9-8-14

RECEIVED 9-8-14 mos

To: New Meadows Planning & Zoning Commission;
From: Wes Jeffs 409 N. Cunningham Ave.

Bill Brown is applying for approval of yet another building project at the local level.

This is the 2nd project that he has begun without recognizing the federal environmental requirements that are to be managed even before the first scoopfull of soil is disturbed.

If Mr. Brown is allowed to proceed, we as a city could be placed in very ~~dire~~ dire straits, especially if EPA goes retroactive on fines for the 1st incomplete project.

We need to see that Brown is indeed "accountable" and doing things right; this is the place where accountability starts. EPA Publication 305-B-04-003, "Managing your environmental Responsibilities: a planning Guide for Construction and Development."

(2)

It is Brown's responsibility to show — right at the outset that he is complying with State and federal law — not ~~ours~~ w.j. our responsibility. That is especially so since there are special and significant requirements for recycling operations.

I urge you to disapprove Brown's proposals and that the City Council ~~order a~~ w.j. stop to All of Brown's activities (including vehicle and RV sales in town) until investigations are completed by the concerned agencies.

Sincerely

Wes Jeffs

347-2358

Page 1 of 255 pages.

18 pages 8-28-14 w.f.

EPA/305-B-04-003

EPA Office of Compliance

Managing Your Environmental Responsibilities: A Planning Guide for Construction and Development

April 2005

Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2224-A)
Washington, D.C. 20460

Foreword

As a participant in the construction and development process, your success may depend on how well you identify, analyze, and manage your environmental risks. Simply being unaware of your environmental obligations does not relieve you of your liability.

This planning guide was developed in a collaborative effort between U.S. EPA and its partners. Its purpose is to help you to:

- Recognize the federal environmental requirements and factor in the associated expenses for the project;
- Designate the responsible party to fulfill these requirements;
- Complete the requirements by filing the necessary paperwork, performing the required activities, and obtaining the essential permits; and $32,500 daily Fines
- Identify additional sources of information to help implement these requirements throughout your project.

The guide contains two parts. Part I presents background information on environmental requirements for the construction and development industries. It also contains a checklist to help assign environmental responsibilities. Part II contains seven self-audit checklists that help construction companies evaluate their compliance status in these seven areas once the project has commenced.

This guide can be used at the following stages of your project:

Pre-Bid

A clear understanding of the federal environmental requirements is necessary even at the pre-bid phase. Not including the cost of complying with environmental requirements up front can lead to cost overruns or profit loss in the future. By using this document, owners/developers will be able to determine the level of effort needed to comply with the requirements, and the contractors/subcontractors can more accurately include environmental compliance costs in their bids.

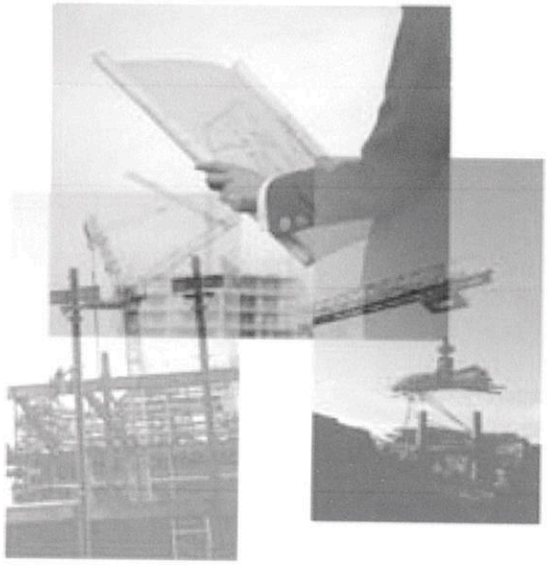
Pre-Construction

If you do not assign responsibility for environmental compliance before you start the project, some important steps may be omitted during construction. Prior to breaking ground, you should sit down with the other members of the construction team, and use this document to assign responsibility for meeting your environmental obligations. Section II in Part I of this guide contains a checklist of required tasks for each federal environmental regulation associated with the construction process. By completing these checklists prior to breaking ground, you will help ensure that your environmental requirements are not overlooked during construction.

