

# **Keystone XL Pipeline Project**

## **Spill Prevention, Control and Countermeasure Plan**

**DRAFT**

Subject to Change

*Note: This document is a template for the Project's Spill Prevention, Control and Countermeasure Plans and will be finalized by each contractor based on all required site-specific information.*

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# 1 Introduction

The purpose of this Spill Prevention, Control and Countermeasure (SPCC) Plan is to establish procedures to prevent the discharge of hazardous or regulated materials during construction of the Keystone XL Pipeline Project (Project), particularly into or upon Waters of the U.S. The SPCC Plan is designed to reduce the likelihood of a spill, provide for prompt identification and proper removal of contaminated materials if a spill does occur, comply with applicable state and federal laws (e.g., Title 40 Code of Federal Regulations [CFR] Parts 112 and 122) and Project permits, and to protect human health and the environment. The SPCC Plan is designed to complement existing laws, regulations, rules, standards, policies and procedures pertaining to safety standards and pollution rules, in order to minimize the potential for unauthorized releases of hazardous materials, fuels and lubricants.

TransCanada Keystone Pipeline, L.P. (Keystone) anticipates that the Project Pipeline construction contractor (Contractor) will store or handle more than the threshold quantities of oil products and will therefore be subject to federal SPCC preparation requirements. In conformance with federal regulations, a cross-reference table is provided in **Attachment A** that lists the relevant sections in Title 40 CFR 112.7 and the equivalent sections in this SPCC Plan.

Amendments to the SPCC Plan will be made as necessary during construction to account for increases in the volumes of materials stored or other changes associated with the handling or storage of hazardous materials.

## 1.1 Scope

This SPCC Plan applies to all construction and reclamation activities on the Project, but does not cover pipeline or pump station operations or maintenance. The Keystone XL Project Emergency Response Plan will contain the SPCC requirements for operation and maintenance of the pipeline and pump stations.

This plan outlines the procedures for prevention, containment, and control of potential spills during Project construction and reclamation. The SPCC Plan applies to the use of hazardous materials on the right-of-way and all ancillary facilities. This includes the refueling or servicing of all equipment with diesel fuel, gasoline, lubricating oils, grease, hydraulic and other fluids during normal upland work and for special applications located within 100 feet of streams and wetlands. In addition, site-specific information to be provided by the Contractor is identified and will be attached to the document.

This document is not a complete summary of all requirements. The Contractor is responsible for thoroughly researching, understanding, and complying with all applicable federal, state, and local requirements related to all aspects of work on the Project, including polluting, toxic, and hazardous materials handling, storage, transportation, spill prevention, clean-up and disposal, documentation, notification, hazardous waste, and training.

## 2 Contractor Supplied Site-Specific Information

This document is a template for the Project's SPCC Plans and will be finalized by each contractor based on all required site-specific information.

The following information must be supplied by the Contractor for review and approval by Keystone at least 30 days prior to construction activities.

- Contractor yard or fueling station facility diagram (**Attachment B**) showing at a minimum the following:
  - storage tanks, including content and capacity;

- mobile portable containers that store 55 gallons or more (including contents and capacity);
  - oil-filled equipment, electrical transformers, circuit breakers, etc. that store 55 gallons or more;
  - any other oil-filled equipment (including content and capacity);
  - oil/fuel transfer area;
  - secondary containment structures;
  - storm drain inlets and surface waters that could be affected by a discharge;
  - direction of flow in the event of a discharge (topography) and potential receiving waters;
  - legend that indicates scale and identifies symbols used in the diagram;
  - location of response kits and firefighting equipment;
  - location of valves or drainage system control that could be used in the event of a discharge to contain materials on the site; and
  - compass direction.
- A complete inventory of all hazardous materials that will be used or stored on site, including reportable quantities in compliance with state and federal law (**Attachment C**);
  - Contractor's training program for fuel truck drivers and mechanics (See **Attachment D** and Section 3,1 Training section below for details);
  - Designation of the Contractor's Spill Response Coordinator (to be included in **Attachment E** Emergency Response Contacts);
  - Emergency response procedures (**Attachment F**), as described in the Construction Mitigation and Reclamation Plan. In addition, the Contractor will include a prediction of the direction, rate of flow, and total quantity of oil/fuel which has the reasonable potential to be discharged, based on experience. A form has been provided in **Attachment F**;
  - Contractor's Commitment to providing the necessary emergency response support for the Project (**Attachment G**);
  - Certification by a registered Professional Engineer (**Attachment H**);
  - A complete discussion of applicable state-specific requirements regarding oil product and hazardous materials handling that are stricter than the federal requirements (to be included in **Attachment I** State Requirements), if any. If none, then the Contractor will clearly state that in the discussion;
  - Material Safety Data Sheets (MSDS) as supplied by the Contractor (**Attachment J**); and
  - Any mutual aid agreements between the Contractor and other emergency response personnel.

