INTEGRATED CONTINGENCY PLAN (ICP) GUIDANCE

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ICP Requirements

The ICP or “One Plan” concept, was developed to help consolidate multiple planning requirements.

The ICP guidance document addresses the OPA FRP requirements of EPA, MMS, RSPA, and USCG, among other Federal regulations.
ICP Requirements (cont.)

- The ICP guidance includes:
  - A plan outline or table of contents that provides a suggested structure for a facility contingency plan; **and**
  - Matrices with cross-references to specific regulatory requirements.
Integrated Contingency Plan

ONE PLAN

- EPA FRP
- EPA RMP
- RSPA FRP
- OSHA PSM + HAZWOPER
- MMS FRP
- RCRA
- USCG FRP
ICP Requirements (cont.)

- If a facility’s management develops an ICP and submits it to EPA as their FRP, they must:
  - Ensure that all applicable requirements of 40 CFR 112.20 and 21 are addressed in the plan; and
  - Provide a cross-reference to EPA’s regulatory requirements.
ICP Requirements (cont.)

- A series of matrices are included in the ICP guidance to assist plan drafters and reviewers.

- The ICP guidance provides flexibility to include certain prevention-related requirements in the plan.
ICP Requirements (cont.)

- The matrices at the end of the ICP guidance serve:
  - As a basis for developing cross-references to various requirements; and
  - To help facilities in consolidating various plans and documenting compliance with Federal regulations.
ICP Requirements (cont.)

- One of the matrices displays areas of current regulations that correspond to suggested elements in the guidance document.

- A second set of matrices display regulatory requirements and indicate where in the suggested ICP format these requirements should be addressed.
Benefits of an ICP

- Allows the development of a single, comprehensive document.
- Reduces the need for multiple reviews of several different documents.
- Reduces the potential for inaccurate information.
- Easier to use one document.
Benefits of an ICP (cont.)

- May be used to meet requirements of:
  - DOI/MMS’ FRP (30 CFR part 254);
  - DOT/RSPA’s FRP (49 CFR part 194);
  - DOT/USCG’s FRP (33 CFR 154, subpart F);
  - EPA’s FRP (40 CFR 112.20 and 112.21);
  - EPA’s Risk Management Plan (40 CFR part 68);
Benefits of an ICP (cont.)

- EPA’s RCRA Contingency Plan (40 CFR 264.52);
- EPA’s RCRA Contingency Plan (40 CFR 265.52);
- EPA’s RCRA Contingency Plan (40 CFR 279.52);
- DOL/OSHA’s Emergency Action Plan (29 CFR 1910.38[a]);
Benefits of an ICP (cont.)

- DOL/OSHA’s Process Safety Standard (29CFR 1910.119); and

Limitations of an ICP

- The ICP guidance does not address 40 CFR 112.7 requirements, even though it indicates that it does.

- When used as an FRP, the plan may require approval of four different agencies.

- Approval of an ICP by one agency does not necessarily mean approval by all agencies or acceptance by other departments of the same agency.
Limitations of an ICP

- The ICP guidance can be misleading when applied to SPCC Plan and FRP requirements.
- “The ICP guidance does not change the existing regulatory requirements; rather, it provides a format for organizing….”
Limitations of an ICP (cont.)

- The ICP matrices do not address many requirements of 40 CFR part 112, including:
  - Title 40 CFR 112.1 to 112.7 and Appendix A (the SPCC regulation); and
  - Title 40 CFR 112.20 and 112.21 (the FRP regulation).
ICP Format

- Section I – Plan Introductory Elements
  - Purpose and scope
  - Table of contents
  - Revision date
ICP Format (cont.)

- Facility information
  - Name
  - Owner/Operator/Agent
  - Address of the facility
  - Mailing address of the Facility
  - Other ID Information (e.g., lat/long)
- Contacts
  - Contact phone numbers
  - Facility phone number
  - Facility fax number
ICP Format (cont.)