During Construction

No matter how thoroughly you prepare for a construction project, you may still encounter unexpected situations requiring environmental knowledge and understanding. You can use this guide as a reference tool to find answers to questions that you encounter during the construction process. It identifies many resources you will find useful. Additionally, the seven self-audit checklists contained in Part II of this guide will help you apply the knowledge gained in Part I to your actual construction site.

With the help of this document, you can properly manage your environmental responsibilities, and therefore reduce the risk of future enforcement actions and penalties.



I. Introduction

Are you involved in construction projects? Are you an owner, developer, contractor, subcontractor, architect, construction manager, or design engineer? If so, you may be responsible for meeting requirements of federal, state, and local environmental regulations. This guide presents information on your federal environmental responsibilities. While the guide can be used during all stages of construction projects, the best time to begin using this guide is before a project is bid.

Part I of this guide is intended to facilitate discussions among the various parties involved in construction projects to ensure that federal environmental requirements are addressed. If you are an owner, developer, general contractor, subcontractor, architect, or another party involved in a construction project, you should review this guide before the project begins to know the federal environmental requirements. During your discussions, you also should determine who is responsible for each requirement, so you can better assess project costs and reduce the potential risks and liability for all parties.

Section XIV of Part I of this guide contains a map of the EPA Regions and a glossary of the terms and acronyms used throughout this guide. Part II of this guide provides self-audit checklists for you to determine if your operations are in compliance with EPA's requirements. This guide complements the Federal Environmental Requirements for Construction guide located at http://www.cicacenter.org/links.

A. How Can This Guide Help You?

At the onset of a construction project, it is important to clearly identify who will address the environmental requirements. Because many parties are involved in construction projects, different parties may be responsible for addressing different environmental requirements. For example, some requirements may be more appropriately addressed by the owner or developer, while others may be more appropriately addressed by contractors or subcontractors. This guide is intended to help you determine "who is doing what" and to help you avoid potential liabilities and penalties associated with not addressing these requirements.

Section II of Part I of this guide contains a list of questions that you should answer prior to starting a construction project. Next to each question is a space to indicate who will address the requirement. You can use this section to help determine and keep a record of who is responsible for each item.

Sections III through XIII of Part I of this guide contain additional details on the specific environmental requirements. These sections will help you to:

- Learn about the environmental requirements for construction projects including the types of environmental permits you may need;
- Learn about possible penalties associated with not following the environmental requirements; and
- Find additional resources and information.

The seven self-audit checklists in Part II of this guide can help you monitor your operations and ensure compliance in these areas to avoid violations and fines.

B. Some Key Points To Keep In Mind

When reading this guide, keep in mind the following:

1. This guide presents information on federal environmental requirements. However, in many cases, **state and local requirements may apply to your construction site** and may be more stringent than the federal requirements. You should always check with your state and local agencies before starting a construction project to make sure that you are addressing all relevant requirements. You can find information on state-specific requirements and contact information for state environmental departments at the *Construction Industry Compliance Assistance Center* (http://www.cicacenter.org).
2. Many of the environmental regulations do not specifically define the responsible party (e.g., owner, developer, contractor). Therefore, it is possible that **all involved parties may be liable** (i.e., be subject to penalties) if requirements are not met. Use this guide to start a dialogue with all parties involved to ensure that the requirements are met. Where available, the guide presents examples of entities that have been held liable in past cases.
3. This guide presents information on potential penalties if environmental requirements are not met. However, **citizen lawsuits and delayed projects are also potential consequences**. These impacts can be far more damaging than the monetary penalties presented in this guide.

This guide presents specific information on a number of federal environmental requirements for general construction projects. In addition to these requirements, you should also be aware that when a federal

agency makes a decision to entirely or partly finance, assist, conduct, regulate or approve a construction project, the project may also be subject to requirements in cross-cutting environmental laws. There are three different federal requirements that are pertinent to the construction industry that were not developed and promulgated by EPA. They are the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA), discussed in Sections XI through XIII of Part I of this guide, respectively. Although EPA does not have jurisdiction over these requirements, they are discussed briefly to raise awareness. EPA recommends that you reference the specific agencies and listed resources for more information.

C. Key References to Supplement the Guide

The following table contains a list of web sites that you can use to quickly access additional information on each of the topics discussed in this guide. Other supplemental resources are provided at the end of each section in Part I of this guide.

