

# SPCC, APSA & YOU Part II

All you've ever wanted to  
know....

....and more!

SPCC

1,320 gallons of  
petroleum in  
containers/tanks 55  
gallons or larger



# THE LINGO

ACRONYMS

The background is a solid teal color. At the bottom right corner, there is a stylized silhouette of a mountain range in a slightly darker shade of teal.

# ACRONYMS

AFVO - Animal Fats or Vegetable Oils

APSA - Aboveground Petroleum Storage Act

AST - Aboveground Storage Tank

CFR - Code of Federal Regulations

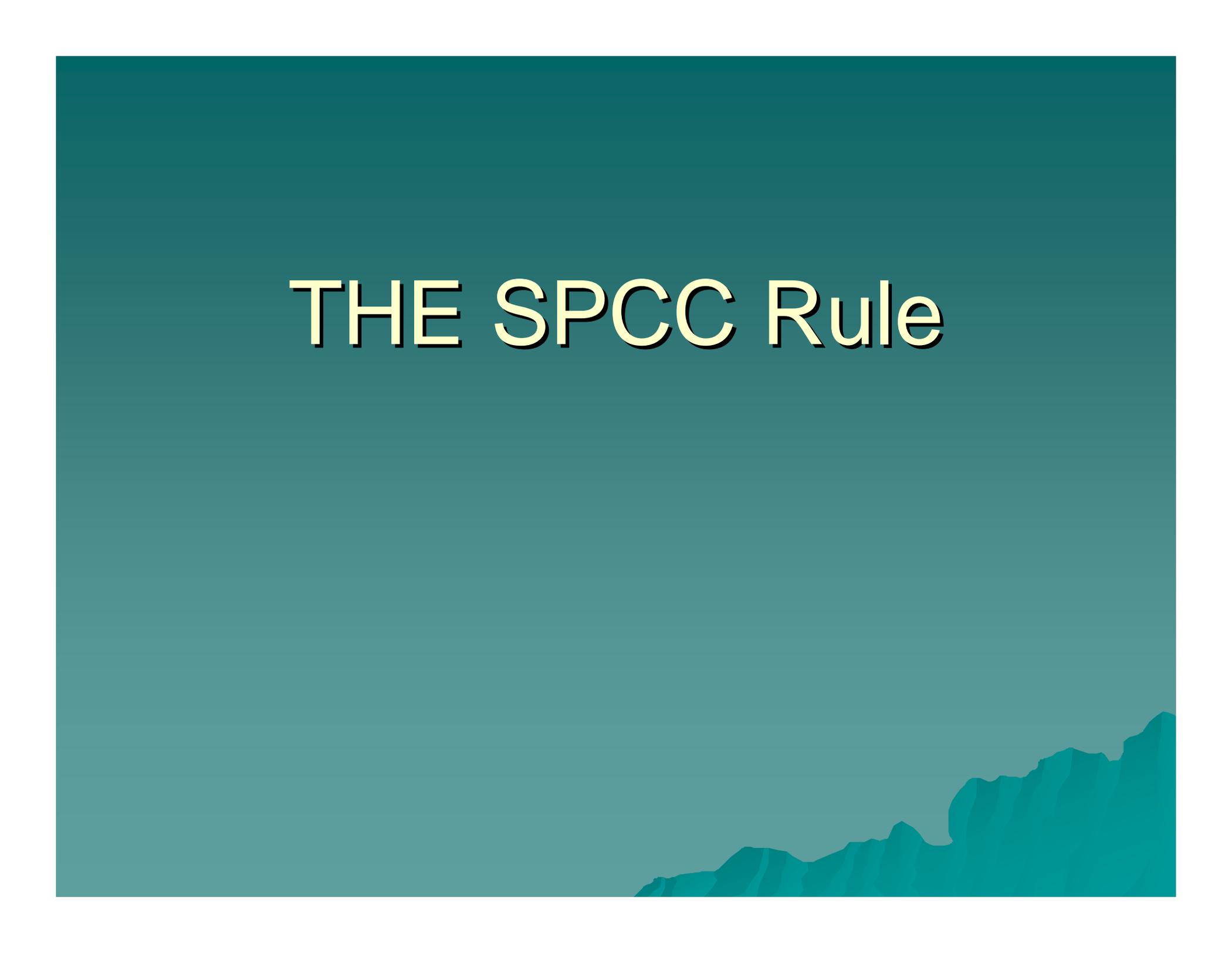
DOT - U.S. Department of Transportation

EPA - Fed. Environmental Protection Agency

QF - Qualified Facility

SPCC Plan - Spill Prevention Control and  
Countermeasure Plan

# THE SPCC Rule

The background is a solid teal color. At the bottom of the image, there is a silhouette of a mountain range in a slightly darker shade of teal.

