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# Region 8 Qualified Facility Fact Sheet

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## **New Options for Facilities that Store or Handle 10,000 Gallons or Less of Oil**

In December 2006, EPA amended the Spill Prevention, Control, and Countermeasure (SPCC) rule to streamline some of the requirements for facilities with smaller oil storage capacity and for specific types of equipment. These facilities are called Tier II Qualified Facilities.

In January 2010, EPA further amended the SPCC rule to provide an additional option for a subset of qualified facilities which have no single container greater than 5,000 gallons capacity. These facilities are called Tier I Qualified Facilities.

### **What Is A "Qualified Facility"?**

A Qualified Facility is a facility that is eligible for streamlined regulatory requirements, including being able to self-certify the SPCC Plan. A facility must meet two conditions to be a Qualified Facility. First, the facility must have 10,000 gallons or less in aggregate oil capacity. Second, the facility must not have had (1) a single discharge of oil to navigable waters exceeding 1,000 U.S. gallons, or (2) two discharges of oil to navigable waters each exceeding 42 U.S. gallons within any twelve-month period, for the three years prior to the SPCC Plan certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years. When determining the applicability of this criterion, the gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount of oil spilled. Oil discharges that result from natural disasters, acts of war, or terrorism are not included in this qualification determination.

### **What Options Are Now Available for Qualified Facilities?**

An owner/operator of a Qualified Facility may choose to self-certify the facility's SPCC Plan and Plan amendments instead of having the SPCC Plan reviewed and certified by a licensed Professional Engineer (PE) and may take advantage of other tailored requirements.

A Tier I Qualified Facility may complete a streamlined SPCC Plan template which they may self-certify. The template is in Appendix G of the final amendments of January 2010 and may be downloaded from EPA's web site.

### **Do I Automatically Lose Eligibility If The Facility Has An Oil Discharge?**

No. Facilities that choose this alternative and then have an oil discharge reportable to the National Response Center (NRC) after self-certifying the SPCC Plan do not automatically lose eligibility. If the oil discharge reaches navigable waters, the spill reporting requirements apply as well as the additional reporting requirements of the SPCC rule. After receiving a report of an oil discharge, the EPA Regional Administrator may determine whether the facility must amend its SPCC Plan and have it certified by a PE. Facilities that are required to amend their SPCC Plan are no longer eligible for the self-certification option.

*For more information on spill reporting, see the "Oil Discharge Reporting Requirements" Fact Sheet or refer to the SPCC rule and the Discharge of Oil regulation, 40 CFR part 110.*

### **Am I Required To Use These Options?**

No. Self-certification and the streamlined requirements are an alternative means of complying with SPCC requirements. An owner or operator can choose to prepare an SPCC Plan in accordance with the current SPCC rule requirements, including having the Plan certified by a PE.

### **What Does Self-Certification Include?**

An owner/operator that certifies a facility's SPCC Plan attests to all of the following:

- That he/she is familiar with the requirements of 40 CFR part 112;
- That he/she has visited and examined the facility;
- 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.

### **Can A Self-Certified SPCC Plan Include Environmentally Equivalent Measures Or Impracticability Determinations?**

Tier II Qualified SPCC plans may do so. However, an owner/operator that self-certifies an SPCC Plan may not include alternative methods that provide environmental equivalence in the Plan unless each alternate method has been reviewed and certified by a PE. Similarly, an owner/operator who self-certifies an SPCC Plan may not include any determinations that secondary containment is impracticable unless the determination and alternative Plan provisions are reviewed and certified by a PE. Other flexibilities in the rule relating to integrity testing and security allow a facility to use less prescriptive, lower cost measures to ensure environmental protection.

Tier I Qualified Facilities may not use environmentally equivalent measures or impracticability determinations.

### **Can Technical Amendments To The SPCC Plan Be Self-Certified?**

Yes. Qualified facilities may self-certify technical amendments to elements of the Plan that are allowed to be self-certified in the first instance. Technical amendments to environmentally equivalent measures or that involve impracticability determinations must be certified by a PE.

### **Can Qualified Facilities Also Use The Alternative Option for Oil-Filled Operational Equipment?**

Yes. Facilities that meet the criteria for Qualified Facilities and qualified oil-filled operational equipment may benefit from both alternative approaches. Since an impracticability determination is not necessary for qualified oil-filled operational equipment, the owner or operator can self-certify his/her SPCC Plan and is not required to have a PE develop the alternative measures in lieu of secondary containment for qualified oil-filled operational equipment.