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ATTORNEYS AT LAW
WASHINGTON HARBOUR
3000 K STREET, N.W.
SUITE 600
WASHINGTON, D.C. 20007-5109
202.672.5300 TEL
202.672.5399 FAX
WWW.FOLEY.COM

WRITER'S DIRECT LINE
202.295.4097
DRalston@foley.com EMAIL

CLIENT/MATTER NUMBER
104677-0104

Ms. Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: **Finance Docket No. 35141, U S Rail Corporation—
Construction and Operation Exemption—Brookhaven Rail
Terminal**

Dear Ms. Brown:

This firm serves as outside counsel to Brookhaven Rail, LLC, and Brookhaven Rail Terminal (collectively “BRT”), located in Yaphank, New York. By this letter, BRT is filing a revised version of BRT’s Spill Prevention, Control, and Countermeasures (“SPCC”) Plan in Finance Docket No. 35141.

As background, the development of the SPCC Plan was specified in Environmental Condition Number 2 by the Board in its 2010 decision, *U S Rail Corporation—Construction And Operation Exemption—Brookhaven Rail Terminal*, STB Finance Docket No. 35141 (STB served Sept. 9, 2010) (“2010 Decision”).¹ The Board, by decision served August 28, 2014, directed BRT to file proof of compliance with the specified environmental conditions in the 2010 Decision, *U S Rail Corporation—Construction And Operation Exemption—Brookhaven Rail Terminal*, STB Finance Docket No. 35141 (STB served Aug. 28, 2014) (“2014 Decision”), at 4.² BRT timely filed their

¹ In the 2010 Decision, the Board granted an exemption under 49 U.S.C. § 10502 from the provisions of 49 U.S.C. § 10901 for U S Rail Corporation (“US Rail”) to construct and operate an 18,000-foot rail line on a 28-acre parcel (“Parcel A”) in Yaphank, Suffolk County New York. US Rail assigned its construction and operation authority, and underlying leasehold interest in Parcel A, to US Rail New York, LLC (“US Rail NY”). 2014 Decision at 1, n.2. Brookhaven Rail is the successor to US Rail NY as to Parcel A, *id.* BRT is also the trade name for Brookhaven Terminal Operations, LLC, the operator of the actual transloading operations on Parcel A.

² Environmental Condition No. 2 stated: Develop and implement spill prevention, control, and countermeasures plan to ensure protection of the Nassau-Suffolk Sole Source Aquifer in the event of an accidental spill. The SPCC Plan shall be developed in accordance with Article 12 of the Suffolk County Sanitary Code and EPA regulations at 40 C.F.R. § 112.7. 2010 Decision, Appendix.



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Response to Board Directive to File Proof of Compliance with Specified Environmental Conditions on September 29, 2014. Thereafter, the Town of Brookhaven filed a *Reply to Brookhaven Rail Terminal and Brookhaven Rail LLC's Response* on October 20, 2014, and BRT filed their *Reply to the Town's Reply to BRT's Response* ("BRT Reply") on November 10, 2014, with a motion for leave to file the BRT Reply.

As indicated in BRT's Response and subsequent BRT Reply, BRT engaged environmental engineering consultant P.W. Grosser to develop the SPCC Plan, initially prepared on August 22, 2013, and certified by Theresa M. Colabella, Professional Engineer. As BRT discussed in the BRT Reply, BRT Reply at 6, BRT and P.W. Grosser have been developing an update of the SPCC Plan to reflect current operations. The most recent version of the plan, certified by BRT and Ms. Colabella, is enclosed for filing. As previously noted, BRT has not experienced a toxic or hazardous material spill or incident of similar nature at the site, Response at 9, and that situation continues to today.

The enclosed revision of the SPCC Plan is subject to two potential further amendments. First, as previously discussed in the Response, at 8, and BRT's Reply at 8, n.6, BRT has been engaged in discussions with Suffolk County officials to determine the extent to which Article 12 of the Suffolk County Sanitary Code applies to BRT. The ongoing dialogue with Suffolk County has clarified that Article 12 does not apply to the soybean oil BRT handles at its facility. Article 12 does cover used oil, another product that BRT transloads, and BRT and Suffolk County representatives have been working through the Article 12 permitting process as applied to transloading of used oil at BRT.

BRT and representatives of Suffolk County met at the BRT site on Friday, November 21, 2014 to review the precise requirements of Article 12 as applied to the transloading of used oil at BRT. Although the SPCC Plan and the secondary containment capacities of BRT's onsite operations already largely address the requirements of Article 12, Suffolk County's issuance of an Article 12 permit likely will result in additional protective steps and the need for further changes to the SPCC Plan. For example, the SPCC Plan focuses on containment of used oil from the perspective of the tanker trucks involved in transloading, and now BRT expects the SPCC Plan will need to be modified to address the issue from the rail tank car perspective. While the Article 12 permitting process is anticipated to take six to eight weeks, BRT expects that the determination of further amendments to BRT's SPCC Plan can be made prior to that point. Once that determination is made, BRT will advise the Board, and file a revised version of its SPCC Plan with the Board upon the final implementation and County approval of any required facility improvements.

Second, on October 28, 2014, the Board's Office of Environmental Analysis provided us with a number of questions and comments addressed to BRT's September 29, 2014 Response. In the main, the enclosed revised version of BRT's SPCC Plan addresses the matters raised by the Board staff's questions and comments on October 28. BRT intends to file a detailed response to



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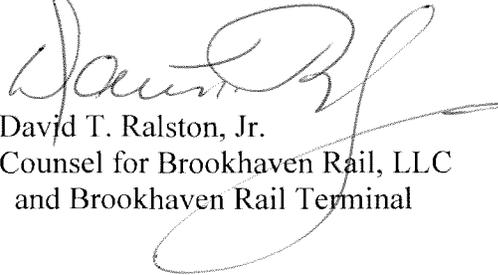
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those questions and comments in the near future, and if further changes to the SPCC Plan are required to address those questions/comments, a revised SPCC Plan will be prepared. BRT will address that issue in the filing addressing the Board staff's questions. Please do not hesitate to contact us should the Board have additional questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David T. Ralston, Jr.", written over a horizontal line.

David T. Ralston, Jr.
Counsel for Brookhaven Rail, LLC
and Brookhaven Rail Terminal

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2014, I caused to be served the revised version of Brookhaven Rail Terminal and Brookhaven Rail, LLC's Spill Prevention, Control, and Countermeasures Plan in Finance Docket 35141, by first-class mail, postage prepaid, upon the following Parties of Record in this proceeding:

TO: Judah Serfaty, Esq.
Rosenberg Calica & Birney LLP
100 Garden City Plaza, Suite 408
Garden City, NY 11530

Robert M. Calica, Esq.
Rosenberg Calica & Birney LLP
100 Garden City Plaza, Suite 408
Garden City, NY 11530

NYS Dept of Transportation
50 Wolf Road
Albany, NY 12232
Attn: Robert A. Rybak, Esq.

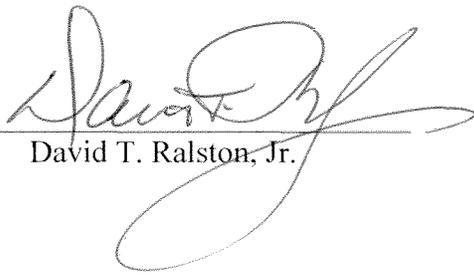
Lyngard Knutson, Esq.
Region 2 E.P.A.
290 Broadway, 25th Floor
New York, NY 10007

NYS Dept. of Environmental Conservation
New York Natural Heritage Program
Albany, NY 12233-4757
Attn: Tara Seoane

Field Office Supervisor
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967

MTA Long Island Rail Road
Jamaica Station
Jamaica, NY 11435-4380
ATTN: Helena E. Williams

New York & Atlantic Railway
68-01 Otto Road
Glendale, NY 11385
ATTN: Paul Victor



David T. Ralston, Jr.

SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN

Brookhaven Rail Terminal Yaphank, New York

Prepared for:
Brookhaven Rail Terminal
205 Sills Road
Yaphank, NY 11980



Project No.: BRT1301

Prepared By:

P.W. Grosser Consulting, Inc.
630 Johnson Avenue, Suite 7
Bohemia, NY 11716
Phone: (631) 589-6353
Fax: (631) 589-8705



Strategic Environmental Engineering Solutions

Initial Plan: Aug. 22, 2013

Revision: Nov. 18, 2014

SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN

Brookhaven Rail Terminal
Yaphank, New York



Prepared for: Brookhaven Rail Terminal

Prepared By: P.W. Grosser Consulting, Inc.

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Introduction

The purpose of the Spill Prevention, Control, and Countermeasure (“SPCC”) Plan is to describe measures implemented by Brookhaven Rail Terminal (“BRT”) to prevent oil discharges from occurring and to prepare BRT to respond in a safe, effective, and timely manner to mitigate the impacts of a discharge event.

This SPCC Plan has been prepared to meet the requirements of the Title 40, Code of Federal Regulations, Part 112 (40 CFR part 112).

