

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5, CHICAGO, IL

Spill Prevention, Control and Countermeasure Regulation 40 CFR 112

Updates, Tips, “How To’s” and the Basics



www.epa.gov/oilspill:

1. SPCC Regional Inspector’s Guidance Document
2. Federal Register Notices
3. Amended regulation
4. Fact Sheets
5. EPA Oil Update (an informal journal of EPA’s oil activities within the Office of Emergency Management and replaces the former Oil Drop and Oil Program Newsletters)

For More Information

- SPCC rule amendment (71 FR 77266)
– <http://www.gpoaccess.gov/fr/>
- Oil Pollution Prevention regulation (40 CFR part 112)
– <http://www.gpoaccess.gov/cfr/>
- EPA Office of Emergency Management Web site
– www.epa.gov/emergencies
– www.epa.gov/oilspill

- 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

http://www.epa.gov/newsroom/email_signups.htm.

- Federal environmental regulatory updates

For More Information

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U.S. EPA Headquarters
 EPA Oil Program Website
<http://www.epa.gov/oilspill>

RCRA, Superfund, and EPCRA
 Call Center 1-800-424-9346

APPLICABILITY

1. If the total aboveground storage in tanks or containers is > 1,320 gallons and/or > 42K gal underground storage (not 280/281 exempt)
2. it's a non-transportation related facility **and**
3. there is a reasonable chance of a discharge to waters of the U.S.,

General Applicability

Aggregate aboveground storage capacity

- 1,320 gallons or greater -
 - Containers 55 gallons or greater
 - No 5 gal buckets, no quarts, etc
 - Tanks = containers
 - Include totes, mobile and portable tanks
 - Seasonal, standby, construction tanks

Non-transportation-related facilities

- Industrial, commercial, agricultural, or public facilities which use, store, drill for, produce, gather, process, refine or consume oil or oil products
- Waste treatment facilities or part thereof
- Pipeline systems, highway vehicles and railroad cars used to transport oil exclusively within facility

Non-transportation-related facilities

- Oil refining or storage facilities
- Mobile on- and offshore oil production facilities
- Mobile on- and offshore oil well drilling platforms, barges, trucks or other mobile facilities
- Fixed on- and offshore oil well drilling facilities, oil production structures, platforms, derricks and rigs

Definition of Oil

Includes oil of any kind or in any form including, but not limited to:

- Petroleum and fuel oils
- Sludge
- Synthetic oils
- Mineral oils

Definition of Oil – cont'd

- Oil refuse
- Oil mixed with wastes other than dredged spoil
- Animal fats, oils, and greases
- Vegetable oils

Definitions – cont'd

FARM means a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year

Definitions – cont'd

MOBILE REFUELER means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Definitions – cont'd

MOTIVE POWER CONTAINER means any onboard bulk storage container used primarily to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment. An onboard bulk storage container which is used to store or transfer oil for further distribution is not a motive power container. Does not include oil drilling or workover equipment including rigs.

Definitions – cont'd

OIL-FILLED OPERATIONAL EQUIPMENT means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device, (closed loop system), it's not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process)

OIL-FILLED OPERATIONAL EQUIPMENT

Examples include, but are not limited to, hydraulic systems, lubricating systems, gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

Piping might be a component if it is inherent to the equipment and used solely to facilitate operation of the device (flowlines, transfer piping or piping associated with a process are not a component).



NO REPRIEVE FROM COMPLIANCE FOR "PASS THROUGH" PROVISIONS

- 2002 Revision Part 112.3(a)

– If your facility was in operation on or before Aug. 16, 2002, you must **maintain** your Plan, but must amend it....to ensure compliance with this Part....



DEADLINE EXTENSIONS

(a) If your facility was in operation on or before August 16, 2002

--- you must maintain your plan, but must amend it, if necessary to ensure compliance with this part, and must implement the amended Plan as soon as possible, but not later than July 1, 2009.



DEADLINE EXTENSIONS –cont.

b) If your facility becomes operational between August 16, 2002 and July 1, 2009, you must prepare and implement a Plan by July 1, 2009.

c) If your facility becomes operational after July 1, 2009, you must prepare and implement a Plan **before** you begin operations.

A NEW WAY TO “SEE” THE SPILL RULE

1) PREVENTION

2) CONTROL

3) COUNTERMEASURES

PREVENTION

WHICH ELEMENTS OF AN SPCC PLAN ASSIST IN THE PREVENTION OF AN OIL DISCHARGE?

