

October 2017

**Merriam Junction Sands, LLC**

***Spill Prevention, Control, and Countermeasure (SPCC) Plan***

Designated person accountable for Spill Prevention:  
Matt Bryan

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**1.0 Introduction**

This Draft SPCC Plan has been prepared for the proposed Merriam Junction Sands, LLC (MJS) sandstone, limestone, and sand and gravel mining and processing facility (MJS Mine) located in Scott County, MN. It is anticipated that the proposed MJS Mine will have over 1,320 gallons of above ground storage of fuels and will therefore be subject to the federal requirements of 40 CFR §112. This plan will be finalized upon Project approval, once an alternative has been selected and final design completed for the Project.

**2.0 Certification**

Facility: Merriam Junction Sands, LLC  
327 Marschall Rd; Suite 115  
Shakopee, MN 55379

Certification 40 CFR §112.3 (d)

I attest that I am familiar with the provisions of Title 40 of the Code of Federal Regulations (40 CFR) Part 112; that I or my agent have visited and examined the MJS Mine; that this Spill Prevention, Control, and Countermeasures (SPCC) Plan has been prepared in accordance with good engineering practices, including consideration of applicable industry standards; that procedures for required inspections and testing have been established; and that the Plan is adequate for the Facility.

Registered Professional Engineer Signature:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Registration Number: \_\_\_\_\_ Date \_\_\_\_\_

**2.1 SPCC Plan Approval 40 CFR §112.7**

This SPCC Plan has full approval of the management for MJS and MJS has committed the necessary resources to fully implement the plan.

Signature: \_\_\_\_\_ Date \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**2.2 Certification of Substantial Harm (Appendix C to part 112)**

The Oil Pollution Act of 1990 requires additional information and submission of the SPCC Plan to the USEPA Region V Regional Administrator if the MJS Mine could reasonably be expected to cause “substantial harm” to the environment by discharging oil into navigable water. Based on the Verification of Substantial Harm Determination, the MJS Mine does not pose “substantial harm” and therefore is not subject to this part of the rule. A copy of the Substantial Harm Determination Form is included in Appendix A.

### 2.3 Impracticability Determination 40 CFR §112.7 (d)

There is no determination of impracticability. MJS Mine management has determined that use of the containment and diversionary structures or readily available equipment to prevent discharged oil from reaching navigable waters is practical and effective at the MJS Mine.

## 3.0 Regulatory Applicability

This Spill Prevention, Control, and Countermeasure SPCC Plan has been prepared to satisfy State and Federal spill planning requirements in accordance with 40 CFR 112, and Minnesota Statutes Chapter 115E.

### 3.1 General Applicability – Oil Pollution Prevention 40 CFR § 112.1

The United States Environmental Protection Agency (USEPA) requires owners of non-transportation-related oil and petroleum products facilities to develop and implement a SPCC Plan. SPCC Plans must be prepared and implemented if: ***the capacity of any aboveground storage tank (AST) or the total aboveground aggregate storage capacity is greater than 1,320 gallons; and, due to its location, the facility could potentially allow a discharge of oil into or upon the navigable waters of the United States in quantities that may be harmful.*** MJS operates a nonmetallic mining operation in Scott County, MN known as the MJS Mine. The MJS Mine requires an SPCC Plan because the total capacity of petroleum products stored at the MJS Mine in containers greater than or equal to 55 gallons exceeds 1,320 gallons, and, due to its location, the MJS Mine could potentially allow discharge of oil into or upon the navigable waters of the United States.

The purpose of the SPCC Plan is to prevent the occurrence of oil spills by the use of sound engineering and management controls; and to prevent discharge of oil into or upon navigable waters of the United States or adjoining shorelines (including discharge of oil via groundwater). In the event a discharge occurs, the SPCC Plan identifies control and countermeasures. Specifically, this SPCC Plan has been developed to provide:

- A spill plan that protects health, safety and the environment;
- A description of engineering controls and management practices implemented to prevent spills or releases of hazardous materials or petroleum stored, used, and

transferred at the facility;

- A guide to be used by management in the case of a spill or release of hazardous materials or petroleum stored, used, and transferred at the MJS Mine; and
- Facility specific and material specific response procedures and notification information.

### 3.2 Minnesota Oil and Hazardous Substances Discharge Preparedness, Minnesota Statutes Chapter 115E

Minnesota Statutes Chapter 115E, the Oil and Hazardous Substance Discharge Preparedness Law, commonly referred to as the Spill Bill, requires all handlers of oil and hazardous substances to prevent and prepare for spills of these substances. Handlers must be prepared at all times to rapidly and thoroughly recover discharges<sup>1</sup>. The MJS Mine does not store more than 10,000 gallons of oil and therefore is not required to prepare a written prevention and response plan under MN Statutes Chapter 115E. However, the facility is subject to Minnesota Pollution Control Agency's (MPCA) above ground storage tank requirements.