In addition to fulfilling regulatory requirements, the SPCC Plan is used as a reference for used oil storage information, as a tool to communicate practices on preventing and responding to discharges with employees, and as a resource during an emergency response.

BRT management has determined that the BRT facility (“Facility”) does not pose a risk of substantial harm under 40 CFR Part 112, as recorded in the “Substantial Harm Determination” included in Appendix B of this SPCC Plan.

This SPCC Plan provides guidance on key actions that BRT must perform to comply with the SPCC rule, including:

- Perform preventive maintenance of equipment, secondary containment systems, and discharge prevention systems described in this SPCC Plan as required to maintain proper operational effectiveness.
- Conduct annual employee training as outlined in the Personnel, Training, and Discharge Prevention Procedures section of this SPCC Plan (Section 3.6) and document the training sessions on the log included in Appendix C.
- If either of the following occurs submit the SPCC Plan to the EPA Region 2 Regional Administrator (RA) and the New York State Department of Environmental Conservation Region 1 (NYSDEC), along with other information as detailed in Section 3.1 of this SPCC Plan:
 - The Facility discharges more than 1,000 gallons of oil into or upon the navigable waters of the U.S. or adjoining shorelines in a single spill event; or
 - The Facility discharges oil in quantity greater than 42 gallons in each of two spill events into or upon the navigable waters of the U.S. or adjoining shorelines within any 12-month period.
- Review the SPCC Plan at least once every five (5) years and amend it to include more effective prevention and control technology, if such technology will significantly reduce the likelihood of a spill event and has been proven effective in the field at the time of the review. SPCC Plan amendments, other than administrative changes discussed below and

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in Section 1.3, must be recertified by a Professional Engineer (PE) on the certification page in Section 1.1 of this SPCC Plan.

- Amend the SPCC immediately whenever there is a change in Facility design, construction, operation, or maintenance that materially affects the Facility's spill potential. The revised SPCC Plan must be recertified by a Professional Engineer.
- Review the SPCC Plan on an annual basis and update to reflect any applicable "administrative changes", for example the list of emergency equipment changes, or if there are personnel changes or revisions to the contact information, such as phone numbers. Administrative changes must be documented in the SPCC Plan review log of Section 1.3 of this SPCC Plan, but do not require recertification by a PE.

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Part 1: SPCC Plan Administration

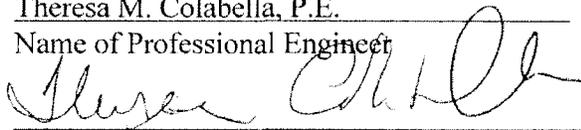
1.1 Professional Engineer Certification (40 CFR 112.3(d))

ENGINEER'S CERTIFICATION OF SPCC PLAN

In accordance with 40 CFR Part 112.3(d), I hereby certify that I or my agent have visited and examined the Facility, and being familiar with the requirements of 40 CFR Part 112, attest that this SPCC Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of 40 CFR Part 112.. I also certify that procedures for required inspections and testing as referenced in this SPCC Plan have been established and that this SPCC Plan is adequate for this Facility. This certification in no way relieves the owner or operator of this Facility of the duty to fully implement this SPCC Plan in accordance with the requirements of 40 CFR Part 112. This SPCC Plan is valid only to the extent that BRT installs, maintains, tests, and inspects equipment and materials; trains personnel; and maintains documentation as specified in this SPCC Plan.

Theresa M. Colabella, P.E.

Name of Professional Engineer



Signature of Professional Engineer

Registration Number 081911, State of New York

Date: November 18, 2014



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1.2 Location of SPCC Plan (40 CFR 112.3(e))

In accordance with 40 CFR 112.3(e), a complete copy of this SPCC Plan is maintained at the Facility in the Scale House Office, which is attended whenever the Facility is operating, i.e., generally 6am to 4pm, six (6) days per week. The security booth at the entrance of the Facility is attended 24 hours a day, seven days a week, 365 days a year.

1.3 SPCC Plan Review (40 CFR 112.3 and 112.5)

In accordance with 40 CFR 112.5(a) Brookhaven Rail Terminal periodically reviews and evaluates this SPCC Plan for any change in the Facility design, construction, operation, or maintenance that materially affects the Facility's potential for an oil discharge including, but not limited to, the following:

- Applicable regulations are revised.
- The SPCC Plan fails in an emergency.
- The Facility changes – in its design, construction, operation, maintenance, or other circumstances – in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency.
- The list of emergency coordinators changes.
- The list of emergency equipment changes.
- Commissioning of containers.
- Construction or installation of piping systems.
- Construction or demolition that might alter secondary containment structures.
- Changes of product or service, revisions to standard operation, and use of new or modified industry standards or maintenance procedures.

Amendments to the SPCC Plan made to address changes of this nature are referred to as technical amendments, and must be certified by a PE. Non-technical amendments can be done (and must be documented in this section) by the Facility owner and/or operator. Non-technical amendments include the following:

- Changes to Facility operations or site plan that do not materially affect BRT's potential for an oil discharge.
- Change in the name or contact information, i.e., telephone numbers, of individuals responsible for the implementation of this SPCC Plan.
- Change in the name or contact information of spill response or cleanup contractors.

BRT must review the SPCC Plan and make the needed revisions to the SPCC Plan as soon as possible after the change occurs. The SPCC Plan must be implemented as soon as possible following any technical amendment. BRT management is responsible for initiating and coordinating revisions to the SPCC Plan.

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1.3.2 Scheduled SPCC Plan Reviews

In accordance with 40 CFR 112.5(b), BRT reviews this SPCC Plan at least once every five (5) years. Revisions to the SPCC Plan, if needed, are made within six months of the five-year review. A registered Professional Engineer certifies any technical amendment to the SPCC Plan, as described above, in accordance with 40 CFR 112.3(d). The SPCC was created on Aug. 22, 2013 and revised on Oct. 24, 2014, and Nov. 18, 2014. The next SPCC Plan review is therefore scheduled to take place on or prior to Nov. xx, 2019.

1.3.3 Record of SPCC Plan Reviews

Scheduled reviews and SPCC Plan amendments are recorded in the SPCC Plan Review Log (Table 1-1). This log must be completed even if no amendment is made to the SPCC Plan as a result of the review. Unless a technical or administrative change prompts an earlier review of the SPCC Plan, the next scheduled review of this SPCC Plan must occur by Nov. 18, 2019.

Table 1-1: SPCC Plan Review Log

By	Date	Activity	PE certification required?	Comments
Theresa Colabella, PE	Aug 22, 2013	Initial SPCC Plan	Yes	None
Theresa Colabella, PE	Oct 24, 2014	SPCC Plan Modification	Yes	Add soybean oil and 500-gal diesel tank
Theresa Colabella, PE	Nov 18, 2014	SPCC Plan Modification	Yes	Loading/Unloading description, tank changes

*Previous PE certifications of this SPCC Plan are summarized below.

Date	Scope	PE Name	Licensing State and Registration No.
August 2013	Initial SPCC Plan	Theresa Colabella, PE PW Grosser Consulting	NY - 081911

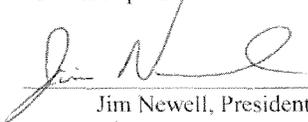
1.4 Management Approval and Designated Person (40 CFR 112.7)

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1.4 Management Approval and Designated Person (40 CFR 112.7)

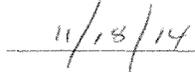
Brookhaven Rail Terminal (BRT) is committed to the prevention of discharges of oil to navigable waters or the environment, and maintains the highest standards for spill prevention, control and countermeasures through periodic review, updating and implementation of this SPCC Plan. BRT will provide the manpower, equipment and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful. This SPCC Plan is fully approved by the management of BRT as required by 40 CFR 112.7 and has been implemented as described.

Signature:



Jim Newell, President

Date:



11/18/14

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1.6 Compliance with Applicable Requirements (40 CFR 112.7(a)(2))

The Facility is in compliance with 40 CFR 112.7(a)(2). There are no deviations to this SPCC Plan.

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Part 2: General Facility Information

Facility Name: Brookhaven Rail Terminal

Location: 205 Sills Road
Yaphank, New York 11980

Manager: Jim Newell
President

Phone Number: 631-924-8800, Cell 646-302-1432

Owner/Operator: Brookhaven Terminal Operations, LLC and
Brookhaven Rail, LLC
205 Sills Road
Yaphank, New York 11980

Type: Rail Terminal

Date of Initial Operations: 2011

Latitude: N 40 degrees 49 minutes 30 seconds
Longitude: W 72 degrees 56 minutes 19 seconds

2.1 Facility Description (40 CFR 112.7(a)(3))

2.1.1 Location and Activities

The Facility measures approximately 28 acres and is located off Exit 66 of the Long Island Expressway at 205 Sills Road in Yaphank, NY. A Vicinity Map showing the location of the Facility is provided as Figure 1 and a Site Plan showing the Facility layout is provided as Figure 2 in Appendix A. BRT is the first multi-modal rail freight facility on Long Island to provide rail based shipping, warehousing and Logistic Services. The Facility has been in operation since 2011 and at present includes 13,000 feet of track.