The Contractor is encouraged to use the Environmental Protection Agency's (EPA) guidance document for preparing facility diagrams provided at the following website:

[www.epa.gov/oilspill/pdfs/guidance/6\\_FacilityDiagrams.pdf](http://www.epa.gov/oilspill/pdfs/guidance/6_FacilityDiagrams.pdf).

Amendments to the Contractor-Supplied SPCC Plan will be made as necessary during construction to account for increases in the volumes of materials stored or other changes associated with the handling or storage of hazardous materials.

### 3 Prevention

Keystone's goal is to prevent spills or exposure to hazardous or dangerous substances during construction of the Project. The Contractor is required to follow the prevention measures outlined below and implement other measures as necessary and required to promote spill prevention.

#### 3.1 Training

Personnel accountable for carrying out the procedures specified in this plan will be designated before construction and informed of their specific duties and responsibilities with respect to environmental compliance and hazardous materials. The Contractor will be required to provide

additional spill prevention, response and hazardous materials handling training to all of their staff who handle hazardous materials, fuels and lubricants on a regular basis. The Contractor will provide the details of this training to Keystone prior to the start of work (**Attachment D**). At a minimum, training will include:

- A review of this SPCC Plan;
- An overview of all regulatory requirements;
- Waste minimization practices;
- Proper storage and handling methods for hazardous materials, fuels, lubricants, gases, etc.;
- Spill prevention, clean-up, and reporting requirements;
- Proper disposal techniques for hazardous materials, fuels, lubricants, etc.;
- Proper procedures for transferring fuels and containing fluids while doing maintenance on vehicles;
- Special requirements for refueling within 100 feet of wetlands and waterbodies;
- The location of the MSDSs and the SPCC Plan;
- The proper use of personal protective equipment;
- Emergency and spill response material locations, proper use, and maintenance;
- Emergency contact information and notification procedures; and
- Procedures for documenting spills and standard spill information to be provided to Keystone for agency notification.

All personnel working on the Project, including all Contractor personnel, are required to attend a Project-sponsored training session prior to starting work. Keystone will conduct training to ensure all responsible Contractor employees know of and comply with all project-specific environmental and TransCanada environmental policy requirements. The environmental training program will address refueling restrictions, hazardous materials handling, spill prevention and cleanup requirements, as well as other Project environmental and safety topics.

### **3.2 Site Security**

The Contractor's site-specific plan and documentation for the construction yard will address site security procedures. Bulk fuel storage areas (including valves and switches), fuel trucks, lubricants and hazardous materials will be secured to minimize tampering and accidental releases by unauthorized personnel. Site security will include the following, in compliance with 40 CFR 112.7(g):

- The oil/fuel storage site will be fully fenced with a locked or guarded entrance gate when facility is unattended;
- Container master flow and drain valves will be secured so that they will remain in the closed position when not in use;
- Fuel pump starter controls will be locked in the "off" position where only authorized personnel can access them when not in use; and
- Facility lighting at night that will assist leak detection and vandalism prevention.

If the above procedures will not be followed, the Contractor will provide a detailed explanation of why the site cannot be secured as described above and the equivalent method the Contractor will use to secure the site.

All storage containers will be closed when not in use and the storage areas will be secured (gated, locked and/or guarded) at night and/or during non-construction periods.

### **3.3 Equipment Inspection and Maintenance**

The Contractor will ensure that all equipment is free of leaks prior to use on the Project, and prior to entering or working in or near waterbodies or wetlands. Throughout construction, the

Contractor will conduct regular maintenance and inspections of the equipment to reduce the potential for spills or leaks.

Contractor mechanics will assess the general condition of equipment valves, lines and hoses and all deteriorated parts will be promptly repaired or replaced. Vehicles and equipment that develop leaks during construction activities will cease work, move to a location at least 100 feet from streams or wetlands, and buckets or absorbent materials will be placed under the equipment until the leak can be repaired. Soils contaminated by the leaking material will be collected and removed from the right-of-way for proper disposal. Equipment that requires extensive repairs will be removed from the right-of-way until the repairs are completed or a protection plan will be developed by the Keystone Environmental Inspector if the equipment can not be moved.

All equipment maintenance and repairs will be performed in upland locations at least 100 feet from waterbodies and wetlands. Mechanics will take precautionary measures when performing equipment maintenance or repair activities by placing absorbent pads (or equivalent materials) on the ground beneath the equipment when changing crankcase oil, repairing hydraulic lines, or adding coolant to construction equipment and when appropriate for other repair activities.

All equipment parked overnight shall be at least 100 feet from a watercourse or wetland, if possible. Equipment shall not be washed in streams or wetlands.

### **3.4 Materials Storage and Handling**

The Contractor shall ensure that all oil products, fuels, gases, hazardous and potentially hazardous materials are transported, stored and handled in accordance with all applicable legislation.

Staging areas (including contractor yards and pipe yards) will be set up for each construction spread. Contractors conducting work in each of these areas will establish bulk fuel storage tanks within the staging area, or they will fill their fuel trucks at existing bulk fuel dealerships. In addition, a variety of lubricants and materials will be stockpiled at the staging area for use during construction of the Project. Bulk fuel storage tanks, fuel trucks and stockpiles of lubricants or hazardous materials will be stored only in the designated staging areas and equipment storage yards, and at least 100 feet from all streams and wetlands. No hazardous materials will be stored in areas subject to flooding or inundation.

