



The U.S. EPA's Oil Program Center Report

Special Edition

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Revised Spill Prevention Control and Countermeasure (SPCC) Rule

Introduction

On July 17th, 2002, EPA issued a final rule amending the Oil Pollution Prevention regulation promulgated under the authority of the Federal Water Pollution Control Act (Clean Water Act). This rule addresses requirements for Spill Prevention Control and Countermeasure Plans (SPCC Plans) and some provisions may also affect Facility Response Plans (FRPs). EPA proposed revisions to the SPCC rule on three occasions, in 1991, 1993, and 1997. The new SPCC rule addresses these revisions and became effective August 16, 2002. The Spill Prevention, Control, and Countermeasure (SPCC) rule can be found in Title 40 of the Code of Federal Regulations (CFR), Part 112 (Oil Pollution Prevention).

Background of the Oil Pollution Prevention Regulation

The goal of the oil pollution prevention regulation in 40 CFR Part 112 is to prevent oil discharges from reaching navigable waters of the United States or adjoining shorelines. The rule was also written to ensure effective responses to oil discharges. The rule further specifies that proactive, and not passive, measures

be used to respond to oil discharges. The oil pollution regulation contains two major types of requirements: prevention requirements (SPCC rule) and facility response plan (FRP) requirements. The prevention requirements in Sections 112.1 through 112.7 were first promulgated in the 1973 SPCC regulation (now sections 112.1-112.15). Required under the rule is an SPCC Plan that contains measures to prevent and control oil spills, including those resulting from human operational error or equipment failures.

Reasons for Final Changes

The impetus behind the final changes is manifold. First, the final changes stem from the need to clarify the language and organization of the rule. The changes comply with the Presidential order requiring that all new rules or rule amendments be drafted in plain language. The changes reduce the information collection burden on the regulated community. The SPCC changes reduce the regulatory burden by approximately 40 percent. The changes will eliminate duplicate regulation, exempt certain small facilities, exempt most wastewater treatment facilities, and require consideration of industry standards in prevention plans. The final rule also allows an owner or operator to substitute a required

About The Update

The goal of the EPA Oil Program Center *Update* is to provide straight-forward information to keep EPA Regional staff, other federal agencies and departments, industries and businesses, and the regulated community current with the latest developments. This is a **special edition** providing details on the Revised SPCC Rule.



measure for another providing equivalent environmental protection, with the exception of secondary containment requirements. The number of facilities now regulated by the SPCC rule has been reduced by about 55,000 as a result of the changes.

General Applicability

The SPCC rule applies to owners or operators of facilities that drill, produce, gather, store, use, process, refine, transfer, distribute, or consume oil and oil products. The changes to the rule clarify applicability to owners or operators that use oil. The changes also allow for tracking the scope of the rule to conform with the expanded jurisdiction of the amended CWA. The broadened range includes waters of the contiguous zone and waters connected with activity under the Outer Continental Shelf Lands Act or Deepwater Port Act, as well as waters affecting certain natural resources of the United States.

Highlights of Final Rule

- Exempts completely buried storage tanks subject to all of the technical requirements of the UST regulations (40 CFR Parts 280 or 281);
- Exempts portions of certain facilities or any facility used exclusively for wastewater treatment. This exemption does not apply to production, recycling, or recovery of oil;
- Establishes a de minimis container size of 55 gallons;
- Establishes an aboveground storage capacity threshold of greater than 1,320 gallons and removes the 660 gallon threshold;
- Revises the trigger for submitting information on spills at SPCC regulated facilities to EPA. Facilities are now required to submit information after having 2 discharges (over 42 gallons) in any

12-month period or a single discharge of more than 1,000 gallons.

- Allows deviations from most rule provisions (with the exception of secondary containment requirements) when equivalent environmental protection is provided;
- Provides for a flexible plan format, but requires a cross-reference (see page four) showing that all regulatory requirements are met; and
- Clarifies rule applicability to the storage and operational use of oil.

