INTRODUCTION

In 2002, the U.S. Environmental Protection Agency (EPA) amended the Oil Pollution Prevention regulation (40 CFR part 112), which includes requirements for specific facilities to prepare, amend, and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans. The regulation is largely performance-based (as requested in comments from the regulated community), which allows flexibility in meeting the rule requirements to prevent discharges of oil to navigable waters and adjoining shorelines. EPA developed this guidance document to assist regional inspectors in implementing the SPCC program and in understanding its applicability, and to help clarify the role of the inspector in reviewing a facility's implementation of performance-based flexibility provisions, such as environmental equivalence and impracticability.

1.1 SPCC Background

The Oil Pollution Prevention regulation, promulgated under the authority of §311 of the Clean Water Act (CWA), sets forth requirements for prevention of, preparedness for, and response to oil discharges at specific non-transportation-related facilities. To prevent oil from reaching navigable waters and adjoining shorelines, and to contain discharges of oil, the regulation requires these facilities to develop and implement SPCC Plans and establishes procedures, methods, and equipment requirements.

§112.2
Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan means the document required by §112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

Note: The above text is an excerpt of the SPCC rule. Refer to 40 CFR part 112 for the full text of the rule.

1.1.1 Purpose and Scope

Subparts A through C of part 112 are often referred to as the "SPCC rule." Focusing on oil spill prevention, preparedness, and response, the SPCC rule is designed to protect public health, public welfare, and the environment from potential harmful effects of oil discharges to navigable waters and adjoining shorelines. The rule requires facilities that could reasonably be expected to discharge oil in quantities that may be harmful into navigable waters of the United States and adjoining shorelines to develop and implement SPCC Plans. The Plans ensure that these facilities put in place containment and countermeasures that will prevent oil discharges. The requirement to develop, implement, and revise the SPCC Plan, as well as train employees to carry it out, will allow owners and operators to achieve the goal of preventing, preparing for, and responding to oil discharges that threaten navigable waters and adjoining shorelines.

Part 112 also includes requirements for Facility Response Plans (FRPs). EPA has established requirements that define who must prepare and submit an FRP and what must be included in the Plan. These requirements are found in Subpart D of 40 CFR part 112, which is often referred to as the "FRP rule."[1] Although the SPCC and FRP rules are related, and certain SPCC-regulated facilities must also comply with FRP requirements, this guidance document concerns the prevention requirements of the SPCC rule (40 CFR part 112, subparts A, B, and C).

The SPCC rule carries out EPA's authority under CWA §311. Pursuant to Executive Order 11548, EPA was delegated the authority to regulate non-transportation-related onshore and offshore facilities that could reasonably be expected to discharge oil into navigable waters of the United States or adjoining shorelines (35 FR 11677, July 22, 1970). Executive Order 11548 was superceded by Executive Orders 11735 and 12777, respectively (38 FR 21243, August 7, 1973; 56 FR 54757, October 22, 1991). The U.S. Department of Transportation (DOT) was delegated authority over transportation-related onshore facilities, deepwater ports, and vessels. A Memorandum of Understanding (MOU) between the Secretary of Transportation and the EPA Administrator, dated November 24, 1971 (36 FR 24080, December 18, 1971), defines non-transportation-related facilities and transportation-related facilities. (A significant portion of this MOU is included as Appendix A to 40 CFR part 112.) In addition, the U.S. Department of the Interior (DOI) regulates specific offshore facilities, including associated pipelines. The jurisdictional responsibilities of EPA, DOT, and DOI in relation to offshore facilities are further discussed in another Memorandum of Understanding, dated November 8, 1993. (This MOU is included as Appendix B to 40 CFR part 112.)

1.1.2 Statutory Framework

The Federal Water Pollution Control Act of 1972, as amended, or Clean Water Act, is the principal federal statute for protecting navigable waters, adjoining shorelines, and the waters of the contiguous zone from pollution. Section 311 of the CWA addresses the control of oil and hazardous substance discharges, and provides the authority for a program to prevent, prepare for, and respond to such discharges. Specifically, §311(j)(1)(C) mandates regulations establishing procedures, methods, equipment, and other requirements to prevent discharges of oil from vessels and facilities and to contain such discharges. (See Appendix A of this guidance document for the text of CWA §311(j)(1)(C).)