Spent oils, lubricants, filters, etc. shall be collected and disposed of or recycled at an approved location in accordance with state and federal regulations.

Keystone contractors will not keep on site or operate the following:

- Completely or partially buried storage tanks
- Buried piping
- Internal steam heat coils
- Large, field-erected storage tanks

The following sections detail Project requirements associated with storage of bulk fuels and lubricants, as well as temporary storage of hazardous materials at staging areas.

#### **3.4.1 Tanks**

Keystone contractors will maintain commonly used fuels such as gasoline and diesel in bulk storage tanks in the pipeline contractor yards. All storage tanks or trailers, rigid steel piping, valves and fittings and fuel transfer or dispensing pumps will be contained within a secondary containment structure providing 110 percent containment volume of the largest storage tank or trailer within the containment structure. This containment structure will consist of sandbag or earth berms lined with a chemical resistant membrane liner or a concrete structure. The

Contractor will remove any collected precipitation from the containment structure to maintain 110 percent capacity. The Contractor will inspect accumulated precipitation first for evidence of oil or contamination and then collect the material for proper disposal off-site.

The attached drawings are typical layouts for diesel and gasoline fuel transfer stations. Self-supporting tanks will be constructed of carbon steel or other materials compatible with contents of each tank, and all tanks will be elevated above grade and inspected weekly and when the tank is refilled. To prevent overfill, all tanks will have visual level gauges and actual tank levels will be checked against the gauge reading during inspections. Inspection records shall be maintained by the Contractor.

For receiving and offloading fuels from a fuel distributor into the bulk storage tanks, the distributor will connect a petroleum rated hose from the delivery tanker to the fuel transfer stations fill line at the fill truck connection. The fill truck connection and fill line will consist of a cam-loc connection followed by a block valve, rigid steel piping, tank block valve(s) and check valve(s) just upstream of the connection to the tank. Off-loading of fuel is normally accomplished by a transfer pump powered by the delivery vehicle's power take off. Proper grounding of equipment shall be undertaken during fuel transfer operations. Fuel trucks from fuel distributors will be inspected closely prior to leaving the contractor yard to ensure that all valves are tightly closed and no leaks occur during transit.

For transfer of fuels from the bulk storage tanks in the contractor yards to fuel distribution trucks, the truck will connect a petroleum rated hose between the truck's tank and the bulk storage tank's withdrawal connection. The withdrawal truck connection and withdrawal line will consist of rigid steel piping from the tank, through a block valve(s) to an electric explosion-proof fuel transfer pump. Downstream of the fuel transfer pump will be a cam-loc connection. The fuel transfer pump will be equipped with an emergency shut-off at the pump and a secondary emergency shut-off at least 100 feet away. Proper grounding of equipment shall be undertaken during fuel transfer operations. Fuel truck drivers will inspect the truck after each re-filling from the bulk fuel tanks in the contractor yard to ensure that all valves are tightly closed and no leaks occur during transport.

For dispensing gasoline and on-road diesel to equipment or vehicles, the transfer pump will be a dispensing pump with petroleum rated hoses with automatic shut-off nozzles. Refueling operations will be attended closely at all times by personnel familiar with the operation of the refueling equipment. Warning signs requiring drivers to set brakes and chock wheels shall be displayed at all fixed refueling points. Proper grounding of equipment shall be undertaken during fuel transfer operations.

#### **3.4.2 Containers**

All containers 55 gallons or greater shall be stored on pallets within a secondary temporary containment structure. Secondary containment structures may consist of temporary earthen berms with a chemical resistant liner or a portable containment system constructed of steel, PVC, or other suitable material. The secondary containment structure will be capable of containing 110 percent of the volume of material stored in these areas. The Contractor will inspect all container storage areas for leaks and deterioration at least weekly, and leaking or deteriorated containers will be replaced as soon as the condition is first detected. In the event of a leak or deterioration of the container or liner, cleanup measures would be implemented to remediate all contamination.

No incompatible materials will be stored in the same containment area and the containers must be suitable and compatible with the wastes or materials in them. If a container leaks or sustains damage, its contents must be transferred to a container in good condition. Waste and hazardous materials will be kept in separate containers for proper disposal.

Containers holding hazardous substances will be closed during transport and storage, except as necessary to add or remove the substance.



#### *3.4.2.1 Container Labeling Requirements*

The Contractor will comply with labeling requirements for any on-site containers, including tanks that store fuels, lubricants, accumulated hazardous wastes and other materials. Hazardous waste containers will be labeled, as required in Title 40 CFR Part 262, and will display at least the following:

- Chemical name (e.g., oil, diesel, etc.);
- When the container reaches 55 gallons in volume, the accumulation start date and/or the start date of the 90-day storage period; and
- The words “Hazardous Waste” and warning words specifying the relevant hazards, such as “flammable”, “corrosive”, or “reactive”.