Facility Response Plan Considerations

The revisions to the SPCC rule may affect whether you need to prepare and maintain a Facility Response Plan (FRP) or how you calculate worst case discharge planning levels. In some cases, your facility may not meet the storage capacity thresholds for the substantial harm criteria. In other cases, you must have an FRP, but you may be able to revise the calculations for worst case discharge planning levels. The definitions used in part 112.2 also clarify terms used in the FRP rule. According to the new rule, the regulation no longer applies to the following:

- Completely buried tanks that are subject to all Underground Storage Tank technical requirements in 40 CFR parts 280 and 281;
- Containers with a storage capacity of less than 55 gallons; and
- Portions of certain facilities or any facility used exclusively for wastewater treatment.

SPCC Rule Major Revisions

Exemptions:

- Completely buried tanks. The rule exempts completely buried

tanks that are subject to all technical requirements of the Underground Storage Tank rules (40 CFR part 280 or 281).

- Minimum container size - 55 gallon containers. The rule exempts a container of less than 55 gallons from its scope.
- Wastewater treatment facilities. The rule exempts any facility or part thereof used exclusively for wastewater treatment and not for any part 112 requirement. This exemption does not apply to the production, recycling, or recovery of oil, which are not considered wastewater treatment.
- Misc. exemptions - Permanently closed tanks, Minerals Management Service facilities.
- Regulatory threshold. The rule raises the threshold by eliminating the 660 gallon/single container criterion, creating a greater than 1,320 gallon threshold.
- SPCC Plan Preparation - otherwise exempt facilities. Regional Administrators may require preparation of an SPCC Plan for otherwise exempt facilities on a case-by-case basis, where necessary to carry out the purposes of the Clean Water Act.
- Alternative formats - SPCC Plans. An owner or operator may use an Integrated Contingency Plan (ICP) or a State SPCC Plan or any other format acceptable to the Regional Administrator (RA) that meets part 112 requirements. If the specified sequence in the rule is not followed, a cross reference must be provided.

- Five-year review; documentation of review. We change from 3 to 5 years the period in which an owner or operator

would be required to review the SPCC Plan.

- Business records. We allow, but do not require, an owner or operator to use “usual and customary” business records (including NPDES stormwater bypass records) to satisfy recordkeeping requirements.

- “Should to shall to must.” We clarify that the rule’s requirements are mandatory. Technical waivers are allowed for most provisions (except secondary containment requirements), provided the owner/operator explains the reasons for nonconformance in the Plan and provides equivalent environmental protection.

- Professional Engineers (PEs). The rule allows a professional subordinate to conduct the site visit in place of the PE, but the PE must review the subordinate’s work and certify the Plan.

Additional Rule Changes

- Brittle fracture evaluation is required for field-constructed aboveground containers undergoing repair, alteration, reconstruction or change in service that might affect the risk of a discharge, failure or other catastrophe due to brittle fracture. A brittle fracture evaluation is also required when a discharge or failure has already occurred due to brittle fracture or other catastrophe.

- Facility Response Plans. We clarify that an owner or operator may use the ICP format or any other format acceptable to the RA.

- EPA discharge Information. We reduce the information required to be submitted by facilities after certain discharges, and raise the regulatory trigger for this submission.

- Employee training. We limit training requirements to oil-handling employees. We specify some subjects that must be included. Discharge prevention briefings for oil handling employees are now required at least once a year.

- New format. We include new sections for different types of facilities (e.g., onshore facilities, certain offshore facilities, etc.), and new subparts for different types of oils (petroleum and other oils, animal fats and vegetable oils).

- “Plain language” Both the rule and preamble are written in “plain English language.”

