



BEAR DEN PHASE 2 PROJECT

Plan of Development

APPENDIX L

Spill Prevention, Control, and Countermeasure Plan



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Plan of Development

Spill Prevention, Control, and Countermeasure Plan

**Prepared for:
BUREAU OF LAND MANAGEMENT**

MAY 2014

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1.0 INTRODUCTION

Enable Bakken Crude Services, LLC (EBCS) prepared this *Spill Prevention, Control, and Countermeasure Plan* (SPCC Plan) to be implemented during construction of the Bear Den Phase 2 Project (Project). This SPCC Plan outlines specific preventative measures and practices to reduce the likelihood of an accidental release of a hazardous or regulated liquid and, in the event such a release occurs, to expedite the response to and remediation of the release.

This SPCC Plan restricts the location of fuel storage, fueling activities, and construction equipment maintenance along the construction right-of-way and provides procedures for these activities. Training and lines of communication to facilitate the prevention, response, containment, and cleanup of spills during construction activities are also described.

All contractor and subcontractor personnel working on the EBCS right-of-way are responsible for implementation of the measures and procedures defined in this SPCC Plan. This SPCC Plan will be included in both the bid and the contract documents as contractual requirements and instructions to the contractor.

2.0 PREVENTATIVE MEASURES

EBCS will require that contractors minimize, to the extent practicable, the potential for and consequences of a spill during construction of the Bear Den Phase 2 Project pipeline facilities. EBCS will require contractors to comply with applicable environmental and safety laws and regulations, including compliance by all its subcontractors. The contractors will be required to maintain a copy of this SPCC Plan available on site to all personnel and provide a copy to all subcontractors.

2.1 Training

Training regarding Spill Prevention, Control, and Countermeasures will be provided as part of the initial Project training for all employees and contractors. Topics will include spill handling and personal responsibility for initiating and adhering to appropriate procedures, and the required spill containment supplies to be maintained with each construction crew. Any new employees will be trained prior to commencing work, as on-boarded.

2.2 Release Response Equipment

The contractor shall supply each construction crew with a quantity of absorbent and barrier materials sufficient to contain and recover spills that could potentially occur from the equipment with the largest on-board volume of fuel and lubricant. These materials may include, but are not limited to, drip pans, buckets, absorbent pads, containment booms, straw bales, absorbent clay, sawdust, floor-drying agents, spill containment barriers, plastic sheeting, skimmer pumps, covered holding tanks, and fire extinguishers.

The contractor shall make known to all construction personnel the yard and warehouse locations of spill response equipment and materials and have them readily accessible during construction.

2.3 Equipment Inspection

Prior to moving equipment onto the construction right-of-way, EBCS' contractor will visually inspect equipment for cracks, excessive corrosion, or other flaws that may compromise the integrity of its fuel, hydraulic, or cooling systems. The contractor will repair or replace leaking equipment immediately after a leak is detected.

3.0 REGULATED MATERIALS STORAGE AND HANDLING

3.1 Contractor Yards

EBCS' contractor will store fuel, petroleum products, and hazardous materials at the yards in a manner designed to protect the environment. Storage will be provided with secondary containment structures lined with an impervious material that provides a minimum containment volume equal to 110 percent of the volume of the largest storage vessel located in the structure. The contractor will construct these containment structures such that, in the event of a leak or spill, the liquid will be contained within the structures. If earthen containment dikes are used, they will be constructed with slopes no steeper than 3:1 (horizontal to vertical) to limit erosion and provide structural stability.

Containment areas will not have drains. Accumulated rainwater may be removed from the containment structure if authorized by an EBCS Environmental Inspector (EI). If visual inspection indicates that no spillage has occurred in the containment structure, and if approved by EBCS's EI, accumulated water may be drawn off and sprayed on the surrounding upland areas. If spillage has occurred in the structure, accumulated waste water shall be drawn off and pumped into a storage vessel for proper disposal.

Bulk storage tanks will not be placed on the pipeline right-of-way or in areas subject to periodic flooding or erosion. The contractor will visually inspect aboveground bulk tanks frequently and whenever the tank is refilled. Drain valves on temporary storage tanks will be locked to prevent accidental or unauthorized discharges from the tank. The contractor will correct visible leaks in tanks as soon as possible.

All fuel nozzles shall be equipped with functional automatic shut-off valves. Prior to departure of any fuel tank truck, all outlets on the vehicle shall be examined by the driver for leakage and tightened, adjusted, or replaced to prevent liquid leaking while in transit.

Routine equipment maintenance of wheel-mounted vehicles, such as oil changes, will be accomplished at the contractor yards or staging area. Routine maintenance of track-mounted equipment will be conducted in a manner to gather oil and other discharges and remove them to a suitable recycling or disposal site.