Used oil transloading operations are conducted at the south end of the property as indicated on Figure 2. Trucks with a maximum capacity of 6,800 gallons of used oil transfer contents to an awaiting railcar with a maximum capacity of 26,000 gallons. On average, three railcars per week are filled and shipped out to destination facilities or transfer stations.

Soybean oil transloading operations are also conducted at the south end of the property as indicated on Figure 2. Trucks with a maximum capacity of 12,000 gallons receive soybean oil (B100) from railcars with a maximum capacity of 26,000 gallons. On average, three soybean oil railcars are emptied per week from October through April. Soybean oil transfers are not conducted during the remaining calendar year.

2.1.2 Facility Layout Diagram (40 CFR 112.7(a)(3))

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Figure 1 in Appendix A shows the general location of the Facility on a U.S. Geological Survey topographical map. Figure 2 presents a layout of the Facility and the location of the used oil and soybean oil transloading areas and the location of the two 500-gallon and one 300-gallon diesel aboveground storage tanks (“AST”), and drum storage. The stormwater leaching pools and catch basins located at the Facility are also noted on Figure 2.

2.1.3 Oil Storage

Non-transportation related storage in railcars is conducted at BRT. Tanker trucks load used oil into railcars with a maximum capacity of 26,000 gallons. A maximum of one (1) railcar at full capacity and one (1) railcar at half capacity are present on-site at any one time. Similarly, railcars arrive at BRT with soybean oil for unloading into tanker trucks. The soybean oil railcars also have a maximum capacity of 26,000 gallons. A maximum of ten (10) soybean oil railcars at full capacity may be present on-site at any one time waiting to be unloaded.

BRT has one (1) 500-gallon aboveground double-walled diesel AST which supplies fuel to an on-site generator. The generator runs a conveyor belt system used to transport aggregate and soil delivered by railcars through an underground tunnel to a conveyor system for stockpiling on the property prior to sale. BRT is in the process of replacing this AST with a new AST of the same size and double-walled construction that is pre-approved by the local municipality.

Further, BRT also plans to procure and register with the local municipality a second pre-approved 500-gallon double-walled diesel AST to fuel Facility owned vehicles. As shown on Figure 2, this AST will be located adjacent to the generator AST.

One 300-gallon diesel AST is located within the soybean oil transload trailer. This AST fuels the boiler system used to heat the soybean oil railcars prior to and during soybean oil transloading operations. As shown on Figure 2, the trailer is located at the south end of the Facility, between the rail line and the soybean oil tank truck loading area. BRT is in the process of replacing this AST with a new AST of the same size that is pre-approved by the local municipality.

BRT also stores transmission fluid, hydraulic fluid, motor oil and used maintenance oils in 55-gallon containers. Up to eight (8) 55-gallon containers are stored on containment pallets within a trailer located west of the rail line.

2.2 Evaluation of Discharge Potential

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2.2.1 Distance to Navigable Waters and Adjoining Shorelines and Flow Paths

The Facility is located approximately one mile southwest of Yaphank's Lower Lake. It is not anticipated that a spill from the Facility is capable of reaching navigable waters.

The Facility has no history of discharges.

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Part 3: Discharge Prevention – General SPCC Provisions

The following measures are implemented to prevent oil discharges during the handling, use, or transfer of used oil at the Facility. Oil-handling employees have received training in the proper implementation of these measures. Training records are maintained with the SPCC Plan in Appendix C.

3.1 Spill Reporting (40 CFR 112.7(a)(4))

The discharge notification form included in Appendix F will be completed upon immediate detection of a discharge and prior to reporting a spill to the proper notification contacts.

3.1.1 Discharge Notification

The President is the Emergency Coordinator for the Facility as identified in the Emergency Contact List in Appendix D. Any size discharge (i.e., one that creates a sheen, emulsion, or sludge) that affects or threatens to affect navigable waters or adjoining shorelines must be reported immediately by the Emergency Coordinator to the National Response Center at 1-800-424-8802 and the NYSDEC HOTLINE (within 2 hours of spill) at 1-800-457-7362. The Center is staffed 24 hours a day. The same notifications must be made by the Emergency Coordinator if it is determined that a release, fire or explosion at the Facility could threaten human health, or the environment, outside the Facility. The Emergency Coordinator will also prepare and submit a discharge notification report to the Transportation Security Administration. The Emergency Coordinator will notify the appropriate local authorities and will be available to help appropriate officials decide whether local areas should be evacuated.

A discharge notification form is included in Appendix F to facilitate reporting to the National Response Center. The person reporting the discharge must provide the following information:

- Name, location, organization, and telephone number.
- Name and address of the party responsible for the incident.
- Date and time of the incident.
- Location of the incident.
- Source and cause of the release or discharge.
- Types of material(s) released or discharged.
- Quantity of materials released or discharged.
- Danger or threat posed by the release or discharge.
- Possible hazards to human health, or the environment, outside the Facility.
- Number and types of injuries (if any).
- Media affected or threatened by the discharge, i.e., water, land, air.
- Weather conditions at the incident location.
- Any other information that may help emergency personnel respond to the incident.

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Contact information for reporting a discharge to the appropriate authorities is listed in Appendix D and is also posted in prominent locations throughout the Facility, e.g., in the Scale House Office and at the used oil transload area.

In addition to the above reporting, 40 CFR 112.4 requires that information be submitted to the United States Environmental Protection Agency (EPA) Regional Administrator and the appropriate state agency in charge of oil pollution control activities (see contact information in Appendix D) whenever the Facility discharges (as defined in 40 CFR 112.1(b)) more than 1,000 gallons of oil in a single event, or discharges (as defined in 40 CFR 112.1(b)) more than 42 gallons of oil in each of two discharge incidents within a 12-month period. The following information must be submitted to the EPA Regional Administrator and to NYSDEC within 15 days:

- Name, address and telephone number of the Facility.
- Name, address and telephone number of the owner/operator.
- Date, time and type of incident, e.g. fire, explosion, release.
- Name and quantity of material(s) involved.
- The extent of injuries, if any.
- An assessment of actual or potential hazards to human health or the environment, where this is applicable.
- Estimated quantity and disposition of recovered material that resulted from the incident.
- Maximum storage or handling capacity and normal daily throughput.
- Corrective action and countermeasures taken including a description of equipment repairs and replacements.
- Description of Facility, including maps, flow diagrams, and topographical maps.
- Cause of the discharge(s) to navigable waters and adjoining shorelines, including a failure analysis of the system and subsystem in which the failure occurred.
- Additional preventive measures taken or contemplated to minimize possibility of recurrence.
- Other pertinent information requested by the Regional Administrator.

A standard report for submitting the information to the EPA Regional Administrator and to the NYSDEC is included in Appendix F of this SPCC Plan.

3.1.2 Discharge Response

This section describes the response and cleanup procedures in the event of an oil discharge. The uncontrolled discharge of oil to groundwater, surface water, or soil is prohibited by state and possibly federal laws. Immediate action must be taken to control, contain, and recover discharged product.

In general, the following steps are taken:

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- Eliminate potential spark sources.
- If possible and safe to do so, identify and shut down source of the discharge to stop the flow.
- Contain the discharge with sorbents, berms, fences, trenches, sandbags, or other material.
- Contact the Emergency Coordinator or his/her alternate.
- The Emergency Coordinator or his/her alternate will contact regulatory authorities and the response organization.
- Collect and dispose of recovered products according to regulation.

For the purpose of establishing appropriate response procedures, this SPCC Plan classifies discharges as either “minor” or “major,” depending on the volume and characteristics of the material released.

A list of Emergency Contacts is provided in Appendix D. A list of discharge response material kept at the Facility is included in Appendix E.

3.1.3 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:

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

Minor discharges can usually be cleaned up by trained BRT personnel. The following guidelines apply:

- Immediately notify the Emergency Coordinator.
- Under the direction of the Emergency Coordinator, contain the discharge with discharge response materials and equipment. Place discharged debris in properly labeled waste containers.
- The Emergency Coordinator will complete the discharge notification form (Appendix F) and attach a copy to this SPCC Plan.
- If the discharge involves more than five (5) gallons of oil, the Emergency Coordinator will call the New York State Department of Environmental Conservation (NYSDEC) at 800-457-7362.

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3.1.4 Response to a Major Discharge

A “major” discharge is defined as one that cannot be safely controlled or cleaned up by trained Facility personnel, such as when:

- The discharge is large enough to spread beyond the immediate discharge area.
- The discharged material enters navigable water.
- The discharge requires special equipment or training to clean up.
- The discharged material poses a hazard to human health or safety.
- There is a danger of fire or explosion.