#### **3.4.3 Concrete Coating**

Concrete coating and any washout necessary will be conducted at least 100 feet from wetlands or waterbodies boundaries whenever possible. In some circumstances, it may not be possible to maintain this buffer due to topography or the extent of the resource. If it is necessary to apply concrete coating less than 100 feet from a wetland or waterbody boundary, then sufficient containment (such as plastic sheeting and berms, etc.) will be provided by the Contractor to prevent any uncured concrete or concrete washout from reaching the ground. Excess concrete shall not be disposed of in wetlands or waterbodies. Concrete washout shall be contained within the work area and will not be allowed to enter wetlands, waterbodies, or storm drains.

#### **3.4.4 Disposal of Solid and Hazardous Wastes**

The Contractor will be responsible for ensuring that the regular collection and disposal of all solid and hazardous wastes generated during its operations is in compliance with all applicable laws. If state laws pertaining to waste disposal are more stringent than federal laws, state laws will take precedence. The Contractor will determine the details on the proper handling and disposal of hazardous waste, and will assign responsibility to specific individuals before construction.

All hazardous wastes being transported off-site shall be manifested. The manifest shall conform to requirements of the appropriate state agency. The transporter shall be licensed and certified to handle hazardous wastes on the public highways. The vehicles as well as the drivers must conform to all applicable vehicle codes for transporting hazardous wastes. The manifest shall conform to regulations of the Department of Transportation Title 49 CFR 172.101, 172.202, and 172.203.

Hazardous wastes will typically include contaminated soils, spent batteries, and other items. The Contractor will make every effort to minimize hazardous waste production during the Project, including, but not limited to:

- Minimizing the amount of hazardous materials needed for the Project;
- Using alternative non-hazardous substances when available; and
- Recycling usable materials, such as batteries, to the extent possible.

#### **3.4.5 Equipment Refueling and Servicing**

All equipment refueling will be performed in upland areas at least 100 feet from all wetlands and waterbodies, and at least 150 feet from private and public water wells, respectively. If site-specific constraints require refueling/servicing the equipment closer than 100 feet from the wetland or waterbody, special precautions may be implemented with the Environmental Inspector’s approval – as described below.

At all refueling locations along the right-of-way, the Contractor will ensure that absorbent materials are on hand at all times. Each refueling vehicle shall have a sufficient number of

shovels, brooms, 10-mil polyethylene sheeting, and fire protection equipment to contain a moderate spill.

During refueling, the Contractor will take appropriate measures to reduce the risk of a spill, including not overfilling fuel tanks and placing an absorbent pad under the fuel nozzle while fueling equipment. Contractor personnel will observe and control refueling at all times to prevent overfilling. Drivers of tank trucks are responsible for safety and spill prevention. Procedures for loading and unloading tank trucks shall meet the minimum requirements established by the Department of Transportation.

#### **3.4.6 Spill Response Equipment**

The Contractor will be required to have emergency response equipment available at all areas where hazardous materials are handled or stored. This equipment shall be readily available to respond to a hazardous material emergency. The Contractor is required to have the appropriate spill response materials on site to address spills of materials stored or handled at the location. Such equipment shall include, but not be limited to, the following:

- First aid kits and supplies, sized to meet the needs of the numbers of personnel anticipated;
- Telephone or communications radio;
- Personal protective equipment (Tyvek® or equivalent suits, gloves, goggles, hard hat, and other personal protective equipment appropriate to the materials to be handled);
- Fire extinguishers;
- Absorbent materials;
- Storage containers;
- Non-sparking bung wrench; and
- Shovels.

Hazardous material emergency containment and clean-up materials and equipment shall be carried in all fuel trucks, mechanic and supervisor (foremen) vehicles. This equipment shall include, at a minimum:

- 2 shovels;
- First aid kit and supplies;
- Telephone or communications radio;
- Phone numbers for emergency contacts;
- 2 sets of protective clothing (Tyvek® or equivalent suit, gloves, goggles, boots);
- 6 heavy duty plastic garbage bags (30 gallon);
- 5 absorbent socks;
- 10 spill pads;
- 20 lb. fire extinguisher;
- Barrier tape;
- 2 orange reflector cones; and
- 200 square feet 10-mil plastic sheeting.

Fuel and service trucks shall also carry a minimum of 20 pounds of suitable commercial sorbent material and a catch-pan for fluids.

Each construction crew, including clean-up crews shall have on hand sufficient tools and materials to stop leaks and supplies of absorbent and barrier materials to allow rapid containment and recovery of spilled materials.

The Contractor shall inspect emergency equipment weekly, and service and maintain equipment regularly, replenishing supplies as necessary. Records shall be kept of all inspections and service.

### **3.4.7 Activities in Environmentally Sensitive Areas**

The Contractor will obtain approval from the Keystone Environmental Inspector prior to refueling or performing equipment repair (involving lubricants, fuels, oil products, or hazardous materials) within 100 feet of a wetland or waterbody boundary. The Contractor shall monitor the refueling and equipment operation at all times. The Contractor will take precautions to prevent spillage by not overfilling fuel tanks, placing an absorbent pad under the fuel nozzle while fueling, and wiping the nozzle when fueling is complete.