# APSA and the SPCC Rule

Some Differences:

APSA exempts farms, nurseries,  
logging and construction sites with

- no single storage tank > 20,000  
gallons, and

- cumulative storage capacity  
< 100,000 gallons

The Federal SPCC rule has no  
exemptions for these facilities

# APSA and the SPCC Rule

Some Differences:

APSA defines a “tank facility” as any one or a combination of ASTs that contain petroleum and that is used by a **single** business entity at a **single** location or site

The Federal SPCC rule definition of facility is more flexible

# APSA and the SPCC Rule

Some Differences:

The Federal SPCC rule has two types of exemptions for wastewater treatment (facilities that treat wastewater and discharge the treated effluent under a NPDES or similar state permit)

- the actual wastewater treatment system is excluded, including oil/water separators, or retention basins used for oil separation

- the capacity of tanks used exclusively for wastewater treatment does not count toward oil capacity storage

APSA has no exemptions for these situations

# APSA and the SPCC Rule

The BIG difference:

APSA regulates only aboveground  
**Petroleum** storage

The Federal SPCC rule regulates  
aboveground **Oil** storage, which  
includes animal fats and vegetable  
oils

# APSA and the SPCC Rule

The relationship per HSC §25270.4.5.:

Each owner or operator of a tank facility subject to APSA shall

- prepare a SPCC plan prepared in accordance with Part 112 of Title 40 of the Code of Federal Regulations (40 CFR 112).
- conduct periodic inspections of the storage tank to assure compliance with 40 CFR 112 and
- in implementing the SPCC plan, fully comply with the latest version of the regulations contained in 40 CFR 112

# SPCC Rule

Spill Prevention, Control, & Countermeasure Rule

The U.S. EPA Oil Pollution Prevention Regulation, (40 CFR 112), addresses non-transportation-related facilities. The main requirement of facilities subject to the regulation is the preparation and implementation of a Plan to prevent any discharge of oil into waters of the United States

# SPCC Rule

The main thrust of the SPCC regulation is "prevention" of a discharge as opposed to "after-the-fact" (or "reactive") cleanup measures commonly described in discharge contingency plans.



# SPCC Rule

## When is a Plan Required?

The regulation applies to any onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, providing that all three of the following conditions are met:

# SPCC Rule

## When is a Plan Required?

- ◆ The facility is non-transportation-related;
- ◆ The aggregate aboveground storage capacity is greater than 1,320 gallons, with a de minimus container capacity of 55 gallons;
- ◆ Due to its location, oil discharged at the facility could reasonably be expected to reach waters of the United States or adjoining shorelines. (APSA captures all facilities regardless of its location)

# SPCC Rule

Who prepares the Plan?

Preparation of the Plan is the responsibility of the facility owner/operator, but it must be certified by a Professional Engineer, (unless your facility's oil storage capacity is 10,000 gallons or less). By certifying the SPCC Plan, the Professional Engineer, having examined the facility attests that:

# SPCC Rule

- 1) The PE is familiar with the requirements of part 112;
- 2) he or his agent has examined the facility;
- 3) the Plan has been prepared in accordance with good engineering practices, to include consideration of applicable industry standards, and the requirements of part 112;
- 4) procedures for required inspections and testing have been established; and
- 5) the Plan is adequate for the facility.

# SPCC Rule

What does the Plan include?

The SPCC Plan should clearly address three areas:

- Operating procedures to prevent the occurrence of oil discharges
- Control measures to prevent a discharge from entering navigable waters
- Countermeasures to contain, clean up, and mitigate the effects of an oil discharge that impacts navigable waters

# SPCC

## The Federal SPCC Perspective

December 11, 2008

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# SPCC Rule Overview

- ◆ Oil Pollution Prevention and Response regulation (40 CFR 112)
  - Outlines requirements for prevention of, preparedness for, and response to oil discharges
  - Prevention requirements called the “SPCC rule”
  - Includes requirements for Facility Response Plans (FRPs)
- ◆ Requirements help prevent oil discharges from reaching navigable waters or adjoining shorelines
- ◆ Requires specific facilities to develop SPCC Plans
  - Details equipment, workforce, procedures, and training to prevent, control, and provide adequate countermeasures to a discharge of oil