Key References

Key References for Information on Environmental Responsibilities:

The Construction Industry Compliance Assistance Center: **http://www.cicacenter.org/index.cfm**

The National Environmental Compliance Assistance Clearinghouse: **http://www.epa.gov/clearinghouse/**

EPA's "Where you live" page contains links to state environmental agencies: **http://www.epa.gov/epahome/whereyoulive.htm**

EPA's Office of Wastewater Management, NPDES Stormwater Program: **http://www.epa.gov/npdes/stormwater**

EPA's Office of Wetlands, Oceans, and Watersheds (OWOW): **http://www.epa.gov/owow/**

EPA's Office of Solid Waste and Emergency Response: **http://www.epa.gov/epaoswer/osw/laws-reg.htm**

EPA's Oil Program Web Site: **http://www.epa.gov/oilspill/**

EPA's Superfund Web Site: **http://www.epa.gov/superfund/index.htm**

EPA's Polychlorinated Biphenyl (PCB) Homepage: **http://www.epa.gov/pcb/**

EPA's Air Program Mobile Sources Page: **http://www.epa.gov/ebtpages/airmobilesources.html**

EPA's Asbestos Management and Regulatory Requirements Web Site: **http://www.epa.gov/fedsite/cd/asbestos.html**

EPA's Cleanup Enforcement (CERCLA or Superfund) Web Site: **http://www.epa.gov/compliance/cleanup/**

The U.S. Fish and Wildlife Service Endangered Species Program Web Site: **http://endangered.fws.gov/**

National Oceanic and Atmospheric Administration (NOAA) Fisheries, National Marine Fisheries **Service Web Site: http://www.nmfs.noaa.gov/endangered.htm**

The EPA CGP is developed under the National Pollutant Discharge Elimination System (NPDES) program, which stems from the Clean Water Act (CWA). The regulatory text discussing this program (40 CFR Part 122) can be found at http://ecfr.gpoaccess.gov under "Title 40 - Protection of the Environment." Your state may have authority to issue permits for the NPDES program, rather than EPA. Section III-E of Part I of this guide identifies states that do not issue their own permits (i.e., where EPA is the permitting authority). Note that states' requirements may differ. If you are located in a state that stormwater permits, contact your state environmental department for further information. You can also search for your state requirements at the Construction Industry Compliance Assistance Center (http://www.cicacenter.org/).

Acronyms

BMP—Best Management Practice

CFR—Code of Federal Regulations

CGP—Construction General Permit

CWA—Clean Water Act

NOI—Notice of Intent

NOT—Notice of Termination

NPDES—National Pollutant Discharge Elimination System

SWPPP—Stormwater Pollution Prevention Plan

A. Is a Stormwater Permit Required for Your Construction Project?

To determine if your project requires a stormwater permit for construction activities, consider the following questions:

- Will your construction project disturb one or more acres of land? yes
- Will your construction project disturb less than one acre of land but is part of a larger common plan of development or sale that will disturb a total of one or more acres of land?
- Will your construction project disturb less than one acre of land but is designated by the NPDES permitting authority (state agency or EPA) as a regulated construction activity?
- Will stormwater from the construction site flow to a municipal separate storm sewer system (MS4) or a water of the United States?

For more information on the NPDES Stormwater Program go to: http://www.epa.gov/npdes/stormwater

If you have answered "Yes" to any of the first three questions AND "Yes" to the fourth question, then you need a stormwater permit for your construction activities. **Please note that some municipalities also are required to implement stormwater control programs; therefore, check with your municipality for their own requirements.**

B. Are You Responsible for the Permit?

For EPA's CGP, you are responsible for getting a stormwater permit if you are considered to be an "operator" of the construction site. (If your site is in a location where the stormwater program is run by the state rather than EPA, keep in mind that the state authority may have different requirements regarding who is required to obtain permit coverage). Depending on your site and the relationship between all of the parties (e.g., owner, developer, general contractor, subcontractors), there can either be a single site operator or multiple operators.

For most construction projects, multiple parties are involved; several parties may meet the definition of operator and therefore be required to obtain coverage under EPA's CGP.

Are You Responsible for Getting a Permit?

