Facility Response Plan (FRP) Basics & Selected Topics

ITC Oil Spill Response, Houston Ship Channel

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Emergency Management

Agenda

- FRP Applicability
- Some basic plan components
- The FRP Field Inspection
- Focus on QI interviews
- Intersection of Seismic Concerns and FRP regulations

What is the FRP Rule?

- Authority from Clean Water Act / Oil Pollution Act of 1990
- Oil Pollution Prevention regulation codified at 40 CFR part 112.20
- Subset of SPCC facilities that pose higher risk of spills
- Purpose – prepare Response Plan for a Worst-Case Discharge of oil
  - Identify a Qualified Individual and require immediate communication between that person and the appropriate federal authorities and responders
  - Identify and ensure availability of resources to remove, to the maximum extent practicable, a worst-case discharge
  - Describe training, testing, unannounced drills, and response actions of persons at the facility
  - Be able to implement the Plan

Applicability – Substantial Harm Criteria

- 42,000 gallons in oil storage capacity or more & transfers over water to/from vessel, or
- 1,000,000 gallons or greater in oil storage capacity, and
  - Does not have sufficient secondary containment for each aboveground storage area, or
  - Is located at a distance such that a discharge from the facility could cause "injury" to fish, wildlife, and sensitive environments, or
  - Is located at a distance such that a discharge from the facility would shut down a public drinking water intake, or
  - Has had, within the past five years, a reportable discharge greater than or equal to 10,000 gallons.

Some Major FRP Components

- Emergency Response Action Plan (ERAP) – Stand alone document for ER
- Hazard Analysis – what hazards/operations at facility could result in a spill
- Response Planning Scenarios, including Worst Case Discharge Scenario
- Planning Distance – how far will an oil spill travel
- Vulnerability Analysis – Resources at risk downstream
- Plan implementation – Response actions to be carried out, personnel/OSROs actions, equipment, disposal of wastes
- Training & Exercise Program
    - National Preparedness for Response Exercise Program (PREP)

Field Inspection Activities

- Can the facility really implement the response measures described in the FRP?
  - Qualified Individual (QI) Interview - Evaluate QI's overall knowledge of the Plan, key personnel responsibilities, and how the Plan is implemented
  - Records review such as exercise, training, PREP, OSRO documentation
  - Response Equipment inspection
  - Government-Initiated Unannounced Exercise (GIUE) might be conducted

Importance of QI & FRP

- Role and responsibility of the QI required by the Statute, as well as regulation
- QI is facility representative who agencies hold responsible for implementing the response plan
  - Some duties can be delegated, but the QI is held responsible for the implementation of response measures
  - QI should work at the regulated facility
- If company is out of compliance and does not have an approved Plan (FRP) when spill occurs, liability caps under OPA can be blown

QI Interview

- QI is interviewed to verify they understand their responsibilities as the person responsible for implementing the facility's FRP

- QI should be familiar with the FRP, operations, locational aspects, waterways potentially affected

- Discuss worst-case discharge at the facility as it might really progress:
  - Discharge discovery and assessment
  - Notifications (internal and external)
  - Response and mitigation actions
  - Planning Distance & resources at risk downstream
  - Incident command and control (ICS/UC)

QI Interview

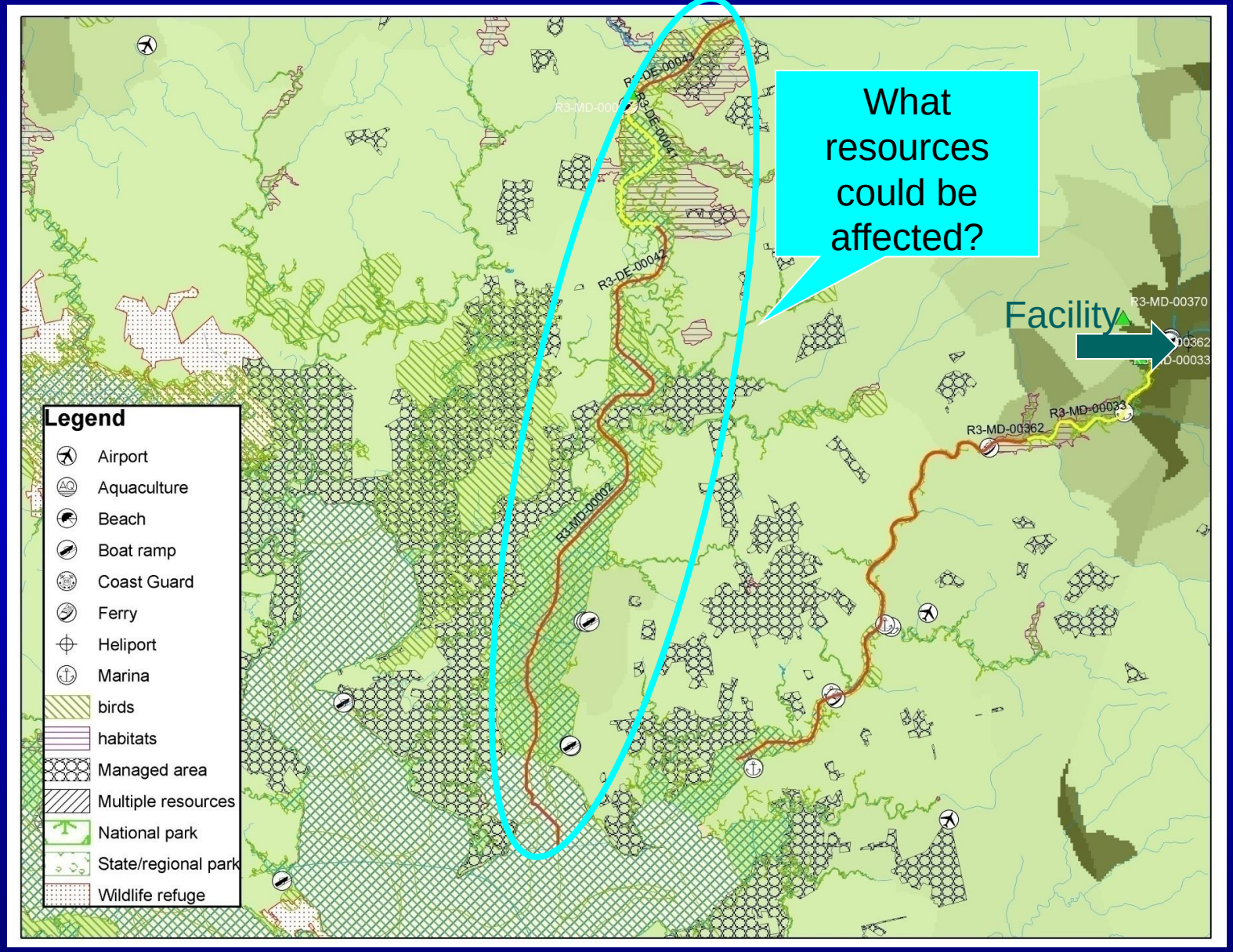
- QI discussion - Worst case Discharge (continued)
  - Roles and responsibilities of response team, including OSRO - and their equipment
  - Roles and responsibilities of Federal, State, Local agencies
    - FOSC, SOSC, LOSC
  - Storage, treatment, disposal of contaminated materials
  - Evacuation. Alternate evac route? Community evac?
  - Alternate Command Post considered, other logistics
  - Drills, exercises