[1] The FRP rule applies to a subset of SPCC facilities: those that (1) have 42,000 gallons or more of oil storage capacity and transfer oil over water to or from vessels, *or* (2) have 1,000,000 gallons or more of oil storage capacity and lack secondary containment, are located at a distance such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments or shut down a public water intake, *or* have experienced a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last 5 years. See 40 CFR 112.20.

Under CWA §311(a)(1), "oil" is defined to mean "oil of any kind or in any form..." In 1975, EPA published a notice on the applicability of the SPCC rule to non-petroleum oils. The notice confirmed that all facilities processing and storing non-petroleum oils in the quantities and under circumstances set out in 40 CFR part 112 are required to prepare and implement an SPCC Plan in accordance with that part (40 FR 28849, July 9, 1975). EPA stated that the broad and comprehensive definition of "oil" in the CWA is consistent with the expressed congressional intent to strengthen federal law for the prevention, control, and cleanup of oil spilled in the aquatic environment. Both EPA and the U.S. Coast Guard[2] consistently interpreted and administered §311 as applicable to spills of non-petroleum-based oils, particularly because of the common physical and chemical properties of animal and vegetable oils and petroleum oils, and their common potential for adverse environmental impact when discharged into water.

§112.2
Oil means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

Note: The above text is an excerpt of the SPCC rule. Refer to 40 CFR part 112 for the full text of the rule.

The Oil Pollution Act of 1990 (OPA) streamlined and strengthened EPA's ability to prevent, prepare for, and respond to catastrophic oil discharges. Specifically, OPA expands prevention and preparedness activities, improves response capabilities, ensures that shippers and owners or operators of facilities that handle oil pay the costs of discharges that do occur, expands research and development programs, and establishes an Oil Spill Liability Trust Fund. OPA §4202(a)(6) amended CWA §311(j) to require regulations to be promulgated that require owners or operators of certain vessels and facilities to prepare and submit Facility Response Plans (FRPs) for responding to a worst case discharge of oil and to a substantial threat of such a discharge (CWA §311(j)(5)). EPA published the FRP rule on July 1, 1994, as an amendment to 40 CFR part 112. The FRP requirement for onshore facilities applies to any facility that, "because of its location, could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone."

In 1995, Congress enacted the Edible Oil Regulatory Reform Act (EORRA). The statute mandates that most federal agencies differentiate between and establish separate classes for various types of oils; specifically, animal fats and oils and greases, fish and marine mammal oils, oils of vegetable origin, and other oils and greases (including petroleum). In differentiating between these classes of oils, EORAA directed federal agencies to consider differences in these oils' physical, chemical, biological, and other properties, and in their environmental effects. By an August 12, 1994, letter submitted on behalf of several agricultural organizations, EPA received a Petition for Reconsideration of the FRP rule as it applies to facilities that handle, store, or transport

[2] DOT delegated authority over transportation-related facilities and vessels to the U.S. Coast Guard. In March 2003, the Coast Guard formally transferred from DOT to the Department of Homeland Security, but retains this CWA authority (Executive Order 13286, 68 FR 10619, March 5, 2003).

animal fats or vegetable oils.[3] On October 20, 1997, EPA denied the petition to amend the FRP rule (62 FR 54508) because it did not substantiate the petitioner's claims that animal fats and vegetable oils differ from petroleum oils in properties and effects and concluded that the facts did not support a further differentiation between these groups of oils under the FRP rule. Instead, EPA found that a worst case discharge or substantial threat of a discharge of animal fats and vegetable oils to navigable waters, adjoining shorelines, or the exclusive economic zone could reasonably be expected to cause substantial harm to the environment, including wildlife that may be killed by the discharge.

However, in the June 30, 2000, amendments to the FRP rule, in response to EORRA requirements, EPA promulgated a separate approach for calculating planning volumes for a worst case discharge in the FRPs for animal fat and vegetable oil facilities (65 FR 40776).

