

# The SPCC Rule and Recent Amendments

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# Presentation Overview

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1. SPCC Rule Applicability and Basics
2. Recent Rule Amendments Overview
3. Compliance Date Extension
4. Additional Information

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Please note that this presentation  
is a summary and does not cover  
every SPCC provision

Always refer to the SPCC rule and official  
Agency guidance found at  
[www.epa.gov/oilspill](http://www.epa.gov/oilspill)

## Section 1.

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# SPCC Rule Applicability and Basics



# What is the SPCC Rule?

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- Spill Prevention, Control, and Countermeasure rule
- Part of the Oil Pollution Prevention regulation (40 CFR part 112)
  - Includes requirements for Facility Response Plans (FRPs) for certain facilities which pose a greater threat to waterways and the environment
- Purpose – To develop plans designed to prevent oil discharges from reaching the navigable waters of the U.S. and adjoining shorelines

# Requirements of the SPCC rule

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- Requires certain facilities, including farms, to develop and implement a **site-specific SPCC Plan** to address:
  - Containment and procedures to *prevent* oil discharges;
  - Proactive *Control* measures to keep an oil discharge from entering navigable waters of the U.S. and adjoining shorelines (containment); and
  - Effective *Countermeasures* to contain, clean up, and mitigate any oil discharge that affects navigable waters of the U.S. and adjoining shorelines (spill response measures).

# Spill Prevention, Control and Countermeasure (SPCC) Rule Overview

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- Authority from Clean Water Act
- Oil Pollution Prevention regulation codified at 40 CFR part 112
- Original rule effective in January 1974
- Non-delegable to other agencies

# Rule Applies To Non-Transportation Related Facilities

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Regulations apply to owners and operators of facilities involved in:

- Drilling
- Producing
- Gathering
- Storing
- Processing
- Refining
- Transferring
- Distributing
- Using
- Consuming

# Examples of Non-Transportation-Related Facilities





# Examples of Transportation-Related Facilities

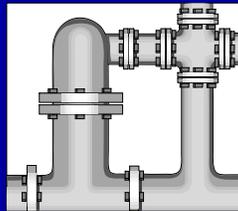
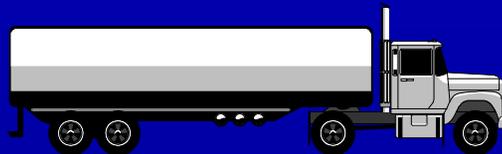
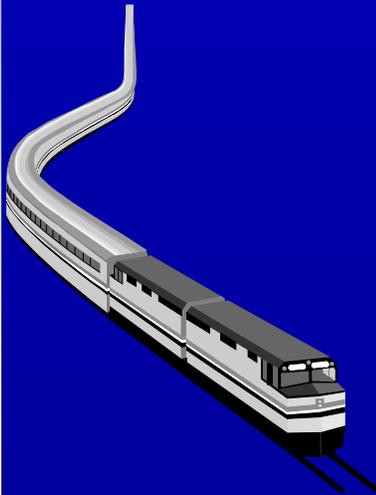


**DOT - YES!**

**EPA - NO!**



These facilities are subject to authority and control of U.S. Department of Transportation\*



\* Memorandum of understanding between secretary of transportation and Administrator of EPA Nov. 24, 1971. 36 FR 24080 and a summary is found in Appendix A of the SPCC rule

# Examples of Transportation-Related Facilities



# What are the SPCC criteria?

## You must have an SPCC Plan if:

- Facility stores > 1,320 gallons of oil in aggregate above-ground storage or has 42,000 gallons of completely buried oil storage capacity; and
- Facility has a “reasonable expectation of an oil discharge” to waterway or adjoining shoreline.



# SPCC Applicability

- Owner/operator makes the initial decision on applicability of SPCC regulations to the facility
  - Does the facility meet the applicability criteria (volumes of oil, expectation to spill to waterway)?
- No requirement to submit SPCC Plan to EPA for approval
- EPA does not formally “approve” or disapprove of SPCC Plan
- Plan is required upon inspection during regular workday

# SPCC Applicability

## Counted

55-gallons or greater



## Not Counted



5-gallon container



30-gallon drum



Permanently Closed

# Definitions - Oil

- Oil, as defined in Section 311 (a)(1) of the CWA, can be of any kind or in any form including, but not limited to
  - Petroleum and non-petroleum based oils
  - Crude Oil
  - Refined Products
  - Animal Fats, and
  - Vegetable oils



# Examples of Oil on a Farm

- Gasoline
- Off-road and on-road diesel fuel
- Hydraulic oil
- Lubrication oil
- Crop oil
- Vegetable oils from crops
- Adjuvant oil
- Milk\*

