



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

Proposed Exemption for Milk Containers and Associated Piping and Appurtenances

On January 15, 2009, EPA proposed amendments to the SPCC rule to tailor and streamline requirements for the dairy industry (74 FR 2461). The public now has the opportunity to comment on these proposed changes during a 30-day period following publication of the proposed rule in the *Federal Register*. Written comments must be received by February 17, 2009.

What change is EPA proposing?

The proposed rule would exempt milk containers and associated piping and appurtenances from SPCC applicability and requirements if they are: (1) constructed according to current applicable 3-A Sanitary Standards, and (2) are subject to the current applicable Grade "A" Pasteurized Milk Ordinance (PMO) or a state dairy regulatory requirement equivalent to the current applicable PMO.

What are the 3-A Sanitary Standards?

Milk containers and their associated piping and appurtenances are generally constructed according to an industry standard established by 3-A Sanitary Standards (McLean, VA). These standards require that milk storage containers and piping:

- Are constructed with American Iron and Steel Institute 300 Series stainless steel (i.e., austenitic stainless steel) or other corrosion-resistant metal;
- Meet specific design criteria, including requirements for contact with milk (e.g., polished contact surfaces);
- Have smooth and impervious surfaces that are free of breaks and corrosion, including at joints and seams; and
- Have easy access to inspect the container's internal surfaces.

What is the Grade "A" Pasteurized Milk Ordinance (PMO)?

The PMO is a model ordinance that addresses milk intended for human consumption. It is maintained through a cooperative agreement between the states, the Food and Drug Administration (FDA), and the regulated community.

The PMO establishes criteria for the permitting, inspection, and enforcement of milk-handling equipment and operations that govern all processes for milk intended for human consumption. These include:

- Specifications for the design and construction of milk handling equipment;
- Equipment sanitation and maintenance procedures;
- Temperature controls; and
- Pasteurization standards.

All milk handling operations subject to the PMO are required to have an operating permit, and are subject to inspections by the state dairy regulatory agencies.

Why is EPA proposing this exemption?

An owner or operator of a facility that is subject to the SPCC rule that has milk storage containers and associated piping and appurtenances constructed in accordance with current applicable 3-A Sanitary Standards, and that is effectively implementing current, applicable PMO sanitation requirements, is implementing substantial measures to prevent milk spoilage and contamination. EPA believes these measures serve to prevent discharges of oil in quantities that are harmful.

How do I comment on this proposed exemption?

EPA is requesting comment and data demonstrating whether the 3-A Sanitary Standards and the PMO address oil spill prevention, control, and countermeasures. EPA is also requesting comment on how to address milk storage containers that may not be constructed to 3-A Sanitary Standards, and comments on whether other facilities storing animal fats and vegetable oils have sanitation requirements similar to those for handling milk.

Please submit your comments on the proposed amendments at www.regulations.gov. Follow the online instructions to comment on Docket ID No. EPA-HQ-OPA-2008-0821. If you have specific questions about the proposed amendments, please contact the EPA Superfund, TRI, EPCRA, RMP, and Oil Information Center (see below).

How do I obtain the 3-A Standards?

“Storage Tanks for Milk and Milk Products”,
3A 01-08, November 2001 is available for purchase from:

3-A Sanitary Standards, Inc.
6888 Elm Street, Suite 2D, McLean, Virginia 22101
Phone: (703) 790-0295
Fax: (703) 761-6284
<http://www.3-a.org/>

How do I obtain the PMO?

The Grade “A” Pasteurized Milk Ordinance -- 2003 Revision (PMO) is available from:

U.S. Department of Health and Human Services
Public Health Service
Food and Drug Administration
<http://www.cfsan.fda.gov/~ear/pmo03toc.html>

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:

- Containers with a storage capacity less than 55 gallons of oil
- Permanently closed containers
- Motive power containers
- Wastewater treatment facilities
- Hot-mix asphalt and hot-mix asphalt containers
- Residential heating oil containers
- Pesticide application equipment and related mix containers
- Produced water containers that meet certain criteria
- Completely buried storage tanks subject to all the technical requirements of the underground storage tank regulations
- Intra-facility gathering lines subject to U.S. Department of Transportation's pipeline regulations
- Underground storage tanks at nuclear power generation facilities

For More Information

Read the proposed SPCC rule amendment

<http://www.epa.gov/emergencies/spcc>

Comment on the proposed SPCC rule amendment and review docket documents

<http://www.regulations.gov>. Follow the online instructions to comment on Docket ID No. EPA-HQ-OPA-2008-0821

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

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

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

<http://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