

December 19, 2006

The Honorable Susan Bodine
Assistant Administrator for
Solid Waste and Emergency Response
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Spill Prevention, Control and Countermeasure Rule (40 C.F.R. Sec. 112)

Dear Assistant Administrator Bodine:

The Office of Advocacy would like to congratulate the Environmental Protection Agency (EPA) for responding to small business and taking a major step toward reducing their regulatory and paperwork burden by announcing changes to the Spill Prevention, Control and Countermeasures (SPCC) rule. EPA's amendments will increase overall compliance while reducing the regulatory burden on facilities that handle a small volume of oil and that have a history of no reportable discharge.

The SPCC program is designed to prevent spills of oil into waterways, and to contain spills after they occur. Facilities subject to the program must develop spill prevention plans designed to prevent and minimize such discharges. Working in partnership with the Office of Advocacy and the Office of Management and Budget's Office of Information and Regulatory Affairs, EPA realized that its 2002 rule put an unnecessary burden on firms that did not significantly contribute to the oil spill problem EPA was attempting to address. The revised rule adopts the small facility approach first raised by the Office of Advocacy in a June 2004 comment letter and reflects other refinements suggested by the Office of Advocacy in a February 2006 comment letter to the EPA.

Reducing unnecessary regulatory burden in this manner has the effect of freeing up resources businesses need to grow and stimulate the economy. In addition, overall compliance for small firms will be improved by allowing such firms to self-certify their oil spill plans, rather than require a review and certification by a professional engineer.

The Office of Advocacy appreciates the sensitivity EPA has shown toward small businesses covered by the SPCC rule, and looks forward to working with EPA to reduce further the regulatory burden on small businesses. Special thanks go to Debbie Dietrich, Craig Mattheissen, and the entire SPCC team for this large effort in promulgating this relief in an expeditious manner. We look forward to further collaboration on SPCC II.

Sincerely,

Thomas M. Sullivan
Chief Counsel for Advocacy

Kevin Bromberg
Assistant Chief Counsel

cc: Steven Aitken, Acting Administrator, Office of Information and Regulatory Affairs