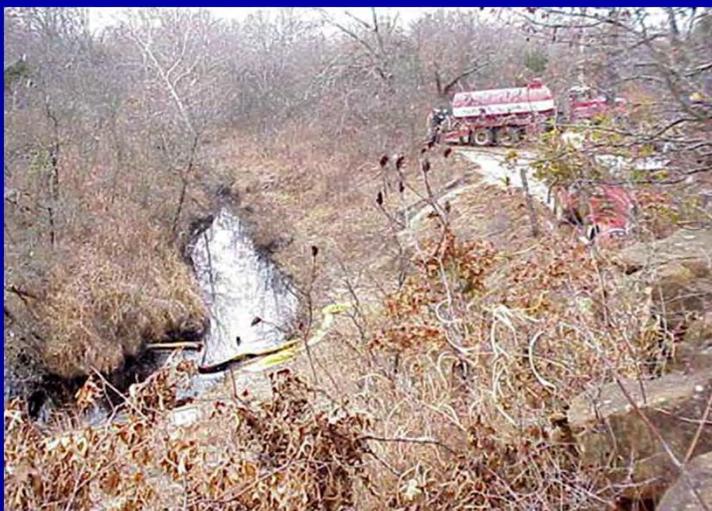


\* Milk and Milk product containers are now exempt from the SPCC capacity calculations and rule requirements

# Navigable Waterways of the U.S. and Adjoining Shorelines

- Applicability of the SPCC rule is predicated on a reasonable threat of discharge of oil to “navigable waters of the U.S. and adjoining shorelines”
- What are navigable waters of the U.S.?
  - Surface waterways – streams, creeks, rivers, lakes
  - Wetlands adjacent to a navigable waterway
    - Nexus important
  - Can be intermittent streams. Best determination if flowing at least seasonally (3 months or more), depending on several factors (see Rapanos Guidance)  
[http://www.epa.gov/owow\\_keep/wetlands/guidance/CWAwaters.html](http://www.epa.gov/owow_keep/wetlands/guidance/CWAwaters.html)
  - Defined flow pathway to truly navigable waters of the U.S. good start in determination – don’t assume
- EPA expects to issue guidance on navigable waters of the U.S and adjoining shorelines.

# Navigable Waters of the U.S. and Adjoining Shorelines Discussion



# What is a “Reasonable Expectation of an Oil Discharge”?

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- Initial determination by the owner/operator based on geographical and location aspects of the farm
- You may consider proximity to water, land contour, drainage
- Exclude manmade features, such as secondary containment dikes around tanks and impoundments, in determination
- Good idea to document determination
  - Particularly if you conclude you are not subject to the rule
  - Not a rule requirement
- See Section 2.4 of SPCC guidance document



Photo courtesy of McClusky Gazette. Allan Tucker, photographer.

# Facility

**Facility-** any mobile or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used, as described in Appendix A to this part. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.

# What the definition means...

- According to EPA guidance, the extent of a “facility” depends on site-specific circumstances:
  - Ownership, management, and operation of the buildings, structures, equipment, installations, pipes, or pipelines on the site;
  - Similarity in functions, operational characteristics, and types of activities occurring at the site;
  - Adjacency; or
  - Shared drainage pathways (e.g., same receiving water bodies).



# Farm



*The definition of a farm was promulgated in the December 2006 rule amendments because, at the time, EPA delayed the compliance date for farms until additional amendments to the rule were promulgated.*

*Additional amendments were promulgated in 2008 and farms now have the same compliance dates as other facilities.*

**Farm** - A facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.

# What the definition means...

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- A farm is a type of facility
- **Note:** You may be subject to the SPCC rule because you meet the definition of a facility; you must determine oil storage capacity and reasonable expectation of an oil discharge like any other facility



# Permanently Closed

- SPCC rule exempts any oil storage container that is permanently closed.
- *Permanently closed* means any container or facility for which:
  - (1) All liquid and sludge has been removed from each container and connecting line; and
  - (2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is permanently closed and noting the date of closure.



# Permanently Closed (cont.)

- Definition of “permanently closed” does not require a container to be removed from a facility.
  - Permanently closed containers may be brought back into use as needed for variations in production rates and economic conditions.
- Permanent closure requirements under the SPCC rule are separate and distinct from the closure requirements in regulations promulgated under Subtitle C of RCRA.
- SPCC rule exempts any oil storage container that is permanently closed.
  - A tank that has either never stored oil, or has been permanently closed, and arrives at a facility is not counted until the tank is actually used to store oil.

# Key SPCC Requirements

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- Prepare Plan in accordance with Good Engineering Practices
- Full approval of management to implement Plan – and sign off
- Follow sequence of Section 112.7, or use a cross-reference section

# SPCC Key Requirements

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- SPCC regulations requires preparation and implementation of a written Plan to address:
  - Operating procedures for routine handling of products to prevent a discharge of oil
  - Discharge or drainage control measures to prevent a discharge of oil
  - Countermeasures to contain, clean up, and mitigate an oil spill
  - Methods of disposal of recovered materials
  - Contact list and phone numbers of company, contract response personnel, and National Response Center

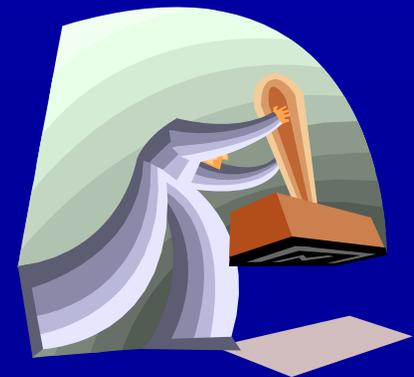
# Key SPCC Requirements

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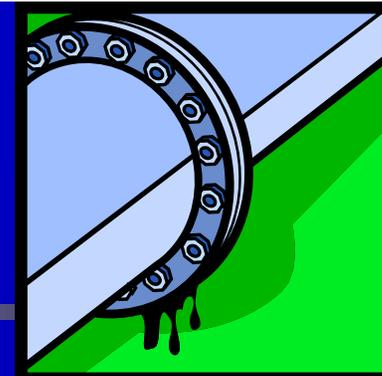
- For farms with  $>10,000$  gallons of oil, Plans are required to be certified by a Professional Engineer (PE)
- For farms with  $> 1,320$  up to 10,000 gallons of oil, can opt to self-certify SPCC Plans
  - Details to follow (Qualified Facilities)
  - This is optional alternative to PE certification
  - Two tiers of certification