Storage containers will display labels that identify the contents of the container and whether the contents are hazardous. Copies of Material Safety Data Sheets (MSDSs) for all potentially hazardous materials will be provided and maintained by the contractor and be accessible to all contractor personnel.

Table 3.1-1 presents typical vehicle and equipment fuels, lubricants, and hazardous materials stored or used during construction, and briefly describes the location, typical quantities, and usual methods of storage. The contractor will provide, maintain, and make available the appropriate MSDS documents for each of these materials and those for any other

hazardous or controlled materials utilized on the right-of-way or in the contractor yard at a location accessible to all contractor and EBCS employees.

Fluid Uses	Fluids	Typical Quantity Per Location (gallons)	Method of Storage	Storage Location
Fuels	Diesel	5,000 – 10,000	Tanks or Tankers	Contractor Yard Warehouse/ Fuel Vehicle Parking Areas
	Gasoline	5,000 – 10,000	Tanks or Tankers, 10-Gallon Containers, Pick-up Tanks	Contractor Yard Warehouse/ Fuel Vehicle Parking Areas
Lubricants	Engine Oil	<100	Bulk Storage or Retail Packaging	Contractor Yard Warehouse
	Transmission/ Drive Train Oil	<50	Retail Packaging on Service Trucks	Contractor Yard Warehouse/ Service Trucks
	Hydraulic Oil	<100	Bulk Storage or Retail Packaging	Contractor Yard Warehouse/ Service Trucks
	Gear Oil	<50	Retail Packaging on Service Trucks	Contractor Yard Warehouse/ Service Trucks
	Lubricating Grease	<25	Tubes Stored in Paper Cases	Contractor Yard Warehouse/ Service Trucks
Miscellaneous/ Coolants, Hydraulic fluids	Ethylene Glycol	<100	Bulk Storage or Retail Packaging	Contractor Yard Warehouse/ Service Trucks
	Propylene Glycol	<100	Bulk Storage or Retail Packaging	Contractor Yard Warehouse/ Service Trucks
	Power Steering Fluid	<50	Retail Packaging on Service Trucks	Contractor Yard Warehouse/ Service Trucks
	Brake Fluid	<50	Retail Packaging on Service Trucks	Contractor Yard Warehouse/ Service Trucks
	Propane	25 – 100	Pressurized Tanks	Contractor Yard Warehouse/ Welding Trucks

3.2 Activities on the Construction Right-of-Way

EBCS will undertake preventative measures to avoid environmental impacts from refueling and lubrication activities on the construction right-of-way.

Refueling and lubricating of construction equipment will be restricted to upland areas at least 100 feet from the edge of any perennial streams, wetlands, ditches, and other waterbodies. No private or public wells have been identified through landowners, surveys or publicly available records; however, if identified, refueling and lubricating of construction equipment will be restricted to upland areas at least 200 feet from private water supply wells and 400 feet from public water supply wells, wherever possible. If refueling cannot be avoided in these areas, refer to section 3.3 of this SPCC Plan. Wheeled and tracked construction equipment shall be moved to an upland area more than 100 feet from perennial streams, wetlands, ditches, and other waterbodies for refueling and at the end of each work day. Fuel and service truck drivers will be responsible for spill prevention during refueling and service activities.

Fuels and lubricants will be stored in designated areas and in appropriate service vehicles. Storage sites for fuels, other petroleum products, chemicals, and hazardous materials including wastes shall be located in upland areas. To prevent these materials and other potential contaminants from reaching waterways, no hazardous substances will be stored within

100 feet of perennial streams and/or within 200 feet of private wells (400 feet for public wells). If fuel must be stored in these areas, refer to section 3.3 of this SPCC Plan. EBCS will confirm with the EI the locations of areas where these activities are prohibited prior to construction crews entering that area with equipment.

The contractor will maintain a minimum of 20 pounds of suitable commercial absorbent and barrier materials at each contractor yard and on fuel and service trucks to allow rapid containment and recovery of a spill. Absorbent and barrier materials shall also be utilized to contain runoff from spill areas. Fuel trucks shall also be equipped with shovels and an assortment of hand tools to aid in the containment of a spill.

Equipment shall not be washed in streams, wetlands, ditches, or other waterbodies. Equipment operators shall be responsible for prompt reporting and mitigation of any fuel or lubricant spills from equipment.