Stationary equipment will be placed within a secondary containment if it will be operated or require refueling within 100 feet of a wetland or waterbody boundary.

In order to respond quickly to a potential spill in a major waterbody, the Contractor shall have on hand during all river crossings at least 400 feet of sorbent boom/sock and provide in **Attachment F** a method for deployment and collection.

## **4 Spill Control and Countermeasures**

It is Keystone's goal to promptly stop spills, however the safety and health of Project personnel and the public is the foremost priority. Personnel should only respond to a spill if they have adequate training to do so safely.

All spills and leaks of hazardous materials and petroleum products will be cleaned up. Upon discovery of a spill, the Contractor will immediately:

1. Assess the area for safety: identify the material spilled, the cause, and any potential hazards. If it is an emergency threatening human health, dial 911. If telephone service is not available or 911 does not work in the area, immediately contact the spread office so emergency responders can be notified. Implement appropriate safety procedures, based on the nature of the hazard.
2. Extinguish or remove ignition sources, if the spilled material is flammable.
3. Shut off leaking equipment, if safe to do so.
4. Stop leaks, if possible.
5. Contain the spill using spill response materials and by creating a berm or dike, if necessary. Block culverts, storm sewers, and other points, if necessary to limit spill travel.
6. Notify supervisor of the spill, including material, quantity, time, and location. Supervisors are responsible for notifying Keystone of spills (see section below).

Personnel entry and travel on contaminated soils shall be minimized. The Contractor will commence spill clean-up immediately, if it is safe to do so. The Contractor is responsible for removing and disposing of contaminated material in accordance with applicable federal, state, and local laws. It is anticipated that most spills will be small and easily removed with a shovel, with contaminated soil deposited in plastic bags or similar containers for transport to the Contractor's yard. Larger spills may require the use of equipment or special services.

All efforts will be made to prevent a release to water resources; however, if the spilled material reaches water, sorbent booms, socks, and/or pads will be deployed to contain and remove the spilled material.

## **5 Documentation and Reporting**

The Contractor shall notify Keystone immediately of any spill of a potentially hazardous substance that meets government reporting criteria as well as any existing soil contamination

discovered during construction. If pre-existing contamination is suspected, the Contractor shall stop work in the area and not resume work until authorized to do so by Keystone.

In the event of a spill that meets government reporting criteria, the Contractor shall notify the Keystone representative immediately, who, in turn, shall notify the appropriate regulatory agencies. Any material released into water that creates a sheen must be reported immediately to Keystone. The Contractor is required to notify Keystone immediately if there is any spill of oil, oil products, or hazardous materials that reaches a wetland or waterbody. Incidents on public highways shall be reported to Keystone and the appropriate agencies. A sample spill report form is provided in **Attachment L**.

The Contractor is responsible for documenting spills as required by federal, state, and local regulations.

As described on the EPA's website, facilities that spill more than 1,000 gallons of oil into navigable waters or onto adjoining shorelines in a single incident, or have two reportable oil spills of more than 42 gallons within any 12-month period, must submit a report to the appropriate EPA Regional Administrator within 60 days from the time the spill occurs. More details can be found at the EPA website. EPA will review the report and may require the facility owner or operator to amend the SPCC Plan if it does not meet the regulations or if an amendment is necessary to prevent and contain oil spills from the facility.

## 6 Inspection and Record Keeping

The Contractor will regularly inspect all storage facilities (not less than weekly) and record the condition of the facility in a weekly log. In addition to inspection items discussed in previous sections, inspections will include the outside of all containers for signs of deterioration, discharges, or accumulation of oil inside containment structures or dikes. Inspections will also include all aboveground valves, piping appurtenances and the general condition of items such as flange joints, expansion joints, valve glands and bodies, pipe supports, and metal surfaces.

In addition to the weekly log, the Contractor will maintain records for hazardous materials and hazardous wastes, as required by all applicable federal, state, and local regulations and permit conditions. Record-keeping requirements include, at a minimum:

- Hazardous materials/Waste inspection log,
- Transportation documents,
- Bills of lading,
- Manifests,
- Shipping papers,
- Training records,
- Release report forms, and
- Spill history and documentation of clean-up/handling.

The Environmental Inspector will monitor, inspect, document and report on the Contractor's compliance with hazardous materials and hazardous waste management practices. Inspection records will be kept with the SPCC Plan for at least three years.

## 7 Applicable State Requirements

The Contractor is required to include in submittals to Keystone a complete discussion of applicable state-specific requirements regarding oil product and hazardous materials handling that are stricter than the federal requirements, if any, to be included in **Attachment I**. If none, then the Contractor will clearly state that in the discussion.

## 8 Certification of Non-Substantial Harm

Keystone does not anticipate that this Project will satisfy the “substantial harm” criteria set forth in 40 CFR 112.20(e). The EPA requires that facilities that do not meet the criteria maintain a certification form to that affect with the SPCC Plan. This certification form is included in **Attachment M**.