# Professional Engineer (PE)

- Certified by a licensed PE
  - Licensed in state or state with reciprocity
  - PE familiar with 40 CFR Part 112
  - PE or agent visited facility
  - In accordance with good engineering practices
    - Consider applicable industry standards
    - In compliance with regulations
  - Inspection and testing procedures are established
  - Plan is adequate for facility



# Failure Analysis



- Where experience indicates reasonable potential for equipment failure
  - Tank loading or unloading equipment
  - Tank overflow, rupture, or leakage
  - Any other equipment known to be a source of a discharge
- Predict for each type:
  - Direction (e.g., north, or to the road)
  - Rate of flow
  - Total quantity of oil that could be discharged

# Amendment of SPCC Plan by Owners or Operators

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- For changes in facility design, construction, operation, or maintenance that materially affect the potential for a discharge as described in 112.1(b)
  - Commissioning and decommissioning containers
  - Replacement, reconstruction, or movement of containers
  - Reconstruction, replacement, or installation of piping systems
  - Construction or demolition that might alter secondary containment structures
  - Changes in product or service
  - Revision of operating or maintenance procedures
- Amend within 6 months; implement ASAP, but no later than 6 months after amendment

# Plan Review



- Complete review and evaluation of Plan
  - Once every 5 years from the date facility becomes subject to the rule
  - If a facility was in operation on or before 8/16/2002, five years from the date of your last review required by the rule
  - Does not always require a PE
- Amend Plan within 6 months to include more effective prevention and control technology
- Implement ASAP, but no later than 6 months of amendment

# Documenting Plan Review

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- Must document Plan review and evaluation
- Sign statement at beginning or end of Plan or in a log or an appendix
  - “I have completed review and evaluation of the SPCC Plan for (name of facility) on (date), and will (will not) amend the Plan as a result.”
- PE must certify any technical amendment to Plan
  - Qualified Facilities exception

# SPCC Rule Key Requirements

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- SPCC Plan must be maintained at facility if **manned 4 hours/per day** or more, or at nearest field office if **manned less than 4 hours/per day**
- Allowance of usual and customary business records to serve as records of inspection or tests

# Inspections, Tests, and Records

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- Conduct inspections and tests in accordance with written procedures developed by the facility or by the engineer who certifies the facility Plan
- Keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years

# Environmental Equivalence

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- Allows deviations from **most** technical requirements of the rule when:
  - Equivalent environmental protection is provided and reasons for non-compliance explained
  - Does not include **secondary containment, training, recordkeeping, and administrative provisions** of the rule

# Training

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- Train oil-handling personnel
  - Operation/maintenance of prevention equipment
  - Discharge procedure protocols
  - Applicable pollution control laws, rules, and regulations
  - General facility operations
  - Contents of the facility SPCC Plan
- Designate person accountable for discharge prevention and who reports to facility management
- Schedule/conduct at least one briefing/year:
  - Known discharges and failures, malfunctioning components, new precautionary measures

# General Secondary Containment

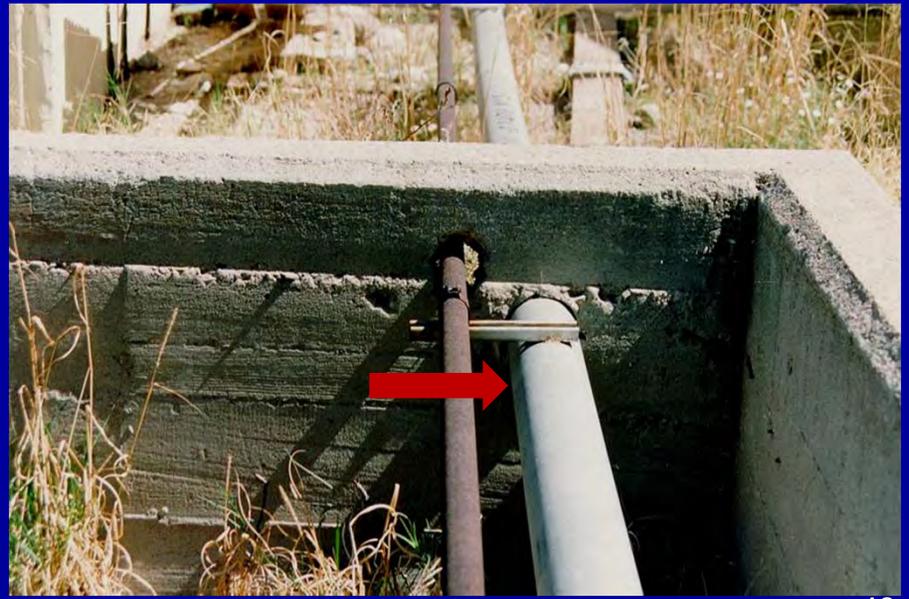
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- Provide appropriate secondary containment and/or diversionary structures or equipment to prevent a discharge (from tanks, drums, totes, piping, etc.) to “navigable waters of the U.S. and adjoining shorelines”
- The entire system (walls and floor) must be capable of containing oil so that a discharge from containment will not occur until cleanup occurs
- §112.7(c)