In the event of a major discharge, the following guidelines apply:

- All workers must immediately evacuate the discharge site via the designated exit routes and move to the designated staging areas at a safe distance from the discharge. Personnel will be notified of the evacuation by the Emergency Coordinator via cellular phone. Due to the size of the site and the maximum possible discharge, it is anticipated that the Scale House Office will be a safe area for regrouping personnel. Evacuation routes are indicated on Figure 2.
- If the Emergency Coordinator is not present at the Facility, the Alternate Emergency Coordinator shall notify the Primary Emergency Coordinator of the discharge and has authority to initiate notification and response. Certain notifications are dependent on the circumstances and type of discharge. For example, if oil reaches neighboring property, the owner of the neighboring property must be notified.
- The Emergency Coordinator must call for medical assistance if workers are injured.
- The Emergency Coordinator must notify the Fire Department or Police Department.
- The Emergency Coordinator must immediately contact the DEC Hotline.
- Any such calls must be recorded on the Discharge Notification form in Appendix F and attach a copy to this SPCC Plan.
- The Emergency Coordinator coordinates cleanup and obtains assistance from the Oil Spill Response Organization (OSRO) as identified on the emergency contact list (Appendix D) or other response organization as necessary.
- The Emergency Coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil, hazardous waste, solid waste or used oil-derived fuels or products at the Facility. These measures will include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.
- The Emergency Coordinator must immediately identify the character, exact source, amount, areal extent of any released materials. This may be done by observation or review of Facility records, logs, invoices, manifests, bills of lading, or other shipping documents and, if necessary, by chemical analysis.
- Concurrently, the Emergency Coordinator must assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment must consider both direct and indirect effects of the release, fire or explosion, i.e., the effects of any toxic, irritating, or asphyxiating gases that are

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generated, and the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions.

- If the Facility stops operation in response to a fire, explosion, or release, the Emergency Coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes or other equipment, wherever appropriate.
- If the major discharge causes the Facility to be shut down for more than 24 hours, the Emergency Coordinator will notify the used oil railcar companies and the used oil tanker truck companies of the situation. Used oil will not be accepted at the Facility until the Facility is operational again.
- The Emergency Coordinator will ensure that, in the event of a major discharge, no waste or used oil that may be incompatible with released material is recycled, treated, stored, or disposed of until cleanup procedures are completed in the affected Facility area(s).
- The Emergency Coordinator will also ensure that all emergency equipment listed in the SPCC is cleaned and fit for its intended use before operations are resumed.
- The Emergency Coordinator will notify the Regional NYSDEC Director and local authorities that the Facility is in compliance with the previous two bullet points before operations are resumed in the affected area(s) of the Facility.

3.1.5 Waste Disposal

Used oil recovered from a spill will be stored in the tanker trucks that will be delivered by the OSRO. This waste will be transported off site by the OSRO to one of the facilities listed in the table below for disposal or recycling. Contaminated spill response materials which may include personnel protective equipment (PPE), decontamination solutions, absorbents, contaminated equipment and materials that could not be properly decontaminated for reuse, and spent chemicals will be stored in compatible containment devices until it is transported offsite by the OSRO.

In the event that a spill contaminates soil, the soil will be properly delineated, remediated and disposed of in accordance with federal, state and local regulations. The OSRO will transport contaminated soil offsite for proper disposal.

As previously stated, wastes including recovered product, contaminated soil, contaminated equipment and material, personnel protective equipment, decontamination solutions, absorbents and spent chemicals resulting from a major discharge response will be removed by a cleanup contractor, transported offsite by a licensed transporter and disposed of at a permitted facility in accordance with applicable federal, state, and local regulatory requirements. Although a spill has never occurred at the site, disposal routes have been anticipated. The table below addresses disposal facilities for the aforementioned wastes.

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Table 3-1: Spill Materials Disposal Locations

Material	Disposal Facility	Location	Permit
Recovered Product	Tradebe	Bridgeport, CT	CTD002593887
Contaminated Soil	Clean Earth	Carteret, NJ/Philadelphia, PA	N/A
Contaminated Equipment and Materials (drums, tank parts, valves, etc.)	Tradebe	Bridgeport, CT	CTD002593887
Personnel Protective Equipment (PPE)	Tradebe	Bridgeport, CT	CTD002593887
Decontamination Solutions	Tradebe	Bridgeport, CT	CTD002593887
Absorbents	Tradebe or Clean Earth	Bridgeport, CT or Carteret, NJ, Philadelphia, PA	CTD002593887/ N/A
Spent Chemicals	Tradebe	Bridgeport, CT	CTD002593887

3.1.6 Cleanup Contractors and Equipment Suppliers

Contact information for specialized spill response and cleanup contractors are provided in Appendix D. These contractors have the necessary equipment to respond to a discharge of oil that affects adjoining properties in Yaphank, New York.

Spill response supplies are stored in storage sheds located adjacent to the used oil transloading area, the soybean oil transloading area, the conveyor system, and are in the close vicinity of the ASTs and are available to on-site personnel. Spill response supplies include absorbent pads, boots, gloves, safety glasses, non-sparking shovels and a report form. The inventory of response supplies and equipment is provided in Appendix E of this SPCC Plan. The inventory is verified on a monthly basis. Additional supplies and equipment may be ordered from one of many suppliers, such as:

Stauffer Glove & Safety
361 E. Sixth Street
Red Hill, PA 18076
Bob Frey 845-627-2368

New Pig
One Pork Avenue
Tipton, PA 16684-0304
1-800-468-4647
www.newpig.com

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DENIOS, Inc.
1152 Industrial Blvd.
Louisville, KY 40219
1-877-388-0187

3.2 Potential Discharge Volumes and Direction of Flow (40 CFR 112.7(b))

Table 3-2 presents expected volume, discharge rate, general direction of flow in the event of equipment failure, and means of secondary containment possible discharge scenarios. Emergency contacts are provided in Appendix D in case of a spill.

Table 3-2: Potential Discharge Volume and Direction of Flow

Potential Event	Maximum volume released (gallons)	Maximum discharge rate (gpm)	Direction of Flow	Secondary Containment
Railcar overfill	33	200	To soil	102-gallon drip pan placed underneath railcar
Used oil tank truck rupture at unloading area	6,800	Gradual to instantaneous	To soil	Roll-out secondary containment system with 7,000 gallon capacity
Soybean oil tank truck rupture at loading area	12,000	Gradual to instantaneous	To soil	None
Railcar rupture	26,000	Gradual to instantaneous	To soil	None
Diesel AST leak	300	Gradual to instantaneous	To soil	None
Diesel AST(s) leak	500 (each)	Gradual to instantaneous	To soil	To interstitial space 550 gallon containment dike
55-gallon drums	55	Gradual to instantaneous	To soil	To spill pallet 30% containment per drum

3.3 Containment and Diversionary Structures (40 CFR 112.7(c))

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A combination of portable secondary containment systems, e.g., roll-out secondary containment, drip pans, and land-based spill response measures, e.g., oil absorbents, are used to prevent a discharge from reaching navigable waters.

For railcars:

Drip pans - Drip pans, approximately nine (9) gallons in volume, are used to contain small leaks from piping/hose connections. In the event overfilling of used oil into a railcar occurs, portable drip pans with 102-gal of containment capacity are permanently placed underneath the used oil railcar.

Sorbent material - Spill response supplies are stored in storage sheds located adjacent to the used oil transloading area, soybean transloading area, the conveyor system, and are in the close vicinity of the ASTs and are available to on-site personnel. Spill response supplies include absorbent pads, boots, gloves, safety glasses, and non-sparking shovels. In the event of catastrophic failures, BRT has the ability to utilize Facility pay loaders to immediately remove contaminated soils.

For tanker trucks:

Roll-out secondary containment – A 7,000-gal capacity roll-out secondary containment system is utilized to provide secondary containment for used oil delivery trucks during railcar loading operations. All hose connections with the tanker truck are located inside the secondary containment structure.

Soybean oil is off-loaded from railcars and pumped through a four-inch steel banded rubber hose and into receiving tanker trucks. Drip pans with an approximate capacity of nine (9) gallons each are placed under the hose connections. Compressed air is used to blow residual soybean oil from the hoses prior to disconnecting the hoses from the tanker truck. Each connection is immediately capped when disconnected.

3.4 Practicability of Secondary Containment (40 CFR 112.7(d))

BRT management has determined that secondary containment is practicable at this Facility for the used oil transloading operations.

Additionally, secondary containment is provided for the soybean oil hose connections,

3.5 Inspections, Tests, and Records (40 CFR 112.7(e))

Visual inspections of railcars, trucks and hoses are conducted prior to, during and immediately following loading/unloading operations. Written records of these inspections are not maintained.

Inspection records must be maintained with the SPCC for a period of at least three years for the 500-gallon diesel tanks.

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At least monthly, Facility personnel shall:

- Conduct inspections of aboveground equipment including foundations, valves, and liquid sensing devices.
- Identify cracks, evidence of corrosion, poor maintenance and operating procedures, separation or swelling of tank insulation, malfunctioning equipment and structural and foundation weaknesses.
- Inspect and monitor all leak detection systems, if any.

3.6 Personnel, Training, and Discharge Prevention Procedures (40 CFR 112.7(f))

The Primary Emergency Coordinator is responsible for oil discharge prevention, control and response preparedness activities at this Facility. At all times there is at least one employee either on the Facility premises or on call with the responsibility for coordinating emergency response measures. The Emergency Coordinators (primary and alternate) are thoroughly familiar with all aspects of the Facility's SPCC Plan, all operations and activities at the Facility, the location and characteristics of used oil handled, the location of all records within the Facility, and Facility layout. The Emergency Coordinators (primary and alternate) also have the authority to commit resources needed to carry out the SPCC Plan.

