



2008 Compliance Assistance Conference



Spill Prevention Control & Countermeasures Plans (SPCC)

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Session Overview

- ★ What is SPCC?

 - ★ History

- ★ Who is regulated under SPCC?

- ★ What are the SPCC regulations?

- ★ Recent SPCC changes

- ★ How do I prepare an SPCC Plan?

- ★ Where can I get help?

- ★ Q&A



What Is SPCC? Is It New ?

★ HISTORY

- ★ Federal Water Pollution Control Act of 1972 (aka – Clean Water Act)
- ★ Section 311 – regulates oil and hazardous substance discharges
 - ▶ Established procedures to prevent and contain discharges
- ★ 1975 – Required facilities to have an SPCC Plan



What Is SPCC?

★ HISTORY

- ★ Oil Pollution Act of 1990 (aka OPA 90)
 - ▶ Exxon Valdez prompted response to catastrophic oil discharges
 - ▶ Additional requirements for Facility Response Plans (FRPs)
 - ▶ Looked at “worst case scenarios”
 - ▶ Created the Oil Spill Liability Trust Fund



What Is SPCC?

★ HISTORY

- ★ 1995 – Edible Oil Regulatory Reform Act
- ★ Began looking at differentiating types of oil
 - ▶ 1997 - USEPA denied the petition
 - ▶ 1999 – USEPA published a notice of intent for rule changes, based on oil type
 - ▶ 2000 – USEPA changed approach based on oil types
- ★ 2002 – Rule Revisions providing subparts



What Is SPCC?

★ HISTORY

★ January 1988

- ▶ Four million gallon AST ruptured
- ▶ 3.9 million gallons released; 750,000 gallons to the Monongahela and Ohio Rivers

- ★ Created a Task Force charged with making recommendations to USEPA



What Is SPCC?

★ HISTORY

★ Task Force recommendations:

- ▶ Adopting industry standards for new and relocated tanks;
- ▶ Differentiating SPCC requirements based on facility size
- ▶ Modifying timeframes for preparation, implementation and review;
- ▶ Periodic integrity testing;
- ▶ More stringent PE attestation.



What Is SPCC?

★ HISTORY

- ★ 2002 – Final SPCC rules published

 - ▶ Began series of implementation date changes prompted by legal challenges

- ★ Final Rule – May 16, 2007

- ★ Final rule to extend deadlines, July 1, 2009



What is SPCC ?

- ★ Required by 40 CFR Part 112 (Section 311 of the Clean Water Act)
- ★ Required for facilities that store and use oil*
- ★ Designed to be a “Prevention Plan” rather than a “Response Plan”



What is SPCC ?

- ★ Regulatory authority lies with USEPA (40 CFR Part 112)
- ★ Ohio EPA has provisions for prevention under ORC 6111
 - ★ Ohio EPA has not promulgated regulations
 - ★ Ohio EPA can conduct compliance inspections



Facility Triggers

- ★ Non-transportation related oil* storage
- ★ Storage Thresholds
 - ★ Aggregate storage capacity of > 1,320 gals.
 - ★ Underground storage capacity of > 42,000 gals.*
- ★ Reasonable Expectation of Discharge to Navigable Waters*



Definition of Oil

★ OIL –

- ★ Oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

★ Includes:

- ★ Animal & vegetable oils, non-petroleum oils – synthetic, fish oils, seed oils



Definition of Navigable Waters

★ NAVIGABLE WATERS

- ★ means all navigable waters of the United States, including: interstate waters, intrastate waters, tributaries of such waters and adjoining shoreline.



Availability of Plans

- ★ With some exceptions, plans are not required to be approved by a regulatory authority
- ★ Available for review:
 - ★ If facility is manned a minimum of 4 hrs./day
- ★ Or... the nearest field office for on-site review during normal working hours



New Rule Implementation

- ★ It should be noted that the compliance date extension affects only requirements of the July 2002 final SPCC rule that impose new or more stringent compliance obligations than did the 1973 SPCC rule. (Operational on or before August 2002)



SPCC Changes 2002



SPCC Changes



- ★ The “660 gallons in a single tank” has been deleted. Now based on aggregate above ground storage of 1,320 gallons or larger.



- ★ Containers of 55 gallons or larger are to be counted.