# SPCC

December 2006  
Amendments

# December 2006 Amendments

- ◆ Final Rule published December 2006
- ◆ Final Rule effective 60 days after publication
- ◆ Rule proposal was published December 12, 2005
- ◆ Provides streamlined, alternative methods for compliance with oil spill prevention requirements

# 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 rule also...

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

# Qualified Facilities

- ◆ Must meet eligibility criteria to use alternative option
- ◆ Streamlined regulatory requirements
  - Self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer
  - Streamlined integrity testing requirements
  - Streamlined facility security requirements
- ◆ May also use qualified oil-filled operational equipment option since an impracticability determination by a PE is not necessary

# What is a “qualified facility”?

A qualified facility (QF) is a facility with a limited oil storage capacity that is eligible for streamlined regulatory requirements. A facility must meet two conditions to take advantage of the qualified facilities option.

# Qualified Facilities Eligibility Criteria

- ◆ Facility must have 10,000 gallons or less in aggregate aboveground oil storage capacity
- ◆ 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 to navigable waters exceeding 1,000 U.S. gallons, or
  - Two discharges of oil to navigable waters each exceeding 42 U.S. gallons within any 12-month period

# Reportable Discharge History

- ◆ When determining the applicability of this criterion, the gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount of oil spilled.
- ◆ Oil discharges that result from natural disasters, acts of war, or terrorism are not included
- ◆ Facilities that have a reportable oil discharge after self-certifying the SPCC Plan do not automatically lose eligibility
  - However, the Regional Administrator has the authority to require a Plan amendment

# QF Self-Certification Option

An owner/operator of a qualified facility may choose to self-certify the facility's SPCC Plan and Plan amendments instead of having the SPCC Plan reviewed and certified by a licensed PE and may take advantage of other tailored requirements.

# Self-Certification

- ◆ Owner/operator attests that he/she is familiar with the rule and has visited and examined the facility
- ◆ Owner/operator also certifies that:
  - The Plan has been prepared in accordance with accepted and sound industry practices and standards and with the rule requirements
  - Procedures for required inspections and testing have been established

# Self-Certification

Owner/operator also certifies that:

- The Plan is being fully implemented
- The facility meets the qualifying criteria
- The Plan does not deviate from rule requirements except as allowed and as certified by a PE
- Management approves the Plan and has committed resources to implement it

# Alternative Measures

- ◆ May use environmentally equivalent measures and make impracticability determinations
  - if reviewed and certified by a PE
- ◆ Rule provides alternative requirements for integrity testing and security
  - do not need to be reviewed and certified by a PE

# 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 and 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:

- Appropriate qualifications for personnel performing tests and inspections
- 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

# QF Security Requirements

What security requirements apply to qualified facilities?

Instead of complying with the current security provisions, qualified facilities may describe how the facility controls access to certain areas and secures equipment to prevent acts of vandalism and assist in the discovery of oil discharges.

# Alternative Facility Security Requirements for Qualified Facilities

To prevent acts of vandalism & aid in discovery of oil discharges, owners/operators of qualified facilities may describe how they:

- Control access to the oil handling, processing and storage areas
- 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
- Address the appropriateness of security lighting

# Qualified Facilities - Summary

If a facility...	And the facility...	Then the owner/operator of the facility...
<p>...has 10,000 gallons or less in aggregate aboveground oil storage capacity</p>	<p>...meets the oil discharge history criteria described below</p>	<p>...may prepare a self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer (PE)</p> <p>...may meet tailored facility security and tank integrity inspection requirements without PE certification</p> <p>...may prepare a plan which includes PE-certified environmentally equivalent measures or impracticability determinations that would require PE certification for only the portions dealing with environmental equivalence and impracticability determinations. The remaining portions of the plan could be self-certified by the facility owner/operator.</p>

To use these alternatives a facility must meet requirements for its reportable discharge history. The facility must not have had (1) a single discharge of oil to navigable waters exceeding 1,000 U.S. gallons or (2) two discharges of oil to navigable waters each exceeding 42 U.S. gallons within any twelve-month period, in the three years prior to the SPCC Plan certification date, or since becoming subject to 40 CFR part 112 if operating for less than three years.

# Mobile Refuelers: Definition

- ◆ 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
- ◆ Include vehicles of various sizes equipped with a bulk storage container that is used to fuel or defuel aircraft, motor vehicles, locomotives, tanks, vessels, or other oil storage containers

# Mobile Refuelers

- ◆ Owners and operators of mobile refuelers at a non-transportation-related facility 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
- ◆ 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 should be designed to address the most likely discharge from the container

- Requires appropriate containment and/or diversionary structures or equipment to prevent a discharge to navigable waters or adjoining shorelines
- Allows for the use of certain types of active containment measures that prevent a discharge to navigable waters or adjoining shorelines.

