

Advocacy Supports EPA Proposal to Ease Oil Spill Requirements on Small Facilities

On February 10, 2006, the Office of Advocacy (Advocacy) sent a comment letter to the U.S. Environmental Protection Agency (EPA) on proposed revisions to its Spill Prevention, Control and Countermeasure (SPCC) program (70 Fed. Reg. 73524 (December 12, 2005)). 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. In July 2002, EPA amended the SPCC program requirements for hundreds of thousands of small businesses, farms, manufacturers, and electrical facilities. EPA subsequently agreed to postpone the effective date of the amended rule while the agency studied several suggested burden reduction approaches for small facilities and other SPCC facilities. Advocacy supports EPA's burden reduction proposals, and offers several additional proposals. EPA's December 2005 small facility proposal is based on recommendations that Advocacy made to EPA in comments filed on June 10, 2004. A complete copy of Advocacy's letter to EPA, together with Advocacy's June 2004 comments may be accessed at <http://www.sba.gov/advo/laws/comments>.

- Advocacy supports EPA's proposal to allow facilities that handle up to 10,000 gallons of oil, and that have had no "reportable discharge" of oil in the past 10 years, to certify their own spill prevention plans. The rule otherwise requires a Professional Engineer to certify SPCC plans.
- Advocacy recommends that EPA allow facilities that handle less than 5,000 gallons to be exempt from the requirement to have a written spill prevention plan. Advocacy also recommends that the 10 year spill history requirement be eliminated or scaled back to 3 years, and that EPA allow oil-filled equipment to be exempt from secondary containment requirements.
- Advocacy supports EPA's extension of time for farms to comply with the SPCC rule, and suggests that EPA consider further burden reductions for airport mobile refuelers, small oil and gas production facilities, and liquid asphalt cement and hot-mix asphalt storage tanks.
- Advocacy's recommendations, echoing comments from small businesses, would reduce the regulatory and paperwork burden on small facilities by hundreds of millions of dollars, while increasing overall compliance with the SPCC program and focusing facilities on measures that will prevent oil spills from reaching waterways.

For more information, visit Advocacy's Webpage at <http://www.sba.gov/advo>, or contact Assistant Chief Counsel Kevin Bromberg by email at kevin.bromberg@sba.gov or by phone at (202) 205-6533.