SPCC Changes

- ★ Completely buried tanks subject to UST regulations (40 CFR 280 or 281) are no longer used to calculate the 42,000 gallon underground storage threshold.*



SPCC Changes

- ★ **SPCC Plan Preparation – otherwise exempt facilities**
- ★ **Five Year Review, documentation of review ***
- ★ **Business Records**
- ★ **“Should to Shall to Must”**
- ★ **Professional Engineers (PEs)**
- ★ **Alternative Formats for Plan**



Alternate Plans/Multiple Plans

Different substances stored at a facility could require other types of plans, such as; OSHA Chemical Process Safety, Storm Water Management Plan, RCRA Hazardous Waste Contingency Plan or a Risk Management Plan.



SPCC Changes

- ★ Brittle fracture evaluation*
- ★ Employee training
- ★ New format – new sections and subparts
- ★ “Plain English”



Updates

- ★ In December 2006, USEPA signed a final rule to amend the SPCC rule. (Effective date: February 26, 2007)
- ★ EPA amended the SPCC rule to address a number of issues raised by its 2002 final rule.



SPCC Changes 2006



Changes

- ★ An option that would allow owners/operators of facilities that store 10,000 gallons or less of oil and meet other qualifying criteria, to self-certify their SPCC Plan, in lieu of review and certification by a Professional Engineer.



Qualified Facilities

- ★ Self Certification of “Qualified Facilities”
 - ▶ Store < 10,000 gallons
 - ▶ No discharges as defined for past 3 years

- ★ Must comply with 112.7 and Subparts “B & C”



“Self Certification”

- ★ Owner/Operator may certify if:
 - ▶ Familiar with SPCC regulations
 - ▶ Have visited the facility
 - ▶ Does not include environmental equivalence or impracticability determinations
 - ▶ Full management approval



“Self Certification”

- ★ Discharges for past 3 years
 - > 1,000 gallons (1 spill)
 - > 42 gallons (2 w/in 12 month period)
- ★ Based on amount of oil that “actually” reaches a navigable waterway
 - ▶ Does not count: acts of war; natural disasters; acts of terrorism



“Self Certification”

- ★ May use environmentally equivalent measures and make impracticability determinations
 - ▶ If reviewed and certified by a PE (Hybrid Plan)
- ★ Rule provides alternative requirements for integrity testing and security
 - ▶ Do not need to be reviewed and certified by a PE

“Self Certification”

★ Technical Amendments

- ★ May self certify technical amendments as long as a PE has not certified the portion being changed
- ★ If a PE certified the affected portion of the Plan, then a PE must certify the technical amendment



“Self Certification”

- ★ **Alternative Integrity Testing Requirements**

- ▶ See EPA web site

- ★ **Alternative Facility Security Requirements**

- ▶ See EPA web site

http://www.epa.gov/oilspill/pdfs/SPCC_amendments_Dec06.ppt



Changes

- ★ An alternative to the secondary containment requirement, without requiring a determination of impracticability, for facilities that have certain types of oil-filled equipment.



Oil-Filled Operational Equipment

★ Definition:

- ★ Equipment that includes an oil storage container(s)
 - ▶ Used as a support function
- ★ Does not include oil-filled manufacturing equipment
 - ▶ Flow through processes



Oil-Filled Operational Equipment

★ Examples:

- ▶ Hydraulic systems
- ▶ Lubricating systems
- ▶ Gear boxes
- ▶ Machining coolant systems
- ▶ Transformers
- ▶ Circuit breakers
- ▶ Heat transfer systems
- ▶ Electrical switches
- ▶ Other systems containing oil solely to enable the operation of the device

Oil-Filled Operational Equipment

- ★ **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**
- ★ **Individual impracticability determination for each piece of equipment is not required**

Oil-Filled Operational Equipment Eligibility Criteria

- ★ Fulfill the 3 years previous spill criteria
 - ▶ One 1,000 gallon
 - ▶ Two > 42 gallons
- ★ Eligibility determined by the reportable discharge history from the equipment, not the entire facility



Contingency Plan

- ★ Detailed oil spill response and removal plan to control, contain, and recover an oil discharge in quantities that may be harmful to navigable waters/adjoining shorelines
- ★ Elements outlined in 40 CFR 109.5:
- ★ A sample contingency plan is available in the *SPCC Guidance for Regional Inspectors* available at www.epa.gov/oilspill



Written Commitment

- ★ Facilities must be able to implement the contingency plan
- ★ Owner/operator must provide a written commitment of manpower, equipment, and materials to expeditiously control and remove any quantity of oil discharged that may be harmful
- ★ Elements also included in 40 CFR 109.5



Inspections and Monitoring Program Requirements

- ★ Develop an appropriate set of procedures for inspections or a monitoring program for equipment
- ★ Written description of the inspection or monitoring program included in SPCC Plan
- ★ Keep a record of inspections and tests, signed by the appropriate supervisor or inspector, for three years



Mobile Refuelers

- ★ An exemption for airport mobile refuelers from the specifically sized secondary containment requirements for bulk storage containers.