# General Secondary Containment

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- One of the following preventive systems or its equivalent should be used as a minimum for onshore facilities:
  - Dikes, berms or retaining walls sufficiently impervious to contain spilled oil
  - Curbing or drip pans
  - Sumps and collection systems
  - Culverting, gutters or other drainage systems
  - Weirs, booms or other barriers
  - Spill diversion ponds
  - Retention ponds
  - Sorbent materials



# Revision to General Secondary Containment Requirement

- Clarified that the general secondary containment requirement is intended to address the *most likely oil discharge* from any part of a facility
- Use of active and passive secondary containment, such as spill kits, allowed

New text: "... In determining the method, design, and capacity for secondary containment, you need only to address the typical failure mode, and the most likely quantity of oil that would be discharged. Secondary containment may be either active or passive in design."

- Modifies §112.7(c) to expand the list of example prevention systems for onshore facilities
  - Additional examples: drip pans, sumps, and collection systems

# Secondary Containment

## Active Measures

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- Can use active measures as secondary containment
- Active measures are those that require deployment or a specific action by an operator
  - These may be deployed either before an activity involving the handling of oil starts, or in reaction to a discharge
- Must be implemented in time to prevent the spilled oil from reaching surface waters

# Active Measures

- May be appropriate for discharges that occur during manned activities if they:
  - Can contain the volume and rate of oil
  - Is properly constructed
  - Is deployed in a timely manner
- Examples include:
  - Using spill kits in the event of a discharge
  - Placing a properly designed storm drain cover over a drain prior to a transfer of oil to a container



# General Secondary Containment

- “General” Secondary Containment requirement applies to the following examples:
  - Nurse tanks
  - Mobile refuelers
  - Oil-filled equipment (transformers, manufacturing equipment, etc.)
  - Transfer areas
    - Piping runs/racks, manifolds, etc.
    - Truck loading/unloading areas (not loading rack)
- No specific-sized volume requirement
- Sizing based on typical spill size not container size

# Specific Secondary Containment Requirements

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- Specific minimum size requirement for secondary containment for:
  - Bulk storage containers
  - Mobile or portable bulk storage containers\*
- The secondary containment must be sized to contain the largest single oil compartment or container plus “sufficient freeboard” to contain precipitation

\* Certain mobile portable containers (tanker trucks and nurse tanks) are only required to have general secondary containment

# Specific Secondary Containment

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- For Bulk Storage containers, sized containment could be an earthen berm, concrete dike or earthen remote impoundment
  - See Chapter 4 of SPCC Guidance Document (Figures 4-5 and 4-6)
    - [http://www.epa.gov/emergencies/docs/oil/spcc/guidance/4\\_SecondaryContainment\\_Impracticability.pdf](http://www.epa.gov/emergencies/docs/oil/spcc/guidance/4_SecondaryContainment_Impracticability.pdf)
  - Sample Calculation Worksheets are also available on the EPA Website (for Qualified Facilities)



# Bulk Storage Container Requirements

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- No container should be used for the storage of oil unless its oil and construction are compatible with the oil stored and the conditions of storage, such as pressure and temperature, etc.
- For bulk storage tank installations, provide secondary containment for the entire capacity of the largest single container with sufficient freeboard for precipitation



# Bulk Storage Containers

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- Overfill Protection. Provide at least one of the following devices:
  - High liquid level alarms
  - High liquid level pump cutoff
  - Direct audible or code signal communication between container gauger and pumping station
  - Fast-response system for determining liquid level of each bulk storage container, with person present to monitor
  - Regularly test liquid level sensing devices (follow manufacturers specifications)



