



April 17, 2009

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460

Re: EPA-HQ-OPA-2007-0584; *Spill Prevention, Control and Countermeasure Rule*

Dear Administrator Jackson:

I am writing to you today in support of the April 15th letter signed by eleven trade associations, representing over ten thousand small business facilities. Those organizations wrote to you regarding significant problems with the implementation of the Spill Prevention, Control and Countermeasure (SPCC) program. As you may know, my office has been working closely with the Agency and affected trade groups to reform the 2002 SPCC rule amendments. The December 2006 (SPCC I) and December 2008 (SPCC II) rules have vastly improved and streamlined the SPCC program. We urge EPA to set new compliance dates that facilitate compliance, and allow the noncontroversial portions of the SPCC II rule to become effective as soon as practicable. We also encourage you or your senior staff meet with the industry group to address this issue.

As background, we note that the SPCC issue was discussed at Advocacy's April 3rd Environmental Roundtable. Given the large outpouring of concern over the April 1st *Federal Register* notice announcing the nine month delay of the entire SPCC II rule without postponing the July 2009 SPCC I compliance date, we added the SPCC agenda item. Uncoordinated and constant regulatory changes severely impair reasonable attempts by the regulated community to plan compliance efforts. The April 15th trade group letter was an outgrowth of the dialogue by participants at the Environmental Roundtable meeting and later discussions. Advocacy endorses the sound approach outlined in the April 15th letter.

We value the partnership with EPA on this matter, and want to continue to move forward with EPA to resolve the ongoing issues. As you may know, this collaboration has been very extensive and successful. The good news is that, based on EPA's outstanding work to date, little remains to complete the work on this rule. We agree with the April

15th industry letter that the SPCC II rule, in large part, is noncontroversial, and specifically, that the ten provisions cited in that letter can be implemented without additional study or delay.

EPA's deferral of the effective date from SPCC II to January 14, 2010, basically halted efforts by small facilities to take advantage of these rule simplifications and clarifications in order to implement the 2002 and later SPCC amendments. The industry recommendations allow these facilities to move forward with the major SPCC II changes and achieve compliance with the program sooner than EPA's current plan. Acting on the industry recommendations will allow hundreds of thousands of facilities to implement the SPCC program thereby benefiting the regulated industry and the environment.

Thus, we endorse the three recommendations outlined in the April 15th letter:

1. Establish New Compliance Dates One Year After the Effective Date
2. Conclude Review on Noncontroversial Portions of SPCC II and Make Effective As Soon As Practicable
3. Issue Guidance Reflecting Final SPCC Revisions

We reaffirm our interest in working together with EPA to complete these SPCC reforms, and recommend that you accept the invitation to meet with the affected trade associations on this issue of vital concern to industry and the environment. If you have any questions, please feel free to contact me at 205-6539, or Kevin Bromberg of my staff at 205-6964 or kevin.bromberg@sba.gov.

Sincerely,

/s/

Shawne C. McGibbon
Acting Chief Counsel for Advocacy

/s/

Kevin Bromberg
Assistant Chief Counsel for Environmental Policy

Attachment: April 15th Industry SPCC letter

cc: Kevin Neyland, Acting Administrator, OIRA, OMB
Robert Sussman, Office of the Administrator, EPA
Barry Breen, Acting AA, OSWER, EPA
Louise Wise, OPEI, EPA
Debbie Dietrich, OSWER, EPA