EPA also published an advanced notice of proposed rulemaking requesting ideas from the public on how to differentiate among the SPCC requirements for facilities storing or using various categories of oil (64 FR 17227, April 8, 1999). In the 2002 revision of the SPCC rule, EPA provided new subparts to facilitate differentiation between categories of oil listed in EORRA; however, the requirements in each of the subparts are identical.

1.2 Regulatory History

The SPCC rule was initially promulgated in 1973, with modifications to the SPCC requirements proposed for public comment on several occasions in the 1990s. Incorporating many aspects of the earlier proposals, final revisions to the rule were published in the *Federal Register* (FR) in July 2002. However, EPA extended the compliance dates in the SPCC rule for amending existing SPCC Plans and for implementing amended or new Plans developed under revised 40 CFR part 112. EPA extended the dates to give owners and operators of affected facilities more time to understand the revised requirements, to amend and implement their SPCC Plans that comply with the revised requirements, and to understand the SPCC rule clarifications developed during settlement proceedings in response to legal challenges filed by the regulated community (see 69 FR 29728, May 25, 2004).

1.2.1 Initial Promulgation

The original SPCC rule proposal was published in the *Federal Register* on July 19, 1973 (38 FR 19334). The original SPCC final rule was published in the *Federal Register* on December 11, 1973, with an effective date of January 10, 1974 (38 FR 34164). The regulation established oil discharge prevention procedures, methods, and equipment requirements for non-transportation-related facilities with an aboveground (non-buried) oil storage capacity greater than 1,320 gallons

[3] "Petition for Reconsideration and Stay of Effective Date," August 12, 1994, submitted on behalf of the American Soybean Association, the Corn Refiners Association, the National Corn Growers Association, the Institute of Shortening & Edible Oils, the National Cotton Council, the National Cottonseed Products Association, and the National Oilseed Processors Association.

(or greater than 660 gallons aboveground in a single tank) or a buried underground oil storage capacity greater than 42,000 gallons. Regulated facilities were also limited to those that, because of their location, could reasonably be expected to discharge oil into the navigable waters of the United States or adjoining shorelines. The rule included sections on general applicability, relevant definitions, and requirements for preparation of SPCC Plans; provisions for SPCC Plan amendments; civil penalty provisions; and requirements for the substance of the SPCC Plans.

Two early revisions were made to the original SPCC rule. On August 29, 1974, the regulation was amended (39 FR 31602) to set out EPA's policy on civil penalties for violation of the CWA §311 requirements. On March 26, 1976, the rule was again amended (41 FR 12567), primarily to clarify the criteria for determining whether or not a facility is subject to the regulation. This rulemaking also clarified that SPCC Plans must be in a written form (§112.7, introductory paragraph) and specified procedures for developing SPCC Plans for mobile facilities.[4]

1.2.2 SPCC Task Force and GAO Recommendations

In January 1988, a four-million gallon aboveground storage tank in Floreffe, Pennsylvania, experienced a brittle fracture of the tank shell, which then split apart, collapsed, and released approximately 3.8 million gallons of diesel fuel. Of this amount, approximately 750,000 gallons were discharged into the Monongahela River. The spill temporarily contaminated drinking water sources, damaged the ecosystems of the Monongahela and Ohio rivers, and negatively affected private property and local businesses. Following the discharge, an SPCC Task Force was formed to examine federal regulations governing discharges from aboveground storage tanks. The Task Force, consisting of representatives from EPA headquarters and regions, other federal agencies, and the states, issued its findings and recommendations in May 1988. The findings focused on the prevention of catastrophic discharges and recommended changes to the SPCC program (EPA, "The Oil Spill Prevention, Control, and Countermeasures Program Task Force Report," Interim Final Report, May 13, 1988).[5]

Figure 1-1. Aboveground storage tank in Floreffe, Pennsylvania

[4] Mobile facilities include onshore drilling or workover rigs, barge-mounted offshore drilling or workover rigs, and portable fueling facilities.

[5] Available in EPA docket OPA-1991-0001.