Inadequate Containment and Overfill Protection

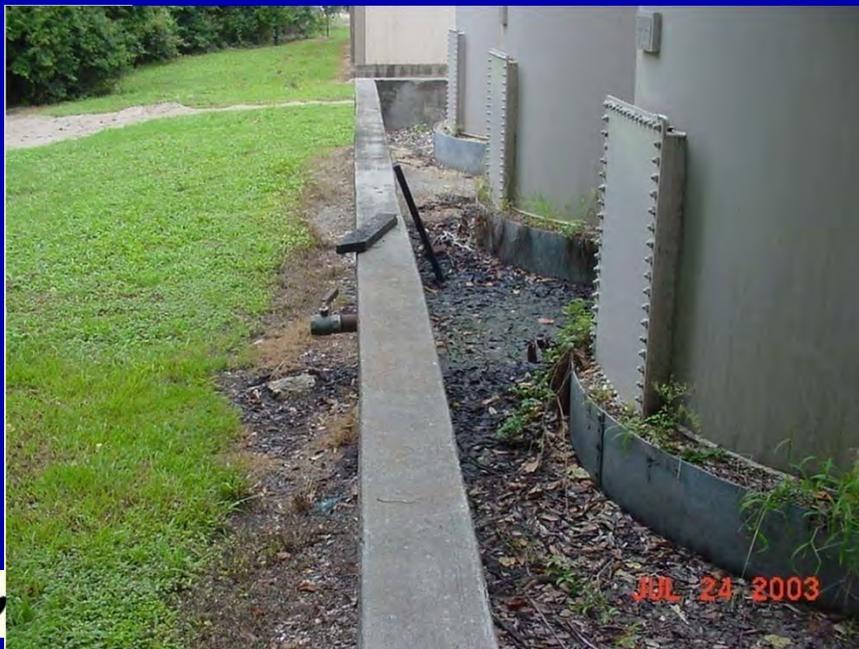
# Facility Drainage

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- Drainage from diked storage areas should be:
  - Restrained by valves or other positive means
    - Use valves that are *manual* and open-and-closed in design
  - Emptied by pumps or ejectors that are manually activated and inspected before starting to verify that no oil will be discharged into navigable waters of the U.S. and adjoining shorelines.

# Facility Drainage (cont.)

- Drainage from undiked areas should flow into:
  - Ponds;
  - Lagoons; **or**
  - Catchment basins designed to retain oil or return it to the facility.
- Catchment basins should not be located in areas subject to periodic flooding
- If plant drainage is not engineered as above, the final discharge of all in-plant ditches should be equipped with a diversion system that could, in the event of an uncontrolled spill, return the oil to the plant



# Tank Truck Loading/Unloading Rack

- Secondary Containment is required for a loading rack
- Must be sized to volume of the single largest compartment on tank truck
- Physical barrier system, wheel chocks, warning signs, etc. required
- Examination of the trucks lowermost drains, outlets
- Typically racks are not found at a farm



# Loading/Unloading Areas

- If there is not a loading rack, but a loading area then 112.7(c) general containment is required (no specific size volume required)
- You determine amount most likely to be spilled, then provide secondary containment for that volume



# Oil-Filled Operational Equipment

- Equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device
  - Not considered a bulk storage container
  - Does not include oil-filled manufacturing equipment
- Examples: hydraulic systems, lubricating systems, gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, other systems containing oil solely to enable the operation of the device



# Qualified Oil-Filled Operational Equipment

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- Alternative to the general secondary containment requirements for qualified oil-filled operational equipment:
  - Prepare an oil spill contingency Plan and a written commitment of manpower, equipment, and materials
  - Have an inspection or monitoring program to detect equipment failure and/or a discharge ( *112.7(k)*)
- Must meet eligibility criteria

# Qualified Oil-Filled Operational Equipment Eligibility Criteria

- For the 3 years prior to Plan certification, or since becoming subject to the Rule if it has operated for less than 3 years, the facility must not have had:
  - A single 112.1(b) discharge of oil from any oil-filled operational equipment exceeding 1,000 U.S. gallons; or
  - Two 112.1(b) discharges of oil from any oil-filled operational equipment each exceeding 42 U.S. gallons within any 12-month period.

The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters of the U.S. and adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for the purposes of this reporting requirement.

# Facility Transfer (Piping) Operations

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- Conduct regular inspections of all aboveground valves, piping, and appurtenances
- Assess general condition of items such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces
- Conduct integrity and leak testing of buried piping at time of installation, modification, construction, relocation, or replacement



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## Section 2.

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# Recent Rule Amendments Overview



# SPCC Amendments Related to Farms

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- Exempted pesticide application equipment and related mix containers
- Exempted heating oil containers at single-family residences
- Exempted motive power containers
- Exempted milk or milk product containers
- Clarified that farm nurse tanks are mobile refuelers

# SPCC Amendments Related to Farms

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- Amended the definition of “facility”
- Modified secondary containment requirement language at 112.7(c) to provide more clarity and flexibility
- Simplified security requirements
- Amended tank integrity testing requirements to allow greater flexibility

# SPCC Amendments Related to Farms

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- Clarified definition of “permanently closed” tanks and status of new tanks with no fuel added
- Clarified applicability of the rule to man-made structures
- Added option to allow a self-certified Plan for a “qualified facility” and divided facilities into tiers

# Pesticide Application Equipment

- Exempt equipment includes:
  - Ground boom applicators
  - Airblast sprayers
  - Specialty aircraft that apply measured amounts of pesticides to crops and/or soil
  - Related mix containers
- Exemption applies to all pesticide application equipment and related mix containers, regardless of ownership or where used



# Residential Heating Oil Containers

- Residential heating oil containers at single-family residences are exempt from the SPCC rule
- Applies to containers that are:
  - Aboveground or completely buried
  - Located at a farm or single-family residences
  - Used solely to store heating oil used to heat the residence
- SPCC requirements continue to apply to oil containers used to heat other non-residential buildings within a facility



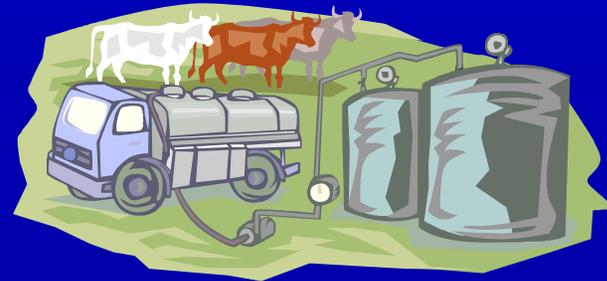
# Motive Power Containers

- Defined as any onboard storage containers used primarily to power the movement of a motor vehicle
- Includes self-propelled agricultural, construction, and excavation vehicles; and self-propelled cranes
- Oil transfer activities occurring within an SPCC-regulated facility continue to be regulated



