

US EPA ARCHIVE DOCUMENT

INTEGRATED CONTINGENCY PLAN (ICP) GUIDANCE

Alexander C. Tzallas
Facility Response Plan Coordinator
U.S. EPA, Region 5

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



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**
- DOL/OSHA's Hazwoper Regulation (29 CFR 1910.120).

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

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

40 CFR § 112 (d) (1)

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 within 60 days of each facility that materially may affect the response to a worst case discharge; including:

40 CFR § 112 (d) (1)

- (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

40 CFR § 112 (d) (1)

- (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>

Contact Information

Alexander C. Tzallas

FRP Coordinator

Mailcode SE-5J

U.S. EPA Region 5

77 W. Jackson Boulevard

Chicago, IL 60604-3666

E-mail:

tzallas.alexander@epa.gov

Telephone:

(312) 886-0622

Fax:

(312) 353-9176

Additional Information

Additional Information on
EPA's OPA Web Site:

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