

EPA REVISES SPCC REGULATIONS

The Environmental Protection Agency (EPA) is amending the Spill Prevention Control and Countermeasure (SPCC) requirements of the Oil Pollution Prevention regulation of the Clean Water Act, as contained in 40 CFR Part 112. The SPCC portion of the regulation requires affected facilities to develop a plan that addresses their procedures, methods and equipment relating to the prevention of oil discharges. The revised regulation incorporates some of the revisions proposed in 1991, 1993 and 1997. The revised regulation was published in the July 17, 2002 Federal Register (67 FR 47042).

Key elements of the new standards, revisions to the existing rule, and a summary of the history of the SPCC regulation are presented in this article. This article provides the highlights of the revised rule including the changes to the existing standards and the new standards to be added.

New Regulations and Standards

- Brittle Fracture Inspections
 - The revised rule requires evaluations for brittle fracture for above ground tanks following modifications or an actual discharge from a tank.
- Deviations from Standards
 - The regulation allows facilities to deviate from the regulatory standards (except secondary containment requirements) provided rationale for the nonconformance is provided and an alternate measure is given that provides equivalent environmental protection.

- Facility Diagram
 - A description of the physical layout of the facility and a **facility diagram** (with USTs) must be included in the Plan.

HISTORY OF SPCC REGULATION

DECEMBER 11, 1973

The SPCC requirements were promulgated. (38 FR 34164)

OCTOBER 22, 1991

The EPA proposes revisions to the applicability of the regulation and the required procedures for the completion of the SPCC Plans. (56 FR 54612)

FEBRUARY 17, 1993

The EPA proposes clarifications and technical changes to the rule including response plans for facilities without secondary containment, prevention training and methods relating to brittle fracture determinations. (58 FR 8824)

DECEMBER 2, 1997

The EPA proposes to reduce the information collection burden imposed by the prevention requirements in the SPCC rule. (62 FR 63812)

JANUARY 10, 2001

The EPA releases a version of the SPCC regulation revision incorporating items from the proposed actions of 1991, 1993 and 1997.

JULY 17, 2002

The EPA issues the revised SPCC regulation in the Federal Register. (67 FR 47042)

Rule Revision Highlights

The following tables show some of the changes expected in the revised SPCC regulation.

REORGANIZATION OF THE RULE	
<ul style="list-style-type: none"> • 40 CFR 112.7 of the current regulation will be reorganized into 40 CFR 112.7 through 112.15 based on facility type and type of oil. <ul style="list-style-type: none"> ○ Subpart A (40 CFR Part 112.7) Applicability, definitions and general requirements. ○ Subpart B (40 CFR Part 112.8 to 112.11) Specific requirements for facilities storing or using petroleum or non-petroleum oils not listed under Subpart C. ○ Subpart C (40 CFR Part 112.12 to 112.15) Specific requirements for facilities storing or using animal fats, oils and greases, fish and marine mammal oils, or oils of vegetable origin including oils from seeds, nuts, fruits and kernels. ○ Subpart D (40 CFR Part 112.20 to 112.21) Requirements for facility response requirements (FRPs, training and drills/exercises) 	
<p>Note: SPCC requirements are contained within Subparts A through C.</p>	

CHANGES IN APPLICABILITY AND DEFINITIONS	
Applicability General	The geographic zone affected by the Rule has been expanded from waters of the US and adjoining shorelines to waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or Deepwater Port Act of 1974, or that may affect natural resources associated with the US (conforms with expanded jurisdiction of CWA).
Applicability Above Ground Tanks	Threshold set at 1,320 gallons of capacity (single and aggregate capacity). The EPA removed the 660 gallon capacity threshold distinction for single storage. Permanently closed tanks do not count toward threshold. Only containers with a capacity of 55 gallons or greater count toward the threshold calculation.
Applicability Buried Tanks	USTs subject to 40 CFR Part 280 or 281 are not subject to the SPCC rule; however, these USTs will have to be shown on the facility diagram. Permanently closed tanks do not count towards threshold calculation.
Applicability Exempt Sources	The EPA can require a non-subject facility prepare and implement an SPCC Plan, or any applicable part, under the jurisdiction of the CWA.
Definitions	The revised rule has an expanded list of terms including the definition for a "facility". Through the facility definition, the EPA is clarifying that the SPCC regulation can apply to a small piece of equipment or an entire site.