Mobile Refuelers

- ★ Owners and operators of mobile refuelers at a non-transportation-related facility will no longer need to provide sized secondary containment
 - ★ Capacity of the largest single compartment or container and precipitation (Exempted)
- ★ Does not apply to vehicles that are used primarily to store oil in a stationary location
- ★ General secondary containment requirements still apply!

General Secondary Containment Requirements

- ★ General secondary containment should be designed to address the most likely discharge from the container:
 - ★ Requires appropriate containment and/or diversionary structures or equipment to prevent a discharge to navigable waters or adjoining shorelines
 - ★ Allows for the use of certain types of active containment measures that prevent a discharge to navigable waters or adjoining shorelines.

Active Measures (spill equipment, manpower)

- ★ Active containment measures require deployment or other specific action by the owner or operator
- ★ May be appropriate for discharges that occur during manned activities if it:
 - ★ can contain the volume and rate of oil
 - ★ is properly constructed
 - ★ is deployed in a timely manner



Motive Power Containers

- ★ A definition and an exemption for motive power containers;



Motive Power Container: Definition

- ★ Any onboard bulk storage container used primarily to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment
- ★ Examples: automotive, airplane, or truck fuel tanks
- ★ An onboard bulk storage container which is used to store or transfer oil for further distribution is not a motive power container



Motive Power Container

- ★ Motive power containers exempted from SPCC rule
- ★ Oil transfer activities occurring within an SPCC-regulated facility continue to be regulated (fueling equipment)



Animal Fats & Vegetable Oils

- ★ **Removed sections for facilities with animal fats and vegetable oils that are not appropriate:**
- ★ **Onshore oil production (§112.13)**
- ★ **Onshore oil drilling and work over facilities (§112.14)**
- ★ **Offshore oil drilling, production, or work over facilities (§112.15)**

PENDING CHANGES

★ Farm tanks



“S..... Happens”

(Spills Happen)



Worst Case Scenarios

Can't use the "But... I've never had a spill"