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**Attachment A**  
**SPCC Cross Reference Table**

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<b>SPCC Rule</b>	<b>Description of Section</b>	<b>Page/Section</b>
§ 112.7	General requirements for SPCC Plans for all facilities and all oil types.	1/1
§ 112.7(a)(1)	General requirements; discussion of facility's conformance with rule requirements.	1/1; throughout SPCC Plan
§ 112.7(a)(2)	Deviations from Plan requirements.	3/3.2; 4 & 5/ 3.4.1
§ 112.7(a)(3)	Facility characteristics that must be described in the Plan and the Facility Diagram.	1 & 2/2
§ 112.7(a)(3)(i)	Types of oil and container storage capacity.	Attachment C
§ 112.7(a)(3)(ii)	Discharge prevention measures.	2 through 8/3
§ 112.7(a)(3)(iii)	Discharge or drainage controls.	3 through 7/3.2; 3.3; 3.4
§ 112.7(a)(3)(iv)	Countermeasures for discharge, discovery, response, and cleanup	8/4
§ 112.7(a)(3)(v)	Methods of disposal of recovered or waste materials	4 through 6/3.3; 3.4; 3.4.3; 3.4.4
§ 112.7(a)(3)(vi)	Contact list and phone numbers.	Attachment E
§ 112.7(a)(4)	Spill reporting information in the Plan.	8/5; Attachment I
§ 112.7(a)(5)	Emergency procedures.	2/2; 9/4; Attachment F
§ 112.7(b)	Fault analysis. Equipment failure information.	2/2; Attachment F
§ 112.7(c)	Secondary containment.	4/3.4.1; 5/3.4.2; 7/3.4.7
§ 112.7(d)	Contingency planning, alternative means, integrity testing.	4/3.4.1; 5/3.4.2; 8/4; Attachment F
§ 112.7(e)	Inspections, tests, and records.	4/3.4.1; 5/3.4.2; 9/6
§ 112.7(f)	Employee training and discharge prevention procedures.	2 & 3/3.1
§ 112.7(g)(1)	Security (excluding oil production facilities).	3/3.2
§ 112.7(g)(2)	Flow valves secured.	3/3.2
§ 112.7(g)(3)	Oil pumps controls locked.	3/3.2
§ 112.7(g)(4)	Secure loading/unloading connections on oil piping.	Not Applicable
§ 112.7(g)(5)	Provide facility lighting.	3/3.2
§ 112.7(h)(1)	Loading/unloading (excluding offshore facilities): provide containment system for loading and unloading area.	Not Applicable
§ 112.7(h)(2)	Loading/unloading: systems to prevent vehicles from departing before complete disconnection.	5/3.4.1
§ 112.7(h)(3)	Loading/unloading: inspect vehicle to prevent liquid discharge while in transit.	4/3.4.1
§ 112.7(i)	Brittle fracture evaluation requirements.	Not applicable
§ 112.7(j)	Discuss conformance with more stringent State rule, regulations, and guidelines.	7/9
§ 112.8 / § 112.12	Requirements for onshore facilities (excluding production facilities).	-
§ 112.8(a) / § 112.12(a)	General and specific requirements	See above and below
§ 112.8(b) / § 112.12(b)	Facility drainage.	4/3.4.1
§ 112.8(c) / § 112.12(c)	Bulk storage containers.	4/3.4.1; 5/3.4.2
§ 112.8(d) / § 112.12(d)	Facility transfer operations, pumping, and facility process.	4/3.4.1; 5/3.4.2
§ 112.9 / § 112.13	Requirements for onshore production facilities	Not applicable

<b>SPCC Rule</b>	<b>Description of Section</b>	<b>Page/Section</b>
§ 112.9(a) / § 112.13(a)	General and specific requirements	Not applicable
§ 112.9(c) / § 112.13(c)	Oil production facility bulk storage containers.	Not applicable
§ 112.9(d) / § 112.13(d)	Facility transfer operations, oil production facility.	Not applicable
§ 112.10 / § 112.14	Requirements for onshore oil drilling and workover facilities.	Not applicable
§ 112.10(a) / § 112.14(a)	General and specific requirements.	Not applicable
§ 112.10(b) / § 112.14(b)	Mobile facilities.	Not applicable
§ 112.10(c) / § 112.14(c)	Secondary containment - catchment basins or diversion structures.	Not applicable
§ 112.10(d) / § 112.14(d)	Blowout prevention.	Not applicable
§ 112.11 / § 112.15	Requirements for offshore oil drilling, production, or workover facilities.	Not applicable
§ 112.11(a) / § 112.15(a)	General and specific requirements.	Not applicable
§ 112.11(b) / § 112.15(b)	Facility drainage.	Not applicable
§ 112.11(c) / § 112.15(c)	Sump systems.	Not applicable
§ 112.11(d) / § 112.15(d)	Discharge prevention systems for separators and treaters.	Not applicable
§ 112.11(e) / § 112.15(e)	Atmospheric storage or surge containers; alarms.	Not applicable
§ 112.11(f) / § 112.15(f)	Pressure containers; alarm systems.	Not applicable
§ 112.11(g) / § 112.15(g)	Corrosion protection.	Not applicable
§ 112.11(h) / § 112.15(h)	Pollution prevention system procedures.	Not applicable
§ 112.11(i) / § 112.15(i)	Pollution prevention systems; testing and inspection.	Not applicable
§ 112.11(j) / § 112.15(j)	Surface and subsurface well shut-in valves and devices.	Not applicable



