

# The SPCC Rule and Recent Amendments



U.S. Environmental Protection Agency  
Office of Emergency Management  
November 2010

# Presentation Overview

---

1. SPCC Rule and 2008/2009 Amendments Overview
2. Compliance Date Extension
3. Proposed and Final Amendments
  - A. Amended/Clarified Definitions
  - B. Tier I Qualified Facilities
  - C. Other Revisions
  - D. Preamble Clarifications
4. Additional Information

Section 1.

---

# SPCC Rule and Amendments Overview

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

---

- Oil Pollution Prevention regulation (40 CFR part 112)
  - Originally promulgated in 1973
  - Specifies requirements for prevention of, preparedness for, and response to oil discharges
- Requirements help prevent oil discharges from reaching navigable waters or adjoining shorelines.
- Certain facilities, are required to develop SPCC Plans that describe equipment, workforce, procedures, and training to prevent, control, and provide adequate countermeasures to a discharge of oil.

# What are the SPCC criteria?

---

- Facilities that store > 1,320 gallons of oil
- Start counting at 55 gallons (typically drums and totes)
- Facilities that have a “reasonable expectation of an oil discharge” to water

# What is a "Reasonable Expectation of an Oil Discharge"?

---

- Determination by the owner/operator based on geographical and location aspects of the facility
- Consider proximity to water, land contour, drainage
- Exclude secondary containment, such as dikes around tanks and impoundments, in determination
- Good idea to document determination, although not a rule requirement

# Key SPCC Elements

---

- Prepare and implement an SPCC plan that outlines equipment and procedures to prevent and respond to an oil spill.
  - Prior to 2006, all plans required a Professional Engineer (PE) to certify.
  - Now allow facilities up to 10,000 gallons to self-certify their plans.
- Containers (tanks, drums, totes) required to have sized secondary containment and overfill prevention.
- Other areas required to have general secondary containment, such as loading/unloading areas and mobile refuelers.

# 2009 SPCC Rule Amendments

---

- Finalized certain December 2008 amendments without change
- Removed certain provisions from the December 2008 final rule
- Provided technical corrections to certain provisions of the December 2008 amendments



# SPCC Amendments

---

- Exempted pesticide application equipment and related mix containers
- Exempted heating oil containers at single-family residences
- Clarified that farm nurse tanks are mobile refuelers
- Amended the definition of “facility”
- Modified secondary containment requirement language at 112.7(c) to provide more clarity
- Simplified security requirements
- Amended tank integrity testing requirements to allow greater flexibility

# SPCC Amendments

---

- Clarified definition of “permanently closed” tanks and status of new tanks with no fuel added
- Clarified applicability of the rule to man-made structures

Section 2.