U.S. EPA SPCC Contacts

If you have questions regarding the SPCC Rule, please call or write the contact in your area:

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Revised SPCC Rule Cross-Reference

This table was prepared to assist you in the preparation of the cross-referencing of the requirements listed in the revised SPCC rule and the equivalent requirements in your SPCC plan if it does not follow the newly reorganized sequence of sections. It lists each requirement in the revised SPCC rule, provides the corresponding paragraph of the old SPCC rule, provides a description of the requirement, and leaves a space where you can show the location (page number) of the provision in your plan.

Revised Rule	Old Rule	Description of Rule	Page
§112.7	§112.7	General requirements for SPCC Plans for all facilities and all oil types.	
§112.7(a)	§112.7	General requirements; discussion of facility's conformance with rule requirements; deviations from Plan requirements; facility characteristics that must be described in the Plan; spill reporting information in the Plan; emergency procedures.	
§112.7(b)	§112.7(b)	Fault analysis.	
§112.7(c)	§112.7(c)	Secondary containment.	
§112.7(d)	§112.7(d)	Contingency planning.	
§112.7(e)	§112.7(e)(8)	Inspections, tests, and records.	
§112.7(f)	§112.7(e)(10)	Employee training and discharge prevention procedures.	
§112.7(g)	§112.7(e)(9)	Security (excluding oil production facilities).	
§112.7(h)	§112.7(e)(4)	Loading/unloading (excluding offshore facilities).	
§112.7(i)	n/a	Brittle fracture evaluation requirements.	
§112.7(j)	§112.7(e)	Conformance with State requirements.	
§112.8 §112.12	§112.7(e)(1)	Requirements for onshore facilities (excluding production facilities).	
§112.8(a) §112.12(a)	n/a	General and specific requirements.	
§112.8(b) §112.12(b)	§112.7(e)(1)	Facility drainage.	
§112.8(c) §112.12(c)	§112.7(e)(2)	Bulk storage containers.	
§112.8(d) §112.12(d)	§112.7(e)(3)	Facility transfer operations, pumping, and facility process.	
§112.9 §112.13	§112.7(e)(5)	Requirements for onshore production facilities.	
§112.9(a) §112.13(a)	n/a	General and specific requirements.	
§112.9(b) §112.13(b)	§112.7(e)(5)(ii)	Oil production facility drainage.	
§112.9(c) §112.13(c)	§112.7(e)(5)(iii)	Oil production facility bulk storage containers.	
§112.9(d) §112.13(d)	§112.7(e)(5)(iv)	Facility transfer operations, oil production facility.	
§112.10 §112.14	§112.7(e)(6)	Requirements for onshore oil drilling and workover facilities.	

Revised Rule	Old Rule	Description of Rule	Page
§112.10(a) §112.14(a)	n/a	General and specific requirements.	
§112.10(b) §112.14(b)	§112.7(e)(6)(i)	Mobile facilities.	
§112.10(c) §112.14(c)	§112.7(e)(6)(ii)	Secondary containment - catchment basins or diversion structures.	
§112.10(d) §112.14(d)	§112.7(e)(6)(iii)	Blowout prevention (BOP).	
§112.11 §112.15	§112.7(e)(7)	Requirements for offshore oil drilling, production, or workover facilities.	
§112.11(a) §112.15(a)	n/a	General and specific requirements.	
§112.11(b) §112.15(b)	§112.7(e)(7)(ii)	Facility drainage.	
§112.11(c) §112.15(c)	§112.7(e)(7)(iii)	Sump systems.	
§112.11(d) §112.15(d)	§112.7(e)(7)(iv)	Discharge prevention systems for separators and treaters.	
§112.11(e) §112.15(e)	§112.7(e)(7)(v)	Atmospheric storage or surge containers; alarms.	
§112.11(f) §112.15(f)	§112.7(e)(7)(vi)	Pressure containers; alarm systems.	
§112.11(g) §112.15(g)	§112.7(e)(7)(vii)	Corrosion protection.	
§112.11(h) §112.15(h)	§112.7(e)(7)(viii)	Pollution prevention system procedures.	
§112.11(i) §112.15(i)	§112.7(e)(7)(ix)	Pollution prevention systems; testing and inspection.	
§112.11(j) §112.15(j)	§112.7(e)(7)(x)	Surface and subsurface well shut-in valves and devices.	
§112.11(k) §112.15(k)	§112.7(e)(7)(xi)	Blowout prevention.	
§112.11(l) §112.15(l)	§112.7(e)(7)(xiv)	Manifolds.	
§112.11(m) §112.15(m)	§112.7(e)(7)(xv)	Flowlines, pressure sensing devices.	
§112.11(n) §112.15(n)	§112.7(e)(7)(xvi)	Piping; corrosion protection.	
§112.11(o) §112.15(o)	§112.7(e)(7)(xvii)	Sub-marine piping; environmental stresses.	
§112.11(p) §112.15(p)	§112.7(e)(7)(xviii)	Inspections of sub-marine piping.	