SPILL PREVENTION

1. MANAGEMENT APPROVAL
2. PE CERTIFICATION
3. SELF-CERTIFICATION
4. CERTIFY PLAN AMENDMENTS
5. OWNER/OPERATOR 5 YR. REVIEW
6. RISK ANALYSIS

SPILL PREVENTION

7. INSPECTIONS DAILY AND SCHEDULED, CORROSION PROTECTION, INTEGRITY TESTING, ETC
8. EMPLOYEE TRAINING
9. SPILL BRIEFINGS
10. SECURITY — FENCING AND LIGHTING

CONTROL

WHICH ELEMENTS OF AN SPCC PLAN WOULD ASSIST IN CONTROLLING A DISCHARGE AFTER OR AS IT OCCURS?

SPILL CONTROL

1. CONTAINMENTS FOR/AT
 - BULK STORAGE CONTAINERS
 - LOADING RACKS
 - GENERAL FACILITY REQUIREMENTS
 - MOBILE OR PORTABLE CONTAINERS
 - MOBILE REFUELERS
2. ACTIVE AND PASSIVE MEASURES
3. HOUSEKEEPING - "oily warning signs"

COUNTERMEASURES

WHICH ELEMENTS OF AN SPCC PLAN WOULD BE CONSIDERED A COUNTERMEASURE?

COUNTERMEASURES A MEASURE TAKEN TO OPPOSE ANOTHER MEASURE...

- 109 CONTINGENCY PLAN (112.7(d))
- DISCHARGE DISCOVERY, RESPONSE AND CLEANUP
- DISPOSAL OF RECOVERED MATERIAL
- EMERGENCY CONTACT NUMBERS
- FACILITY RESPONSE PLAN

How are facilities selected ?

- Multi-media inspections selected by HQ
- Geographically by the SPCC program - "sweeps"
- Sector specific - mini-mills, refineries, etc
- Requested by state or local agencies
- Citizen tips

What to expect during an inspection

- A *friendly* federal representative
- You may be notified in advance *OR NOT*
- If so, we will request a copy of your SPCC plan to take back for desk review
- We conduct an interview, discuss the rule, ask and answer questions

What to expect during an inspection

- On site, we check mgmt. approval, PE certification, inspection and training records, diagrams
- Walk the site with facility personnel familiar with oil handling operations
- Check site map, verify tanks
- Listing of tanks, capacities, product stored, compatibility with construction

What to expect during an inspection

- We check for cracks, signs of corrosion, pooled oil, evidence of previous spills or poor housekeeping, tank and pipe supports, foundation, etc
- We will tell you “generally” what we find in “violation,” and we will send you an **official notice** of violations after we review your Plan in depth

New Streamlined Requirements for...

- Facilities with an oil storage capacity of 10,000 gallons or less (“qualified facilities”)
- Oil-filled operational equipment
- Mobile refuelers

The revision also...

- Exempts motive power containers
- Eliminates certain requirements for animal fats and vegetable oils
- Provides compliance date extension for farms

OPTION for Qualified Smaller Facilities

Allow facility owners that store < 10K oil and meet other “qualifying” criteria to self-certify their SPCC Plans, in lieu of review and certification by a PE

“Qualifying” criteria –
NO discharges for 3 years prior or since becoming subject to the requirements

Under this approach, owners *may not* deviate from any requirements under 112.7(a)(2) (can’t use EE) and may not make impracticability determinations under 112.7(d)

-except for flexibility with security and container integrity testing requirements (use industry standards for testing)

Reportable Discharge History


A single discharge of oil to navigable water exceeding 1,000 U.S. gallons OR,

Two discharges to navigable water each exceeding 42 U. S. gallons within any 12 month period

Reportable Discharge History- cont'd

Count only the amount that reaches navigable water or adjoining shorelines


Oil discharges resulting from natural disasters, acts of war, or terrorism are not included



Reportable Discharge History- cont'd

Sabotage and vandalism are not beyond facility's control

Self-certifying facilities do not automatically lose eligibility if they have a reportable spill, the RA has the authority to require a Plan amendment



SELF - CERTIFICATION

1. Owner/operator attests they are familiar with the rule and have visited and examined the facility
2. Owner/operator also certifies that the Plan has been prepared in accordance with accepted and sound industry practices



Self-Certification – cont'd

3. That he/she is familiar with the rule and has visited and examined the facility,
4. That the Plan has been prepared in accordance with accepted and sound industry practices and standards and with the requirements of this part

Self-Certification – cont'd

5. Procedures for required inspections and testing have been established
6. The facility meets the qualifying criteria
7. The Plan does not deviate from rule requirements except as allowed and as certified by a PE

Self-Certification – cont'd

8. Management approves the Plan and has committed resources to implement it
9. The Plan is being fully implemented

Technical Amendments

- May self-certify technical amendments as long as a PE has not certified the portion being changed
- If a PE certified the affected portion of the Plan, then a PE must certify the technical amendment

Alternative Integrity Testing Requirements for Qualified Facilities

- Test/inspect each aboveground container for integrity on a regular schedule and whenever material repairs are made

