

Cerilon GTL ND Inc. Case No. PU-23-325 Estimated Traffic During Construction												
First Year of Construction												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	Daily Traffic Trip Summary											
			7:00am - 6:00pm	7:00am - 6:00pm	7:00am - 6:00pm	7:00am - 6:00pm	7:00am - 6:00pm	7:00am - 6:00pm	7:00am - 6:00pm	7:00am - 6:00pm		
			Mon-Sat	Mon-Sat	Mon-Sat	Mon-Sat	Mon-Sat	Mon-Sat	Mon-Sat	Mon-Sat		
Daily Trips			240	240	435	435	810	570	375	375		
Trucks / hr			22.0	22.0	40.0	40.0	74.0	52.0	34.0	34.0		
Time between trucks (mins)			2.7	2.7	1.5	1.5	0.8	1.2	1.8	1.8		

The enclosed traffic estimate was prepared by Cerilon's consultant Worley and includes data regarding estimated construction traffic for the first year of construction based on what is known for early civil works (i.e., soil removal and importing fill). These activities are anticipated to represent the highest estimated traffic numbers to be experienced during construction. Traffic numbers are anticipated to be substantially reduced after this period. The above estimate includes both trucks (hauling soil out or fill in) and company/staff vehicles. The estimate assumes only daytime operations Monday to Saturday.

# Memorandum

**To:** Rochelle Harding, Cerilon GTL ND Inc.  
**From:** Beau Thurman, Barr Engineering Co.  
**Subject:** Federal Regulations Pertaining to Process and Chemical Safety for Cerilon GTL ND Project  
**Date:** July 10, 2024

Barr Engineering Co. (Barr) prepared this memorandum to summarize the federal regulations related to process and chemical safety, which will apply to the Cerilon GTL ND Inc. project.

## 1 EPA's Risk Management Program

The key requirement for the [Risk Management Program \(RMP\) rule \(40 CFR Part 68\)](#) is for facilities holding quantities of hazardous materials greater than [chemical-specific thresholds](#) to develop a Risk Management Plan. This plan must identify three key items related to each hazardous material exceeding its threshold quantity in a covered process:

- The potential effects of a chemical accident both on- and off-site.
- Site-specific equipment designs and procedures that will be followed in the event of a chemical accident.
- Emergency response procedures that will be followed in the event of a chemical accident.

The emergency response procedures that must be identified include emergency healthcare services that would be utilized, employee training to support the emergency response and procedures for informing the public and emergency response agencies. The plan must be submitted to the EPA and shared with local emergency response providers. The EPA provides a summary of the information in the RMP to the public via its [Risk Management Public Data Tool](#) webpage. The flammable materials utilized at the site will contain chemicals exceeding the threshold quantities (e.g., methane), thus requiring a Risk Management Plan to be developed and submitted. Additional hazardous chemicals used at the site, such as ammonia, will be evaluated to confirm if they exceed the threshold quantities necessitating inclusion in the RMP. All hazardous chemicals, including those that do not exceed the threshold quantities requiring their inclusion in the RMP, will be safely managed and stored in accordance with applicable industry standards, worker safety regulations, and environmental regulations.

## 2 OSHA's Process Safety Management of Highly Hazardous Chemicals

The goal of the [Process Safety Management \(PSM\) of Highly Hazardous Chemicals \(29 CFR 1910.119\)](#) regulation is to mitigate hazards associated with releases of flammable, explosive, reactive, and toxic chemicals that may endanger workers. However, the requirements of the regulation also mitigate the risk of potential off-site impacts from such hazardous releases. The regulation includes many detailed requirements, including, but not limited to:

- Identification of the highly hazardous chemicals on-site, the specific hazards each chemical presents, and the processes the chemicals are used within.
- Conducting a Process Hazard Analysis (PHA), which identifies specific risks in each covered process using highly hazardous chemicals.

- Development of operating procedures that provide clear instructions to safely operate the processes consistent with the PHAs, as well as training for operators consistent with the procedures.
- Establishment of written procedures to manage proposed changes to processes to verify potential impacts to the PHA and operating procedures.
- Investigation of incidents that resulted in, or reasonably have resulted in, a catastrophic release of a highly hazardous chemical.
- Development of an emergency action plan consistent with the provisions of [29 CFR 1910.38](#).

Similar to the RMP, the PSM regulations apply to activities that exceed a threshold quantity of “highly hazardous chemicals.” While both regulations provide a list of chemicals and threshold quantities that subject the facility to the regulation, the specific list of chemicals and their associated threshold quantities differ between the PSM and RMP regulations. Many processes at the site will be subject to PSM requirements. However, all operations at the site, regardless of their applicability to PSM, will be designed and operated in accordance with industry standards and incorporate necessary elements for the safe and reliable operation of the facility.

### **3 EPA’s Spill Prevention, Control, and Countermeasure Regulation and Facility Response Plan ([40 CFR 112](#))**

As noted in the USEPA’s website on the topic of [Spill Prevention, Control, and Countermeasure \(SPCC\)](#), “The goal of this regulation is to prevent oil from reaching navigable waters and adjoining shorelines, and to contain discharges of oil.” The regulation applies to facilities that could discharge to a navigable water and threshold quantities of oil on-site. The Cerilon project will store greater than threshold quantities of oil that pose a risk of being discharged to a navigable water (i.e., the Missouri River via Eightmile Creek or the Buford-Trenton Irrigation Canal) and thus will be subject to the rule. The main requirement of this rule is to develop an SPCC plan that identifies:

- The locations and descriptions of each fixed oil storage tank, mobile or portable oil storage container, and oil transfer operations.
- The containment and/or diversionary structures or equipment used to prevent oil from being discharged to a navigable water or adjoining shoreline.
- Inspections, tests, and records to verify the containment and/or diversionary structures or equipment are operated and maintained as designed.
- Discharge prevention procedures and training on the procedures.
- Procedures for reporting oil discharges.

A SPCC plan does not need to be submitted. However, facilities which pose a “substantial harm” to the environment by discharging oil to a navigable water are also subject to the requirement to develop a [Facility Response Plan \(FRP\)](#). “Significant harm” is determined by the quantity of oil stored on-site and certain secondary risks, including a facility’s proximity to sensitive environments and public drinking water intakes. The contents of the FRP must include, but are not limited to:

- Identification of qualified individuals with full authority to implement removal actions and begin immediate communications with federal authorities and responders.
- Identification and availability of resources to remove a worst-case discharge of oil.
- Training, testing, unannounced drills, and response actions in the event of a discharge of oil.

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- Description of the procedures to detect discharges of oil and the plan for response, containment, and disposal of the discharge.

While an SPCC plan and an FRP must be separate documents, they will typically have significant overlap. However, an FRP must be submitted to the USEPA for approval, and the FRP must be resubmitted for approval of each significant change to the plan. Cerilon will evaluate the applicability of the FRP requirement to the project and develop the FRP if applicable.