

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

On December 12, 2006, the U.S. Environmental Protection Agency (EPA) promulgated changes to its Spill Prevention, Control and Countermeasure (SPCC) program. 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 efforts to reduce the regulatory burden on small businesses. Advocacy filed comments in June 2004 and in February 2006. The comments may be accessed at <http://www.sba.gov/advo/laws/comments>.

- EPA will now allow facilities that handle up to 10,000 gallons of oil, and that have had no "reportable discharge" of oil in the past three years, to certify their own spill prevention plans. The rule otherwise requires a professional engineer to certify SPCC plans.
- EPA will allow facilities with oil-filled equipment to "implement an inspection and monitoring program, develop an oil spill contingency plan, and provide a written commitment of resources to control and remove oil discharged, for qualified equipment in lieu of secondary containment for the oil-filled operational equipment." Under the new rule, mobile refuelers such as airport refueling trucks are exempt from secondary containment requirements.
- EPA is providing an extension of time for farms to comply with the SPCC rule "until the Agency promulgates a rule specifically addressing how farms should be regulated under the SPCC rule." In a separate rulemaking, EPA has proposed to extend the date for owners and operators of nonfarm facilities to comply with the SPCC rule to July 1, 2009.
- EPA estimates that these changes, which follow many of Advocacy's recommendations on behalf of small businesses, will reduce the regulatory and paperwork burden on small facilities by \$125 million, 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.