

SPCC Still in Effect – December 2005

It is RCI's responsibility, as your compliance consultant to help you, our valued customer to understand that postponing SPCC compliance may open your business up to citations.

On December 2, 2005 - EPA posted on their website <http://www.epa.gov/oilspill/index.htm>, proposed amendments to the SPCC Rule. Remember, a proposal is not law and EPA enforcement personnel are required to follow current law until a new or amended law is passed.

There has been information released by various groups and associations encouraging you to put your SPCC plans on hold. This has caused some confusion and misinformation, so RCI wants to help you understand your liability.

SPCC enforcement for Region VII EPA tells RCI that a “proposed amendment” changes nothing - EPA will continue to enforce the existing 2002 regulation as far as inspections and penalties for non-compliance.

If you have a fuel spill or leak at your facility OR if you have had a fuel leak or spill in the last 10 years at your facility, some of these exemptions may not apply to your business.

Summary of Proposed Amendments:

- A facility in operation on or before August 16, 2002 must **amend** and **implement** their SPCC plan on or before October 31, 2007.
 - RCI says: Regardless of the proposed extension, facilities in operation on or before 8/16/02 must have a plan now.
- A facility that begins operation after August 16, 2002 will have to prepare and implement an SPCC Plan on or before October 31, 2007.
 - RCI says: Facilities should consider preparing their written SPCC plan prior to beginning operation, so all oil storage issues can all be addressed before construction of a new facility or operation of an existing facility begins.
- An option for facilities that store less than 10,000 gallons of oil and have not had a discharge in the last 10 years, may self-certify their SPCC Plan, in lieu of review and certification by a Professional Engineer;
 - RCI says: Facilities choosing to self-certify their SPCC Plans may not deviate from any requirements of the SPCC rule; those choosing a P.E. certification get confirmation that your plan is accurate.
- An alternative to the secondary containment requirement, without requiring a determination of impracticability, for facilities that have certain types of oil-filled operational equipment
 - RCI says: For instance, if a large piece of equipment that has a large or multiple fuel and oil tanks used only to operate the equipment and no reported leak or discharge in the last 10 years, may have an inspection, maintenance and contingency plan for leaks and spills in lieu of a secondary containment area.
- A definition and an exemption for motive power containers; and
- An exemption for airport mobile refuelers from the specifically sized secondary containment requirements for bulk storage containers.

If you have a written SPCC plan with an outline of implementation for compliance by a certified Professional Engineer, you are in good position with EPA enforcement.

If you were to discover a leaking fuel tank today, and your P.E. certified SPCC plan is in place with plans for impermeable secondary containment, you are in pretty good position with EPA enforcement. Although, you have cleanup costs.

If you were to discover a leaking fuel tank today, and your P.E. certified SPCC plan is in place and your impermeable secondary containment is in place, you are in the best position with EPA enforcement. Plus you have minimal cleanup costs.

Regulatory Consultants, Inc, 140 West 8th Street, Horton, Kansas 66439
Phone: 800-888-9596, www.rci-safety.com, Fax: 785-486-3778