# Milk and Milk Product Container Exemption

- All milk and milk product containers, associated piping and appurtenances are exempt from the SPCC rule
  - Excluded from facility oil storage capacity calculation when determining SPCC applicability
  - Exemption also includes all milk handling and transfer activities
  - Milk product examples include cheese, yogurt and ice cream
- Does not impact the potential liability of milk spills



**Immediately report milk and other oil spills to navigable waters or adjoining shorelines to the National Response Center (NRC) at **800-424-8802** or **202-426-2675****

# Farm Nurse Tanks

## Preamble Clarification

- Nurse tanks are mobile/portable containers used at farms to store and transport fuel for transfers to or from farm equipment and to other bulk storage containers
- The definition of “mobile refueler” includes nurse tanks, as well as non-road licensed refueling equipment that are used to refuel farm equipment in the fields
- Nurse tanks are excluded from sized secondary containment
- Must meet general secondary containment requirements at §112.7(c)- design for “most likely” spill (e.g. spill kits may be adequate)
- Identify the “home base” in Plan



# Security Requirements

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- A facility owner/operator is required to describe in the SPCC Plan how he will:
  - Secure and control access to all oil handling, processing and storage areas;
  - Secure master flow and drain valves;
  - Prevent unauthorized access to starter controls on oil pumps;
  - Secure out-of-service and loading/unloading connections of oil pipelines; and
  - Address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.

# Inspections and Integrity Testing

- SPCC rule requires routine inspections and tank integrity testing
- 2008 amendments provides flexibility in complying with bulk storage container (tanks, drums and totes) inspection and integrity testing requirements



Proposed  
changes at:  
112.8(c)(6)  
and  
112.12(c)(6)



# Inspections and Integrity Testing

- 2008 amendments and flexibility:
  - Requires an owner or operator to consult and rely on industry standards to determine the appropriate qualifications for tank inspectors/testing personnel and the type/frequency of integrity testing required for a particular container size and configuration
  - Enables facilities to easily adjust Plans to reflect changes in industry standards
  - Example industry standards: American Petroleum Institute (API) 653 ([www.api.org](http://www.api.org))
  - Steel Tank Institute SP001 ([www.steeltank.com](http://www.steeltank.com))

Proposed  
changes at:  
112.8(c)(6)  
and  
112.12(c)(6)



# Summary of Inspection Requirements

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- Drums and totes (portable containers): Periodic visual inspections, as long as sized secondary containment provided; typically monthly, can be weekly, etc.
- Tanks: Periodic visual inspections by the owner/operator plus formal inspections based on the industry integrity testing standard that is used. Visual inspections are typically performed monthly, can be weekly, etc.
- Piping: Periodic visual inspections by the owner/operator, typically monthly, can be weekly, etc.
- Fuel transfer areas: Visual inspections by the owner/operator during transfers, typically monthly, can be weekly, etc.

# Manmade Structures: Preamble Clarification

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- Certain manmade features may be taken into consideration in determining how to comply with SPCC requirements
- SPCC Plan preparer can consider:
  - The ability of building walls and/or drainage systems to serve as secondary containment for a container
    - Freeboard for precipitation not necessary if container is indoors
  - Indoor conditions that reduce external corrosion and potential for discharges, to develop a site-specific integrity testing and inspection program

# Qualified Facilities – An Overview

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- A qualified facility is a smaller oil storage facility that is eligible for streamlined regulatory requirements
  - Self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer
- Must meet eligibility criteria
- This group of facilities divided into two tiers
  - Tier I - complete a self-certified SPCC Plan following a template
  - Tier II - prepare and self-certify an SPCC Plan

# Qualified Facilities Eligibility

## Criterion #1: Storage Capacity

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- Facility must have **10,000 gallons or less** in aggregate aboveground oil storage capacity
- If the facility capacity increases above 10,000 gallons, then a PE must certify the Plan within 6 months of capacity change

# Qualified Facilities Eligibility

## Criterion #2: Reportable Discharge History

- For the 3 years prior to Plan certification, or since becoming subject to the rule if it has operated for less than 3 years, the facility must not have had:
  - A single discharge of oil to navigable waters of the U.S. and adjoining shorelines exceeding 1,000 U.S. gallons; or
  - Two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period.

The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters of the U.S. and adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for the purposes of this reporting requirement.