Specifically, the Task Force recommended that EPA establish additional technical requirements for SPCC Plan preparation and implementation, including:

- Adopting industry standards for new and relocated tanks;
- Differentiating SPCC requirements based on facility size;
- Modifying timeframes for SPCC Plan preparation, implementation, and review;
- Requiring strengthened integrity testing and periodic inspection of tanks and secondary containment;
- Requiring a more stringent attestation for a Professional Engineer to certify an SPCC Plan;
- Ensuring that employees undergo response training; and
- Modifying definitions and providing additional preamble discussion.

The Task Force also recommended that EPA expand the scope of the regulation to include requirements for facility-specific contingency planning and to specify countermeasures to be employed if a discharge should extend beyond the site in an uncontrolled manner. To better identify violations and enforce compliance, the Task Force recommended that EPA strengthen its facility inspection program. The Task Force also found that EPA did not have an adequate inventory of facilities subject to the regulation, and that improvements in national response coordination may be possible. Finally, the Task Force commented on the role of state and local resources and other federal agencies in oil discharge prevention and response efforts, and also recommended funding research on the development of oil discharge removal and control technology.

In response to both the Monongahela River spill and an oil spill at an oil refinery in Martinez, California, in April 1988, the General Accounting Office (GAO) examined the adequacy of the federal regulations of aboveground oil storage tanks and the extent to which they addressed the unique problems of inland oil discharges. GAO's report, "Inland Oil Spills: Stronger Regulation and Enforcement Needed to Avoid Future Incidents," contained recommendations on regulations, inspections, enforcement, and government response that were similar to those of the SPCC Task Force (February 1989, GAO/RCED-89-65).[6] To amend the SPCC regulation, GAO made recommendations to the EPA Administrator that EPA require:

- Aboveground oil storage tanks to be built and tested in accordance with industry and other specified standards;
- Facilities to plan how to react to a spill that overflows facility boundaries; and
- Storm water drainage systems to be designed and operated to prevent oil from escaping through them. Oil escaped through the drainage system during the oil spill in Martinez, California.

[6] Available in EPA docket OPA-1991-0001.

For inspections, GAO recommended that EPA (1) strengthen its aboveground oil storage facility inspection program by coordinating with state and local authorities, developing procedures for conducting and documenting inspections, defining and implementing minimum training procedures for inspectors, and establishing a national policy for fining violators; and (2) consider advantages and disadvantages of supplementing EPA inspection resources with state and local inspection resources and requiring that facilities obtain certification from independent engineers that facilities are in compliance with the regulations. Finally, the report also included a recommendation to Congress that it amend the CWA to explicitly authorize the federal government to recover the costs of monitoring oil spill cleanups performed by private responsible parties, and to EPA that it consider re-establishing the oil spill research and development program.

1.2.3 Proposed Revisions

Following the Monongahela River spill and recommendations of the SPCC Task Force and GAO, EPA proposed substantive revisions to the SPCC requirements on three occasions (1991, 1993, and 1997) and solicited public comment on these revisions. Specifically:

- On October 22, 1991 (56 FR 54612), EPA proposed changes in the applicability of the SPCC rule and in the required procedures for completing SPCC Plans, as well as the addition of a facility notification provision. The proposed rule also reflected changes in the jurisdiction of CWA §311 made by the 1977 and 1978 amendments to the Act.

- On February 17, 1993 (58 FR 8824), EPA published an additional proposed rule to incorporate new requirements added by OPA that directed facility owners and operators to prepare plans for responding to a worst case discharge of oil and to a substantial threat of such a discharge (the FRP rule). EPA promulgated the FRP rule on July 1, 1994 (59 FR 34070). The 1993 proposed rule also included revisions to the SPCC requirements, including: (1) a requirement for an SPCC Plan to address training and methods of evaluating containers for protection against brittle fracture; (2) provisions for Regional Administrators to require amendments to an SPCC Plan and to require a Plan from an otherwise exempt facility when necessary to achieve the goals of the CWA; and (3) a requirement for Plan submission if an owner or operator invokes a waiver to certain technical requirements of the SPCC rule.

