

Part 113

40 CFR Ch. I (7-1-00 Edition)

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 spill² 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 information, I believe that the submitted information is true, accurate, and complete.

Signature: _____

Name (Please type or print): _____

Title: _____

Date: _____

[59 FR 34122, July 1, 1994; 59 FR 49006, Sept. 26, 1994, as amended at 65 FR 40816, June 30, 2000; 65 FR 43840, July 14, 2000]

EFFECTIVE DATE NOTE: At 65 FR 40816, June 30, 2000, Appendix F to part 112 and the attachments were amended by revising the phrase "section 10" to read "section 13" wherever it appears. Appendix F was further amended by revising section 1.1, section 1.3 (A)(5), (6) and (7), and section 1.3.5.1; revising the first sentence of section 1.4.2 and sections 1.4.3 and 1.4.4 (12); revising sections 1.5, 1.5.1, 1.5.1.1, and 1.5.1.2; revising sections 1.6, 1.6.1, and 1.6.2; revising sections 1.7 and 1.7.1, the introductory text of section 1.7.1.1, and the introductory text of section 1.7.3; revising section 1.8.2 (B), section 1.8.3; and by revising the introductory text of attachment F-1, effective July 31, 2000. At 65 FR 43840, July 14, 2000, Appendix F to part 112, section 1.9 was corrected. For the superseded text of Appendix F to part 112, see the 1999 revision of 40 CFR parts 87 to 135.

PART 113—LIABILITY LIMITS FOR SMALL ONSHORE STORAGE FACILITIES

Subpart A—Oil Storage Facilities

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AUTHORITY: Sec. 311(f)(2), 86 Stat. 867 (33 U.S.C. 1251 (1972)).

SOURCE: 38 FR 25440, Sept. 13, 1973, unless otherwise noted.

Subpart A—Oil Storage Facilities

§ 113.1 Purpose.

This subpart establishes size classifications and associated liability limits for small onshore oil storage facilities with fixed capacity of 1,000 barrels or less.

§ 113.2 Applicability.

This subpart applies to all onshore oil storage facilities with fixed capacity of 1,000 barrels or less. When a discharge to the waters of the United States occurs from such facilities and when removal of said discharge is performed by the United States Government pursuant to the provisions of subsection 311(c)(1) of the Act, the liability of the owner or operator and the facility will be limited to the amounts specified in § 113.4.

§ 113.3 Definitions.

As used in this subpart, the following terms shall have the meanings indicated below:

(a) *Aboveground* storage facility means a tank or other container, the bottom of which is on a plane not more than 6 inches below the surrounding surface.

(b) *Act* means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1151, *et seq.*

(c) *Barrel* means 42 United States gallons at 60 degrees Fahrenheit.

(d) *Belowground* storage facility means a tank or other container located other than as defined as "Aboveground".

(e) *Discharge* includes, but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

(f) *Onshore Oil Storage Facility* means any facility (excluding motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States, other than submerged land.