---

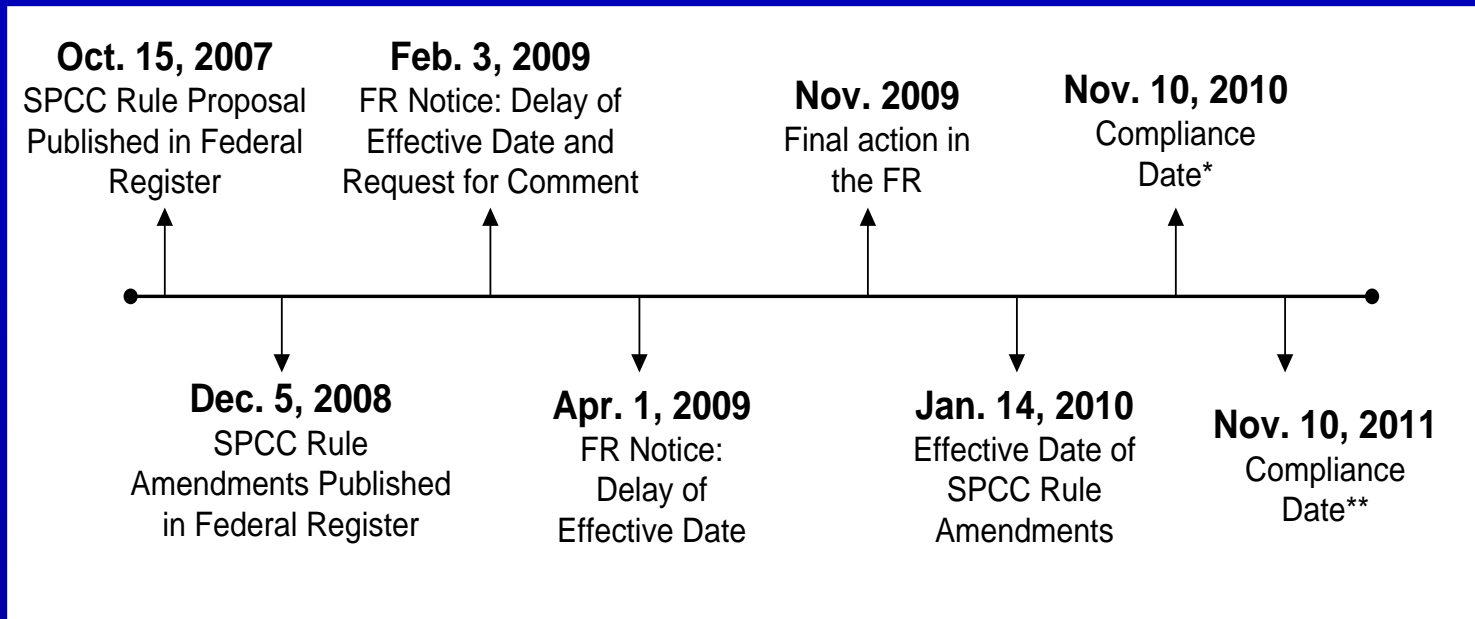
# Compliance Dates

# SPCC Rule Compliance Dates

---

- On October 7, 2010, EPA extended the compliance date to most facilities to **November 10, 2011**.
- This compliance date extension applies to all facilities.
- Does not apply to facilities located offshore or with an offshore component or an onshore facility that is required to have and submit Facility Response Plans (FRPs)

# 2008/2009 Amendments & Compliance Date Timeline



\*The November 10, 2010, compliance date applies to drilling, production or workover facilities, including mobile or portable facilities, located offshore or with an offshore component or an onshore facility that is required to have and submit FRPs

\*\*The November 10, 2011, compliance date applies to all other facilities

## Section 3.

---

2009 Proposed and Final  
Amendments – more details

# Amended Definition of "Facility"

- Clarifies that the definition of facility alone determines SPCC applicability.
- Clarifies that containers can be separated or aggregated, based on various factors in defining "facility"
  - The owner or operator has discretion in identifying which contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines make up the facility.
- Adds the terms "property," "parcel," and "lease" to the list of example terms that can be considered in determining facility boundaries.
- Clarifies that the term "waste treatment" refers to oil waste treatment.

## Self-Certification under Qualified Facilities Option

---

- “Qualified facilities” option was added in the 2006 SPCC Amendments for facilities storing up to 10,000 gallons of oil
- Now “Tier I” qualified facilities have an additional option to complete and implement a streamlined, self-certified SPCC Plan template (Appendix G to the rule)
- All other qualified facilities are designated “Tier II” qualified facilities



# Tier I Eligibility Criteria

---

- 10,000 gallons or less in aggregate aboveground oil storage capacity; and
- 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 or 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; and
- Maximum individual aboveground oil storage container capacity of 5,000 U.S. gallons.

# Tier I Requirements

---

- 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.

# 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 has...	And...	And the facility has...	Then:
<p>10,000 U.S. gallons or less aggregate aboveground oil storage capacity;</p>	<p>Within any twelve-month period, three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, there has been:</p> <p>(1) No single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons; and</p> <p>(2) No two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons in any 12-month period</p>	<p>No individual aboveground oil containers greater than 5,000 U.S. gallons;</p>	<p><b>Tier I:</b> Complete and self-certify Plan template (Appendix G to 40 CFR part 112) in lieu of a full PE-certified Plan.</p>
		<p>Any individual aboveground oil container greater than 5,000 U.S. gallons;</p>	<p><b>Tier II:</b> Prepare self-certified Plan in accordance with all applicable requirements of 112.7 and subparts B and C of the rule, in lieu of a PE-certified Plan.</p>

# 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



# Security Requirements

---

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.