Revised SPCC Rule Facility Sections

If your facility is regulated under the SPCC/FRP rule, different sections of the rule will apply depending on the type of facility you own or operate. You should read the text of the various sections to determine their applicability to your operations. Use the following table as a guide to what facilities are generally covered in a particular section and subpart.

Subpart of Rule	Rule Section	Type of Facility	Type of Oil
Subpart A	112.1 through 112.7(f)	All Facilities	All types of oil
	112.7(g)	Non-production facilities	All types of oil
	112.7(h)	Onshore facilities	All types of oil
	112.7(i) through 112.7(j)	All facilities	All types of oil
Subpart B	112.8	Onshore non-production facilities	Petroleum and non-petroleum oils, excluding animal fats and vegetable oils
	112.9	Onshore production facilities	Petroleum and non-petroleum oils, excluding animal fats and vegetable oils
	112.10	Onshore oil drilling and workover facilities	Petroleum and non-petroleum oils, excluding animal fats and vegetable oils
	112.11	Offshore oil drilling, production, or workover facilities	Petroleum and non-petroleum oils, excluding animal fats and vegetable oils
Subpart C	112.12	Onshore non-production facilities	Animal fats, oils, and greases; fish and marine mammal oils; oils of vegetable origin (including oils from seeds, nuts, fruits, and kernels)
	112.13	Onshore production facilities	Animal fats, oils, and greases; fish and marine mammal oils; oils of vegetable origin (including oils from seeds, nuts, fruits, and kernels)
	112.14	Onshore oil drilling and workover facilities	Animal fats, oils, and greases; fish and marine mammal oils; oils of vegetable origin (including oils from seeds, nuts, fruits, and kernels)

Subpart of Rule	Rule Section	Type of Facility	Type of Oil
	112.15	Offshore oil drilling, production, or workover facilities	Animal fats, oils, and greases; fish and marine mammal oils; oils of vegetable origin (including oils from seeds, nuts, fruits, and kernels)
Subpart D	112.20(a-d)(f-h)	Facilities required to submit a Facility Response Plan	All types of oils
	112.20(e)	All Facilities	All types of oil
	112.21	Facilities required to submit a Facility Response Plan	All types of oil
Appendices	Appendix A	All facilities	All types of oil
	Appendix B	Offshore facilities	All types of oil
	Appendix C	All facilities	All types of oil
	Appendix D	Facilities required to submit a Facility Response Plan	All types of oil
	Appendix E	Facilities required to submit a Facility Response Plan	<u>Sections 1, 2, 5, 6, 11, 12, 13:</u> All types of oils <u>Sections 3, 4, 7:</u> Petroleum and non-petroleum oils, excluding animal fats and vegetable oils <u>Sections 8, 9, 10:</u> Animal fats, oils, and greases; fish and marine mammal oils; oils of vegetable origin (including oils from seeds, nuts, fruits, and kernels)
	Appendix F all sections (excluding Attachment C-11)	Facilities required to submit a Facility Response Plan	All types of oil
	Appendix F, Attachment C-11	All facilities	All types of oil

Revised SPCC Rule Frequently Asked Questions

Question: Regarding the integrity testing of 55 gallon drums, what other testing techniques, aside from visual inspection, must be used under the revised SPCC code?