CHANGES TO PLAN REQUIREMENTS	
Above Ground Containers	The revised rule has the following standards for inspections of above ground containers. <ul style="list-style-type: none"> • Integrity tests shall be conducted on a regular schedule and when material repairs are done. • Integrity testing must combine visual inspections with another non-destructive testing technique (i.e., hydrostatic, radiographic, etc.). • The container's support structure and foundation must be included during inspection. • The outside of the container must be frequently inspected for signs of deterioration, discharges, or accumulation of oil within the diked area. • Records from usual and customary business practices can suffice for the recordkeeping requirements.
Buried Piping	Underground piping installed or replaced on or after August 16, 2002 must: <ul style="list-style-type: none"> • Have protective wrapping and coating and cathodic protection; or, • Satisfy the corrosion protection provisions for piping in 40 CFR Part 280 (or 40 CFR Part 281 for a State Program).
Bypass of In-Plant Treatment	Records under NPDES permits are sufficient for recording storm water bypass events.
Employee Training	The revised rule specifies mandatory training only for oil-handling employees, instead of all employees. Briefings must be conducted at least once a year instead of at "intervals frequent enough to assure adequate understanding of the Plan".

CHANGES TO PLAN REQUIREMENTS	
Excess Discharge Reporting	Facilities must still submit information to the EPA following a discharge of 1,000 US gallons in a single spill event. The reporting of two discharge events occurring during any 12-month period has been raised to a threshold of over 42 US gallons (1 barrel) per event (in place of the harmful quantities definition of 40 CFR Part 110 threshold). Date of initial operation and copy of SPCC Plan are now not required in report to EPA.
Format	EPA now allows the Plan to fit in various formats (<i>i.e.</i> , ICP, etc.). If another format is utilized, a cross-reference table must be included in the Plan.
PE Certification	Specific requirements for the PE certification have been included: <ul style="list-style-type: none"> • An agent of the PE may examine the site, the PE must review the agent's work and certify the Plan; • The PE must consider applicable industry standards; and, • Conformance with Part 112 requirements and procedures for inspections and testing must be certified by the PE.
PE Certification of Plan Revisions	The revised rule clarifies that a PE must certify only the technical amendments. PE certification is not required for non-technical amendments.
Periodic Review	The minimum time for review is increased to 5 years (with documentation of review and evaluation); previously it was a 3 year time frame.
Periodic Review Certification	Facilities will have to document completion of the periodic Plan review and sign a statement as to whether the Plan will be amended.
Plan Location	A copy of the Plan must be maintained at a site attended at least 4 hours per day. Previously the trigger time was 8 hours per day.
Plan Preparation and Implementation	New facilities, those that become operational after August 18, 2003, must have the SPCC Plan prepared and implemented before beginning operations. Existing facilities will have 6 months from August 16, 2002 (effective date) to update their Plan, if necessary, to ensure compliance with the revised regulation and one year from the effective date to implement the amended Plan. Facilities that become operational after the effective date through August 18, 2003 must have a Plan prepared and implemented no later than August 18, 2003.
Records of Inspections	Records of inspections may be kept outside of the Plan (<i>i.e.</i> , separate log, etc.). Usual and customary business records can serve as records of tests or inspection.
Secondary Containment at Oil Production Facility – Freeboard	The revised rule clarifies that secondary containment must include sufficient freeboard to contain precipitation.
Sufficient Secondary Containment Not Provided	In addition to providing a contingency plan, a facility that cannot install secondary containment must conduct: <ul style="list-style-type: none"> • Periodic Integrity tests of the containers; and, • Periodic Integrity and leak testing of the valves and piping.
Wastewater Treatment	Facility, or part thereof, used exclusively for wastewater treatment is no longer subject to prevention planning, unless facility is used to meet part 112 requirements. Production, recovery, or recycling of oil is not considered wastewater treatment.

For further questions concerning this rule and other air quality management issues, please contact Chris Howard, PE, using the following contact information.



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