EPA requires each party who is considered an "operator" to get permit coverage by submitting your application to EPA or the state authority. The owner, developer, general contractor, and architect could all be considered "operators" and may be required to obtain permit coverage. (Again, some states may have requirements different from EPA regarding permit coverage. To determine those requirements, you will need to consult the specific permit in the state you are operating. EPA's "Where you live" page contains links to state environmental agencies: http://www.epa.gov/epahome/whereyoulive.htm.) Prior to obtaining permit coverage, you will need to develop a stormwater pollution prevention plan (SWPPP).

Are You Responsible for Meeting Permit Requirements?

For EPA's CGP, you must obtain permit coverage if you meet either of the following criteria:

- *Do you have control of construction project plans and specifications, including the ability to make modifications to those plans and specifications?*
- *Do you have day-to-day control of those activities that are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., are you authorized to direct workers at a site to carry out activities required by the SWPPP or other permit conditions)?*

If you answer "Yes" to one or both of these questions, you are likely responsible for meeting the permit requirements.

After you obtain permit coverage, you must follow the requirements of the permit (e.g., maintaining soil and erosion controls, updating your SWPPP, conducting inspections, keeping records) as discussed in Section III-D of this guide. Typically, the contractor or subcontractor carries out activities to meet the permit requirements and notes any changes to the SWPPP.

C. What Are the Penalties?

The goal of the CWA is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The CWA prohibits the discharge of pollu-

Case Studies

In May 12, 2004, the Department of Justice and EPA, along with the U.S. Attorney's office for the District of Delaware and the States of Tennessee, and Utah reached a CWA settlement for stormwater violations at Wal-Mart store construction sites across the country. Under this settlement, Wal-Mart agreed to pay a $3.1 million civil penalty and conduct an environmental project costing $250,000 that will protect sensitive wetlands or waterways in one of the affected states. This settlement also requires Wal-Mart to comply with stormwater permitting requirements and ensures rigorous oversight of its 150 contractors. Wal-Mart will be required to use qualified personnel to oversee construction, conduct training and frequent inspections, report to EPA and take quick corrective action.

If all parties involved (Wal-Mart store personnel and contractors) had discussed the stormwater requirements and followed through with meeting those requirements before starting construction at these sites, penalties for all parties could have been avoided.

BACKGROUND ON STORMWATER REQUIREMENTS FOR CONSTRUCTION ACTIVITIES

DEFINITIONS

- **Construction Activities or Construction-Related Activities.** Refers to the actual earth disturbing construction activities and those activities supporting the construction project such as construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), measures used to control the quality for storm water associated with construction activity, or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants). It does not refer to construction activities unrelated to earth disturbing activities such as interior remodeling, completion of interiors of structures, etc. "Construction" does not include routine earth disturbing activities that are part of the normal day-to-day operation of a completed facility (e.g., daily cover for landfills, maintenance of gravel roads or parking areas, landscape maintenance, etc). Also, it does not include activities under a State or Federal reclamation program to return an abandoned property into an agricultural or open land use.

- **Final Stabilization.** All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. See "final stabilization" definition in Appendix A of the Construction General Permit for further guidance where background native vegetation covers less than 100 percent of the ground, in arid or semi-arid areas, for individual lots in residential construction, and for construction projects on land used for agricultural purposes.

- **Land Disturbance.** Exposed soil due to clearing, grading, or excavation activities. This is also commonly referred to as ground disturbing activities.

- **Larger Common Plan of Development or Sale**. A contiguous area where multiple separate and distinct construction activities occur under one plan (e.g., construction is being done on 10 one-half acre lots in a six-acre development).

- **Operator.** The party (ies) that has: (1) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications, or (2) day-to-day operational control of those activities

permit, contact the COE District Office or the state environmental department. You can review the existing Nationwide Permits on the Corps web site.

Individual Permits. For projects with greater anticipated impacts, individual permits may be issued for a specific construction project. You must submit an application to the COE District Office and receive permit approval prior to beginning any construction.

For detailed information on Nationwide Permits go to http://www.usace.army.mil/inet/functions/cw/cecwo/reg/nwpfinal.pdf

Are You Responsible for Meeting Permit Requirements?