# Active Measures

- ◆ Active containment measures require deployment or other specific action by the owner or operator
- ◆ 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



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# Motive Power Container: Definition

- ◆ Any onboard bulk storage container used primarily to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment
- ◆ Examples: automotive, airplane, or truck fuel tanks
- ◆ An onboard bulk storage container which is used to store or transfer oil for further distribution is not a motive power container
- ◆ Definition does not include oil drilling or workover equipment, including rigs
  - But fuel tanks on trucks, automobiles, bulldozers, seismic exploration vehicles, or other earth-moving equipment at drilling or workover facilities are considered to be “motive power” containers

# Motive Power Containers

- ◆ 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



# Compliance Dates –Extension

- ◆ EPA proposed an extension to the compliance dates December 2006
- ◆ This rule extended the dates in §112.3(a), (b), and (c) by which a facility must prepare or amend and implement its SPCC Plan:

<i>A facility (other than a farm) starting operation...</i>	<i>Must...</i>
On or before 8/16/02	Maintain existing Plan. Amend and implement Plan no later than 7/1/09.
After 8/16/02 through 7/1/09	Prepare and implement Plan no later than 7/1/09.
After 7/1/09	Prepare and implement Plan before beginning operations.

# Compliance Dates – Reasons for Proposed Extension

- ◆ EPA extended the compliance dates because it will provide the time for the regulated community to:
  - Make changes to their facilities and to their SPCC Plans necessary to comply with the revised requirements that EPA expects to propose in 2007
  - Fully understand the regulatory relief offered by revisions to the SPCC rule as finalized in 2006.
  - Understand the material presented in the *SPCC Guidance for Regional Inspectors*, which was updated to address both the December 2006 revisions and the revisions proposed in October 2007, before preparing or amending their SPCC Plans.

# Oil Discharge Reporting

- ◆ Facilities that discharge oil to navigable waters or adjoining shorelines subject to certain federal reporting requirements
- ◆ 40 CFR 110, Discharge of Oil regulation
  - Framework for determining whether an oil discharge to inland and coastal waters or adjoining shorelines should be reported to the National Response Center
- ◆ 40 CFR 112, Oil Pollution Prevention regulation
  - Identifies certain types of discharges from regulated facilities that also need to be reported to EPA

# Discharge of Oil – “Sheen Rule”

- ◆ Any facility or vessel is subject to these reporting requirements if it discharges a harmful quantity of oil to U.S. navigable waters, adjoining shorelines, or the contiguous zone
- ◆ Harmful quantity of discharged oil
  - Violates state water quality standards
  - Causes a film or sheen on the water’s surface
  - Leaves sludge or emulsion beneath the surface.
- ◆ Not based on amount of oil discharged, but instead on the presence of a sheen, sludge, or emulsion

# National Response Center (NRC)

- ◆ Report discharges to NRC at 1-800-424-8802
- ◆ Federal government's centralized reporting center, which is staffed 24 hours a day by U.S. Coast Guard personnel
- ◆ Any person in charge of a vessel or an onshore or offshore facility must notify NRC immediately after he or she has knowledge of the discharge
- ◆ NRC relays information to EPA or U.S. Coast Guard depending on the location of the incident
- ◆ An On-Scene Coordinator evaluates the situation and decides if federal emergency response action is necessary

# SPCC Reporting Requirements

- ◆ Some discharges must also be reported to EPA
  - Requirements found in §112.4(a)
  - Applies to facilities subject to the SPCC rule
- ◆ Report to the EPA Regional Administrator (RA) when there is a discharge of:
  - More than 1,000 U.S. gallons of oil in a single discharge to navigable waters or adjoining shorelines
  - More than 42 U.S. gallons of oil in each of two discharges to navigable waters or adjoining shorelines within a 12-month period
  - When making this determination it is the amount of oil in gallons that reached the navigable waters
- ◆ An owner/operator must report the discharge(s) to the EPA Regional Administrator within 60 days

# 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](http://www.epa.gov/emergencies)
  - [www.epa.gov/oilspill](http://www.epa.gov/oilspill)
- ◆ Superfund, TRI, EPCRA, RMP, & 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/superfund/resources/infocenter)

Contact  
Sande Pence  
San Diego County DEH  
Hazardous Materials Division  
(858) 495-5213  
[Sande.pence@sdcounty.ca.gov](mailto:Sande.pence@sdcounty.ca.gov)