QI & Knowledge of FRP Vulnerability Analysis

- Does QI know the potential effects of an oil spill within the planning distance, and have knowledge of identify the resources at risk such as:

- Water intakes
- School & medical facilities
- Residential areas & businesses
- Wetlands & other sensitive environments
- Fish & wildlife areas
- Lakes and streams
- Endangered flora & fauna
- Transportation routes
- Utilities
- Recreational parks (e.g. public parks)
- Other areas of economic importance

Example Planning Distance



Two QI Case Studies

- Murphy Oil Refinery, Meraux, LA, crude oil spill
  - No QI to oversee spill and liaison with response agencies.
- CITGO Oil Refinery, Lake Charles, LA
  - Up to 3-hour delay in response due to confusion on just who can mobilize response contractors

Two QI Case Studies

Murphy Refinery Oil Spill
Meraux, LA

- 1MM bbl spill into waterway
- QI not onsite to run response until EPA FOSC verbal order
- FRP could be disapproved
- OPA liability caps issue

Two QI Case Studies

CITGO Refinery Oil Spill
Lake Charles, LA

- 55K bbl spill oil into waterway
- 3-hour delay in response due to faulty implementation of QI role

Intersection of FRP Regulations & Seismic Concerns

- FRP regulation does not specifically require facility seismic assessment or retrofitting of tanks, equipment
  - No specific language in FRP or SPCC rules regarding seismic concerns
- Rule does require that facilities consider vulnerability to “natural disasters” as they inform potential for discharges
  - Provides information for developing discharge scenarios and response techniques to reduce size and frequency of spills
- Concern over effects of large seismic event at Portland CEI Hub – Other things to worry about????

Seismic Disaster Response Issues

- Seismic events / disasters do not agree to occur during blue sky sunny days
  - Rain, winter weather, high river stage ?
- After-shocks may continue for days, weeks (more spills?)
- If Cascadia event happens, there may be a larger areal extent than just Portland area - Other assisting / mutual aid agencies in Oregon or Washington may also be affected in their own communities and not be able to assist

Disaster Response Issues

- Infrastructure issues making response very difficult:
  - Cell towers down
  - Satellite comms saturated
  - Roads down or impassable
  - Bridges down or impassable
  - Petroleum pipeline breaks
  - Natural gas line breaks
  - Airports down
  - Resulting fires
  - Drinking water facilities, mains down
  - Wastewater Treatment Plants and sewer down

Considering Operational Assumptions

- Agencies will be overwhelmed during initial stages
- Initial lack of logistical support & resources for responders, work crews, such as
  - Search & Rescue
  - Food, Water, MREs
  - Lodging
  - Supplies
  - Fuel for response vehicles, equipment
  - Aerial Support. Many competing priorities for air resources.
  - Many agencies competing for same resources

Disaster Response Issues

- Responder Stress can be significant
  - Own homes, families affected. Loss of life
  - Workload overwhelming
  - Do you have resources for Critical Incident Stress Management and help for responders?
  - Lack of sleep may lead to unsafe decisions by workers

Considering Operational Assumptions

- USCG COTP may shut down river completely during large spill. USCG has federal Marine Transportation Safety and Spill Response jurisdiction (ITC example)
  - Commerce, potential deliveries of supplies affected
- If considered a Spill of National Significance (SONS), USCG FOSC or higher may assume command of oil spill response (Deep Water Horizon). National federal, complex involvement
- Incident Command/Unified Command will be expected to be implemented

Questions?