Section II – Core Plan Elements

- Discovery
- Initial response
- Sustained actions
- Termination of response
ICP Format (cont.)

- Annex I – Facility and Locality
  - Facility maps
  - Facility drawings
  - Description and layout
ICP Format (cont.)

- Annex II – Notification
  - Internal notifications
  - Community notifications
  - State and federal agency notifications
  - Contractors
ICP Format (cont.)

- Annex III – Response Management System
  - General
  - Command
  - Operations
  - Planning
  - Logistics
  - Finance
ICP Format (cont.)

- Annex IV – Incident Documentation
  - Post accident investigation
  - Incident history

- Annex V – Training and Exercises
  - Description
  - Types
  - Frequency
  - Reports
ICP Format (cont.)

- Annex VI – Response Critique and Plan Review and Modification Process
  - Procedures
  - Frequencies
- Annex VII – Prevention
ICP Format (cont.)

- Annex VIII – Regulatory Compliance and Cross-Reference Matrices

- EPA Region V has recommended a cross-reference for SPCC and FRP elements.
ICP Issues

- Like the FRP, the ICP must be understood by facility on-site staff and other response personnel to be adequately implemented.

- An ICP review may be more burdensome than a review of an FRP alone due to the difficulty in locating the requirements of 40 CFR 112.20 and 112.21.

- The ICP document is guidance, not a regulatory initiative; facilities are free to maintain multiple plans.
ICP Issues (cont.)

- The ICP format does not address all of the aspects of the FRP rule (e.g., tiered planing scenarios, contracts or other approved means).
ICP Guidance

http://www.epa.gov/ceppo/pubs/one-plan.html
Required Elements of a Facility Response Plan*

- Emergency Response Action Plan
- Facility Information
- Emergency Response Information
- Hazard Evaluation
- Response Planning Levels
- Discharge Detection

Systems
- Plan Implementation
- Self Inspection, Drills/Exercises, and Response Training
- Diagrams
- Security Systems
- Response Plan Cover Sheet

* Detailed Requirements given in 40 CFR 112, Appendix F
FRP Preparation (Short Version)

- Prepare FRP in accordance with the outline / checklist provided in Part 112 Appendix F

- Address EVERY item

- If an item doesn’t apply to your facility, say so, and briefly explain why (e.g.: “N/A - No USTs at the Facility”)
Initial FRP Review/Approval Process

- FRP received
- Agency reviews FRP
- Results of Agency review sent to Facility
- Facility must revise FRP in accordance with comments and resubmit
- Agency reviews revised FRP
- Agency approves FRP or returns it for further revisions
5 Year Review

- Agency reviews FRP
- Results of Agency review sent to Facility
- Facility has 60 days to revise FRP in accordance with comments and resubmit
- Agency reviews revised FRP
- Agency determines if FRP meets Regulatory Requirements
Unapproved FRPs

Facilities with unapproved FRPs are subject to Enforcement Actions up to $27,500 per day per violation
Facilities must report changes that materially affect the implementation of the response plan 112(d)(v)

- Shutting down a facility
- Selling a facility
- Decommissioning tanks
The owner/operator of a facility for which a response plan is required under this part, shall revise and resubmit portions of the response plan with in 60 days of each facility that materially may affect the response to a worst case discharge; including:
(i) A change in the facility’s configuration that materially alters the information included in the response plan

(ii) A change in the type of oil handled, stored, or transferred that materially alters the required response resources
40 CFR § 112 (d) (1)

(iii) A material change in capabilities of the oil spill removal organization(s) that provide equipment and personnel to respond to discharges of oil described in paragraph (h)(5) of this section
(iv) A material change in a facilities spill prevention and response equipment or emergency response procedures
(v) Any other changes that materially affects the implementation of the response plan
FRP & SPCC Regulations

http://www.epa.gov/oilspill/lawsregs.htm
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Additional Information

Additional Information on EPA’s OPA Web Site:

http://www.epa.gov/region5/oil/plan/frp.html