# Integrity Testing

- Provides flexibility in complying with bulk storage container (tanks, drums and totes) inspection and integrity testing requirements.
  - Allows 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.



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

# Definition of “Permanently Closed”: Preamble Clarification

---

- 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 a permanently closed container and noting the date of closure.
- Definition of “permanently closed” does not require a container to be removed from a facility.
- **New tanks that are brought on site with out any oil added are not counted towards the 1,320-gallon threshold.**



Section 4.

---

# Additional Information

# Outreach Tools

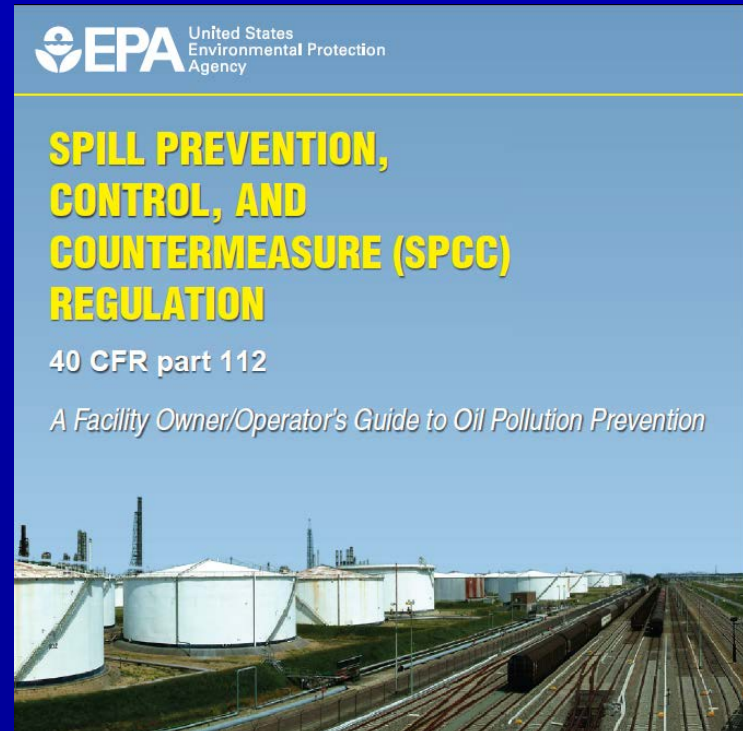
---

- SPCC for the Upstream Sector Website
- Blank Tier 1 template on EPA's oil Website
- General SPCC Bluebook on Website also
- **HOTLINE:** Superfund, TRI, EPCRA, RMP, and Oil Information Center
  - (800) 424-9346

# SPCC Bluebook

- Available at:

<http://www.epa.gov/oem/docs/oil/spcc/spccbluebook.pdf>



# National Response Center (NRC)

---

- Report all oil discharges to waters of the United States or 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.

# SPCC Reporting Requirements

- Some discharges must also be reported to EPA
  - Requirements found in §112.4(a)
  - Applies to facilities subject to the SPCC rule
- 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 or adjoining shorelines
  - More than **42 U.S. gallons of oil in each of two discharges** to navigable waters or adjoining shorelines within a 12-month period
  - When making this determination it is the amount of the discharge in gallons that reaches navigable waters or adjoining shorelines (EPA considers the entire volume of the discharge to be oil for the purposes of these reporting requirements)
  - An owner/operator must report the discharge(s) to the EPA Regional Administrator within 60 days

# For More Information

---

- 2008 and 2009 SPCC rule amendment Federal Register notices (73 FR 74236; Dec. 5, 2008 and 74 FR 58784, Nov. 13, 2009 )
  - <http://www.gpoaccess.gov/fr/>
  - <http://www.epa.gov/emergencies/content/spcc/>
- Complete Oil Pollution Prevention regulation (40 CFR part 112)
  - <http://www.gpoaccess.gov/cfr/>
  - <http://www.epa.gov/emergencies/lawsregs.htm>
- EPA Emergency Management Websites
  - [www.epa.gov/emergencies](http://www.epa.gov/emergencies)
  - [www.epa.gov/oilspill](http://www.epa.gov/oilspill)
- **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)