## Qualified Facilities Eligibility (cont.)

### Criterion #2: Reportable Discharge History

- Oil discharges that result from natural disasters, acts of war, or terrorism are not included
- Oil discharges that result from vandalism are included



# What if you have a spill?



- Spills of oil to navigable waters of the U.S. and adjoining shorelines must be immediately reported to the National Response Center (NRC) at 800-424-8802 or 1-202-426-2675
- Facilities that have a reportable oil discharge after self-certifying the SPCC Plan do not automatically lose eligibility
- However, the Regional Administrator has the authority to require a PE certified Plan

# Qualified Facilities Self-Certification

- Facilities that meet the eligibility criteria are able to prepare and self-certify an SPCC Plan as Tier II qualified facilities
- Self-certified SPCC Plans must follow the rule requirements
  - Cannot deviate from rule requirements UNLESS
  - A PE certifies the environmentally equivalent alternative and/or contingency plan substituting for secondary containment (“hybrid Plan”- Tier II facilities only)



NOTE: Some states require a PE to certify SPCC Plans

# Self-Certification Attestation

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- Owner/operator certifies that:
  - The Plan has been prepared in accordance with accepted and sound industry practices and standards and with the rule requirements
  - Procedures for required inspections and testing have been established
  - The Plan is being fully implemented
  - The facility meets the qualifying criteria
  - The Plan does not deviate from rule requirements except as allowed and as certified by a PE
  - Management approves the Plan and has committed resources to implement it

# Tier I Eligibility Criteria

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- Meet the Tier II qualified facilities eligibility criteria:
  - 10,000 gallons maximum facility aboveground oil storage capacity;
  - In the 3 years prior to Plan certification, no spills to navigable waters of the U.S. and adjoining shorelines: greater than 1,000 gallons or no two spills greater than 42 gallons in a 12-month period; and
- Have no oil storage containers with an individual aboveground storage capacity greater than 5,000 U.S. gallons

# Tier I Qualified Facilities

- Option to complete a self-certified SPCC Plan template instead of a full SPCC Plan
  - A Tier I qualified facility owner/operator can choose to comply with either Tier I or Tier II requirements or prepare a PE-certified Plan in accordance with all applicable requirements of §112.7 and subparts B and C
  - Template is found in **Appendix G** to the SPCC rule
- Template is designed to be a simple SPCC Plan
  - Cannot be a “hybrid Plan” (i.e., no PE-certified environmental equivalence or contingency plan instead of secondary containment)

# Tier I Template

Available at:

<http://www.epa.gov/osweroe1/content/spcc/tier1temp.htm>

Ver. 14-pd3-18-10

**Tier I Qualified Facility SPCC Plan**

This template constitutes the SPCC Plan for the facility, when completed and signed by the owner or operator of a facility that meets the applicability criteria in §112.3(g)(1). This template addresses the requirements of 40 CFR part 112. Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or for a facility attended fewer than four hours per day, at the nearest field office. When making operational changes at a facility that are necessary to comply with the rule requirements, the owner/operator should follow state and local requirements (such as for permitting, design and construction) and obtain professional assistance, as appropriate.

**Facility Description**

Facility Name \_\_\_\_\_

Facility Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

County \_\_\_\_\_ Tel. Number ( ) - \_\_\_\_\_

Owner or Operator Name \_\_\_\_\_

Owner or Operator Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

County \_\_\_\_\_ Tel. Number ( ) - \_\_\_\_\_

**I. Self-Certification Statement (§112.6(a)(1))**

The owner or operator of a facility certifies that each of the following is true in order to utilize this template to comply with the SPCC requirements:

I \_\_\_\_\_ certify that the following is accurate:

1. I am familiar with the applicable requirements of 40 CFR part 112;
2. I have visited and examined the facility;
3. This Plan was prepared in accordance with accepted and sound industry practices and standards;
4. Procedures for required inspections and testing have been established in accordance with industry inspection and testing standards or recommended practices;
5. I will fully implement the Plan;
6. This facility meets the following qualification criteria (under §112.3(g)(1)):
  - a. The aggregate aboveground oil storage capacity of the facility is 10,000 U.S. gallons or less; and
  - b. The facility has had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons and no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years (not including oil discharges as described in §112.1(b) that are the result of natural disasters, acts of war, or terrorism); and
  - c. There is no individual oil storage container at the facility with an aboveground capacity greater than 5,000 U.S. gallons.
7. This Plan does not deviate from any requirement of 40 CFR part 112 as allowed by §112.7(a)(2) (environmental equivalence) and §112.7(d) (impracticability of secondary containment) or include any measures pursuant to §112.9(c)(6) for produced water containers and any associated piping;
8. This Plan and individual(s) responsible for implementing this Plan have the full approval of management and I have committed the necessary resources to fully implement this Plan.

# Summary: Qualified Facilities Applicability

If the facility total aboveground oil storage capacity is 10,000 gallons or less

And...	And the facility has...	Then the facility is a:
<p>Within three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, the facility has not discharged oil to navigable waters of the U.S. and adjoining shorelines in:</p> <ul style="list-style-type: none"> <li>• A single discharge exceeding 1,000 gallons, or</li> <li>• Two discharges each exceeding 42 gallons within any 12-month period.</li> </ul>	<p>No individual aboveground oil containers greater than 5,000 gallons;</p>	<p>Tier I Qualified Facility: Complete and self-certify Plan template (Appendix G of SPCC rule) instead of a full PE-certified Plan or other self-certified SPCC Plan.</p>
	<p>Any individual aboveground oil container greater than 5,000 gallons;</p>	<p>Tier II Qualified Facility: Prepare a self-certified Plan in accordance with all applicable requirements of §112.7 and subparts B or C of the rule, in lieu of a PE-certified Plan.</p>



# Plan Requirements for Farms with >10,000 gallons of oil

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- SPCC Plan must be certified by a Professional Engineer (PE)
- State PE licensing boards typically require PE's to have expertise in area of practice in order to "stamp" plans and construction documents
- Plan must include PE attestation
- PE's should not use Tier I template to complete SPCC Plan
  - Plan must follow rule requirements in 40 CFR parts 112.7 and 112.8.