### 3.3 Requirement to Prepare and Implement a SPCC Plan – 40 CFR § 112.3

This SPCC Plan has been prepared in general accordance with both Title 40, Code of Federal Regulations (CFR), Part 112, and the applicable requirements of Minnesota Statutes Chapter 115E. Collectively the Plan is referred to as the SPCC Plan or the Plan throughout this document.

### 3.4 Preparation and Implementation 40 CFR § 112.3(b)

The MJS Mine became operative before February 18, 2005, and is an active mining operation.

### 3.5 Plan Availability 40 CFR §112.3 (e)

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<sup>1</sup> Minnesota Statutes 115.061 It is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby. Notification shall be made to the Minnesota Duty Officer. Notification is not required for a discharge of five gallons or less of petroleum.

Minnesota Statutes 115E.02 A person who owns or operates a vessel or facility transporting, storing, or otherwise handling hazardous substances or oil or who is otherwise in control of hazardous substances or oil shall take reasonable steps to prevent the discharge of those materials in a place or manner that might cause pollution of the land, waters, or air of the state or that might threaten the public's safety or health.

This SPCC Plan will be available in the on-site offices of MJS. It has not been submitted to the USEPA, but will be available for review by the USEPA Regional Administrator during normal working hours.

### 3.6 Record of Plan Review and Amendments

#### Amendment of SPCC Plan by Regional Administrator – 40 CFR § 112.4

Amendments to this SPCC Plan may be required as a result of Regional Administrator review. Review of the adequacy of the SPCC Plan by the Regional Administrator will be instigated:

- Whenever the MJS Mine has discharged more than 1,000 gallons of oil in a single discharge into or upon navigable waters of the United States or adjoining shorelines, or
- Whenever the MJS Mine has discharged more than 42 gallons (one barrel) of oil in each of two discharges occurring within any 12 month period into or upon navigable waters of the United States or adjoining shorelines.

Within 60 days of either of these two events, the following spill information must be submitted to both the USEPA Region V regional administrator and the MPCA:

- a. Name of the facility;
- b. Name(s) of the owner or operator of the facility;
- c. Location of the facility;
- d. Maximum storage or handling capacity of the facility and normal daily throughput;
- e. Corrective actions and countermeasures that MJS has taken, including a description of equipment repairs and replacements;
- f. An adequate description of the facility, including maps, flow diagrams, topographical maps, and other maps;
- g. The cause of such discharge including a failure analysis of the system or subsystem in which the failure occurred;
- h. Additional preventive measures taken or contemplated to minimize the possibility of recurrence; and
- i. Such other information as the Regional Administrator may reasonably require pertinent to the Plan or spill event.

Upon receipt and review of the information the MPCA and USEPA may require an amendment to the SPCC Plan.

If amendments to the SPCC Plan are required by the Regional Administrator, the owner must amend the SPCC Plan within 30 days of receipt of such notice, unless the Regional

Administrator specifies another effective date.

3.7 Past history of spills on the site:

There is no history of spills at the site.

3.8 Amendment of SPCC Plan by Owners or Operator – 40 CFR § 112.5

Change in Facility Design, Construction, Operation, or Maintenance – 40 CFR § 112.5(a)

The SPCC Plan shall be amended, within six months, whenever there is a significant change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge. This includes but is not limited to commissioning or decommissioning containers, replacement, reconstruction, or movement of containers, reconstruction, replacement, or installation of piping systems, construction or demolition that may alter secondary containment structures, changes of product or service, or revision of a standard operation or maintenance procedure at the facility. The amendment must be implemented as soon as possible, but not later than six months following the preparation of the amendment.

3.9 Periodic Plan Review and Amendment 40 CFR §112.5(b)

The Plan must be reviewed and evaluated at least once every five years, and amended to include more effective prevention and control technology, if: (a) such technology will significantly reduce the likelihood of a spill event from the facility the amendments must be made within six (6) months of the review. Implementation of the amendments must be performed as soon as possible, but not later than six months following preparation of the amendment; (b) If such technology has been proven in the field, any technical amendments must be certified by a registered professional engineer.

