



Final SPCC Rule Fact Sheet

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I. Background

- C EPA proposed revisions to the Spill Prevention, Control, and Countermeasure (SPCC) rule on three occasions, in 1991, 1993, and 1997.

II. Major Rule Changes

C Exemptions

- C **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).
- C **Minimum container size - 55 gallon containers.** The rule exempts a container of less than 55 gallons from its scope.
- C **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.
- C **Misc. exemptions - Permanently closed tanks, Minerals Management Service facilities**
- C **Regulatory threshold.** The rule raises the threshold by eliminating the 660 gallon/single container criterion, creating a greater than 1,320 gallon threshold.
- C **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.

The policies and procedures set forth herein are intended as guidance to Agency and other government employees. They do not constitute rule making by the Agency, and may not be relied on to create a substantive or procedural right enforceable by any other person. The Government may take action that is at variance with the policies and procedures in this fact sheet.

- C **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 owner or operator does not follow the sequence specified in the rule, he must provide a cross reference.
- C **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.
- C **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.
- C **“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.
- C **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.

III. **Additional Rule Changes.**

- C **Brittle fracture evaluation** is required for field-constructed aboveground storage containers undergoing repair, alteration, reconstruction, or change in service that might affect the risk of a discharge of failure due to brittle fracture or other catastrophe, or when there has been an actual discharge or failure due to brittle fracture or other catastrophe.
- C **Facility Response Plans.** We clarify that an owner or operator may use the ICP format or any other format acceptable to the RA.
- C **EPA discharge Information.** We reduce the information required to be submitted by facilities after certain discharges, and raise the regulatory trigger for this submission.
- C **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
- C **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).
- C **“Plain English”** Both the rule and preamble are written in “plain English.”