

CONTINUED CHANGES TO EPA SPCC REGULATIONS

The Environmental Protection Agency (EPA) is amending the Spill Prevention Control and Countermeasure (SPCC) rule 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 that affected facilities develop a plan that addresses their procedures, methods, and equipment relating to the prevention of, preparedness for, and response to oil discharges. The latest amendments were published in the December 5, 2008 Federal Register (73 FR 74236). **These amendments are scheduled to take effect on January 14, 2010.** Currently, the December 2006 amendments are in effect, although on June 11, 2009, the EPA extended the compliance date to November 10, 2010.

This PROVision provides the highlights of the December 2008 amendments and a summary of the existing (December 2006) rule.

Is my facility subject to the SPCC rule?

All facilities which meet the following criteria are subject to the SPCC requirements:

- Non-transportation-related onshore and offshore facilities
- Facilities engaged in the drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products
- Facilities which, due to their location, could reasonably be expected to discharge oil in harmful quantities into or upon the navigable water of the U.S., adjoining shorelines, or the contiguous zone
- Facilities which have total storage capacity $\geq 42,000$ gallons underground buried oil storage OR $\geq 1,320$ gallons aboveground oil storage capacity (excluding containers with a capacity < 55 gallons)

What are the notable overall changes to the SPCC requirements?

The December 2008 amendments include several new exemptions and amended definitions.

New exemptions from the SPCC rule:

- Hot-mix asphalt (HMA) and HMA containers
- ALL pesticide application equipment and related mix containers
- Underground storage containers (USTs) at nuclear power generation facilities
- Residential (single-family, non-commercial) heating oil containers
- Non-transportation-related tank trucks (does not include mobile/portable containers or tanker trucks serving as fixed tanks/storage)

Amended definitions

- “Facility” is now to be defined as whichever contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines the owner or operator determines defines the facility boundary.
- “Loading/unloading rack” is defined as a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to the requirements of this part (production facilities and farms are not subject to this part). A loading or unloading arm is a key component used to define “rack.”
- “Production facility” is now defined as all structures, piping, or equipment associated with oil and located in an oil or gas field at a facility.

Other Revisions

The December 2008 amendments also provide clarification and update some of the requirements of the SPCC rule. Providence has summarized these changes in the following table:

Updated Requirements		
	Rule	Update/Clarification
Security Requirements	Security requirements must be met at qualified facilities.	<p>Security requirements must now be met at <i>all</i> SPCC applicable facilities. The plan must specifically address the facility's security/control devices in each of these areas:</p> <ul style="list-style-type: none"> • Master flow and drain valves • Starter controls on pumps • Out-of service connections • Loading/unloading connections • Perimeter security • Facility lighting <p>Now applies to <i>all</i> applicable facilities</p>
Integrity Testing	Integrity testing is required for all qualified facilities.	<p>Integrity testing is required for <i>all</i> SPCC applicable facilities. The testing requirements are as follows:</p> <ul style="list-style-type: none"> • Integrity testing of each aboveground container at a facility must be conducted on a periodic, regular schedule and whenever material repairs are made. • The owner/operator of a facility must determine, in accordance with industry standards, the qualification requirements of personnel conducting the testing, the frequency of testing, and the type of testing to be conducted, taking into account container size, configuration, and design. <p>A visual inspections program may be used to meet the integrity testing requirements for qualified animal fats/vegetable oils (AFVOs). Qualified AFVOs should already have environmentally equivalent integrity testing measures in place.</p>
Facility Diagram	A facility diagram (with USTs) must be included with the plan.	The facility diagram must contain all <i>fixed</i> containers. For mobile/portable containers, the diagram must indicate the area(s) where such containers are stored. Information on the number of containers, contents, and capacity of each container in the area(s) indicated must be provided <i>either</i> as part of the diagram <i>or</i> elsewhere in the plan.
General Secondary Containment Requirements	Containment and/or diversionary structures must be provided and capable of preventing any discharge from a primary containment system from escape.	<ul style="list-style-type: none"> • Secondary containment should be designed for the most likely oil discharge (based on typical failure mode and likely oil quantity). Secondary containment may be either active or passive in design. • Drip pan, sumps, and collection systems were added to the list of qualified prevention systems for onshore facilities.