Examples of technical amendments that require a professional engineer's certification include but are not limited to:

- Commissioning or decommissioning bulk storage containers;
- Replacement, reconstruction or movement of bulk storage containers;
- Reconstruction, replacement or installation of piping systems;
- Construction or demolition that alters secondary containment structures;
- Changes of product or service;
- Revision of standard operating procedures;
- Significant change in facility operation; and
- Significant change in national or area contingency plans.

Non-technical amendments do not require a professional engineer's certification. Examples of such non-technical amendments are:

- Change in the capabilities or role of a person named in the plan who has an important response role;
- Change in facility ownership;
- Changes in contact list; and
- Changes associated with oil storage of smaller tanks or vessels (i.e., 55-gallon barrels).

Table 1, provided below is to be completed following each review. By signing below, the reviewer certifies that he/she has completed review and evaluation of the SPCC Plan for the MJS Mine and will (will not) amend the plan as a result.

**Table 1: Five Year Review Log**

Review Date	Will Amend	Will Not Amend	Name and signature of person authorized to review this Plan

**3.10 Technical Amendment Engineer Certification – 40 CFR §112.5(c)**

I, or a designated agent, have completed a review and evaluation of the SPCC Plan amendment for:

MJS Mine  
 13580 Johnson Memorial Drive  
 Shakopee, MN 55379

The following changes were made to the SPCC Plan:

**Table 2: Technical Amendment Log**

Review Date	Description of Technical Amendment	Name and Signature of person certifying this technical amendment

I certify that I, or my designated agent have prepared this amendment in accordance with good engineering practices, including consideration of applicable industry standards. I further attest that procedures for required inspections and testing have been established, and that this SPCC Plan is adequate for the MJS Mine.

Registered Professional Engineer Signature:

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

Registration Number: \_\_\_\_\_ Date \_\_\_\_\_

## 4.0 General Requirements

This SPCC Plan has been prepared in accordance with good engineering practices. The SPCC Plan has full approval of management at a level of authority to commit the necessary resources to fully implement the SPCC Plan. This facility will comply with the applicable requirements of 40 CFR § 112.7.

### 4.1 Facility Description – 40 CFR § 112.7 (a)(3)

Facility Name: MJS Mine

Facility Address: 13580 Johnson Memorial Drive  
Shakopee, MN 55379.1110 6th Street N

Owner's Name: Merriam Junction Sands, LLC

Address: 327 Marschall Rd #115  
Shakopee, MN 55379

Phone: (952) 445-3900

Facility Contact: Matt Bryan: cell (612) 384-5594

Key Personnel: Greg Stepka: (952) 445-3900

#### 4.1.1 Location and Facility Description

The MJS Mine is a non-metallic mineral mine located in Scott County, Minnesota. The facility encompasses approximately 682 acres of land located in portions of Sections 16, 21 and 28, Township 115N, Range 23W. Nonmetallic mineral mining activities include quarrying, crushing, sorting, stockpiling and commercial sales. The eastern portion of the site is owned by Bryan Rock Products, Inc. and the western portion of the site is owned by Malkerson Sales, Inc.

Figure 1 is a USGS Quad Map excerpt that illustrates the general location of the facility with respect to surrounding features.

#### 4.1.2 Local Drainage Patterns and Distance to Navigable Waters

The site is located near the Minnesota River, Gifford Lake, and a floodplain wetland complex adjacent to the Minnesota River. The wetland complex, Gifford Lake and the Minnesota River are navigable waters of the United States. Portions of Gifford Lake and the wetland complex are on the site itself and the Minnesota River is located

approximately 1,000 feet from the site. The mine will create waterbodies that will be connected to the regional water table which flows west and discharges into the wetland complex, Gifford Lake and eventually the Minnesota River.

#### 4.1.3 Facility Drainage

Existing stormwater flow patterns are illustrated by arrows on Figure 2, Site Drainage Map. As quarry activity advances, existing stormwater patterns are altered and stormwater that currently drains off-site will be redirected internally through the quarry area where it will be treated prior to discharge or infiltrated on-site. Any discharges from the active mining areas will be directed to the intermittent streams and wetland areas in accordance with existing drainage patterns.

#### 4.1.4 Facility Diagram

Figure 3, Facility Site Map, (to be completed when SPCC is finalized) illustrates the layout of the MJS Mine including the storage and transfer areas, as well as the site's drainage features.

#### 4.1.5 Facility Storage Oil Storage – 40 CFR § 112.7 (a)(3)(i)

##### Container Storage

The site stores fuel and oil for day to day operations and maintenance activities. Fuel storage associated with the stable and farming operations is also stored on-site. Table 3 lists the oil storage containers on-site. It should be noted that Mid America Festivals leases a portion of the site and stores small amounts of fuel on-site in conjunction with their operations which is not covered under this SPCC Plan.