28-0-0
LINES INDICATE SURFACE SECTION

Containment

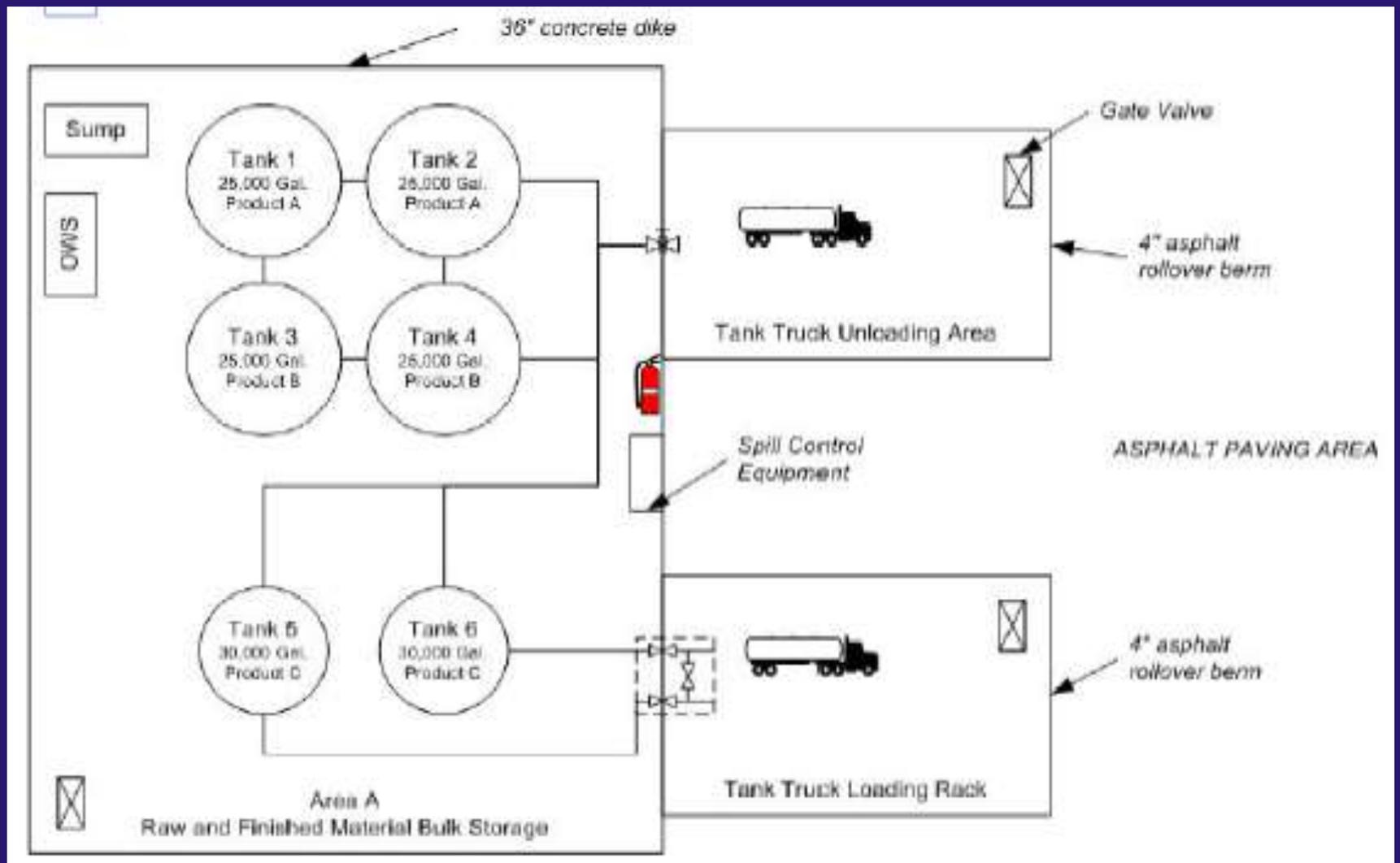


Part 112.7 (g)



Part 112.7 (h)