- On December 2, 1997 (62 FR 63812), EPA proposed further revisions to the SPCC rule in an effort to reduce the information collection burden without creating an adverse impact on public health or the environment. The proposed revisions were intended to give facility owners and operators flexibility to use alternative formats for SPCC Plans; to allow the use of certain records maintained pursuant to usual and customary business practices, or pursuant to the National Pollutant Discharge Elimination System (NPDES) program, in lieu of records mandated by the SPCC

requirements; to reduce the information required to be submitted after certain discharges; and to extend the interval between SPCC Plan reviews by the facility owner/operator. At this time, EPA also proposed amendments to the FRP requirements, which were finalized on June 30, 2000 (65 FR 40776).

1.2.4 Final Rule Revision

On July 17, 2002, EPA issued a final rule amending the Oil Pollution Prevention regulation, primarily with respect to the SPCC subparts of part 112 (67 FR 47042). The final rule became effective on August 16, 2002, and modified many aspects of the proposals described above. As a performance-based regulation, the rule provides flexibility to the regulated community in meeting many of the oil discharge prevention requirements and the overall goal of preventing oil spills that may impact navigable waters or adjoining shorelines. In addition, the final rule includes new subparts outlining the requirements for various classes of oil (pursuant to EORRA), revises the applicability of the regulation, amends the requirements for completing SPCC Plans, and makes other modifications. The final rule also contains a number of provisions designed to decrease regulatory burden on facility owners and operators subject to the rule, while preserving environmental protection.

In response to the final SPCC amendments, several members of the regulated community filed legal challenges to certain aspects of the rule.[7] Settlement discussions between EPA and the plaintiffs led to an agreement on all issues except the definition of navigable waters. On May 25, 2004, EPA published a notice in the *Federal Register* (69 FR 29728) clarifying specific provisions of the SPCC rule that it developed in the course of settlement. The *Federal Register* notice clarified statements regarding loading/unloading racks and impracticability that were challenged by the plaintiffs. In addition, EPA clarified aspects of the wastewater treatment exemption and specified which definition of "facility" applies to §112.20(f)(1). EPA also announced the availability of a letter from EPA to the Petroleum Marketers Association of America (PMAA), which provides additional guidance on equivalent environmental protection with respect to requirements for integrity testing, security, and loading racks.[8]

The specific amendments to the SPCC rule are discussed in more detail in Section 1.3, Revised Rule Provisions, below, as well as in Appendix C, Summary of Revised SPCC Rule Provisions.

[7] See *American Petroleum Institute* v. *Leavitt* et al., No. 1;102CV02247 PLF and consolidated cases (D.D.C. filed November 14, 2002). Lead plaintiffs in the cases were the American Petroleum Institute, Marathon Oil Co., and the Petroleum Marketers Association of America.

[8] The *Federal Register* Notice and letter to PMAA are available on the Oil Program Web site, http://www.epa.gov/oilspill.

1.2.5 Compliance Date Amendments

Following the 2002 final rule, on four occasions EPA extended the compliance dates for facilities to update (or for new facilities to prepare) and implement an SPCC Plan that complies with the revised requirements. The extensions provided additional time for the regulated community to understand the SPCC amendments and the implications of the settlement clarifications, and alleviated the need for individual extension requests.

EPA issued final rules in 2003, 2004, and 2006 (68 FR 1348, January 9, 2003; 68 FR 18890, April 17, 2003; 69 FR 48794, August 11, 2004; and 71 FR 8462, February 17, 2006) that each extended the compliance dates in §112.3(a) and (b). The 2004 and 2006 final rules also amended the compliance dates for onshore and offshore mobile facilities (§112.3(c)). The current compliance dates in §112.3(a) and (b) for facilities are as follows:

A facility starting operation...	**Must...**
On or before August 16, 2002	Maintain the facility's existing SPCC Plan. Amend and implement the SPCC Plan no later than October 31, 2007.
After August 16, 2002, through October 31, 2007	Prepare and implement an SPCC Plan no later than October 31, 2007.
After October 31, 2007	Prepare and implement an SPCC Plan before beginning operations.