**Table 3: Oil Type and Storage Capacity**

Monthly							
ID	Description	Capacity (gallons)	Location	Materials	Secondary Containment	Controls	Inspection Frequency
1	Diesel	800	Next to BRP Scale house	Steel	Concrete	Visual – Manual valve	Monthly
2	Gasoline	800	Next to BRP Scale house	Steel	Concrete	Visual Manual Valve	Monthly
3	Used Oil	1,000	Next to BRP Scale house	Steel	Concrete	Visual Manual Valve	Monthly
4	Engine Oil	500	In shed next to BRP Scale house	Steel	Double Walled	Visual Manual Valve	Monthly
5	Hydraulic Oil	500	In shed next to BRP Scale house	Steel	Double Walled	Visual Manual Valve	Monthly
6	Kerosene	55	In shed next to BRP Scale house	Steel	No	Visual Manual Valve	Monthly
7	Diesel	250	Jaw Crusher	Steel	Double wall	Visual	Monthly
8	Diesel	300	Plant 2 Crusher	Steel	no	Visual	Monthly
9	Diesel	500	Screen Generator	Steel	No	Visual	Monthly
10	Diesel	300	Riprap plant Generator	Steel	No	Visual	Monthly
11	Diesel	300	CAT Generator	Steel	no	Visual	Monthly
12	Diesel	550	MS Stable area	Steel	Farm Tank no	Visual	Monthly
13	Gas	550	MS Stable area	Steel	Farm Tank no	Visual	Monthly
14	Diesel Future tank	800	Dry plant	Steel	Double wall	Visual	Monthly
15	Gas Future tank	800	Dry Plant	Steel	Double wall	Visual	Monthly

## 4.2 Discharge Prevention Measures – 40 CFR § 112.7 (a)(3)(ii)

This section discusses petroleum based products handled and stored.

40 CFR § 112.7 (a)(3)(ii) – Discharge prevention measures including procedures for routine handling of products (loading, unloading, facility transfers, *etc.*);

### 4.2.1 Procedures for Routine Handling and Spill Prevention

Fuel products are delivered to the MJS Mine by truck transport. The fuel is dispensed directly into the above ground storage tank (AST). Equipment fueling is conducted at the site by a fuel service truck on the mine floor.

- 800-gallon diesel tank and 800-gallon gasoline tanks: Product is transferred into the tank from a bulk tanker truck using flexible hose. The fuel service contractor's hose is connected to the fill pipe. The fill pipe is capped and locked when not transferring product. Transfers from the tank are completed using an electric pump and flexible hose.
- Portable drip pans are used under hose connections during transfer from the tanker truck to the ASTs.
- Used Oil Tank: Used oil is drained into the used oil tank using drainage pans and funnels. Product is transferred to a bulk tanker truck using an electric pump and flexible hose.
- 500-gallon tanks: Product is transferred into tanks from a bulk tanker truck. Product is gravity fed from the into hand held containers using manual valves. Small containers are used to deliver oil to facility equipment.
- 55-gallon barrel of kerosene: Product is gravity fed from the barrel into hand held containers using manual valves and used in the hot water heater and portable pressure washer.
- Generators, crushers and screen tanks are fueled by service truck.
- Farm tanks: Fuel is delivered to the tanks by truck transport.
- Manual valves are inspected prior to and after transfer of product to ensure they are closed and free of leaks.

Truck Transport filling procedures (transfer to on-site fuel storage): The following procedures have been developed and will be followed in order to reduce the potential for spills and hazards during truck loading/unloading operations. All transfer operations ensure that grounding is provided prior to making any connections:

- MJS will contact the vendors and order product.
- The vendor shall arrive at the site during working hours and check in with the site superintendent to gain access to the fuel tanks.
- An MJS representative will be present during the entire loading and unloading

- operation. The vendor will perform the actual transfer.
- Operators of gasoline/diesel and oil trucks must be licensed in accordance with state and federal regulations and be properly trained by the distributor in the use of the equipment.
  - Secure the truck for loading/unloading in a location that has easy access to hose connections.
  - Set brakes.
  - Place portable drip pan under hose transfer area.
  - Ensure grounding is connected to appropriate locations in order to prevent explosion.
  - Measure the volume of product in the tank to ensure there is adequate capacity to receive the transfer. Use the measuring stick to gauge the volume in the AST.
  - Make hose connections between storage tank fill line and tanker truck in proper sequence. Double check to insure all connections are tight.
  - Engage pump and move liquid from tanker truck. Check for leaks along hose, piping and at connections. If a leak is noted, stop the operation immediately and make repairs or arrange for repairs.
  - Close valve at end of hose connection to tanker truck to prevent spillage when disconnecting. Make sure all transfer lines are disconnected before departing.
  - Close the valve on the ASTs fill pipe. Cap the pipe and relock.
  - Prior to departure of the tanker, the lowermost drain and all outlets of the tank are inspected for leakage and, if necessary, tightened, adjusted, or replaced to prevent liquid leakage in transit.
  - Spill response materials are available to contain a spill in tank transfer areas. In addition, a quick response and control of a spill shall be implemented.