Answer: According to the first column of page 47120 of the July 17, 2002 Preamble, EPA discusses the method of testing needed for containers. The language states that “for certain smaller shop-built containers in which internal corrosion poses minimal risk of failure; which are inspected at least monthly; and for which all sides are visible (i.e., the container has no contact with the ground), visual inspection alone might suffice, subject to good engineering practice. In such case the owner or operator must explain in the Plan why visual integrity testing alone is sufficient, and provide equivalent environmental protection, 40 CFR 112.7(a) (2). However, containers which are in contact with the ground must be evaluated for integrity in accordance with industry standards and good engineering practice.”

Question: Do facilities need to consider containers that are less than 55 gallons?

Answer: No. The third column of page 47066 of the July 17, 2002 Preamble states that “You need only count containers of 55 gallons or greater in the calculation of the regulatory threshold. You need not count containers like pints, quarts, and small pails, which have a storage capacity of LESS THAN 55 gallons.”

Question: Can a containment wall be constructed out of concrete blocks?

Answer: Yes. SPCC regulations do not mandate design specifications, rather, they are performance based. Therefore, a containment wall may be of any construction type, material, or design, assuming it meets the

performance standards and requirements of Part 112. Regional offices can help determine whether individual containment equipment meets the performance standards of Part 112.

Question: Do the revised SPCC requirements apply to electrical substations that have transformers larger than 55 gallons and a total storage of 1,320 gallons?

Answer: Yes. An owner/operator must prepare an SPCC Plan if the facility, due to its location could reasonable be expected to discharge oil into or upon a navigable water or adjoining shorelines, is a non-transportation related facility, and the facility exceeds a threshold capacity. For SPCC applicability, only containers of 55 gallons or greater need to be considered toward a facility’s oil storage capacity (67 FR 47042, 47066; July 17, 2002). The 55-gallon minimum capacity also applies to oil-filled operating, manufacturing, or electrical equipment, such as transformers. Therefore, when determining if a facility meets the oil storage capacity threshold, an owner or operator must only consider oil-filled operating equipment that can contain 55 gallons or more of oil (40 CFR §112.1(d) (2) (ii)).

Question: Is a non-transportation-related mobile fuel tanker with more than 55 gallons located near a 55 gallon drum storage area considered a facility?

Answer: Perhaps. “Facility” is defined in Part 112 to mean “any mobile or fixed, onshore or offshore building, structure, installation, equipment, pipe, or pipeline (other than a vessel or public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and waste treatment, or in which oil is used, as described by Appendix A to this part. The boundaries of a facility depend on

several site-specific factors, including, but not limited to, the ownership or operation of building, structures, and equipment on the same site and the types of activity at the site” (§112.2). An SPCC Plan applies to a facility, not to individual oil containing structures; there is no distinction between who owns and operates the oil containing structures at the facility. If it is unclear as to whether or not the fuel supplier’s equipment is considered part of a specific facility because it is on your property, EPA Regions can provide a site-specific interpretation or guidance regarding the facility. You should workout an agreement with the equipment owner as to whom, if anyone, must provide an SPCC plan.

Question: Is a sewer line considered to be a container?

Answer: The SPCC rule does not include a definition of container, but the regulations do include a definition for bulk storage container. EPA has defined a bulk storage container to “mean any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container” (§122.2). Certain wastewater treatment facilities are not regulated by the SPCC rule.

Question: What are the types of containers or equipment containing oil reservoirs that would be considered field-constructed containers and thus subject to the brittle fracture evaluation of 40 CFR Part 112.7(i)?

