

SPILL PREVENTION, CONTROL and COUNTERMEASURES RULE



A. BACKGROUND:

- Under authority of The Federal Water Pollution Control Act (as amended by The Clean Water Act) the SPCC rule took effect on January 10, 1974. Its purpose is to prevent oil and oil-related materials from reaching navigable waters and adjoining shorelines. Parts of the original rule were unclear (i.e., container size was not specified) and compliance was expensive for small business due to the need to obtain certification by a Professional Engineer (PE). As a result, the original rule was revised in July 2002. Various extensions have taken place since then that address special cases. (See section F below).

B. SUMMARY:

- Facilities subject to the rule must prepare and implement a plan to prevent any discharge of "oil" into or upon navigable waters of the U.S. (including groundwater that leads to surface water) or adjoining shorelines. This written plan is called an SPCC Plan.
- Unlike oil spill contingency plans that address spill cleanup measures *after* a spill has occurred, SPCC Plans ensure that facilities put in place containment and other countermeasures that would prevent oil spills that could reach navigable waters.
- The SPCC Plan must address: (a) operating procedures the facility implements to prevent oil spills; (b) control measures installed to prevent oil from entering navigable waters (i.e. secondary containment); (c) countermeasures to contain, clean up and mitigate the effects of oil spills.

C. REGULATED MATERIALS:

- Animal oils, fats and greases (including oils from fish or marine mammals), asphalt, aviation gasoline, bunker fuel, crude oil, cutting oil/machine coolants, dielectric fluid, diesel fuel, heating oil, gasoline, greases, hydraulic oil, jet fuel, lubricating oil, mineral spirits, motor oil, naphtha, natural gas condensate, oil refuse, oily wastes (other than oil mixed with dredged spoil), stoddard solvent, synthetic oils, tall oil, turpentine, residual fuels, used oil, vegetable oils (including oils from nuts, seeds, fruits and kernels)

D. WHAT FACILITIES ARE REGULATED?

- Facilities with combined (indoor and outdoor), above-ground **oil storage capacity** (not actual gallons on site) dedicated to any of the regulated materials **greater than 1,320 gallons** or a completely buried storage capacity greater than 42,000 gallons must comply.
- To calculate oil storage "capacity", **all containers with a capacity of 55 gallons or more are included.**
- Overall, the Rule applies to owners or operators of facilities that drill, produce, gather, store, use, process, refine, transfer, distribute or consume oil or oil products.

E. WHAT ACTIONS ARE NECESSARY FOR COMPLIANCE?

- All qualifying drums and tanks must have secondary containment and be included in the written Plan. **Facilities with above-ground oil storage capacity of 10,000 gallons or less are permitted to self-certify their Plan (no PE required) if they meet certain criteria related to spill history.** Secondary containment is also required for loading and unloading areas for tanker trucks and railcars. Secondary containment must be equal to the largest vessel. In the case of a railcar, the containment area must provide a means to divert a significant spill to a retention pond, oil/water separator, etc.
- The Plan must include a facility diagram, and must mark the location and contents of each container. Secondary containment must be constructed so that any discharge from a primary containment system (i.e. drum, tank or pipe) will not escape before cleanup occurs.

F. EPA HAS ISSUED COMPLIANCE DATE EXTENSIONS – WHAT DOES THAT MEAN?

- EPA has caused a great deal of confusion related to its various extensions. Soon after the 2002 rule changes were published, concerns expressed by industry focused on four (4) problem areas:
 1. Qualified, oil-filled operational equipment
 2. Motive power containers
 3. Mobile refuelers
 4. Animal fats & vegetable oils at onshore & offshore oil production, drilling facilities

The most recent extension date (currently July 1, 2009) applies only to the four (4) special cases listed above. The July 1, 2009 date is not an extension date for general compliance with SPCC.

G. WHO MUST COMPLY AND WHEN?

- Compliance dates for facilities (other than farms) are as follows:

A facility starting operation...

Must....

On or before August 16, 2002

Maintain its existing Plan; must amend and implement the Plan no later than July 1, 2009. Facilities in this group that do not currently have an SPCC Plan are out of compliance and are subject to regulatory action.

After August 16, 2002 through July 1, 2009

Prepare and implement a Plan no later than July 1, 2009.

After July 1, 2009

Prepare and implement a Plan before beginning operations.

H. OTHER SPCC-RELATED ITEMS

- An SPCC inspector is not required to provide advance notice of a facility inspection.
- Facility owners or operators regulated by SPCC must designate a person who is accountable for discharge prevention and who reports directly to management.
- In general, "transfers" of oils are regulated by SPCC; "transportation" of oil is not regulated.

Visit <http://www.epa.gov/oilspill/spcc.htm> to review the SPCC Regulation in its entirety.



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