#### 4.2.2 Discharge or Drainage Control – 40 CFR § 112.7 (a)(3)(iii)

40 CFR § 112.7 (a)(3)(iii) – Discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge;

None of the tanks exceed 1,100 gallons and so secondary containment is not required by the MPCA. However, three of the tanks are double walled and concrete secondary containment is provided for the 800 gallon diesel, 800 gallon gasoline and the 1,000 gallon used oil tank near the Bryan Rock scale house. Stormwater that collects within the secondary containment structure will be inspected for oil sheen prior to discharge. Fuel tanks constructed for the dry plant area will be double walled. The farm tanks are located on a concrete pad where minor spills can be easily cleaned up.

#### 4.2.3 Countermeasures for Discharge Discovery, Response and Cleanup – 40 CFR § 112.7 (a)(3)(iv)

Immediate action must be taken to control, contain, and recover discharged product. All

employees should be alert to any discharge or leak of oil. If a discharge or leak of oil is noted, in general, the following steps will be taken:

- A. Eliminate potential spark sources if possible and safe to do so;
- B. Identify and shut down source of the discharge to stop the flow;
- C. Determine size of discharge, rate of discharge and direction of flow;
- D. Contain the discharge with sorbents, berms, trenches, sandbags, or other material;
- E. Take appropriate action to limit access to the discharge;
- F. Contact the facility manager or his/her alternate;
- G. Contact appropriate regulatory authorities and the response organization; and
- H. Collect and dispose of recovered products according to regulation.

#### 4.2.4 Methods of Disposal – 40 CFR § 112.7 (a)(3)(v)

The Spill Coordinator will define the actual cleanup responsibilities once the spill is contained and its magnitude determined. Once a spill is contained and if conditions warrant, equipment will be used to remove the pooled product. Sorbents will be containerized and disposed of properly. Contaminated soils/debris will be managed in a manner that complies with USEPA and State of Minnesota requirements for disposal of soils from spills. Cleanup activities will include spill/environmental sampling as approved by the MPCA to ensure that all material is removed in accordance with State cleanup levels. The Emergency Response Contractor may have the ability to sample at the time of the spill in the event that sampling is required.

#### 4.2.5 Emergency Response Contact List – 40 CFR § 112.7 (a)(3)(vi)

Numbers for clean-up contractors, supplies and equipment that may be utilized in the event of a discharge include, but are not limited to:

Bay West  
5 Empire Drive  
St. Paul, MN 55103  
651.291.0456

OSI Environmental  
300 Fayal Road  
Eveleth, MN 55734  
800.777.8592  
218.749.3064

Spill Response Contact List

In the event of an Emergency dial 911

Primary Spill Coordinator:

Matt Bryan ..... 612 384-5594

Other MJS Contacts

Emergency Response Services: Police, Fire, Ambulance .....911  
 State MN State Duty Officer (MPCA)..... 800-422-0798  
 National Response Center (EPA)..... 800 424-8802  
 Scott County Hazardous Waste Office.....952 496-8787  
 Scott County Sheriff.....952 496-8300  
 Scott County Emergency Management.....952 496-8530

Hospitals

St. Francis Regional Medical Center – Urgent Care.....925 428-3000

4.2.6 Discharge Reporting – 40 CFR § 112.7 (a)(4)

SPCC Spill Reporting Requirements –

40 CFR § 112.7 (a)(4)

40 CFR § 112.7 (a)(3)(iv)

MJS will notify the MPCA immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and they will recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby. The USEPA and the MPCA each have reporting requirements. MJS is responsible for complying with both sets of regulations.

Table 4: Reportable Quantities

Substance	USEPA Reportable Quantity (RQ) Pounds	MPCA Reportable Quantity
Diesel Fuel/Fuel Oil	Harmful Quantities*	Any release greater than 5 gallons, <b>including releases to secondary containment</b>
Gasoline	Harmful Quantities*	Any release greater than 5 gallons, <b>including releases to secondary containment</b>

Kerosene	Harmful Quantities*	Any release greater than 5 gallons, <b>including releases to secondary containment</b>
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\*Harmful to public health or the environment. The USEPA considers “harmful” to be discharges that violate water quality standards and/or cause a film or “sheen” on navigable waters.