Clarification of SPCC Rule Applicability	
Transfer Activities: Exempt Containers	All oil transfer activities to and from an exempt UST at an SPCC applicable facility must be addressed in the plan. This includes any dispensers and/or loading/unloading racks associated with oil transfer to and from the UST.
Permanent Closure	To meet the definition of “permanently closed,” containers do not have to be removed from the facility. These containers may be brought back into service on an as-needed basis.
Clarification of SPCC Rule Applicability (cont’d)	
Manmade Structures	Certain manmade structures may be considered to provide adequate secondary containment for a container. These structures include buildings and/or drainage systems.
Wind Turbines	Providing secondary containment for wind turbines may not be absolutely necessary if <i>either</i> an oil spill contingency plan and inspection/monitoring plan is established <i>or</i> the determination is made by a qualified professional (PE or owner/operator) that wind turbine design provides inherent secondary containment.
Nurse Tanks	Nurse tanks are considered to be mobile refuelers and as such are exempt from sized secondary containment requirements, but remain subject to general secondary containment requirements.

Do the amendments include any additional requirements for an Alternate Qualified Facility?

The amendments listed above are general changes to the rule. The December 2008 amendments also provide include some new specific requirements for a subset of qualified facilities.

Do the amendments include any additional requirements for an oil production facility?

The December 2008 amendments also include some new requirements for specific components of oil production facilities. The following components were addressed:

Flowlines and intra-facility gathering lines

Provide:

- Secondary containment
- or*
- Contingency plan and
- Written commitments of manpower, equipment, and materials and
- Maintenance program

Exemption

Gathering lines subject to 49 CFR Parts 192 or 195 are exempt from SPCC requirements.

Flow-through process vessels

Instead of sized secondary containment, the following are required for flow-through process vessels:

- General secondary containment
- Periodic, regularly scheduled visual inspections and/or testing
- Corrective action or repairs
- Prompt removal or initiation of actions to stabilize and remediate any accumulations of oil discharges

Produced water containers

Produced water containers may be either:

- Provided sized secondary containment
- or*
- Exempted from SPCC requirements based on PE certification that the container does
- or*
- Exempted from sized secondary containment requirements based on PE certification and that general secondary containment is provided, visual inspections are conducted, and a maintenance and corrective action program is in place

Where can I find a copy of the new amendments?

The amendments are located on EPA’s website at:

<http://www.epa.gov/emergencies/content/spcc/index.htm>

What is the timeframe for preparing and implementing a SPCC plan for my facility?

Compliance dates have been revised many times. On June 11, 2009, the EPA established the following compliance dates:

- Facilities which became operational on or before August 16, 2002 must amend and implement their existing plan by November 10, 2010.
- Facilities which became operational after August 16, 2002 but before November 10, 2010 must prepare and implement a plan on or before November 10, 2010.
- Facilities which become operational after November 10, 2010 must prepare and implement a plan before beginning operations.

When do these new amendments take effect?

The new amendments were published on December 5, 2008 and were originally scheduled to take effect April 4, 2009. However, the April 4th date was pushed back, and the new amendments are now scheduled to take effect on January 14, 2010.

These amendments supersede the December 2006 amendments that are currently effective; therefore, facilities will not be penalized for complying with the new amendments prior to the January 14, 2010 effective date.

The EPA will not penalize any facility for incorporating the relief offered by the 2008 revisions.

For further questions concerning these amendments, additional SPCC information, or any other water quality management issues, please contact Phillip Parker, P.E. using the following contact information.



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