3.3 Restricted Refueling Areas

Restricted refueling areas include areas where the buffer zone (e.g., 100 feet from a wetland or waterbody) cannot be maintained. Potential situations where plans may be approved by the EI to allow refueling in restricted areas include extensive wetland crossings with limited right-of-way access, continuous construction at stream/river crossings, and the required placement and operation of stationary equipment such as dewatering pumps, generators, and boring/drilling equipment. The requirement for any refueling and equipment service within restricted areas will be verified and approved by the EI prior to initiating such activity. Within these areas, the previously described fuel handling and refueling procedures and the following procedures will also apply.

Tracked Equipment

In wetlands where no upland site is available for refueling, auxiliary fuel tanks may be mounted to equipment to minimize the need for refueling.

Only a fuel truck with a maximum of 300 gallons of fuel may enter restricted areas to refuel construction equipment. Two trained personnel will be present during refueling to reduce the potential for spills or accidents.

Stationary Equipment

Equipment such as non-portable, stationary pumps may be fitted with auxiliary tanks as appropriate. Such auxiliary tanks will be placed within a secondary containment structure. Refueling of dewatering pumps, generators, and other small, portable equipment will be performed using approved containers.

3.4 Vehicle and Equipment Maintenance

All routine vehicle and equipment maintenance on the right-of-way involving fluid replacement will be conducted outside the boundary restrictions for wetlands, waterbodies, and water wells. Before lubricants are drained from the construction equipment, a suitable containment vessel and plastic sheeting will be placed under the equipment to collect any spilled material. EBCS will take necessary precautions to ensure that material that might accumulate on the liner does not spill on the ground surface. Vehicle maintenance wastes, including used oils and other fluids, will be handled and managed by personnel trained in the

procedures outlined in this plan. Vehicle maintenance wastes shall be stored and disposed of in accordance with applicable federal, state and local regulations. Non-routine repairs can be conducted within the buffer zone only with approval from an EI and only with adequate containment.

4.0 SPILL RESPONSE

In the event of a spill, the release will be contained and remediated as soon as possible. The order of priorities after discovering a spill are to protect the safety of personnel and the public, minimize damage to the environment, and control costs associated with cleanup and remediation.

4.1 Spill Coordinator

EBCS' construction contractor will appoint a Spill Coordinator who will be responsible for the reporting of spills, coordinating contractor personnel for spill cleanup, subsequent site investigations, and associated incident reports. The Spill Coordinator, along with the EI, will be responsible for determining the extent of the spill containment and isolation area.

4.2 Immediate Response

**ALL SPILLS, REGARDLESS OF SIZE, MUST BE REPORTED TO THE
SPILL COORDINATOR AND EBSCS' EI**

The person observing the incident will take the following actions:

1. Assess the safety of the situation (including the risk to the surrounding public).
2. If safe to do so, make every effort to remove potential ignition sources and stop the source of the spill.
3. Promptly notify the Spill Coordinator and the EI. Report your name, the spill location, and the extent of the incident.

Upon learning of the spill, the Spill Coordinator will implement the following measures:

1. For an upland spill, if necessary, berms will be constructed with available equipment to physically contain the spill.
2. Absorbent materials will be applied to the spill area. Contaminated soils and vegetation will be excavated and temporarily placed on and covered by plastic sheeting in a containment area a minimum of 100 feet away from any wetland or waterbody, until proper disposal is arranged.
3. If a spill is beyond the scope of on-site equipment and personnel, an Emergency Response Contractor will be secured to further contain and clean up the spill.

4.3 Wetland or Waterbody Response

Regardless of size, the following conditions apply if a spill occurs near or into a stream, wetland, or other waterbody:

1. For spills in standing water, floating booms, skimmer pumps, and holding tanks shall be used as appropriate by the contractor to recover and contain released materials on the surface of the water.
2. For a spill threatening a waterbody, berms and/or trenches will be constructed to contain the spill before it reaches the waterbody. Deployment of booms, sorbent materials, and skimmers may be necessary if the spill reaches the water. The spilled product will be collected and the affected area cleaned up in accordance with appropriate state or federal regulations.
3. Contaminated soils in wetlands must be excavated, and placed on and covered by plastic sheeting in approved containment areas a minimum of 100 feet away from the wetland or waterbody. Contaminated soil will be disposed of as soon as possible in accordance with appropriate state or federal regulations.

5.0 REPORTING

With assistance from the EI, the Spill Coordinator is responsible for the completion of the Spill Report Form (Attachment 2). Completion of this form will assist in the assessment of the spill and provide information necessary for agency notification.

Specific minimum quantities for mandatory reporting of spills have not been established in North Dakota. North Dakota Department of Health (NDDH) regulations require that a spill of any size which may cause pollution to Waters of the State be reported immediately; however, it is acknowledged that collecting information and assessing the situation may take time. All spills which may potentially impact waters of the state, either surface water or groundwater, must be reported. This includes all substances, not just "hazardous materials."

