Appendix B

Certification of the Applicability of the Substantial Harm Criteria

Facility Name: _____

Facility Address: _____

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil 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 oil 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 Attachment C-III to this appendix or a comparable formula[1]) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix E to 40 CFR 112, Section 13, for availability) and the applicable Area Contingency Plan.   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 Attachment C-III to this appendix or a comparable formula[1]) such that a discharge from the facility would shut down a public drinking water intake[2]?   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 discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?   Yes _____   No _____

Certification:

I certify that 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	Name *(please type or print)*

_____	_____
Title	Date

[1]If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable formula must be attached to this form.

[2]For the purposes of 40 CFR 112, public drinking water intakes are analogous to public water systems as described at 40 CFR 143.2(c).