#### 1) Federal Reportable Quantity (40 CFR § 110.3)

Discharges of oil in such quantities that may be harmful to the public health<sup>2</sup> or the environment including discharges that violate applicable water quality standards, or discharges that cause a film or sheen upon or discoloration of the surface water, shall notify the National Response Center (NRC). Basically, any quantity of oil/petroleum that reaches navigable water (surface water) must be reported to the NRC following spill discovery.

Federal Contact (National Response Center)

1-800-424-8802

Notification shall include:

- Name, address and telephone number of person reporting;
- Exact Location of the incident (Name and address of facility);
- Phone number of the facility;
- Date and time the incident occurred or was discovered;
- Source and cause of the release;
- Type of material discharged;
- Estimate of total Quantity discharged;
- Medium into which the substance was discharged;
- Estimate of amount spilled into water;
- Weather conditions;
- Number and types of damages and injuries/fatalities;
- Whether an evacuation has occurred;
- Description of current and final clean up actions; and
- Other agencies notified or about to be notified.

#### 2) State Reportable Quantities

Notify the State Duty Officer (800-422-0798) immediately of the discharge of any quantity of substance or material that, if not recovered may cause pollution of waters of the state.

**This includes releases to secondary containment.** Notification is not required for a discharge of petroleum that is completely contained on an impervious surface, or a discharge of five gallons or less of petroleum product.

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<sup>2</sup> Harmful to public health or the environment. The USEPA considers “harmful” to be discharges that violate water quality standards and/or causes a film or “sheen” on navigable waters.

MJS will notify the State Duty Officer immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and they will recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby. USEPA and the State of Minnesota each have reporting requirements. MJS is responsible for complying with both sets of regulations.

#### 4.2.7 Discharge Response Procedures – 40 CFR § 112.7 (a)(5)

Prompt response to a spill is the best means of minimizing any impact to the environment, preventing a discharge from reaching waters of the United States. In the case of a product spill, appropriate and timely measures will be taken to prevent the migration of spilled products and protect the health and safety of the public. Key steps of the SPCC Plan are presented in the following section. The SPCC Plan identifies who contains the spill and when outside sources (such as police, fire, or emergency response personnel) are needed to control and clean up the spill.

##### Spill Response Plan

Once a spill is detected at the facility, the detector will quickly assess the immediate area with regard to safety and potential for fire, explosion, or personal injury. In the event of, or potential for, a fire, explosion, or personal injury, they will notify local emergency units and take appropriate action as required (appropriate actions are those that follow and must be considered in the framework of the level of training provided for responders). The detector will also notify the facility Spill Coordinator, Matt Bryan. The spill area will be isolated and evacuation initiated as needed. Specific response procedures are discussed in greater detail below.

##### Response to a Minor Discharge

A “minor” discharge is defined as one that poses no significant harm (or threat) to human health and safety or to the environment. Minor discharges are generally those where:

- 1) The quantity of product discharged is small (e.g., may involve less than 5 gallons of oil);
- 2) Discharged material is easily stopped and controlled at the time of the discharge;
- 3) Discharge is localized near the source;
- 4) Discharged material is not likely to reach water;
- 5) There is little risk to human health or safety; and
- 6) There is little risk of fire or explosion.

Minor discharges can be cleaned up by MJS personnel. The following guidelines apply:

- 1) Immediately notify the facility manager;

- 2) Clean up spill materials and dispose of materials appropriately. All hazardous materials shall be picked up and disposed of by a licensed hazardous waste hauler in accordance with all State and Federal rules;
- 3) If the discharge is a non-emergency and the volume is greater than 5 gallons, the facility manager will complete the Notification for Hazardous Substance Discharge Form; and
- 4) If the spill poses a threat to human or environmental health, report the discharge to the Minnesota's 24-Hour Spill Hotline.