Answer: As found in the Preamble language provided on page 47112 of the July 17, 2002 SPCC final rule, EPA provides a clarification for the term “field-constructed aboveground container” as being one that is assembled or reassembled outside the factory at the location of its intended

use. Whether a specific container would fall into this category would be a determination that must be made on an individual basis.

Question: Would welding piping or tank supports onto a factory fabricated tank be considered an alteration?

Answer: As stated on page 47047 of the preamble to the SPCC rule, "Any work on a tank involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of a tank. This definition conforms with the API 653 definition of alteration."

Question: Can a company that has recently been sold to another company continue to operate under its existing SPCC Plan?

Answer: Yes, if no change in procedures has been made, it may still be feasible to operate under the existing SPCC Plan. The information in the existing Plan must be changed to reflect the new owner/company names. Changes which are non-technical changes do not require a PE certification. Non-technical changes are changes which do not require the exercise of good engineering practice.

Question: Do generator/tank combinations require secondary containment for fuel transfers if both are aboveground and the generator is attached to the storage tank?

Answer: No. The level of secondary containment varies as to whether the transfer area is a loading rack or not.

Question: Under the new regulation, is a PE required to review the SPCC Plans at the end of a 5-year SPCC Plan cycle if no changes have occurred at the facilities?

Answer: No. It is the responsibility of the owner or operator to document the completion of a review and decide whether changes have occurred that would require a technical plan

amendment and therefore a PE certification.

Question: Where can the Preamble to the revised SPCC rule be found?

Answer: The Preamble discussion is essentially everything leading up to the actual regulatory text in the Federal Register. In the case of the July 17, 2002 Federal Register, that would essentially be pages 47042 - 47139. The regulatory text of 40 CFR Part 112 begins on page 47140. The Preamble provides the rationale behind the changes to the regulations and also provides information on how the regulations of 40 CFR Part 112 will be enforced and implemented.

Question: What are the specifications for bulk storage secondary containment systems?

Answer: For purposes of the SPCC requirements, "secondary containment for bulk storage facilities must be constructed to at least provide for the capacity of the largest single tank with sufficient freeboard for precipitation. EPA believes that the proper standard of "sufficient freeboard" to contain precipitation is that amount necessary to contain a 25-year, 24-hour storm event." While EPA believes that a 25-year, 24-hour storm event is appropriate for most facilities and protective of the environment, it did not make it rule standard because of the difficulty and expense for some facilities of securing recent information concerning such storm events at this time. There are several different types of secondary containment measures that could be used at a facility. EPA does not dictate which method must be used, only that it must meet at least the requirements discussed above.

Question: When did the revised SPCC rule become effective, and where can it be found (i.e., via the Internet)?

Answer: The revised SPCC regula-

tions became effective August 16, 2002. The final rule was issued on July 17, 2002 (67 FR 47042 - 47152). If you would like to download a copy of the revised rule, it can be accessed through the following URLs: <http://www.access.gpo.gov> or <http://www.epa.gov/oilspill>. The Preamble language begins on page 47042 and ends on page 47140. The new 40 CFR Part 112 excerpt can be found on pages 47140 - 47152.

Question: What is the effective date for the revised SPCC regulations, and when must owners/operators be in compliance?

Answer: The revised SPCC regulations were effective August 16, 2002. Facilities operating prior to August 16, 2002 must maintain their SPCC Plans, but must ensure the Plan's compliance with the new rule on or before February 17, 2003. The operator or owner must in turn implement the amended Plan no later than August 18, 2003. Facilities that began operations sometime between August 16, 2002 and August 18, 2003 will have until August 18, 2003 to implement the amended Plan as well. Facilities that begin operations after August 18, 2003 must prepare and implement a Plan in accordance with the new regulations before beginning operations.

