

SPCC Update

Regulatory Consultants, Inc.

Now is the time to comply with the Spill Prevention Control and Countermeasure (SPCC) regulation. There is talk of extending the deadline for compliance of the **new parts of the SPCC** to August 17, 2005. However, EPA is out inspecting facilities that should be complying with the existing SPCC rules right now. EPA is not going to delay inspections until August 2005.

SPCC is not a new regulation – the EPA has made slight changes and additions to the rule, which makes the rule more specific. Language has changed from “should” to “must,” the term “navigable waters” is now more inclusive, more types of oils are specified, and tank integrity testing has been added.

If you have any kind of oil stored in aboveground containers of 55 gallons or larger up to 1,320 gallons on one contiguous site, you must have an SPCC plan in place. The EPA bases the calculation on the actual container size and number of containers, not on how much you keep in the container. So, if you have a tank or container that has a capacity of 2,000 gallons, they will consider that you have 2,000 gallons of product even if you only normally keep 500 gallons in the container.

Oil can be any kind and in any form such as crude oil; refined petroleum products; sludge; waste oil; oil emulsions; grease; fats, oils or greases from animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and other oils and greases, including synthetic oils and mineral oils.

What are fines for non-compliance? Fines may start at \$1,000 for not having an SPCC plan in place and can go up to \$35,000 per day!

There is a new twist to EPA’s regulated laws. The inspectors who come to your facility for a particular purpose are now armed with a “checklist” and they have the authority to ask about other EPA regulations that may pertain to your business – they call it “multi-media.” This may be a regional EPA inspector or a state environment agency inspector. So, not only is it necessary to have your SPCC Plan up to speed, but you should also be prepared to share any other EPA regulated information with the inspector. This may include:

- Tier II Report (annual chemical inventory reporting)
- Risk Management Plan (RMP) – mostly for bulk storage of extremely hazardous substances such as anhydrous ammonia
- A record of Tank Integrity Testing of aboveground fuel tanks – must be conducted typically once every 5 to 10 years by a Steel Tank Institute certified inspector
- Washbay runoff and containment
- Stormwater Pollution Prevention Plans
- NPDES Permitting

RCI SPCC Program: RCI has developed an SPCC program that meets the latest federal requirements, provides technical support and is accessible online. It includes the following:

- Online SPCC program
- Onsite inspection
- P.E. certification
- Map drafting
- Toll-free technical support and guidance
- A sample plan and instructions are included to help you complete the online portion.

If you have any questions, please do not hesitate and call RCI at 800-888-9596.

Recent Lawsuit Settlement Changes

The Petroleum Marketers Association of America (PMAA) settled a lawsuit challenging EPA's July 2002 SPCC regulations. Summary of the settlement:

- 1.Shop-built tanks 30,000 gallons and less may not require integrity testing if all four sides of the tank are visible and can visually be inspected.
- 2.Load Pad containment requirements may only apply to facilities with loading racks.
- 3.Cost may be considered but not as the only consideration. Secondary containment is top priority of EPA, facilities must demonstrate best efforts in attempting to provide containment.
- 4.May not require fencing of the entire facility. Engineers can determine areas needing fencing to prevent spills as a result of vandalism.
- 5.Navigable waters definition was given an expanded definition bringing in more facilities that need to comply.

Spill Prevention Control and Countermeasure (SPCC) Fact Sheet Regulatory Consultants, Inc.

Spill Prevention Control and Countermeasure (SPCC) Plans were enacted on January 10, 1974 under EPA's Clean Water Act and revised July 17, 2002. The SPCC rules require facilities that store oil to prepare a written plan, train personnel, and conduct periodic inspections. The plan must be certified by a Professional Engineer (P.E.). There has been recent Region 7 activity to make sure facilities have SPCC Plans in place (we have heard 100 in Iowa). RCI offers development of new plans and review of existing plans.

Who must have a plan? Any business that has bulk oil with an aggregate aboveground storage capacity of 1,320 gallons of oil or more per location must have a plan. The key word is "capacity". Regulations apply regardless of whether the tank(s) is full or nearly empty. This regulation does not apply to facilities with underground storage tanks subject to state UST regulations.