#### Response Procedures for a Large or Major Spill

A large spill at the site will most likely be the result of a tank rupture or equipment failure during transfer. Trained response personnel will use spill equipment to capture and stop product flow. The following procedures will be used for large spill containment:

- 1) The detector will assess conditions to protect safety of all personnel and dial 911 if there is an immediate threat to life, safety, or property;
- 2) If safe to do so, close the appropriate valve(s) on tank, tanker truck, or pipeline. The fuel service contractor will close the tank valve(s). The truck operator will close the tanker truck valve(s);
- 3) The operator of the transfer pump will stop the operation of the transfer pumps (if it can be done safely);
- 4) The operator will also eliminate all ignition and heat sources;
- 5) The detector will immediately warn employees in the vicinity of the spill by voice. If spill releases vapors, move to fresh air and avoid low or confined areas. If evacuation of a larger area is necessary, employees will be notified by two-way radio by the detector;
- 6) Notify the Spill Coordinator and provide the following information;
  - a. Spill location;
  - b. Nature of the spill;
  - c. Volume of the spill;
  - d. Description of the measures taken;
- 7) The Spill Coordinator will call External Emergency Responders if necessary (spill beyond scope of available equipment, beyond scope of training, etc.);
- 8) The Spill Coordinator will determine if it is a reportable spill and contact the State Duty Officer Spill Coordinator and the National Response Center if necessary;
- 9) The Spill Coordinator will call External Emergency Responders if necessary (spill beyond scope of available equipment, beyond scope of training, etc.);
- 10) DO NOT attempt to respond to spills for which you are not trained. Employees should only be involved in mitigating efforts downstream and away from the spilled material. Only respond to spills if wearing the proper protective equipment (PPE);
- 11) The Spill Coordinator should control the spill response as an Incident Commander until relieved of his/her duty. The Spill Coordinator will perform any action that is safely possible to contain the spill. If the Spill Coordinator is not on-site, response

actions should only involve mitigative actions downstream from the spill, in accordance with the responders training level, until an Incident Commander is on the scene;

- 12) In the event that outside contractors and/or emergency response personnel are needed, the Spill Coordinator should control the scene until the appropriate personnel arrive and the emergency response personnel arrive on the scene at which time a Unified Command should be formed. The Spill Coordinator will continue to remain on-site and share command of the scene with the Incident Commander. The Spill Coordinator will be responsible for keeping personnel away from the spill area, ensuring personnel mitigating the spill are wearing appropriate attire and are appropriately trained for the situation and giving direction on spill mitigation efforts;
- 13) The on-scene Spill Coordinator and Incident Commander, typically the highest ranking local fire or police official on-site, will command response activities as discussed below under unified command;
- 14) Contain the spill using appropriate absorbent materials or on-site equipment. Spills can be contained by using granular absorbent, absorbent pads or on-site equipment to excavate impacted soils;
- 15) Divert flow from any drains, drainage channels, etc.;
- 16) If the spill has left the property, take appropriate actions, notify external contractors (as necessary), and make necessary notifications;
- 17) Clean up spill materials and dispose of materials appropriately. Spill and disposal procedures are detailed in Table 5. All hazardous materials shall be picked up and disposed of by a licensed hazardous waste hauler in accordance with all State and Federal rules; and
- 18) Complete a Spill Report Form.

#### Spill Containment Equipment Locations

Spill containment equipment includes floor dry and shovels located near the scale house. Loaders, dozers and other machinery are available on the floor of the quarry. Spill equipment locations are shown on the Facility Diagram. Spill equipment inventory inspection is completed and logged monthly. This inventory and inspection shall be documented.

#### 4.2.8 Discharge Potential – 40 CFR § 112.7 (b)

##### Oil Containers:

The most probable causes for spills for the storage containers and tanks is during loading due to operational or equipment failure during oil transfers, however, a number of events can cause releases:

- Overfilling and spilling during transfers;
- Tank/Container rupture or leakage;
- Container damage due to forklift handling;
- Incorrect hose coupling during transfers;
- Failure of delivery truck tank, hoses, fittings, and valves;
- Piping failure or rupture; and
- Valve failure or leakage.

If a spill were to occur during oil transfer, the spill event would most likely be small and could be contained within close proximity of the spill. Secondary containment is provided and spill clean-up supplies are available adjacent to the oil containers and AST.

Table 6 summarizes the potential type of failure, potential spill volume, estimated rate and direction of spill flow from the tanks.

**Table 4: Potential Spill Sources and Volumes**

Potential Spill Event	Spill Description	Volume Released (gal)	Spill Rate (gpm)
A 1,000 or 800-gallon tank rupture	Oil will be contained in the secondary containment structure. If secondary containment fails, oil will flow over the concrete pad. A spill exceeding the concrete secondary containment would flow east into a drainage ditch that runs along the northern Bryan Rock property line and into a stormwater pond.	1,000	1,000
A 1,000 or 800-gallon tank leak	Oil will be contained in the secondary containment structure. If secondary containment fails, oil will flow over the concrete pad. A spill exceeding the concrete secondary containment would flow east into a drainage ditch that runs along the northern Bryan Rock property line and into a stormwater pond.	Up to 1,000	Variable
1,000 or 800-gallon tank overfill	Fuel will be spilled onto the concrete pad.	40 <sup>a</sup>	80 <sup>b</sup>
Transfer truck failure, hose rupture, pump failure, or fill pipe failure/leak	Spills would pool in the portable drip pans. Spills exceeding the volume of the portable drip pans would flow east into a drainage ditch that runs along the northern Bryan Rock property line and into a stormwater pond.	160 <sup>c</sup>	80
Tanks associated with generators and processing equipment	Direction spill would flow will depend upon the locations and set up of processing spreads. Which change as mining progresses.	500	500

