



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

Amended SPCC Requirements Finalized in December 2006

In December 2006, EPA amended the SPCC rule to streamline some of the requirements for the regulated community. As part of the Oil Pollution Prevention regulation, the SPCC rule outlines requirements for prevention of, preparedness for, and response to oil discharges. Regulated facilities must develop and implement SPCC Plans that establish procedures and equipment requirements to help prevent oil discharges from reaching navigable waters or adjoining shorelines.

What changes did EPA finalize in December 2006?

The revised rule modifies requirements for facilities with smaller oil storage capacity and specific types of oil-filled operating equipment.

| Alternative for facilities that store or handle 10,000 gallons or less of oil | | |
|--|--|---|
| <i>If a facility...</i> | <i>And the facility...</i> | <i>Then an owner/operator of a facility...</i> |
| Has 10,000 gallons or less in aggregate aboveground oil storage capacity | Meets the oil discharge history criteria described below | <ul style="list-style-type: none"> ▪ May prepare a self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer (PE) ▪ May meet tailored facility security and tank integrity inspection requirements without PE certification ▪ May prepare a plan which includes PE-certified environmentally equivalent measures or impracticability determinations that would require PE certification for only the portions dealing with environmental equivalence and impracticability determinations. The remaining portions of the plan could be self-certified by the facility owner/operator. |
| Alternative for oil-filled operational equipment | | |
| <i>If a facility...</i> | <i>And the equipment</i> | <i>Then an owner/operator of a facility...</i> |
| Has oil-filled operational equipment | Meets the oil discharge history criteria described below | <ul style="list-style-type: none"> ▪ May 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 ▪ Does not need to make an impracticability determination for each piece of equipment |

To use these alternatives a facility (or its equipment) must meet requirements for its reportable discharge history. 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, in the three years prior to the SPCC Plan certification date, or since becoming subject to 40 CFR part 112 if operating for less than three years. Eligibility for the oil-filled operational equipment alternative is determined by the discharge history from the equipment, not the entire facility.

The December 2006 rule included several other revisions:

- Motive power containers (e.g., automotive or truck fuel tanks) are exempt from the SPCC rule.
- Mobile refuelers are exempt from specific sized secondary containment requirements.
- Certain requirements for animal fats and vegetable oils were removed and reserved.

Who is subject to the SPCC rule?

The SPCC rule applies to owners or operators of non-transportation-related facilities that:

- Drill, produce, store, process, refine, transfer, distribute, use, or consume oil or oil products, and
- Could reasonably be expected to discharge oil to U.S. navigable waters or adjoining shorelines.

Facilities are subject to the rule if they meet at least one of the following capacity thresholds:

- Aboveground oil storage capacity greater than 1,320 gallons, or completely buried oil storage capacity greater than 42,000 gallons.

The following are exempt from the rule:

- Completely buried storage tanks subject to all the technical requirements of the underground storage tank regulations
- Containers with a storage capacity less than 55 gallons of oil
- Wastewater treatment facilities
- Permanently closed containers
- Motive power containers (see above)

What are the compliance dates?

| <i>A facility (other than a farm) starting operation...</i> | <i>Must...</i> |
|--|--|
| On or before August 16, 2002 | Maintain its existing Plan Amend and implement the Plan no later than October 31, 2007* |
| After August 16, 2002 through October 31, 2007 | Prepare and implement a Plan no later than October 31, 2007* |
| After October 31, 2007 | Prepare and implement a Plan before beginning operations* |

* In December 2006, EPA proposed to extend the date for owners and operators of facilities (with the exception of farms) to either (1) prepare and implement a new SPCC Plan; or (2) amend an existing SPCC Plan and implement the amended Plan until July 1, 2009. Because EPA has not yet finalized that rulemaking, the current compliance date is October 31, 2007.

| <i>Farms starting operation...</i> | <i>Must...</i> |
|---|---|
| On or before August 16, 2002 | Maintain its existing Plan Amend and implement the Plan when EPA promulgates a rule specific for farms and specifies a compliance date for farms |
| After August 16, 2002 | Prepare and implement a Plan when EPA promulgates a rule specific for farms and specifies a compliance date for farms |

Does EPA plan to make additional changes to the rule?

EPA is considering additional streamlined and tailored regulatory modifications or guidance for certain types of facilities and equipment. For example, EPA is exploring potential options for an additional subset of qualified facilities, facilities handling animal fats and vegetable oils, issues relating to farms, and specific issues relating to the exploration and production industry.

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