If your project is covered by a general permit, you must follow the conditions listed in that permit. The COE District Engineer also may add specific conditions to your general permit. If your project is covered by an individual permit, you must meet the requirements listed in that permit. Typically, contractors and subcontractors who perform the work on site need to follow these requirements.

While owners, contractors, and consulting engineers all may be found liable for discharging dredge or fill material without a permit, the remedy imposed on each may vary, depending on their respective degrees of control, responsibility, or involvement. For this reason, it is critical to define, before beginning a project, who will be responsible for complying with the Section 404 requirements; assuming another party is "taking care of it" does not absolve you from any liability, and more than one party may be responsible.

Case Studies

Landowners, contractors, and consultants have been found liable for discharging into U.S. waters without a permit.[1] In one case, the court found both the owner and the contractor to be liable, ruling that the contractor was responsible for the discharge activity, despite his reliance on the owner to get the necessary permits. Even where the contractor or consultant did not directly cause the violation, he or she still may be held responsible.

[1] U.S. v. Florida Keys Comm. Coll., 531 F. Supp. 267 (S.D. Fla 1981); U.S. v. Weisman, 489 F. Supp. 1331 (M.S. Fla 1980)

C. What Are the Penalties for Working Without the Proper Permit?

The goal of the CWA is to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA prohibits the discharge of pollutants by any person from a point source into waters of the United States, except in compliance with various sections of the CWA. As defined by the CWA, "person" means any individual, corporation, partnership, association, state, municipality, commission, subdivision of a state, or interstate body.

EPA may impose administrative, civil, and criminal sanctions on a property owner and/or a contractor for failure to comply with the CWA. Administrative penalties can reach $157,500 and civil penalties – imposed in a judicial proceeding – can reach $32,500 per violation per day. Under certain circumstances, the CWA also authorizes criminal penalties. In addition, the CWA allows private citizens to bring civil

actions against any person for any alleged violation of "an effluent standard or limitation." In a citizen suit, a court may issue an injunction and/or impose civil penalties, litigation costs, and attorney's fees.

In addition to fines, you may need to pay legal fees and face project delays. If legal action is taken against your construction site, you may also be subject to increased scrutiny at all of your other construction sites by regulatory agencies and the public. This is our responsibility and our right!

D. In General, What Are the Permit Requirements?

Section 404 specifies that you may not discharge dredged or fill material if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. As mentioned in Section IV-B of Part I of this guide, there are two types of Section 404 permits: general permits and individual permits. For discharges that have only minimal adverse effects, COE issues general permits. General permits may be issued on a nationwide, regional, or state basis for particular categories of activities. Individual permits are usually required for activities with potentially significant impacts.

When applying for an individual permit (and certain general permits), you must demonstrate compliance with mitigation provisions by showing that you will:

- Avoid wetland and water impacts where practicable;
- Minimize potential impacts to wetlands and waters; and
- Compensate for any remaining, unavoidable impacts to wetlands or waters through activities to enhance or create wetlands and/or waters.

Demonstration of the above is referred as wetland/water mitigation.

Prior to COE issuing a Section 404 permit, your state also must approve the project by granting certification under Section 401 of the CWA. Your state may have already granted certification for any general permits in your area, which will reduce your burden.

If your construction project requires an individual permit, you must submit an Application for Department of Army Permit to COE and/or the state where the construction project is being done. After public notice and comments, COE, EPA, the state, and any other interested federal agencies will evaluate your application. You will be either granted or denied a permit.

A Nationwide Permit (or regional or state permit) may require you to notify the COE District Engineer of the construction project in a preconstruction notification. If a preconstruction notification is required, you may not begin construction until one of the following occurs:

1. The District Engineer notifies you that the activity may proceed. This notification may include special conditions for your construction project.
2. The District Engineer notifies you that an individual permit is required (and you must apply for and be issued an individual permit).

In addition to SPCC requirements, the CWA also includes requirements for Facility Response Plans for "substantial harm" sites (see 40 CFR 112.20 and 112.21.) Construction sites are not expected to meet the definition of "substantial harm;" therefore, these requirements are not discussed in this guide. If you transfer oil over water and use vessels that have a total oil storage capacity of 42,000 gallons or more OR your site has a total oil storage capacity greater than one million gallons, you should review the Facility Response Plan requirements (see http://www.epa.gov/oilspill/frps/index.htm).