550-gallon farm tanks	Spills would	550	550
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<sup>a</sup> Based on a maximum pumping rate of 80 gpm from the fill truck and a maximum of 30 seconds to turn off the pump

<sup>A</sup> approximate maximum pumping rate of fill truck

<sup>B</sup> based on a maximum pumping rate of 80 gpm and 1 minute to turn off pump plus fuel in lines that may be released.

Based on the above information, the maximum reasonable quantity of a spill is 1,000 gallons, which is located in concrete secondary containment. The maximum reasonable quantity of a spill that does not have secondary containment is 550 gallons. Fuel transfers take place over portable drip pans.

#### 4.2.9 Containment and Spill Control – 40 CFR § 112.7 (c)

Appropriate containment and/or diversionary structures or equipment will be provided to prevent a discharge. The containment system, will be capable of containing fuel and oil and will be constructed so that any discharge from a primary containment system will not escape the containment system before cleanup occurs.

At a minimum, this site will utilize the following prevention systems:

- double walled tanks
- concrete secondary containment
- concrete pads
- sorbent materials
- Excavating equipment
- portable drip pans

#### 4.2.10 Inspections, Testing, and Recordkeeping – 40 CFR § 112.7 (e)

A qualified individual will conduct a visual inspection of all secondary containment areas, tanks, piping, petroleum storage areas etc. at least monthly. The secondary containment area will be inspected after every rainfall, which may be more frequently than the required monthly inspection for the secondary containment area noted above. The inspection log will be maintained for at least 3 years and document, at a minimum, the following:

- Walk the site to identify cracks in the containment and substance transfer areas;
- Visually examine all tanks, piping, valves, pumps and other equipment surfaces for cracks, corrosion, releases and maintenance deficiencies;
- Identify poor maintenance and operating practices, or malfunctioning equipment

The inspection log will include:

- Date
- Qualified official/designee

- Areas, tanks, containers, and equipment inspected
- Tank, piping, valve damage/leaks Instrumentation condition
- Secondary containment condition
- Necessary corrective action
- Signature of appropriate supervisor or inspector

#### 4.2.11 Training Procedure – 40 CFR § 112.7 (f)

Proper training is a continual process. All employees will receive basic instruction in the operation and maintenance of equipment to prevent discharge, discharge procedures, protocols, applicable pollution control rules and regulations, general facility operations. In addition, employees will receive an introduction to the SPCC Plan and spill prevention procedures. Employees are trained and instructed on what spill prevention measures they are qualified to perform and when they need to call in the assistance of other employees. All training records are maintained in the on-site offices.

Only properly trained personnel will respond to spills. Personnel have been trained to recognize their limits during a response. During initial assessment of the situation, personnel determine their ability to respond. If response, spilled material, or conditions exceed their ability, personnel shall contact appropriate parties and secure the scene until help arrives. Responders with proper training assess the situation and don the proper personal protective equipment (PPE) as required by the conditions and materials prior to taking action. In the event that appropriate PPE is not available, responders will coordinate evacuation of the area and wait for help. Responders will use their training and knowledge of the spill to determine the PPE and evacuation requirements.

MJS will conduct annual training refresher courses, and spill response readiness exercises. Training may include reviewing of the SPCC Plan, HazMAT awareness and procedures, tabletop spill drills, and physical spill response drills. Additionally, MJS's spill response contractors have trained personnel and equipment ready to respond to all potential spill scenarios, including the worst-case scenario.

#### 4.2.12 Security – 40 CFR § 112.7 (g)

Security is meant to prevent discharges of oil that could result from acts of vandalism or other unauthorized access. The site will not be fenced, however the following procedures will be followed to secure the AST and storage areas.

- 1) Site access will be secured with a locking gate.
- 2) Piping valves on the outdoor bulk storage container are locked in the closed position when not in use for transfer. The fill port for the tank is also kept locked.
- 3) Pump controls (electric and air driven) are all located within the facility with no access to unauthorized individuals.