



Spill Prevention, Control, and Countermeasure (SPCC) Rule Amendment

Option for Qualified Facilities that Store or Handle 10,000 Gallons or Less of Oil

In December 2006, EPA amended the SPCC rule to streamline some of the requirements for facilities with smaller oil storage capacity and for specific types of equipment. The revised rule provides an option for “qualified facilities” to prepare a self-certified SPCC Plan instead of one that is reviewed and certified by a Professional Engineer (PE). These facilities may also use newly revised facility security and tank integrity inspection requirements that are tailored for qualified facilities without PE certification.

What is a “qualified facility”?

A qualified facility is a facility with a limited oil storage capacity that is eligible for streamlined regulatory requirements. A facility must meet two conditions to take advantage of the qualified facilities option.

First, the facility must have 10,000 gallons or less in aggregate aboveground oil storage capacity. Second, the facility must not have had (1) a single discharge of oil to navigable waters exceeding 1,000 U.S. gallons, or (2) two discharges of oil to navigable waters each exceeding 42 U.S. gallons within any twelve-month period, for the three years prior to the SPCC Plan certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years. When determining the applicability of this criterion, the gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount of oil spilled.

Oil discharges that result from natural disasters, acts of war, or terrorism are not included in this qualification determination.

What option is now available for qualified facilities?

An owner/operator of a qualified facility may choose to self-certify the facility’s SPCC Plan and Plan amendments instead of having the SPCC Plan reviewed and certified by a licensed

PE and may take advantage of other tailored requirements.

Do I automatically lose eligibility if the facility has an oil discharge?

No. Facilities that choose this alternative and then have an NRC reportable oil discharge after self-certifying the SPCC Plan do not automatically lose eligibility. If the oil discharge reaches navigable waters, the spill reporting requirements apply as well as the reporting requirements of the SPCC rule. After receiving a report of an oil discharge, the EPA Regional Administrator may determine whether the facility must amend its SPCC Plan and have it certified by a PE. Facilities that are required to amend their SPCC Plan are no longer eligible for the self-certification option.

For more information on spill reporting, see the “Oil Discharge Reporting Requirements” Fact Sheet or refer to the SPCC rule and the Discharge of Oil regulation, 40 CFR part 110.

What does self-certification include?

An owner/operator that certifies a facility’s SPCC Plan attests that he/she is familiar with the requirements of 40 CFR part 112 and has visited and examined the facility. The owner/operator also certifies that:

- The Plan has been prepared in accordance with accepted and sound industry practices and standards and with the rule requirements
- Procedures for required inspections and

testing have been established

- The Plan is being fully implemented
- The facility meets the qualifying criteria
- The Plan does not deviate from rule requirements except as allowed and as certified by a PE
- Management approves the Plan and has committed resources to implement it

Am I required to use this option?

No. Self-certification and the streamlined requirements are an alternative means of complying with SPCC requirements. An owner or operator can choose to prepare an SPCC Plan in accordance with the current SPCC rule requirements, including having the Plan certified by a PE.

Can a self-certified SPCC Plan include environmentally equivalent measures or impracticability determinations?

Yes. However, an owner/operator that self-certifies an SPCC Plan may not include alternative methods that provide environmental equivalence in the Plan unless each alternate method has been reviewed and certified by a PE. Similarly, an owner/operator who self-certifies an SPCC Plan may not include any determinations that secondary containment is impracticable unless the determination and alternative Plan provisions are reviewed and certified by a PE.

Can technical amendments be self-certified?

Yes. Qualified facilities may self-certify technical amendments to elements of the Plan that are allowed to be self-certified in the first instance. Technical amendments to environmentally equivalent measures or that involve impracticability determinations must be certified by a PE.

What integrity testing requirements apply to qualified facilities?

The rule requires owners/operators of qualified facilities to test and inspect each aboveground container for integrity on a regular schedule and whenever material repairs are made. Where there are applicable industry standards, it allows qualified facilities the flexibility to determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, as well as the frequency and type of testing and inspections that take into account container size, configuration, and design.

What security requirements apply to qualified facilities?

Instead of complying with the current security provisions, qualified facilities may describe how the facility controls access to certain areas and secures equipment to prevent acts of vandalism and assist in the discovery of oil discharges.

Can qualified facilities also use the alternative requirements for oil-filled operational equipment?

Yes. Facilities that meet the criteria for qualified facilities and qualified oil-filled operational equipment may benefit from both alternative approaches. Since an impracticability determination is not necessary for qualified oil-filled operational equipment, the owner or operator can self-certify his/her SPCC Plan and is not required to have a PE develop the alternative measures in lieu of secondary containment for qualified oil-filled operational equipment.

For More Information

Read the SPCC rule amendment

www.epa.gov/oilspill

**Review the Oil Pollution Prevention regulation
(40 CFR part 112)**

<http://www.gpoaccess.gov/cfr/>

**Visit the EPA Office of Emergency
Management Web site**

www.epa.gov/emergencies

**Call the Superfund, TRI, EPCRA, RMP, and Oil
Information Center**

(800) 424-9346 or (703) 412-9810

TDD (800) 553-7672 or (703) 412-3323

www.epa.gov/superfund/resources/infocenter

To Report an Oil or Chemical Spill

Call the National Response Center

(800) 424-8802 or (202) 267-2675

TDD (202) 267-4477