Question: Does everyone with an existing SPCC Plan have to amend it? As the rule has relaxed to some extent, most existing facilities who have comprehensive SPCC Plans in compliance with the previous rule may have an existing Plan that is more stringent than this revised rule. If their Plan goes above and beyond all of the revised requirements, do they have to review the Plan by February 17, 2003?

Answer: Yes. It is possible that perhaps a facility which was already covered prior to August 16, 2002 would have a Plan which went above and beyond and was in compliance

with the new regulations. Although many of the SPCC requirements became more relaxed as a result of this final rule, some requirements were new requirements entirely. One example of a new requirement might be the facility diagram. At a minimum, if an existing Plan does not follow the revised regulatory sequence found on page 47050 of the revised rule, the Plan must be supplemented with the revised sequence. A cross-referencing table on that page can be used to assist in matching up the previous requirements and their regulatory citations to the new regulatory citations.

Question: When counting against the 1,320 aboveground storage capacity threshold, would operational storage of oil (such as in a hydraulic press) be used?

Answer: Yes. Oil which is contained in equipment is required to be factored into the storage capacity for the facility even though the oil may be only used for ancillary purposes. If the piece of equipment is not capable of holding 55 gallons or more of oil and is only capable of holding less than 55 gallons of oil, that amount of oil in that piece of equipment does not have to be counted toward the 1,320 gallon threshold by virtue of the de minimis container size exemption provided in the rule.

Question: What is “bulk storage?”

Answer: The bulk storage of oil is the storage of oil within a container of any size. Conversely, oil in oil-filled electrical, operating, or manufacturing equipment is not bulk storage of oil, it is use of oil. See part 112.2 for the definition of Bulk Storage Container.

Region VIII Unannounced PREP Exercises

EPA Region VIII conducted several unannounced exercises in July and



Rail Terminal in Montana

September 2002, following the guidelines of the National Preparedness for Response Exercise Program (PREP). The PREP is a unified federal effort which meets the exercise requirements of the U.S. Coast Guard, EPA, Research and Special Programs Administration (RSPA) of the Office of Pipeline Safety, and the Minerals Management Service (MMS) of the Department of the Interior for oil pollution response. These exercises were held at facilities which are required to develop and maintain a Facility Response Plan (FRP) under the Oil Pollution Act (OPA). PREP was developed to meet the intent of section 4202 (a) of OPA for minimum exercise requirements. Under this program, EPA is authorized to “periodically conduct drills of removal capability, without prior notice....” for facilities required to have a response plan.

Unannounced exercises were limited to a maximum of four exercises per area per year in each area having a distinct Area Contingency Plan and are limited to approximately four hours in duration. Under the new PREP guidelines, government-initiated

unannounced exercises are limited to 10% of the plan holders per Region per year. Exercises would involve response to an average most probable discharge and equipment deployment to respond to spill scenarios. All Region VIII plan holders were sent notifications of the upcoming drills. The intent of the letter was to ensure that there have been no operational changes at these facilities which will affect the small discharge scenario; to determine which facilities in the area had participated in an unannounced exercise led by another federal agency; and to increase response readiness among the facilities not visited. Plan holders who have participated in a PREP government-initiated unannounced exercise will not be required to participate in another one for at least 36 months from the date of the exercise. One facility that was visited in Provo, Utah, was no longer storing oil, had permanently closed most of their tanks, and therefore not FRP regulated.

Facility Objectives

The objective of the drill is to ensure that facilities are prepared to:

1. Conduct proper notifications to

respond to an unannounced scenario of an average most probable discharge and to demonstrate that the response is timely;

2. Conduct the drills with an adequate amount of equipment for scenario in accordance with 40 CFR 112.20

Appendix E, Section 3.0.; and

3. Activate the facility's Spill Management Team (SMT) and Oil Spill Removal Organization (OSRO).

The purpose of the unannounced exercises is to evaluate the facility's response readiness during the initial response. The facility should respond to the scenario provided as though it was an actual event. Although when making notifications, the facility must make clear that the incident is an exercise.