Mobile facilities must prepare, implement, and maintain a Plan as required by the SPCC rule. They must amend and implement the Plan, if necessary to ensure compliance with the revised SPCC rule, on or before October 31, 2007. Mobile facilities that become operational after October 31, 2007, must prepare and implement a Plan before starting operations (§112.3(c)).

1.3 Revised Rule Provisions

The 2002 revision to the SPCC rule clarifies the language and organization of the regulation, makes technical changes, and reduces regulatory burden. This section provides an overview of the rule's organization and highlights some of the more substantive changes made to the rule.

For the inspector's reference, Appendix B of this document includes the Oil Pollution Prevention regulation, 40 CFR part 112, in its entirety and current as of the publication of this document. Since the regulation is subject to change, this appendix is provided for informational purposes only. The *Federal Register*, the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, is available electronically from the Government Printing Office Web site at http://www.gpoaccess.gov/fr/. General and permanent rules published in the *Federal Register* are also codified in the *Code of Federal Regulations* (CFR), available

electronically at http://www.gpoaccess.gov/cfr/. Inspectors implementing the SPCC program should always consult the aforementioned resources (or their equivalent) to obtain the current version of the SPCC rule.

1.3.1 Rule Organization

Part 112 is divided into four subparts, according to the oil and facility type. Subparts A, B, and C address oil discharge prevention requirements and are commonly referred to as the "SPCC rule." Subpart D, commonly referred to as the "FRP rule," addresses facility response planning requirements in the event of an oil discharge, and includes the FRP requirements and facility response training and drill requirements. The part is organized as follows:

Subpart A	Applicability, definitions, and general requirements for all facilities and all types of oil
Subpart B	Requirements for petroleum oils and non-petroleum oils, except those covered in Subpart C
Subpart C	Requirements for animal fats and oils and greases, and fish and marine mammal oils; and for vegetable oils, including oils from seeds, nuts, fruits, and kernels
Subpart D	Response requirements

Pertaining to all oil and facility types, Subpart A contains key sections of the SPCC rule, including:

§112.1 General Applicability

§112.2 Definitions

§112.3 Requirement to Prepare and Implement an SPCC Plan

§112.4 Amendment of an SPCC Plan by Regional Administrator

§112.5 Amendment of an SPCC Plan by Owners or Operators

§112.7 General Requirements for SPCC Plans

Additional requirements for specific facility types are given in §§112.8 through 112.12,[9] and are found within subparts B and C. These facility types and their corresponding sections of the rule are:

Onshore Facilities (excluding production facilities)	§§112.8 and 112.12
Oil Production Facilities (onshore)	§112.9
Oil Drilling and Workover Facilities (onshore)	§112.10
Oil Drilling, Production, or Workover Facilities (offshore)	§112.11

The Oil Pollution Prevention regulation also contains several appendices, including Memoranda of Understanding and appendices referenced in the FRP rule (Substantial Harm Criteria, Determination of a Worst Case Discharge Planning Volume, Determination and Evaluation of Required Response Resources for Facility Response Plans, and a model Facility-Specific Response Plan).

1.3.2 Summary of Major Revisions

The 2002 final SPCC rule is a performance-based regulation that allows owners, operators, and the certifying Professional Engineer (PE) flexibility in meeting many of the prevention requirements. Assisting inspectors in the evaluation of the proper use of environmental equivalence and impracticability is one of the primary objectives of this guidance document. The "environmental equivalence" provision allows facilities to deviate from specified substantive requirements of the SPCC rule (except secondary containment provisions) by implementing alternate measures, certified by a PE, that provide equivalent environmental protection. Deviations are not allowed for the administrative provisions of the rule, §§112.1 through 112.5, and for certain additional requirements in §112.7, such as recordkeeping and training provisions. Additionally, in situations where secondary containment is not practicable, the owner/operator must clearly explain the reason for the determination in the SPCC Plan; for bulk storage containers, conduct periodic integrity testing of containers and associated valves and piping; and prepare an oil spill contingency plan and a written commitment of manpower, equipment, and materials to expeditiously control and remove any quantity of oil discharged that may be harmful (§112.7(d)).