Alternative Integrity Testing Requirements for Qualified Facilities

- Flexibility to determine, in accordance with industry standards:
 - Frequency and type of testing and inspections that take into account container size, configuration, and design
 - No longer specifically requires both visual inspection and another testing method

Alternative Integrity Testing Requirements for Qualified Facilities

- Flexibility to determine, in accordance with industry standards:
 - Appropriate qualifications for personnel performing tests and inspections

Alternative Facility Security Requirements for Qualified Facilities

- To prevent vandalism and assist in the discovery of oil discharges, the owner describes how they:
 - Control access to the oil handling, processing and storage areas
 - Address the appropriateness of security lighting

Alternative Facility Security Requirements for Qualified Facilities

- Secure master flow and drain valves and out-of-service and loading/unloading connections of oil pipelines
- Prevent unauthorized access to starter controls on oil pumps

OPTION for Oil-Filled Operational Equipment

- Alternative to the general secondary containment requirements for qualified oil-filled operational equipment:
 - Prepare an oil spill contingency plan and a written commitment of manpower, equipment, and materials



OPTION for Oil-Filled Operational Equipment (OFOE)

- Have an inspection or monitoring program to detect equipment failure and/or a discharge
- Individual impracticability determination for each piece of equipment is not required



Oil-Filled Operational Equipment Eligibility Criteria

- For the 3 years prior to Plan certification, or since becoming subject to the rule if it has operated for less than 3 years, the facility must not have had:
 - A single discharge of oil from any oil-filled operational equipment to navigable waters exceeding 1,000 gallons, or



Oil-Filled Operational Equipment Eligibility Criteria

- Two discharges of oil from any oil-filled operational equipment to navigable waters each exceeding 42 gallons within any 12-month period
- Eligibility determined by the reportable discharge history from the equipment, not the entire facility



Contingency Plan

- Detailed oil spill response and removal plan to control, contain, and recover an oil discharge in quantities that may be harmful to navigable waters/adjoining shorelines



Contingency Plan

- Elements outlined in 40 CFR 109.5:
 - Authorities, responsibilities, and duties of all persons, organizations, or agencies involved in oil removal operations
 - Notification procedures for the purpose of early detection and timely notification of an oil discharge
 - Provisions to ensure that full resource capability is known and can be committed during an oil discharge
 - Provisions for well-defined and specific actions to be taken after discovery and notification of an oil discharge
 - Procedures to facilitate recovery of damages and enforcement measures



Contingency Plan

- A sample contingency plan is available in the *SPCC Guidance for Regional Inspectors* available at www.epa.gov/oilspill

Written Commitment

- Facilities must be able to implement the contingency plan
- Owner/operator must provide a written commitment of manpower, equipment, and materials to expeditiously control and remove any quantity of oil discharged that may be harmful
- Elements also included in 40 CFR 109.5

Inspections and Monitoring Program Requirements

- Develop an appropriate set of procedures for inspections or a monitoring program for equipment
- Written description of the inspection or monitoring program included in SPCC Plan
- Keep a record of inspections and tests, signed by the appropriate supervisor or inspector, for three years

Mobile Refuelers

Owners/Operators of mobile refuelers will no longer need to provide sized secondary containment sufficient to contain the capacity of the largest single compartment or container with enough volume to contain precipitation



Mobile Refuelers

- Does not apply to vehicles that are used primarily to store oil in a stationary location
- General secondary containment requirements still apply!



General Secondary Containment Requirements

- General secondary containment designed to address the most likely discharge
 - Requires appropriate containment and/or diversionary structures or equipment to prevent a discharge to navigable waters or adjoining shorelines



General Secondary Containment Requirements

- Allows for the use of certain types of *active* containment measures that *prevent* a discharge to navigable waters or adjoining shorelines.

Active vs. Passive measures



Active Measures

- Active containment measures require deployment or other specific action by o/o
- May be appropriate for discharges that occur during manned activities if it:
 - Can contain the volume and rate of oil
 - Is properly constructed
 - Is deployed in a timely manner



Motive Power Containers

- Exempted from SPCC rule
- Oil transfer activities occurring within an SPCC-regulated facility continue to be regulated
 - Transfer of oil from an otherwise SPCC regulated facility's AST gas pump into an automobile
 - Transfer of oil from an otherwise SPCC regulated facility's airport mobile refueler into an airplane



Animal Fats and Vegetable Oils

- Removed sections for facilities with animal fats and vegetable oils that are not appropriate:
 - Onshore oil production (§112.13)
 - Onshore oil drilling and workover facilities (§112.14)
 - Offshore oil drilling, production, or workover facilities (§112.15)
- EPA examining if differentiated SPCC requirements for animal fats and vegetable oils are appropriate



Compliance Dates – Farms

- The compliance date is delayed until the effective date of a rule addressing farms
- EPA will announce the new compliance date in the Federal Register
- Farms subject to SPCC requirements on or before August 16, 2002 must maintain their Plans