What is bulk oil storage? Bulk storage is any container with a capacity of 55 gallons or more.

What's the definition of oil? Oil of any kind or in any form such as crude oil, refined petroleum products, sludge, waste oil, emulsions, grease, synthetic oils, crop oil, vegetable oil, mineral oil, animal fat, and fish oil to name a few.

What is in the plan? There are several elements to a written SPCC plan including:

- Procedures the facility implements to prevent oil spills
- Control measures to prevent a spill from entering a stream, ditch, storm or sanitary sewer, pond, river or wetlands
- Countermeasures to contain, cleanup, and mitigate the effects of an oil spill
- Spill predictions
- Facility drainage
- Site security
- Secondary containment or diversionary structures
- Loading/unloading containment for tank cars and tank trucks
- Training and spill briefing

Where is the plan submitted? A written plan must be completed then certified by a Professional Engineer (P.E.). It is not to be submitted to any agency, but rather must be kept on file at each affected location. The plan must be made available to any EPA representative who requests to review the plan.

When is the deadline? The original deadline was January 10, 1974, but there has never been much in the way of enforcement activity - - - until now. Businesses must revise existing SPCC plans by August 17, 2004

to meet new requirements and implement the revisions by February 17, 2005. Businesses handling non-petroleum based oils must prepare and implement SPCC plans by these same dates. New facilities built after February 17, 2005 must prepare and implement SPCC plans before beginning operation.

Why is it necessary? First, it's the law! Second, it's a way to protect your business by showing EPA the types of oil you have on site, where they are located, how you plan to contain it if it spills, and which way your facility drains. You must show how none of the oil stored on your site will reach U.S. waterways, whether it be a river, stream, ditch, sewer drain, etc. EPA has recently become pro-active on SPCC plans and has made a commitment to make sure businesses are addressing on-site oil storage. Some lines of insurance require a company's SPCC plan to be in place before coverage will be issued.

Examples:	Is an SPCC Plan needed?
Dealer "A" has 2,000 gallons of refined fuels in aboveground storage tanks. In addition there are ten 55-gallon drums of lube oil in the shop.	YES, the bulk storage capacity comes to 2,550 exceeding the 1,320-gallon qualifier.
Dealer "B" has a 1,000-gallon fuel tank. The shop located at the facility has a 55-gallon drum of used oil and 5, 30-gallon drums of motor oils and hydraulic oils.	NO, the 30-gallon containers are not bulk storage and the 1,055 gallons of fuel and used oil doesn't meet the 1,320-gallon qualifier.
Dealer "C" has a location with 1,000 gallons of fuel and a second location in the same town with another 1,000 gallons of fuel.	NO, the 1,320 gallons qualifier is per contiguous site, not per all business locations.

If I have secondary containment around all my bulk oil storage, do I still have to have an SPCC plan? YES. That is just one part of your plan.

Do I have to have secondary containment around my bulk storage tanks? YES. The secondary containment must hold the contents of the largest tank plus another 10% for precipitation. If you have double-walled storage tanks no further secondary containment is required.

Do I have to have containment where we load or unload from trucks? YES.

Most likely this will require a secondary containment structure (load pad, dike, curbs, berms, catch basin, etc.). It must be able to hold a maximum capacity of any single tanker compartment. In some circumstances oil sorbent material such as booms, pillows, or granular material may be used as containment.

What kind of training do I give my employees and how often? Training is necessary only for oil-handling employees. Personnel must be instructed on proper operation and maintenance of bulk oil facility to prevent spills and proper response to control, contain and clean up a spill should one occur. Businesses must conduct discharge prevention briefings for oil handling personnel at least once a year to assure adequate understanding of the SPCC Plan.

What kind of inspections are involved? A monthly facility inspection must be conducted to check tanks and dikes. Tank integrity testing must be conducted typically once every 5 to 10 years.

What kind of record keeping is involved? Records of inspections and employee training must be kept on file for 3 years. The plan must always be kept on file at the facility.

How often must the plan be reviewed? The SPCC plan must be reviewed and certified by a P.E. every 5 years.

You can speak with Joey, RCI's Registered P.E. for answers to SPCC questions at 800-888-9596.