Oil-handling Facility personnel will be instructed in the operation and maintenance of oil pollution prevention equipment, discharge procedure protocols, applicable pollution control laws, rules and regulations, general Facility operations, and the content of this SPCC Plan. Any new Facility personnel with oil-handling responsibilities are provided with this same training prior to being involved in any oil operations.

Annual discharge prevention briefings are held by the Emergency Coordinator for all Facility personnel involved in oil operations. The briefings are aimed at ensuring continued understanding and adherence to the discharge prevention procedures presented in the SPCC Plan. The briefings also highlight and describe known discharge events and failures, malfunctioning components, and recently implemented precautionary measures and best practices. Facility operators and other personnel will have the opportunity during the briefings to share recommendations concerning health, safety, and environmental issues encountered during Facility operations.

Records of the briefings and discharge prevention training are kept in the form shown in Appendix C and maintained with this SPCC Plan for a period of three years. Records of training are kept in the training log located in the SPCC Plan in the Scale House Office.

3.7 Security (40 CFR 112.7(g))

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The Facility is partially fenced with security cameras installed around the main portions of the Facility. Security personnel are on-site 24 hours a day, seven day a week, 365 days per year.

The starter control on storage containers that have an oil pump should be locked in the "off" position and located at a site accessible only to authorized personnel when the pump is in a non-operating status.

The loading/unloading connections of the Facility's oil piping should be securely capped or blank-flanged when not in service or when in standby service. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure.

Facility lighting is provided in the transloading area of the Facility and provides adequate protection against vandalism. Lighting also provides sufficient illumination of the used oil transload area for discovery of spill events during evening hours.

3.8 Tank Truck Loading/Unloading Rack Requirements (40 CFR 112.7(h))

The potential for discharges during tank truck unloading and loading operations is of particular concern at this Facility. BRT management is committed to ensuring the safe transfer of material to and from the railcars. The following measures are implemented to prevent oil discharges during tank truck unloading of used oil and loading of soybean oil operations.

3.8.1 Secondary Containment (40 CFR 112.7(h)(1))

A roll-out secondary containment system is utilized to provide secondary containment for used oil delivery tank trucks during railcar loading operations. The delivery truck hose connection to the BRT hose is contained within the roll-out secondary containment system. The BRT hose is affixed to a portable railcar stairway that rises to a stanchion placed directly above the railcar. An approximate 102-gallon containment pallet is permanently placed within the rails directly beneath the railcar receiving the used oil.

Secondary containment for soybean oil hose connections is provided by drip pans with a nine (9) gallon capacity. .

3.8.2 Overfill Protection

BRT personnel are staged at the top of the railcar during all used oil transloading operations. BRT personnel are equipped with a measuring stick that translates the capacity of used oil based on the type of railcar. Prior to initiating the loading process BRT personnel verify the amount of used oil available for delivery and the available capacity of the railcar. Additionally, portable yet permanently placed 102-gallon drip pans are placed underneath the used oil railcar in case overfilling occurs. As the railcar loading operation is continually observed, it is estimated that it will take a maximum of 10 seconds for either the truck driver or the overseeing Facility personnel to shut down the pump in an overfill event. As the used

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oil is pumped at approximately 200-gallons-per-minute (GPM), the 102-gallon drip pan has been deemed acceptable for overfill protection.

Similarly, prior to the start of soybean oil transloading operations, BRT operators verify the capacity of the soybean oil railcar using the weigh bill in comparison to the available capacity of the receiving tank truck. BRT personnel are staged by the external transfer pump located within the soybean oil transload trailer located between the soybean oil railcar and the receiving tanker truck. The pump is equipped with a meter that BRT personnel monitor to cease pumping when the tanker truck has reached capacity.

The 500-gallon diesel AST is equipped with a gauge and overfill containment around the fill connection. BRT is in the process of procuring and permitting a local municipality approved double wall tank to replace the existing 500-gallon tank.

The 300-gallon diesel oil tank is equipped with an overfill protection gauge and BRT operators are staged directly adjacent to the tank during filling operations. BRT is in the process of procuring and permitting a local municipality approved double wall tank to replace the existing 300-gallon tank.

3.8.3 Loading/Unloading Procedures (40 CFR 112.7(h)(2) and (3))

Suppliers must meet minimum requirements and regulations for tank truck unloading established by the U.S. Department of Transportation. BRT management assures that the vendor understands the site layout, knows the protocol for entering the Facility and unloading product, and has the necessary equipment to respond to a discharge from the vehicle or fuel delivery hose.

The Facility Manager or his/her designee supervises used oil, soybean oil, and diesel fuel deliveries for all new suppliers, and continually observes deliveries for existing, approved suppliers.

Loading and unloading of tanker trucks takes place only in designated loading/ unloading areas.

Smoking is not permitted while loading or unloading any flammable liquid. No person carrying any flame or lighted cigar, pipe, or cigarette shall be allowed in the vicinity.

A tanker truck must be attended by a qualified person at all times when it is being loaded/ unloaded. The person who is responsible for loading the railcar is also responsible for ensuring that the truck is also attended.

After completion of loading/ unloading operations, BRT personnel perform the following, prior to vehicular departure:

- Check all valves for closure, both on the vehicle and on the receptacle.

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- Ensure unloading hose is disconnected from the tank truck and properly stowed.
- Check all drains and outlets for leakage, take corrective actions as required.

No flammable liquid shall be loaded into or unloaded from any motor vehicle while the engine is running.

Vehicle filling operations are performed by Facility personnel trained in proper discharge prevention procedures. The truck driver and Facility personnel remain with the vehicle at all times while fuel is being transferred.

3.8.3.1 Used Oil Transloading Procedures

Used oil is delivered to BRT in tanker trucks with a maximum capacity of 6,800 gallons; one tanker truck can unload at a time. Two operators assist with transloading used oil into the railcars: the used oil delivery driver, and one BRT operations personnel. The following procedures are followed during all used oil transloading operations:

- The used oil truck is weighed in at the Scale House and is directed to park directly on a portable but permanent secondary containment pool-type structure located on the south portion of the Facility. See Figure 2.
- BRT personnel verify the delivery volume of used oil.
- BRT personnel verify the amount of capacity available in the receiving railcar by measuring with a stick and verifying the maximum fill amount using a guidance sheet per type of railcar.
- The used oil delivery driver connects the truck to the BRT transfer hose that is staged within the secondary containment structure.
- BRT personnel insert the hose into the top of the railcar. The hose is permanently affixed to a portable railcar stairway that rises to a stanchion placed directly above the railcar.
- The used oil delivery driver turns on the pump within the delivery vehicle to initiate the loading of used oil into the railcar.
- BRT personnel continually monitor the available capacity within the railcar and notify the delivery driver by voice communication to shut off the pump.
- BRT personnel disconnect the hose from the top of the railcar and hold the hose vertically.
- The delivery driver places the delivery vehicle's pump into suction to vacate residual used oil back into the delivery truck.
- The delivery truck caps the delivery truck hose connection after first removing any residual used oil.
- Upon completion, the BRT hoses are capped by BRT personnel and the delivery driver is directed to the Scale House to formally weigh the used oil delivered.

3.8.3.2 Soybean Oil Unloading Procedures

Soybean oil is delivered to BRT in railcars with a maximum capacity of 26,000 gallons and unloaded into tanker trucks with a maximum capacity of 12,000 gallons. Soybean unloading operations occur from October through April. Upon receipt of the railcars to BRT up to two

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railcars at a time are heated via a closed-loop hot water system located inside the soybean oil trailer for eight (8) to sixteen (16) hours to achieve a minimum of 85 degrees Fahrenheit. Hot water heats the railcars via a series of heating coils located within the railcars; none of the heating coils come into contact with the soybean oil. Once heated to a minimum of 85 degrees Fahrenheit, one (1) railcar can unload soybean oil to a tanker truck at a time. The following procedures are followed during all soybean oil transloading operations:

- The receiving soybean oil tanker truck is weighed in at the Scale House and is directed to park in the designated soybean oil loading area by BRT personnel. See Figure 2.
- BRT personnel verify the available capacity of the receiving soybean oil tanker truck reviewing the waybill generated by the Scale House.
- The soybean oil tanker truck driver connects the tank truck hose to the BRT transfer hose. The connection is placed directly over a nine (9) gallon – approximate volume – drip pan.
- BRT personnel connect the hose to the bottom of the railcar. Prior to making this connection, an approximately nine (9) gallon drip pan is placed under the connection point.
- BRT personnel are staged by the external transfer pump located within the soybean oil transload trailer located between the soybean railcars and the truck loading area. BRT personnel initiate and supervise all pumping operations. The pump is equipped with a volume meter that BRT personnel monitor for the duration of the transloading operations. When the volume meter indicates that the tanker truck has reached its available capacity, BRT personnel cease pumping.
- Compressed air is used to remove residual soybean oil from the hoses prior to disconnecting the hoses from the tanker truck. Residual liquid in the hoses between the railcar and the pump is drained back into the railcar while residual liquids in the hose between the pump and the tanker truck are drained into the tanker truck.
- Upon completion of soybean oil transloading operations, all hoses are capped by BRT personnel and the tanker truck driver is directed to proceed to the Scale House to weigh the soybean oil received.