**Attachment B**  
**Contractor Yard or Fueling Station Facility Diagram**

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**Attachment C**

**Hazardous Materials Inventory and Reportable Quantities**

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**Attachment D**  
**Contractor's Training Program**

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**Attachment E**  
**Emergency Response Contacts**

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# Emergency Response Contacts

## DIAL 911 IN CASE OF EMERGENCY

The Contractor is to fill out the applicable information required below. Contractor will attach additional sheets as necessary.

Contractor: \_\_\_\_\_ Spread/Station: \_\_\_\_\_

Contractor Spill Response Coordinator: \_\_\_\_\_  
NAME TELEPHONE NUMBER

Keystone Representative: \_\_\_\_\_  
NAME TELEPHONE NUMBER

Sheriffs' Telephone Numbers, by County	County	Telephone Number
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Highway Patrol: \_\_\_\_\_

U.S. Poison Control Center: 800-222-1222

Hospitals Near Work Areas	Address	Telephone Number	County
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Spill Response and Cleanup Contractor: \_\_\_\_\_  
NAME TELEPHONE NUMBER

Spill Response and Cleanup Contractor: \_\_\_\_\_  
NAME TELEPHONE NUMBER

Spill Response and Cleanup Contractor: \_\_\_\_\_  
NAME TELEPHONE NUMBER

**Keystone is the designated contact for all agency notifications.**

Agency	Telephone Number	Home Page Website	Online Spill Report Form Webpage
<b>Federal</b>			
National Response Center	800-424-8802	<a href="http://www.nrc.uscg.mil/nrchp.html">http://www.nrc.uscg.mil/nrchp.html</a>	<a href="http://www.nrc.uscg.mil/report.html">http://www.nrc.uscg.mil/report.html</a>
<b>Montana</b>			
Montana Department of Environmental Quality	800-424-8802	<a href="http://www.deq.mt.gov/enf/spillpol.asp">http://www.deq.mt.gov/enf/spillpol.asp</a>	<a href="http://www.deq.mt.gov/enf/spill.asp">http://www.deq.mt.gov/enf/spill.asp</a>
<b>South Dakota</b>			
South Dakota Department of Environment & Natural Resources	605-773-3296 and 605-773-3231 after hours	<a href="http://www.state.sd.us/denr/DES/ground/Spills/SpillReporting.htm">http://www.state.sd.us/denr/DES/ground/Spills/SpillReporting.htm</a>	<a href="http://www.state.sd.us/denr/DES/ground/Spills/SpillsFollowUp.asp">http://www.state.sd.us/denr/DES/ground/Spills/SpillsFollowUp.asp</a>
<b>Nebraska</b>			
Department of Environmental Quality	402-471-2186 or 877-253-2603 and Nebraska State Patrol at 402-471-4545 after hours	<a href="http://www.deq.state.ne.us/">http://www.deq.state.ne.us/</a>	Not applicable
<b>Kansas</b>			
Kansas Emergency Management	800-275-0297 or 785-296-8013	<a href="http://www.kansas.gov/kdem/hazards/hmenrg.shtml">http://www.kansas.gov/kdem/hazards/hmenrg.shtml</a>	<a href="http://www.kansas.gov/kdem/pdf/hazards/082102_formA.pdf">http://www.kansas.gov/kdem/pdf/hazards/082102_formA.pdf</a>
<b>Oklahoma</b>			
Oklahoma Corporation Commission	918-367-3396 and 405-521-2240 after hours	<a href="http://www.occ.state.ok.us/Divisions/OG/spill(c).htm">http://www.occ.state.ok.us/Divisions/OG/spill(c).htm</a>	Not applicable
<b>Texas</b>			
Texas Commission on Environmental Quality (TCEQ)	800-832-8224	<a href="http://www.tceq.state.tx.us/response/spills.html">http://www.tceq.state.tx.us/response/spills.html</a>	Not applicable

**Attachment F**  
**Contractor's Emergency Response Procedures**

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## Equipment Failure and Potential Spill Source Prediction<sup>1</sup>

Source	Type of Failure	Total Quantity (gallons)	Rate of Flow (gpm) <sup>2</sup>	Direction of Flow	Containment

<sup>1</sup> Title 40 CFR 112 states: “where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge), include in your Plan 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 type of major equipment failure.”

<sup>2</sup> GPM = gallons per minute



**Attachment G**  
**Contractor's Commitments**

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## Contractor's Commitments

I hereby certify that I am at a level of management within \_\_\_\_\_, with the authority to, and do hereby commit the necessary manpower, equipment, and materials to implement this SPCC Plan (40 CFR Part 112) in accordance with the provisions set forth therein.