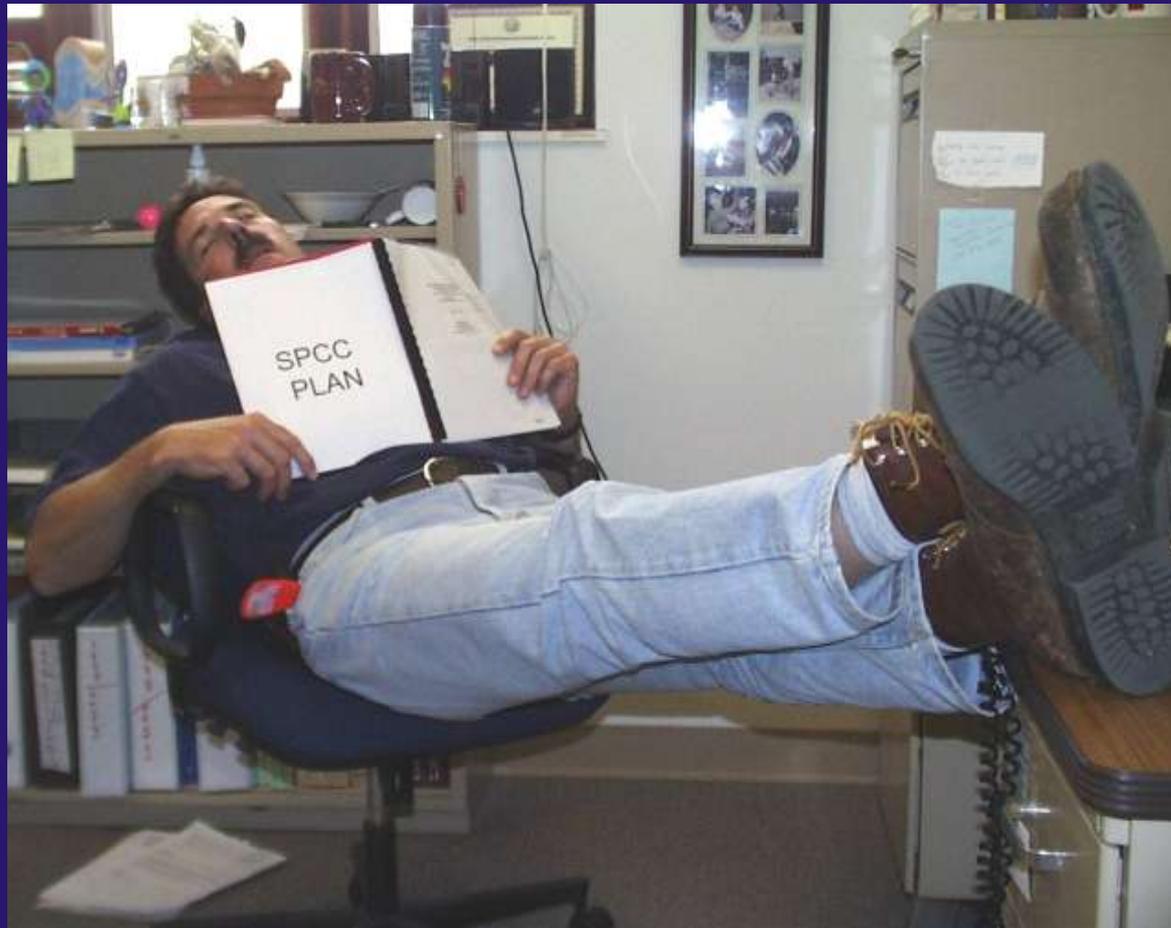




Are you prepared?



A “Working” Plan



Prep for Plan



- ★ Decide what you can do
- ★ Gather information
- ★ Contact either/or
consultant
Professional Engineer*



SPCC at Glance

- ★ Subpart “A”

- ★ Sections 112.1 through 112.7

- ★ Subpart “B”

- ★ Sections 112.8 through 112.11

- ★ Subpart “C”

- ★ Sections 112.12 through 112.15

- ★ Subpart “D”

- ★ Sections 112.20 through 112.21

- ★ Appendices “A” – “F”



SPCC at Glance

Subparts

★ Subpart A

- ★ Applicability, Definitions, General Requirements for all facilities and all types of oil
- ★ 112.1 through 112.7



SPCC at Glance

Subparts

- ★ Subpart B

- ★ For petroleum oils and non petroleum oils

 - ★ 112.8 through 112.11



SPCC at Glance

Subparts

- ★ Subpart C
- ★ For animal fats and oils and greases, and fish and marine oils and for vegetable oils including oils from seeds, nuts, fruits and kernels
 - ★ Section 112.12 through 112.15



SPCC at Glance

Subparts

- ★ **Subpart D for FRP Facilities (Facility Response Plans)**
 - ★ **For response requirements (Section 112.20 through 112.21)**
 - ★ **112.20 – Facility response plans**
 - ★ **112.21 – Facility response training and drills / exercises**



Substantial Harm (FRP)

- ★ Transfer over water from vessel & have > 42,000 gallon storage capacity - YES
- ★ Total Storage Capacity > 1 million gallons
 - ★ Secondary containment?
 - ★ Sensitive area?
 - ★ Nearby public water intake?
 - ★ Reportable spill of 10,000 gallons in last 5 years?



Substantial Harm (FRP)

- ★ If yes to any of the above, you need to develop a Facility Response Plan (FRP)



Preparing an SPCC Plan



Go to Sample Plan Handout



The Plan

- ★ Section 112.1

 - ★ General Applicability

- ★ Section 112.2

 - ★ Definitions

- ★ Section 112.3

 - ★ Requirement to prepare & implement

The Plan

- ★ Section 112.4

- ★ Amendment by Regional Administrator

- ★ Section 112.5

- ★ Amendment by Owners/Operators

- ★ Section 112.6

- ★ [Reserved]

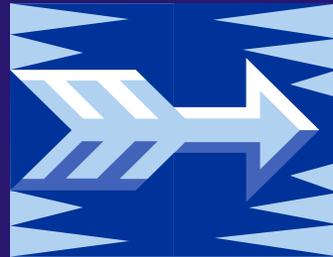


The Plan



- ★ Section 112.7
 - ★ “The Nuts & Bolts”
 - ★ Required by “all” facilities

Prevention



Help?

Final Rule

- ▶ **Summary of Amendments**
- ▶ **PowerPoint of new amendments**
- ▶ **Fact Sheets**
- ▶ **Guidance documents**
- ▶ **Samples SPCC plans**
- ▶ **Sample Contingency Plans**

<http://www.epa.gov/emergencies/content/spcc/index.htm>

Ohio EPA Spill Prevention Contacts

- ★ Bowling Green (NWDO)
 - ★ OPEN
- ★ Twinsburg (NEDO)
 - ★ Bruce Miller 330-963-1221
- ★ Logan (SEDO)
 - ★ Dennis Deavers 740-385-8501
- ★ Dayton (SWDO)
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Questions?

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