3.8.3.3 Diesel Fuel AST Filling Procedures

BRT has or plans to install one 300-gallon and two 500-gallon local municipality pre-approved diesel ASTs. The two 500-gallon tanks will be adjacently located in the vicinity of the aggregate conveyor system generator. The 300-gallon tank will be located within the soybean oil transloading trailer. See Figure 2 for the locations of the ASTs. The tanks will be double-walled steel tanks equipped with overfill protection and will be permitted with the local municipality. One 500-gallon tank will be used to supply fuel to the on-site generator that is used to power the Facility's aggregate conveyor system, one 500-gallon tank will be used to fuel BRT vehicles, and the 300-gallon tank will be used to fuel the hot water system as described in Section 2.1.3.

Diesel fuel is delivered to BRT in tanker trucks with a maximum capacity of 4,200 gallons; one tanker truck will deliver and unload diesel fuel at a time. Diesel will be unloaded in accordance with the procedures described in 3.8.3.

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The 500-gallon diesel AST used to supply fuel to the generator will be directly connected to the generator, and will be operated in accordance with the local municipality permitting requirements.

The 500-gallon diesel AST used to fuel BRT vehicles will be equipped with an external pump mounted to the tank and will dispense fuel at a rate of 20 gallons per minute directly to the vehicles. The tank will be operated in accordance with the local municipality permitting requirements.

The 300-gallon diesel AST used to supply fuel to the hot water system is directly connected to the hot water system's generator and is operated in accordance with the local municipality permitting requirements.

3.9 Brittle Fracture Evaluation (40 CFR 112.7(i))

The Facility does not contain any field-constructed tanks and therefore this section is not applicable.

3.10 Conformance with State and Local Applicable Requirements (40 CFR 112.7(j))

The Facility is in the process of conforming with applicable State and local requirements.

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Part 4: Discharge Prevention – SPCC Provisions for Onshore Facilities (Excluding Production Facilities)

4.1 Facility Drainage (40 CFR 112.8(b))

The Facility has a leaching pool drainage system with the closest catch basin 29 yards from the used oil transload area and another catch basin 82 yards from the soybean oil transload area. These storm drains are covered during any used oil or soybean oil transload activities.

Any potential discharge from a railcar or tanker truck which is not restrained by secondary containment will be discharged to soil and is not anticipated to travel off-site.

The Facility consists of 28 developed acres, approximately 50 percent of the Facility is covered by buildings or paved impervious surfaces. The remainder of the Facility consists of compacted gravel, grass and low-lying vegetation.

4.2 Bulk Storage Containers (40 CFR 112.8(c))

The containers used for the storage of oil at this Facility is of a material and construction compatible with the oil stored and conditions of storage such as pressure and temperature.

One double walled 500-gallon diesel AST is equipped with a secondary containment dike with a capacity of 110 percent containment. BRT plans to procure and register with the local municipality a similarly equipped tank to fuel BRT onsite vehicles.

Secondary containment is not provided for the 300-gallon diesel AST. The tank is equipped with a site gauge and is located within a trailer. BRT is in the process of procuring and permitting a local municipality pre-approved double walled tank with the necessary secondary containment to replace the existing 300-gallon tank.

The aboveground oil storage container at this Facility should be tested for integrity whenever material repairs are made. Monthly visual inspections verify the integrity of the oil storage containers. Monthly visual inspections include checking the outside of the container, supports and foundations, gauges, valves, fittings and piping for leaks, damage or deterioration, or any accumulation of oil inside the secondary containment. Inspection records are maintained in Appendix G.

4.2.1 Construction (40 CFR 112.8(c)(1))

The tanks used at this Facility are constructed of steel. The design and construction of bulk storage containers is compatible with the characteristics of the oil products they contain, and with temperature and pressure conditions.

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4.2.2 Secondary Containment (40 CFR 112.8(c)(2))

The 500-gallon diesel tank is provided with a metal secondary containment dike which has sufficient volume to contain 550 gallons.

4.2.3 Drainage of Diked Areas (40 CFR 112.8(c)(3))

BRT maintains written logs of the secondary containment dike drainage for the 500-gallon diesel tank. Accumulated storm water is inspected for any spilled product or sheen prior to discharge. Dike drainage records are maintained in Appendix H.

4.2.4 Corrosion Protection (40 CFR 112.8(c)(4))

No buried metallic storage tanks requiring cathodic protection exist at the Facility.

4.2.5 Partially Buried and Bunkered Storage Tanks (40 CFR 112.8(c)(5))

This section is not applicable since there are no partially buried or bunkered storage tanks at this Facility.

4.2.6 Inspections and Tests (40 CFR 112.8(c)(6))

Aboveground oil-service valves, piping and appurtenances are regularly inspected. During the inspection, the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipe supports, valve locks and metal surfaces, are assessed. Facility piping is protected from traffic and vandalism.

On a monthly basis, Facility personnel identify cracks, evidence of corrosion, poor maintenance and operating procedures, separation or swelling of tank insulation, malfunctioning equipment and structural and foundation weaknesses.

4.2.7 Heating Coils (40 CFR 112.8(c)(7))

Soybean oil railcars are equipped with heating coils. Once the non-transportation related activities commence the railcars are considered storage vessels. The railcars are double walled and the heating coils are located between the outer wall of the railcar and the inner liner. The heating coils does not come in contact with the fluids being stored and will not contaminate the hot water closed loop system.

4.2.7 Overfill Prevention Systems (40 CFR 112.8(c)(8))

The 500-gallon diesel tank is equipped with a level gauge and filling of the tank is constantly monitored. The proposed 500-gallon diesel tank and 300-gallon tank to be installed will also be equipped a level gauge.

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4.2.9 Effluent Treatment Facilities (40 CFR 112.8(c)(9))

Effluent is not discharged from the Facility and therefore this section is not applicable.

4.2.10 Visible Discharges (40 CFR 112.8(c)(10))

Visible discharges from any vehicle, container or appurtenance – including seams, gaskets, piping, pumps, valves, rivets, and bolts – are corrected upon discovery.

4.2.11 Mobile and Portable Containers (40 CFR 112.8(c)(11))

Fifty-five gallon drums storing petroleum products are stored within a trailer and are placed on containment pallets with 30 percent secondary containment as required by the local municipality.

4.3 Transfer Operations, Pumping, and In-Plant Processes (40 CFR 112.8(d))

Refer to section 3.8.2 Loading/Unloading Procedures.

There is minimal aboveground piping which carries petroleum products at the Facility between the 500-gallon diesel tank and the associated generator, and the 300-gallon tank and the boiler. Existing and proposed piping is primarily located in areas inaccessible to the public.

The terminal connection at the transfer point of piping that is not in-service or that is in standby service for an extended time should be capped or blank-flanged and marked as to its origin.