When deploying equipment no absorbent materials should be

deployed, however, for demonstration purposes we would like it to be brought to the area it would be used.

The facilities should be prepared to use all other equipment as in the event of an actual response.

Scope of Exercise

The drill is limited to a maximum of four hours although the EPA representative has the authority to terminate the drill at any time. The facility personnel's familiarity with the FRP, notification procedures and communication between the facility personnel and other drill participants will be evaluated and recorded. The EPA representative will also record the chronology of events including SMT and OSRO arrival on scene, the equipment deployment time, and the arrival time of recovery equipment in an exercise evaluation form. The safety of all participants is the most

important consideration during the drill. If at anytime it is considered unsafe to continue with the exercise the EPA representative will end the drill.

Selected Facilities

EPA Region VIII selected oil storage facilities at random from several states: Utah, Montana, North Dakota, and Wyoming. The scenarios involved a small discharge (as described in the FRP) of a particular product into the closest waterway located in the vicinity of the facility. The facilities chosen were very diverse in that they were located in separate operating environments and stored a combination of any of the following: diesel, gasoline, jet fuel, or various heavy oils. A refinery, asphalt terminal, and a mountain rail terminal were examples of the selected facilities.



PREP Drilling at a Utah Refinery

Upon arrival of EPA representatives at each location, time was taken to discuss the scenario, objectives, and scope of exercises. The drills began after all questions were answered and the drill requirements were understood. The exercises lasted between 2 ½ to 3 hours and the facilities met most of the designated objectives.

Lessons Learned

Following each exercise the facility personnel and EPA representatives conducted a debriefing. Each exercise provided lessons learned and was viewed as an opportunity for continuous improvement of the response system.

- **Notifications:** All facilities made their notifications upon the start of the exercise. One facility located in a small town notified the potentially affected businesses; however, in notifying the local responders, the town sheriff did not want to deploy the volunteer fire department unit just for an exercise. Notifications and response information for at least one facility were not well organized. At another facility, deployment was delayed until key personnel arrived because responsibilities were not delegated.
- **Equipment:** One facility had equipment on-scene that they chose to utilize during the exercise; however, part of the equipment included in the FRP, belonged to the local fire department. Since they were not on the scene, one of the facility workers used his own private boat to assist in the boom deployment. The backup spill trailer from a sister facility located 90 miles away had not arrived on the scene to help deploy a cascade system and the containment boom that was initially deployed, sunk due to the rivers' fast waters.



Thompson Falls Rail Facility

Another facility deployed their absorbent booms instead of their containment, skirted booms. This facility's hard booms were not immediately available.

- **Communication:** One facility had radios with which they remained in constant communication throughout the duration of exercise with all response teams; however, one OSRO team did not have direct communication with incident commander, making it difficult to interact with the rest of the responders.

All of the facilities approached the EPA representatives during the exercises looking for feedback and direction on how to proceed. It is interesting to note that one of the Qualified Individuals in one of the facilities had been in his position for just a year and was performing very well. Another facility was proceeding as if it was an actual event (as it is supposed to be), monitoring the air for fumes, performing environmental assessment of the canal, measuring the velocity of the waters, checking for

impacted wildlife, providing medical check ups for the responders, providing beverages, and even bringing in porta-johns out on the scene. At a second facility, the planning section team was keeping a list of "Par" times allocated after each of the activities completed during the exercise demonstrating efficient use of personnel and good communication with other teams.

Successful completion of the exercises allows each facility to take credit for meeting exercise requirements of the regulation as described in the PREP guidelines including the equipment deployment and notification exercises. The facilities will not be subject to another government led unannounced exercise for 36 months.

In fiscal year 2003, Region VIII expects to increase the number of unannounced exercises to 10 or 15 and will be conducting some of these during the winter months. For any additional questions regarding the EPA Region VIII Unannounced Exercises please call Martha Wolf at (303) 312-6839.

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