B. Are You Responsible for Meeting Oil Spill Prevention Requirements?

All parties associated with construction projects that store (or spill) oil can be held liable if the SPCC requirements are not met. Therefore, the owner, developer, contractor, and other parties as applicable should determine up front who will:

- Decide if SPCC requirements apply by calculating the total oil storage capacity on the site and then determining whether an oil spill could reach navigable waters or adjoining shorelines of the United States (It is recommended that you use a Professional Engineer to decide if the requirements apply.);
- Develop the SPCC plan, which should include the following: procedures the site will use to prevent oil spills; control measures the site will install to prevent oil from entering navigable waters or adjoining shorelines; and countermeasures the site will use to contain, clean up, and mitigate the effects of an oil spill; and
- Meet the SPCC plan requirements.

If no party complies with the SPCC regulations, all parties can be found liable for violating federal law. If oil is brought on site for construction, the contractor or subcontractor is also responsible for meeting any SPCC requirements. If a spill occurs (regardless of the source), all parties need to make sure that the spill is properly reported and handled.

C. What Are the Penalties?

If you are the responsible party to an oil spill, you may be required to pay for any damages and cleanup costs resulting from that oil spill. Third parties also may be held responsible for damages and removal costs if the responsible party shows that the spill resulted from an incident caused solely by an act or omission by a third party. Administrative penalties can reach $157,500 and civil penalties imposed in a judicial proceeding can reach $32,500 per violation per day, or $1,100 per barrel of oil spilled if the oil reaches waters of the United States or adjoining shorelines.

The fine for failing to notify the appropriate federal agency of an oil spill can reach a maximum of $250,000 for an individual or $500,000 for an organization. The maximum prison term is five years. The criminal penalties for violations have a maximum fine of $250,000 and 15 years in prison.

The SPCC regulation is implemented at the federal level; however, states and localities may also have oil programs through which they may impose additional penalties (including unlimited liability), funding mechanisms, requirements for removal actions, and fines and penalties for responsible parties.

D. In General, What Are the Oil Spill Requirements?

For more specific details on SPCC requirements, you can refer to the regulations or to EPA's "Required Elements of SPCC Plans" web page, http://www.epa.gov/oilspill/spccmust.htm.

The SPCC regulations require the owners and operators of facilities to prepare and implement spill prevention plans to avoid oil spills into navigable waters or adjoining shorelines of the United States. Your plan must identify operating procedures in place and control measures installed to prevent oil spills, and countermeasures to contain, clean up, or mitigate the effects of any oil spills that occur. The plan must be updated as conditions change at your construction site. Specific items in the SPCC Plan include, but are not limited to, the following:

- Professional Engineer certification;
- For plans not following the format listed in the rule (e.g., plans developed for a combined SWPPP and SPCC Plan), a cross-reference to the requirements in 40 CFR Part 112.7;
- Site diagram, identifying the location and contents of each container (including completely buried tanks that are otherwise exempted from the SPCC requirements);
- For each container, the type of oil stored and the storage capacity;
- Discharge prevention measures, including procedures for oil handling;
- Predictions of direction, rate of flow, and total quantity of oil that could be discharged from the site as a result of a major equipment failure;
- Site drainage;
- Site inspections;
- Site security;
- Five-year plan review (if construction lasts five years);
- Management approval;
- Requirements for mobile portable containers (e.g., totes, drums, or fueling vehicles that remain on facility grounds);
- Appropriate secondary containment or diversionary structures;
- Secondary containment for fuel transfer;
- Personnel training and oil spill prevention briefings;
- Tank integrity testing;
- Bulk storage container compliance; and
- Transfer procedures and equipment (including piping).

we still haven't seen a plan for Property Block 84 lots 10-18

For information on the SPCC requirements, go to EPA's Oil Spill Program web site, http://www.epa.gov/oilspill/. Regional SPCC contacts are listed at http://www.epa.gov/oilspill/spcccont.htm.