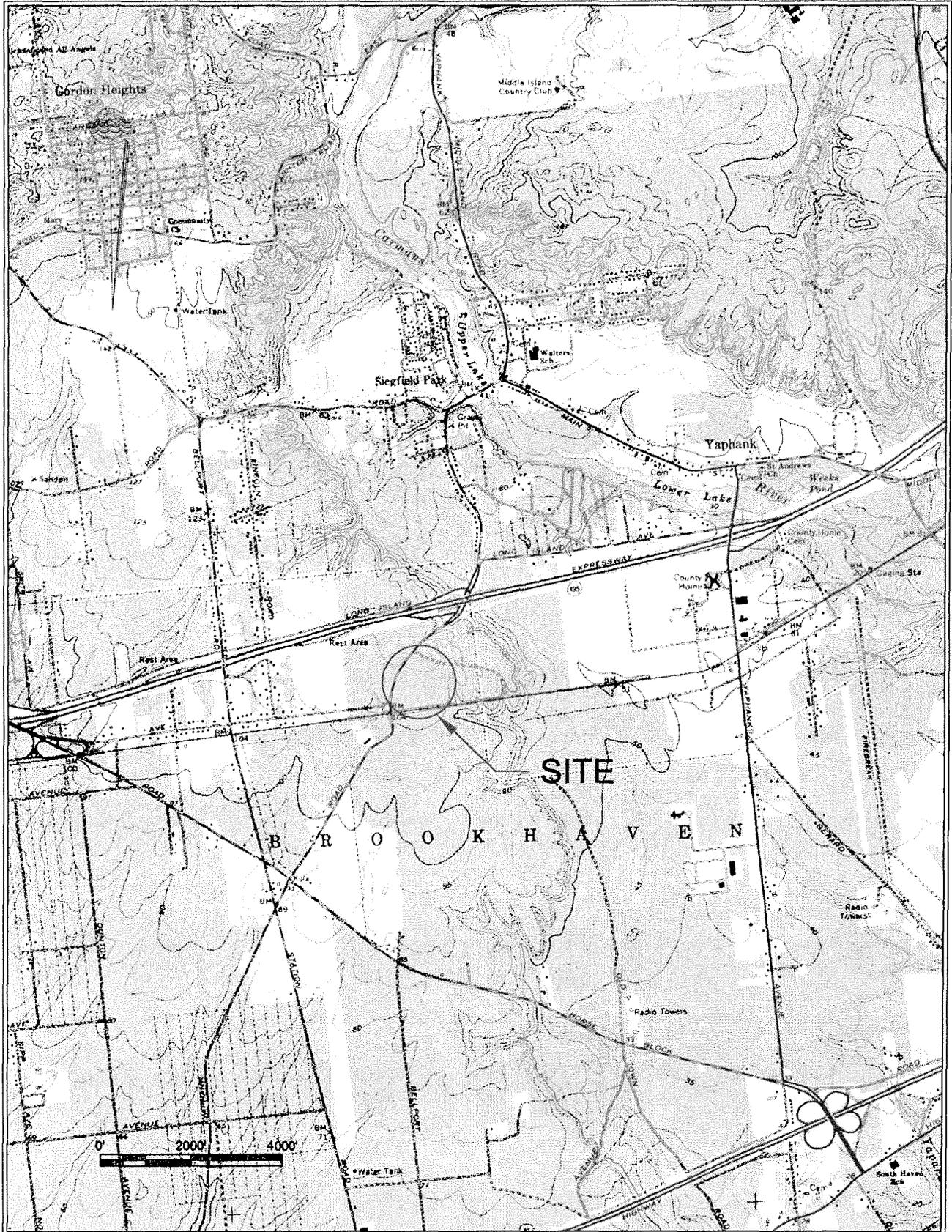
Pipe supports should be properly designed to minimize abrasion and corrosion and allow for expansion and contraction.

All aboveground oil-service valves, piping and appurtenances are regularly inspected. During the inspection, the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipe supports, valve locks and metal surfaces, are assessed. Facility piping is protected from traffic and vandalism.

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Appendix A

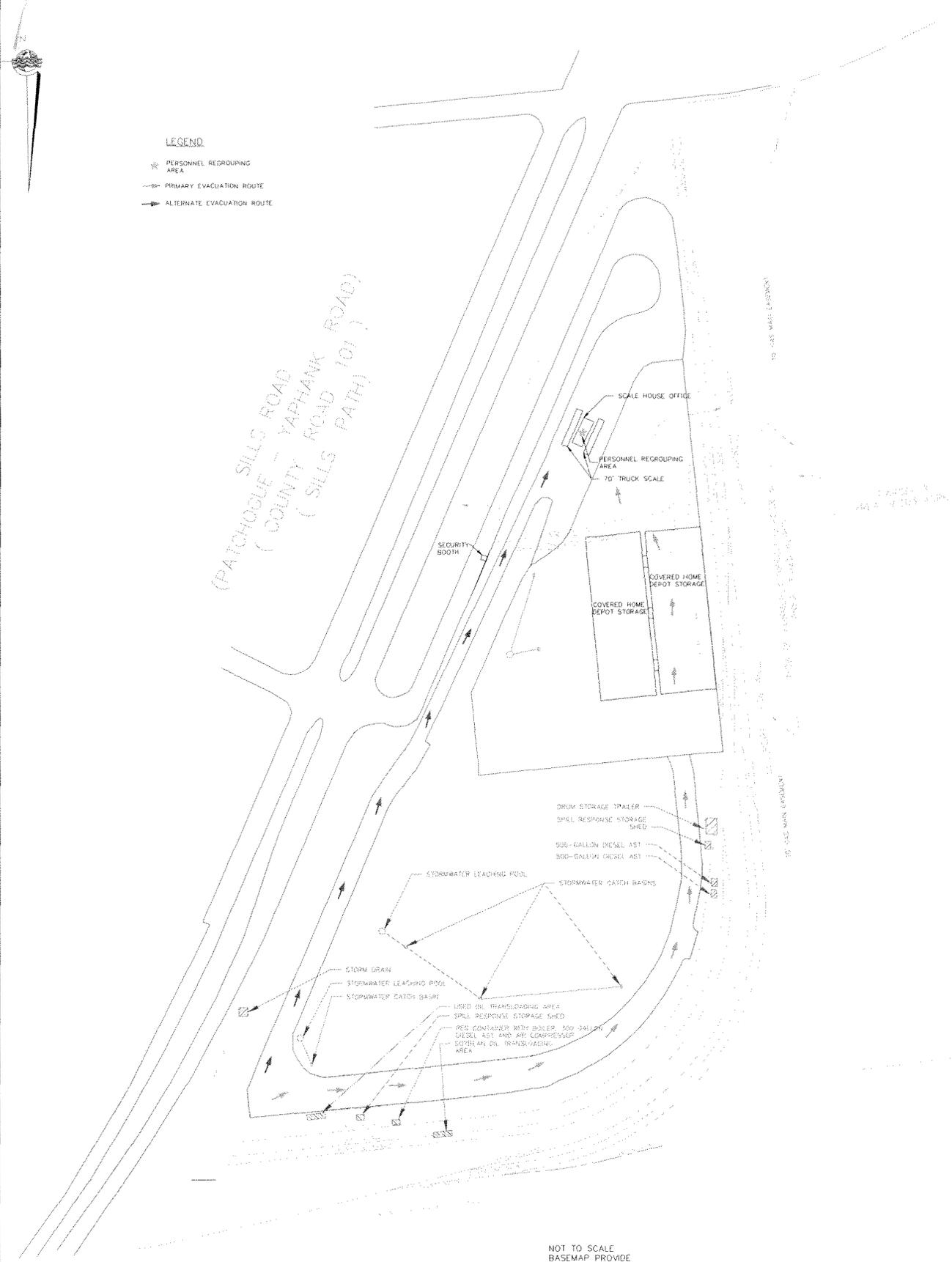
Vicinity Map and Site Plan



PWGC
 Strategic Environmental & Engineering Solutions
 630 Johnson Ave. Suite 7
 Bohemia, N.Y. 11716-2618
 P: 631 598-4353 F: 631 599-8706
 E-mail: info@pwgcs.com

BROOKHAVEN RAIL TERMINAL
205 SILLS ROAD, YAPHANK, NY 11980
SITE MAP

Project:	BRT1301	Figure No.:	1
Designed by:	MFB		
Approved by:	GM		
Drawn by:	MFB	Date:	8/22/13



LEGEND
 * PERSONNEL REGROUPING AREA
 — PRIMARY EVACUATION ROUTE
 - - - ALTERNATE EVACUATION ROUTE

NOT TO SCALE
 BASEMAP PROVIDE BY BOWNE AE&T GROUP

PWGC
 Strategic Environmental & Engineering Solutions

630 JOHNSON AVE. SUITE 7
 BROOKHAVEN, NY 11716-2618
 PH: 607-336-1253 FAX: 607-336-8705
 E-MAIL: INFO@PGROSSER.COM

CONSULTANTS
 DRAWINGS PREPARED FOR
 BROOKHAVEN RAIL TERMINAL
 205 SILLS ROAD,
 YAPHANK, NY 11980

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING AND RELATED DOCUMENTS IS A VIOLATION OF SEC. 209 OF THE N.Y.S. EDUCATION LAW.

NO.	SYMBOL	TO	INITIALS	DATE	DESCRIPTION
1		ADDED BOYER AIR TRANSLOADING AND BLANK STORAGE AREAS			
DRAWING INFORMATION					
PROJECT:	BRT1301	APPROVED BY:	DM	DATE:	8/22/13
DESIGNED BY:	MPB	SCALE:	NONE		
DRAWN BY:	MPB				

SHEET TITLE
 BROOKHAVEN RAIL TERMINAL
 SITE PLAN AND EVACUATION MAP

FIGURE NO
 2

SHEET
 1 OF 1

Appendix B

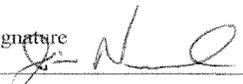
Substantial Harm Determination

Facility Name: Brookhaven Rail Terminal
Facility Address: 205 Sills Road
Yaphank, NY 11980

1. Does the Facility transfer oil over water to or from vessels and does the Facility have a total 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 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 40 CFR part 112 Appendix C, Attachment C-III or a comparable formula) such that a discharge from the Facility could cause injury to fish and wildlife and sensitive environments?
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 40 CFR part 112 Appendix C, Attachment C-III or a comparable formula) such that a discharge from the Facility would shut down a public drinking water intake?
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 spill 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  Title President
Name (type or print) J.M. NEWELL Date 11/18/14

Appendix C

Record of Discharge Prevention Briefings and Training

Briefings will be scheduled and conducted by the Facility owner or operator for operating personnel at regular intervals to ensure adequate understanding of this SPCC Plan. The briefings will also highlight and describe known discharge events or failures, malfunctioning components, and recently implemented precautionary measures and best practices. Personnel will also be instructed in operation and maintenance of equipment to prevent the discharge of oil, and in applicable pollution laws, rules, and regulations. Facility operators and other personnel will have an opportunity during the briefings to share recommendations concerning health, safety, and environmental issues encountered during Facility operations.