The 2002 final rule revised many of the rule provisions, both to provide regulatory relief and to make technical changes. The rule exempts many completely buried tanks, containers storing less than 55 gallons, and certain wastewater treatment operations/facilities; raises the regulatory threshold; and both reduces information required after a discharge and raises the regulatory trigger for its submission. In addition, the rule decreased the frequency of Plan review from every three years to every five years.

[9] The 2002 SPCC rule includes requirements within subpart C that are not applicable or are inappropriate for animal fats and vegetable oils. As a result, §§112.13 through 112.15 are not included here. These sections were promulgated because EPA had not proposed differentiated SPCC requirements for public notice and comment.

Technical changes to the rule include requiring brittle fracture evaluation for field-constructed aboveground containers; strengthening the integrity testing requirements; finalizing additional general requirements for spill planning, preparedness, and reporting; adding a requirement for a facility diagram; clarifying the rule's applicability to the operational use of oil; and making the PE certification and associated attestation more specific. Also, the rule allows alternative formats for SPCC Plans with a cross-reference and mandates specific time frames for employee training.

The specific amendments to each section of the SPCC rule are highlighted in Appendix C of this document, Summary of Revised SPCC Rule Provisions. Also, Chapter 2 of this document discusses in greater detail the applicability of the revised SPCC rule, including facilities, activities, and equipment subject to SPCC requirements.

1.4 Using This Guidance

SPCC Guidance for Regional Inspectors is intended to assist EPA regional inspectors in implementing the revised SPCC rule, including environmental equivalence, impracticability, and integrity testing, as well as the role of the inspector in the review of these provisions. This guidance does not address all aspects of the SPCC rule. It is intended to establish a consistent understanding among regional EPA inspectors on how certain provisions of the rule may be applied. It is not, however, a substitute for the regulation itself.

Throughout the document, excerpts of the SPCC rule that are relevant to a particular section of this document are provided in text boxes. This information is provided for informational purposes only. The reader should always refer to the full text of the current 40 CFR part 112 for the applicable regulatory language, available from the Government Printing Office Web site at http://www.gpoaccess.gov/fr/.

Many of the terms used in this guidance document have specific regulatory definitions in 40 CFR 112.2; however, other regulatory programs may define some of these terms differently. Please refer to §112.2 of the rule and associated preamble of the July 2002 *Federal Register* publication for clarification of defined terms in the SPCC rule. An Acronyms List, provided at the beginning of this document, defines all acronyms used throughout the guidance.

This document is divided into seven main chapters and includes several appendices for the reader's reference, as follows:

Chapter 1: Introduction discusses the purpose and scope of the 40 CFR part 112, the regulatory history, and the July 2002 amendments.

Chapter 2: Applicability of the SPCC Rule clarifies the facilities, activities, and equipment that are subject to the SPCC rule through an in-depth discussion of the rule and relevant scenarios.

Chapter 3: Environmental Equivalence discusses the use of the "environmental equivalence" provision, which allows facilities to implement alternate measures based on site-specific considerations, as long as the measures provide equivalent environmental protection, in accordance with good engineering practice and as determined by a PE.

Chapter 4: Secondary Containment and Impracticability Determinations discusses the secondary containment requirements and explains when an impracticability determination can be made and how the determination should be documented.

Chapter 5: Oil/Water Separators addresses various scenarios involving oil/water separators with respect to the SPCC rule requirements.

Chapter 6: Facility Diagrams provides guidelines on the necessary level of detail for facility diagrams included in SPCC Plans. This section also includes example facility diagrams for different types of facilities.

Chapter 7: Inspections, Evaluation, and Testing explains the inspection, evaluation, and testing requirements for facilities subject to the SPCC rule, as well as how "environmental equivalence" may apply for the integrity testing requirements of the SPCC rule.

The appendices include a complete copy of the relevant sections of the statutory authority from the Clean Water Act; the Oil Pollution Prevention regulation (40 CFR part 112); the Discharge of Oil regulation (40 CFR part 110); the Criteria for State, Local and Regional Oil Removal Contingency Plans (40 CFR part 109); a summary of revised rule provisions; inspector checklists; model SPCC Plans; and a model contingency plan.