The spill report form will be completed for all spills, including those spills that will not enter a water of the state, and submitted to the EI and EBCS' Construction Specialist within 4 hours of the occurrence. The Spill Coordinator, in coordination with the EI and EBCS' Construction Specialist, will then coordinate appropriately with the NDDH. Any spill that may enter a water of the state will be reported to the NDDH via telephone as soon as possible after the initial assessment. Additionally, the Spill Coordinator, in coordination with the EI and EBCS' Construction Specialist, will submit an Environmental Incident Report via NDDH's website (<http://www.ndhealth.gov/ehs/eir/NonOilField/>) for those spills that reach a Water of the State, and that were previously reported via telephone (see section 6.0).

6.0 NOTIFICATIONS

**IN THE EVENT OF A SPILL,
 EBCS OR ITS REPRESENTATIVE WILL NOTIFY THE APPROPRIATE
 FEDERAL, STATE, AND LOCAL AGENCIES**

6.1 Federal and State Agencies

TABLE 6.1-1 Bear Den Phase 2 Project Reporting Environmental Incidents		
Type of Incident	Agency	Office Hours Phone
Hazardous Substances and Oil Spills	Environmental Protection Agency, National Response Center (Washington D.C.)	(800) 424-8802 (24 hours)
Hazardous Waste Spills	N.D. Department of Health, Division of Emergency Management	(800) 472-2121 (After Hours Phone is the same)
Releases Affecting "Waters of the State" or Petroleum Products	N.D. Department of Health Division of Water Quality	(701) 328-5210
Radiological Materials	N.D. Department of Health Division of Air Quality	(701) 328-5188 or (701) 328-9921
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/ Emergency Planning and Community Right-to- Know Act (EPCRA) Hazardous Substances	Department of Emergency Services Division of Homeland Security	(701) 328-8100

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BEAR DEN PHASE 2 PROJECT

**ATTACHMENT 1
Response Team Contacts**

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**Bear Den Phase 2 Project
Response Team Contacts
(To Be Completed Prior to Construction)**

Title/Position	Phone/Pager Number(s)
CONSTRUCTION CONTRACTOR SPILL COORDINATOR TBD	
ENVIRONMENTAL INSPECTOR/S TBD	
CONSTRUCTION CONTRACTOR SUPERINTENDENT TBD	
CHIEF INSPECTOR TBD	
EBCS LEAD CONSTRUCTION SPECIALIST TBD	
OTHER EBCS CONSTRUCTION REPRESENTATIVES Erik Dilts, Environmental Projects Manager Danny Trueblood, Construction Manager	318 402-6459 918 439-6049

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BEAR DEN PROJECT PHASE 2

**ATTACHMENT 2
Spill Report Form**

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**Bear Den Phase 2 Project
Spill Report Form**

General Information

Date/time of spill: _____

Date/time of spill discovery: _____

Name and title of discoverer: _____

County: McKenzie

Township: _____ Range: _____ Section: _____

Milepost/Legal Description: _____

Directions from nearest community: _____

Spill Source and Site Conditions

Material spilled/estimated volume: _____

Estimated duration of spill: _____

Unique qualifier, if relevant, such as manufacturer: _____

Media in which the release exists (circle: sand, silt, clay, upland, wetland, surface water, other):

Topography and surface conditions of spill site: _____

Proximity to wetlands, surface waters (including ditches), or water supply wells: _____

Weather conditions at the time of release: _____

Describe the causes and circumstances resulting in the spill: _____

Describe the extent of observed contamination, both horizontal and vertical (e.g., spill-stained soil in a 5-foot radius to a depth of 1 inch): _____

Spill Control and Clean-up

Describe immediate spill control and/or clean-up methods used and implementation schedule:

**Bear Den Phase 2 Project
Spill Report Form**

Location of any excavated/stockpiled contaminated soil:

Location of where recovered waste will be disposed:

Disposal contractor: _____

Describe the extent of spill-related injuries and remaining risk to human health and environment:

Name, company, and telephone number of party causing spill (e.g., contractor):

Current status of cleanup actions:

Contact Information

Name and company for the following:

Construction Superintendent (Contractor):

Environmental Inspector (EI):

Landowner notified (if appropriate):

Date: _____

Spill Coordinator:

Chief Inspector (EBCS)

Form completed by:

Date: _____

Government agency notified **(to be completed by EI or EBCS' Construction Specialist)**:

Date: _____

Spill Coordinator must complete this form for any spill, regardless of size, and submit the form to the EBCS Construction Specialist and Environmental Inspector within 4 hours of the occurrence.