*SPCC PLAN
Brookhaven Rail Terminal
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Appendix D Emergency Contacts

EMERGENCY TELEPHONE NUMBERS:

Primary Emergency Coordinator:	<u>Office</u>	<u>Cell</u>	<u>Home</u>
Jim Newell President 121 Kingfisher Drive Ponte Vedra Beach, FL 32082	631-924-8800	646-302-1432	646-302-1432

Alternate

Chris Flynn Facility Manager 69 Joyce Drive Hauppauge, NY 11788	631-924-8800	631-832-5808	631-832-5808
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Alternate

Tom Miller 7 Galleon Lane East Setauket, NY 11733	631-924-8800	631-338-2923	631-338-2923
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Local Emergency Response

Yaphank Fire Department

General Emergency	911
Dispatcher	631-924-3200

Suffolk Police Department

General Emergency	911
Non-emergency response	631-852-2677
7 th Precinct Front Desk	631-852-8700

Suffolk County Department of Health Services

Office of Pollution Control	631-854-2501
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Brookhaven Memorial Hospital

631-654-7100

Oil Spill Response Organization/Cleanup Contractors

Miller Environmental Group, Inc.

845-569-1200

*SPCC PLAN
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Notification

NYSDEC HOTLINE (within 2 hours of spill)	800-457-7362
National Response Center- Federal	800-424-8802
United States Coast Guard (for spills reaching water)	718-354-4121

*SPCC PLAN
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Appendix E On-Site and Contractor Discharge Response Equipment Inventory

The discharge response equipment inventory is verified during the monthly inspection and must be replenished as needed.

Brookhaven Rail Terminal Spill Response Equipment available on site:

Equipment Type	Units	Response Time	Location / Effective Daily Recovery Rate
Absorbent pads	10 pads	3 min	Storage Sheds / .5 gal
Shovels	4	3 min	Storage Sheds / NA
Neoprene gloves	4 pairs	3 min	Storage Sheds / NA
Safety glasses	4 pairs	3 min	Storage Sheds / NA
Disposable latex response boots	4 pairs	3 min	Storage Sheds / NA
Fire extinguishers	5	3 min	Storage Sheds / NA
Front end loaders	2	5 min	Within 0.5 mile radius of used oil transload area
Bulldozers	2	5 min	Within 0.5 mile radius of used oil transload area
Excavators	2	5 min	Within 0.5 mile radius of used oil transload area

Storage sheds are located adjacent to the used oil and soybean oil transloading areas, and adjacent to the conveyor system. The sheds are all equipped with absorbent pads and personal protective equipment. The shed adjacent to the used oil loading area is equipped with shovels.

*SPCC PLAN
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Yaphank, NY 11980*

Inspector Name: _____

Inspector Signature: _____

Date: _____

Brookhaven Rail Terminal Spill Response Equipment Monthly Checklist:

Equipment Type	Minimum Amount	Quantity available on-site	Notes
Absorbent pads	10 pads		
Shovels	4		
Neoprene gloves	4 pairs		
Safety glasses	4 pairs		
Disposable latex response boots	4 pairs		
Fire extinguishers	5		
Front end loaders	2		
Bulldozers	2		
Excavators	2		

*SPCC PLAN
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Appendix F

Agency Notification Standard Report

Part A: Discharge Information

General Information when reporting a spill to outside authorities:

Name: Brookhaven Rail Terminal

Address: 205 Sills Road
Yaphank, NY 11980

Telephone: 631-924-8800

Owner/Operator: Brookhaven Rail Terminal

Primary Contact Person: Jim Newell, President

Primary Contact #: Office: (631)-924-8800 Cell: (646) 302-1432 Home: (646) 302-1432

Type of oil:

Discharge date and time:

Quantity released:

Discovery date and time:

Quantity released to a waterbody:

Discharge duration:

Location/Source:

Actions taken to stop, remove or mitigate impacts of the discharge:

Affected media:

 air storm water sewer/POTW water dike/berm/oil-water separator soil other: _____

Notification person:

Telephone contact:

Business:

24-hr:

Nature of discharges, environmental/health effects, and damages:

Injuries, fatalities or evacuation required?

 Yes No

If yes, please specify:

Agencies Contacted:

Spill response number:

Operator number:

Corrective actions taken:

Part B: Notification Checklist		
	Date and time	Name of person receiving call
Discharge in any amount		
Emergency Coordinators Jim Newell (631)-924-8800 / (646)-302-1432		
Chris Flynn (631)-924-8800 / (631)-832-5808		
Discharge in amount exceeding 5 gallons and not affecting a waterbody or groundwater		
Miller Environmental Group, Inc. (845)-569-1200		
Yaphank Fire Department General Emergency 911 Dispatcher (631)-924-3200		
New York Department of Environmental Conservation (800)-457-7362		
Discharge in any amount and affecting (or threatening to affect) a waterbody		
National Response Center (800) 424-8802		
New York Department of Environmental Conservation (800)-457-7362		
Yaphank Fire Department General Emergency 911 Dispatcher (631)-924-3200		
Miller Environmental Group, Inc. (845)-569-1200		

Spill Response Notification Form

Initial Notification to NRC Must not be Delayed Pending Collection of all Information

Reporter's Last Name _____ First _____
Position _____

Phone Numbers: 631-924-8800

Company: Brookhaven Rail Terminal
Organization Type: Rail Terminal
Facility Capacity: 0 Gallons Permanent Storage
Up to 32,800 gallons of temporary used oil storage

Address: 205 Sills Road
Yaphank, New York 11980

Latitude: N 40 degrees 49 minutes 30 seconds
Longitude: W 72 degrees 56 minutes 19 seconds

Were Materials Released _____ (Y/N) Confidential _____ (Y/N)

Meeting Federal Obligations to Report _____ (Y/N) Date Called _____
Calling for Responsible Party _____ (Y/N) Time Called _____

Incident Description

Source and/or Cause of Incident _____

Date _____ Time of Incident _____ AM/PM

Incident Address/Location _____

Nearest City: Brookhaven State: New York County: Suffolk Zip: 11980

Distance from City: 4.5 Units of Measure: miles Direction from City: North

Rive Mile: N/A

Section: _____ Township: _____ Range: _____ Borough: _____
Container Type _____ Tank Capacity _____ Units _____

Material

CHRIS Code	Material Released	Quantity Released (gallons)	Quantity in Water (gallons)

Response Action

Actions Taken to Correct, Control or Mitigate Incident: _____

Impact

Number of Injuries: _____ Number of Deaths: _____
Were there Evacuations? _____ (Y/N) Number Evacuated: _____
Damage in dollars (approximate): _____ Medium Affected: _____
Description: _____
Additional Information about Medium: _____

Response Record

National Response Center (NRC)

Name of Caller: _____
Agency Contact: _____
Time and Date of Notification: _____
Comments: _____

Emergency Coordinator Notified: _____
Name of Caller: _____

Agency Contact: _____

Time and Date of Notification: _____

Comments: _____

Federal On Scene Coordinator

Name of Caller: _____

Agency Contact: _____

Time and Date of Notification: _____

Comments: _____

NYSDEC

Name of Caller: _____

Agency Contact: _____

Time and Date of Notification: _____

Comments: _____

Others

Initials of Caller: _____

Agency Contact: _____

Time and Date of Notification: _____

Comments: _____

Additional Information

*SPCC PLAN
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Yaphank, NY 11980*

Appendix G

Monthly Inspection Records

*SPCC PLAN
Brookhaven Rail Terminal
205 Sills Road
Yaphank, NY 11980*

SPCC INSPECTION REPORT FORM

DATE: _____

TANK: _____

LOCATION: Brookhaven Rail Terminal
205 Sills Road
Yaphank, NY 11980

FREQUENCY: Monthly Inspection

CHECKS REQUIRED FOR SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN:

- Check for signs of leakage from the ASTs _____
If product is present in the interstitial space between the tank and secondary containment wall, written explanation of corrective action is required. Report incident.
- Check for signs of corrosion/deterioration on the ASTs _____
If corrosion/deterioration is present, written explanation of corrective action is required.
- Check for evidence of spills or releases on the ground _____
If leakage or spills are present, a written explanation of corrective action is required.
- Check for availability of spill cleanup equipment _____
- Check for signs of leakage at pipe fitting connections _____
- Check fuel level in tank using fuel gauge: Fuel Level _____

Corrective Action: _____

Inspector: _____ Date: _____

*SPCC PLAN
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Yaphank, NY 11980*

Appendix H

Dike Drainage Records

SPCC PLAN
Brookhaven Rail Terminal
205 Sills Road
Yaphank, NY 11980

Brookhaven Rail Terminal
 205 Sills Road, Yaphank, NY 11980

DIKE DRAINAGE SYSTEM INSPECTION FORM **MONTH:**

Tank No.	Date	Time Start	Time Finish	Volume Discharged (Inches)	Comments	Inspector's Name