Name: \_\_\_\_\_

Name: \_\_\_\_\_ (Signature)

Title/Company: \_\_\_\_\_

Date: \_\_\_\_\_

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**Attachment H**  
**Professional Engineer's Certification**

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# Registered Professional Engineer Certification

By means of this certification, I attest that:

- I have reviewed this Spill Prevention, Control and Countermeasure Plan (SPCC);
- I am familiar with the requirements of Title 40 Code of Federal Regulations (CFR) Part 112;
- I or my agent has visited and examined the facility;
- This SPCC Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of Title 40 CFR Part 112;
- Procedures for required inspections and testing have been established; and
- This SPCC Plan is adequate for the facility.

\_\_\_\_\_  
Signature of Registered Professional Engineer

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Date

**Attachment I**  
**State Requirements**

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**Attachment J**

**Contractor's Material Safety Data Sheets (MSDS)**

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**Attachment K**  
**Typical Layouts; Fuel Transfer Stations**

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**Attachment L**  
**Spill Report Form**

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# SPILL REPORT FORM

## LOCATION AND DATE DETAILS

Facility Telephone Number: \_\_\_\_\_

Form Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Date of spill: \_\_\_\_\_ Time of spill: \_\_\_\_\_

Date of spill discovery: \_\_\_\_\_ Time of spill recovery: \_\_\_\_\_

Location: \_\_\_\_\_ County: \_\_\_\_\_

Short legal description: T \_\_\_\_\_ R \_\_\_\_\_ S \_\_\_\_\_ Weather Conditions: \_\_\_\_\_

Directions from nearest community: \_\_\_\_\_

Name and Title of Discoverer: \_\_\_\_\_  
NAME TITLE

## SPILL AND MATERIAL DETAILS

Type of material spilled and product name: \_\_\_\_\_

Manufacturer's name: \_\_\_\_\_

Estimated volume spilled: \_\_\_\_\_ Estimated volume recovered: \_\_\_\_\_

Topography and surface condition of spill site: \_\_\_\_\_

Spill medium:  Pavement  Soil  Water  Other: \_\_\_\_\_ (Check all that apply)

Responsible party (Name, Phone Number): \_\_\_\_\_  
NAME TELEPHONE NUMBER

Describe the causes and circumstances resulting in the spill: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## WATER RESOURCES AFFECTED

Did the spill reach a waterbody?  Yes  No If "Yes", was a sheen present?  Yes  No

Proximity of spill to surface waters or wetlands: \_\_\_\_\_ Feet

Estimated quantity of material that entered surface waters or wetland: \_\_\_\_\_

Direction and time of travel (if in stream): \_\_\_\_\_

\_\_\_\_\_

# SPILL REPORT FORM CONTINUED

## DESCRIPTION OF SPILL/ HARMFUL EFFECTS

Describe extent of observed contamination, both horizontal and vertical: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Resources and installations that may be affected: \_\_\_\_\_  
\_\_\_\_\_

Describe any injuries or potential impact on human health caused by the spill: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## COURSE OF ACTION

Describe immediate spill control and/or cleanup methods used and implementation schedule: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Evacuation necessary?  Yes  No Describe: \_\_\_\_\_  
\_\_\_\_\_

Current status of cleanup actions: \_\_\_\_\_  
\_\_\_\_\_

Future follow-up required, if any: \_\_\_\_\_  
\_\_\_\_\_

## NAME/COMPANY/TELEPHONE NUMBER FOR THE FOLLOWING

Contractor Superintendent:	_____	_____	_____
	NAME	COMPANY	TELEPHONE NUMBER
Contractor's Environmental Coordinator:	_____	_____	_____
	NAME	COMPANY	TELEPHONE NUMBER
Lead Environmental Inspector:	_____	_____	_____
	NAME	COMPANY	TELEPHONE NUMBER
Other:	_____	_____	_____
	NAME	COMPANY	TELEPHONE NUMBER

Contractor must complete this form for any spill that meets state or federal reportable quantities, and for petroleum spills that enter waterbodies or wetlands, affect human health, or exceed 42 gallons, and submit the form to the Lead Environmental Inspector immediately.

**Attachment M**

**Certification of the Applicability of the Substantial Harm Criteria**

DRAFT

# Certification of the Applicability of the Substantial Harm Criteria

Facility Name: **Keystone Pipeline Project**  
Facility Address: **Various locations along the pipeline route in Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Mailing address:**

**Keystone XL Pipeline Project  
7509 Tiffany Springs Parkway  
Northpointe Circle II, Suite 200  
Kansas City, Missouri 64153**

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

Yes  No

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

Yes  No

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

Yes  No

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

Yes  No

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

Yes  No

## Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (please type or print)

\_\_\_\_\_  
Title

<sup>3</sup> If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable formula must be attached to this form.

<sup>4</sup> For the purposes of 40 CFR part 112, public drinking water intakes are analogous to public water systems as described at 40 CFR 143.2(c).