## Section 3.

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# Compliance Date Extension



# SPCC Rule Compliance Dates

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- On October 7, 2010, EPA extended the compliance date to most facilities for November 10, 2011
- This compliance date extension applies to farms.

# Current Compliance Dates for Facilities

A facility starting operation...	Must...
On or before August 16, 2002	<ul style="list-style-type: none"><li>• Maintain existing SPCC Plan</li><li>• Amend and implement the SPCC Plan no later than <b>November 10, 2011</b>.</li></ul>
After August 16, 2002 through November 10, 2011	<ul style="list-style-type: none"><li>• Prepare and implement the SPCC Plan no later than <b>November 10, 2011</b>.</li></ul>
After November 10, 2011	<ul style="list-style-type: none"><li>• Prepare and implement an SPCC Plan <b>before beginning operations</b>.</li></ul>

## Section 4.

# Additional Information



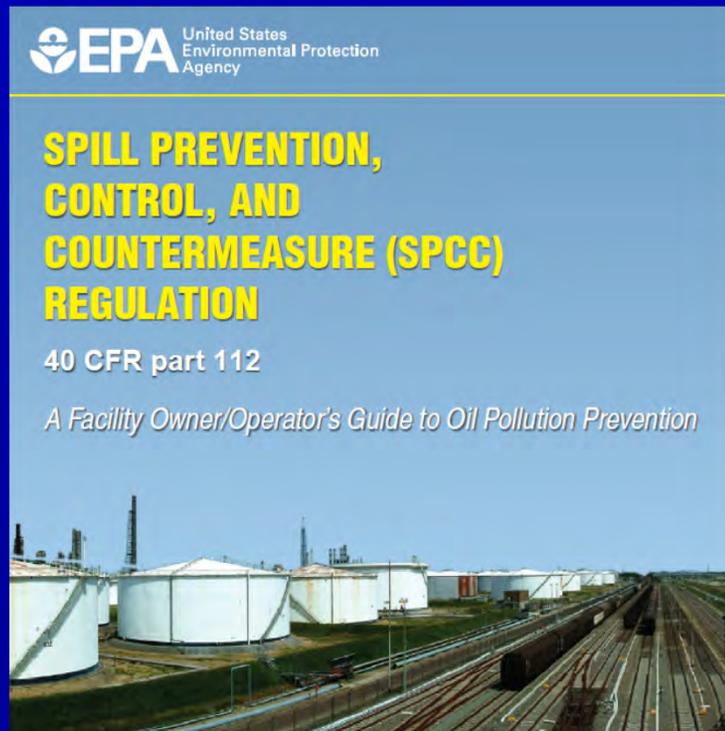
# Outreach Tools

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- SPCC farm factsheet and blank Tier I template on EPA's oil website:
  - <http://www.epa.gov/emergencies/content/spcc/index.htm>
- General SPCC Blue Book on website also
- Example Tier I template for farms
- SPCC Green Book (in the works)
- **HOTLINE:** Superfund, TRI, EPCRA, RMP, and Oil Information Center (800) 424-9346

# SPCC Blue Book

- Available at:  
<http://www.epa.gov/oem/docs/oil/spcc/spccbluebroch.pdf>



# Reporting of Oil Spills

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- Report all oil discharges to navigable waters of the U.S. and adjoining shorelines to NRC at 1-800-424-8802
- Federal government's centralized reporting center, which is staffed 24 hours a day by U.S. Coast Guard personnel
- Any person in charge of a vessel or an onshore or offshore facility must notify NRC immediately after he or she has knowledge of the discharge
- NRC relays information to EPA or U.S. Coast Guard depending on the location of the incident
- An On-Scene Coordinator evaluates the situation and decides if federal emergency response action is necessary

# Specific SPCC Spill Reporting Requirements

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- Report to the EPA Regional Administrator (RA) when there is a discharge of:
  - More than 1,000 U.S. gallons of oil in a single discharge to navigable waters of the U.S. and adjoining shorelines
  - More than 42 U.S. gallons of oil in each of two discharges to navigable waters of the U.S. and adjoining shorelines within a 12-month period
  - When making this determination it is the amount of the discharge in gallons that reaches navigable waters of the U.S. and adjoining shorelines
  - An owner/operator must report the discharge(s) to the EPA Regional Administrator within 60 days

# For More Information

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- EPA's SPCC web page
  - <http://www.epa.gov/emergencies/content/spcc/index.htm>
- EPA Oil Spill and Emergency Management web pages
  - [www.epa.gov/oilspill](http://www.epa.gov/oilspill)
  - [www.epa.gov/emergencies](http://www.epa.gov/emergencies)
- **HOTLINE:** Superfund, TRI, EPCRA, RMP, and Oil Information Center
  - (800) 424-9346 or (703) 412-9810
  - TDD (800) 553-7672 or (703) 412-3323
  - [www.epa.gov/superfund/resources/infocenter](http://www.epa.gov/superfund/resources/infocenter)

# SPCC Contacts

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# Questions?