D. Hazardous and Non-Hazardous Solid Waste Requirements (continued)

Assigned To

Determining Applicability

D.16. Who will complete and sign the Uniform Hazardous Waste Manifest? _____

Solid Waste/Construction and Demolition Debris Requirements

D.17. Who will contact the state environmental department for any applicable solid waste or construction and demolition debris requirements? _____

D.18. Who will review the state requirements and designate responsibility? _____

D.19. Who will meet state recycling standards, if applicable? _____

* Since this is to be a "recycling" business — there had best be some solid answers here! w.f.

ACCountability!

SELF-AUDIT FIELD CHECKLIST: SPCC REQUIREMENTS

Date of Audit/Self-Audit: _____
Auditor (name, title, qualifications): _____
Name & Location of Project/Site: _____
Oil Storage Area: _____

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

Transfer Procedures and Observations:_____

_____

_____

_____

Corrective Actions Needed/Expected Completion Date:_____

_____

_____

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

Container Locations and Observations:_____

_____

_____

_____

Corrective Actions Needed/Expected Completion Date:_____

_____

_____

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

Containment Locations and Observations:_____

_____

_____

_____

Corrective Actions Needed/Expected Completion Date:_____

_____

_____

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

Containment Practices and Observations:_____

_____

_____

_____

Corrective Actions Needed/Expected Completion Date:_____

_____

_____

C. Oil Spill Prevention Requirements (detailed discussion starting on page 33 of this guide)

Assigned To

Spill Prevention Control and Countermeasures (SPCC) Requirements

C.1. Who will determine if SPCC requirements apply (i.e., determining oil storage capacity at the site and whether the site location poses a hazard)? _____

C.2. Who will develop the SPCC Plan? _____

C.3. Who will keep the SPCC Plan? _____

C.4. Who will update the SPCC Plan with changes to the construction site and maintain documentation/records? _____

C.5. Who will be responsible for implementing the plan? See Section III.D in Part I of this guide for more information. _____

C.6. Who will maintain any secondary containment or diversionary structures? _____

C.7. Who will perform the necessary inspections? _____

C.8. Who will inspect the integrity of the storage tanks? _____

C.9. Who will train site personnel? _____

C.10. Who will ensure fuel transfer requirements are met? _____

C.11. Who will report any oil spills to the National Response Center and state and local authorities? _____

C.12. Who will perform any necessary response actions following an oil spill? _____

Attachment A. States, Indian Country, and Territories Where the EPA Construction General Permit (CGP) Applies (Continued)

State or Territory Name	Is EPA the Permitting Authority (a,b)?	Areas Where EPA is the Permitting Authority / Permit Number	Additional Permit Conditions (c)?	State-Specific Stormwater Links
Florida	For Indian Country only	Indian Country construction activities in Region 4 must use the Region 4 Construction General Permit. (http://www.epa.gov/npdes/pubs/cgp-reg4.pdf).	No	http://www.cicacenter.org/swrl.cfm?st=FL
Georgia	No	The State of Georgia is the NPDES Permitting Authority for all regulated discharges.	No	http://www.cicacenter.org/swrl.cfm?st=GA
Guam	Yes	The Island of Guam Permit Number: GUR100000	No	
Hawaii	No	The State of Hawaii is the NPDES Permitting Authority for all regulated discharges.	No	http://www.cicacenter.org/swrl.cfm?st=HI
Idaho	Yes	The State of Idaho (except Indian Country) Permit Number: IDR100000 Indian Country within the State of Idaho, except Duck Valley Reservation lands Permit Number: IDR10000I Duck Valley Reservation lands are covered under the Nevada permit NVR10000I.	Yes	http://www.cicacenter.org/swrl.cfm?st=ID
Illinois	No	The State of Illinois is the NPDES Permitting Authority for all regulated discharges.	No	http://www.cicacenter.org/swrl.cfm?st=IL
Indiana	No	The State of Indiana is the NPDES Permitting Authority for all regulated discharges.	No	http://www.cicacenter.org/swrl.cfm?st=IN
Iowa	For Indian Country only	Indian Country within the State of Iowa Permit Number: IAR10000I	No	http://www.cicacenter.org/swrl.cfm?st=IA
Johnston Atoll	Yes	The Island of Johnston Atoll Permit Number: JAR100000	No	
Kansas	For Indian Country only	Indian Country within the State of Kansas Permit Number: KSR10000I	No	http://www.cicacenter.org/swrl.cfm?st=KS