous Prime Coat	Ton	500.00	8.0	4,000
12	Bituminous Tack Coat	Ton	500.00	4.0	2,000
13	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	8,500.0	17,000
14	Marking	Sq. Ft.	2.00	1,000.0	2,000
15	Drainage Allowance	L.S.	L.S.	L.S.	40,000
16	Concrete Curb	Ln. Ft.	15.00	4,000.0	60,000
17	Landscape Allowance	L.S.	L.S.	L.S.	40,000
18	Floodlighting Allowance	L.S.	L.S.	L.S.	30,000
TOTAL PROJECT NO. 21					\$ 457,250

AR 001869

TABLE NO. 22

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 22 - Auto Parking Lot - Phase 2

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Excavation	Cu. Yd.	\$ 7.00	2,000.0	\$ 14,000
2	Scarify and Recompact Subgrade	Sq. Yd.	2.00	6,500.0	13,000
3	5" Crushed Aggregate Base	Ton	27.00	2,500.0	67,500
4	3" Bituminous Surface Course	Ton	67.00	1,500.0	100,500
5	Bituminous Prime Coat	Ton	500.00	7.0	3,500
6	Bituminous Tack Coat	Ton	500.00	3.0	1,500
7	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	6,000.0	12,000
8	Marking	Sq. Ft.	2.00	1,300.0	2,600
9	Drainage Allowance	L.S.	L.S.	L.S.	16,000
10	Concrete Curb	Ln. Ft.	15.00	800.0	12,000
11	Landscape Allowance	L.S.	L.S.	L.S.	14,000
12	Floodlighting Allowance	L.S.	L.S.	L.S.	50,000
	TOTAL PROJECT NO. 22				\$ 306,600

AR 001870

TABLE NO. 23

**MAMMOTH YOSEMITE AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA**

AIRPORT CAPITAL IMPROVEMENT PROGRAM

ENGINEER'S ESTIMATE

Project No. 23 - Terminal Apron - Phase 2

Item No.	Description	Unit	Unit Price	Quantity	Cost
1	Mark & Light Closed Airport Facilities	L.S.	L.S.	L.S.	\$ 1,000
2	Mobilization	L.S.	L.S.	L.S.	2,500
3	Clearing and Grubbing	Acre	\$ 1,000.00	8.0	8,000
4	Excavation	Cu. Yd.	7.00	14,500.0	101,500
5	Scarify and Recompact Subgrade	Sq. Yd.	2.00	17,500.0	35,000
6	12" Aggregate Subbase	Ton	17.00	12,000.0	204,000
7	12" Crushed Aggregate Base	Ton	27.00	11,000.0	297,000
8	4" Bituminous Surface Course	Ton	67.00	1,500.0	100,500
9	1 1/2" Bituminous Surface Course	Ton	67.00	2,300.0	154,100
10	16" Portland Cement Concrete	Sq. Yd.	70.00	12,000.0	840,000
11	Bituminous Prime Coat	Ton	500.00	18.0	9,000
12	Bituminous Tack Coat	Ton	500.00	2.5	1,250
13	Saw and Seal Joints in New Pavement	Ln. Ft.	2.00	27,000.0	54,000
14	Marking	Sq. Ft.	2.00	650.0	1,300
15	Drainage Allowance	L.S.	L.S.	L.S.	50,000
16	Floodlighting Allowance	Each	25,000.00	2.0	50,000
TOTAL PROJECT NO. 23					\$ 1,909,150

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TABLE .24

**MAMMOTH LAKES AIRPORT
MAMMOTH LAKES, MONO COUNTY, CALIFORNIA
AIRPORT CAPITAL IMPROVEMENT PROGRAM**

SUMMARY OF PROJECT COSTS

Project No.	Priority No.	Description	Construction Cost	Engineering & Administration	Total Project Cost	F.A.A. Participation	Sponsor Participation
1	1	Runway 9-27 Extension (150' x 1,200')	\$ 1,767,800	\$ 530,200	\$ 2,298,000	\$ 2,068,200	\$ 229,800
2	2	Widen Runway 50' x 7,000' Including South Shoulder, Runway Safety Area Grading RW 9-27	3,504,900	1,052,100	4,557,000	4,101,300	455,700
3	3	Strengthen Runway 9-27 (100' x 7,000') including North Shoulder	3,392,570	1,017,430	4,410,000	3,969,000	441,000
4	4	Relocate Runway 9-27 Centerline 25' South	427,000	128,000	555,000	499,500	55,500
5	5	Taxiway Extension (75' x 1,200') plus Runway 9 Holding Aprons	1,315,075	394,925	1,710,000	1,539,000	171,000
6	6	Widen Taxiways (25' x 7,300')	1,807,600	542,400	2,350,000	2,115,000	235,000
7	7	Strengthen Taxiways (50' x 8,500')	904,400	271,600	1,176,000	1,058,400	117,600
8	8	Center Taxiway (75' x 600')	480,300	144,700	625,000	562,500	62,500
9	9	Runway 27 Holding Apron (200' x 400')	679,150	203,850	883,000	794,700	88,300
10	10	Terminal Apron - Phase 1	2,171,700	651,300	2,823,000	2,540,700	282,300
11	11	Access Road - Phase I (35' x 2,800')	344,250	103,750	448,000	403,200	44,800
12	12	Auto Parking Lot - Phase 1 - 271 Stalls	506,350	151,650	658,000	592,200	65,800
13	13	Land Acquisition	550,000	-	550,000	495,000	55,000
14	14	Security Fencing	550,000	165,000	715,000	643,500	71,500
15	15	Navigational Aids/Runway Lighting System	1,560,000	-	1,560,000	1,404,000	156,000
16	16	One ARFF Vehicle	440,000	-	440,000	396,000	44,000
17	17	Snow Removal Equipment	825,000	-	825,000	742,500	82,500
18	18	Aircraft Deicing Equipment	1,100,000	-	1,100,000	990,000	110,000
19	19	Terminal Building	9,035,000	-	9,035,000	-	9,035,000
20	20	Security System	474,000	118,500	592,500	533,250	59,250
		Total Phase 1	\$ 31,835,095	\$ 5,475,405	\$ 37,310,500	\$ 25,447,950	\$ 11,862,550
21	21	Access Road - Phase 2	\$ 457,250	\$ 137,750	\$ 595,000	\$ 535,500	\$ 59,500
22	22	Auto Parking Lot - Phase 2	306,600	91,400	398,000	358,200	39,800
23	23	Terminal Apron Expansion - Phase 2	1,909,150	572,850	2,482,000	2,233,800	248,200
		Total Phase 2	\$ 2,673,000	\$ 802,000	\$ 3,475,000	\$ 3,127,500	\$ 347,500
		TOTAL PROJECT COSTS	\$ 34,508,095	\$ 6,277,405	\$ 40,785,500	\$ 28,575,450	\$ 12,210,050