US EPA ARCHIVE DOCUMENT
SPCC MARINA COMPLIANCE INITIATIVE

REGION 2
EDISON, NEW JERSEY
WHY MARINAS?

- Many Sell Fuel to Boaters – bulk storage
- Average NJ marina aboveground storage: 8,200-gallons
- High Potential Environmental Impact
  - Located adjacent to navigable waters in fact
  - Wildlife, Recreation, Fishing, Shellfish, Human Health, Sensitive Ecosystem
- Region 2, sector not inspected for SPCC
- Region 2, no equivalent state or local oil spill prevention regulation
MARINA INITIATIVE – GOALS

- Determine if marinas have prepared & implemented SPCC Plans
- Ensure all marinas comply with regulation using limited enforcement resources
SPILL CONTROL & COUNTERMEASURE REGULATION (SPCC)

- EPA’s Oil Pollution Prevention Regulation
- 40 CFR Part 112.1 to 112.12
- Requires secondary containment
- Requires SPCC Plan discussing secondary containment, certified by PE
- All facilities with oil storage > 1,320 gallons
PILOT STUDY 2002

- Limited to small geographic area in New Jersey
- Determined approx. 50% of all marinas have bulk fuel storage
- Determined that not one SPCC-regulated marina prepared & implemented an SPCC Plan.
- Based on these results, implemented program State-wide
COMPLIANCE TOOLS USED DURING INITIATIVE

- EPA Small Business Compliance Policy
- EPA Audit Policy
- Compliance Assistance Inspections
- Enforcement Inspections
- Outreach
- Administrative Enforcement
Eligible facilities can receive penalty relief providing they meet conditions of policy.

- 100% of gravity-based penalties
- economic benefit penalties as determined by EPA

Known as “Small Business Policy”
SMALL BUSINESS POLICY: ELIGIBILITY

- Small Business (less than 100 employees)
- Identify Violations
  - Facility may identify violations on their own
  - Request compliance assistance from EPA
- Disclose Violations within 21 Days
- Correct Violations within between 3 months to one year.
Not Eligible for Penalty Relief If:

- Notified of violation based on previous inspection
- More than two enforcement actions in last five years
- Fail to correct violations within agreed time period
- Violation present Imminent Hazard/Actual Harm
- Criminal actions
Incentives for Self Policing: Discovery, Disclosure, Correction & Prevention of Violations

For Large Facilities

Up to 100% Reduction of Gravity Based Penalties

Economic Benefit Penalties may be waived if considered insignificant.
AUDIT POLICY
ELIGIBILITY

- Violations must be self-discovered
- Violations must be disclosed within 21 days
- Violations must be corrected within agreed time period
- Facility must cooperate with EPA and enter into written agreement
AUDIT POLICY

Not Eligible For Penalty Relief if:

- Violation discovered local, state or federal authority
- Violations not disclosed within 21 days
- Violations not corrected within agreed time
- Facility has received prior violation notice
- Imminent & Substantial Endangerment/Actual Harm (e.g., – spills)
- Facility does not cooperate with EPA
AUDIT POLICY

vs.

SMALL BUSINESS POLICY

- Small Business Policy Allows for Compliance Assistance by EPA
SELF-DISCLOSURE
COMPLIANCE AGREEMENTS

- All self-disclosure agreements documented in a Notice of Determination (NOD)
- NOD is a record of decision which contains:
  - Specific Violations
  - Agreed upon correction schedule
  - How facility met disclosure policy requirements
  - Amount of penalty waived (August 98 Penalty Policy)
  - Statement that if owner/operator fails to correct violations according to schedule, they fail to meet disclosure policy requirements and EPA retains the right to sue for amounts stated in NOD.
  - Requirement to submit SPCC Plan to EPA upon completion.
  - Unilateral (signed only by EPA)
TOOL #3
ENFORCEMENT INSPECTIONS

- All Marinas that opted not to disclose were subject to Enforcement Inspection
- Not eligible for penalty relief
- Facilities provided with Notice of Violation
TOOL #4

TRADITIONAL ADMINISTRATIVE ENFORCEMENT

- Class I Administrative Complaint
- Class II Administrative Complaint
- Expedited Enforcement
TOOL #5
OUTREACH

➢ To Inform Marinas About:
  • The SPCC Regulation
  • SPCC Applicability to Marinas
  • EPA’s Intention to Conduct Marina Inspections
  • EPA’s Self-Disclosure Policies

➢ Outreach Conducted 3 Venues
  • Bulk Mailings
  • Presentations at Marina Trade Events
  • Compliance Assistance Inspections
OUTREACH: BULK MAILINGS

- Three Bulk Mailings to 800 Recipients over a Six Week Period
- Each Mailing Contained Announcement
  - Upcoming Marina Inspection Initiative
  - Compliance Applicability
  - Basic SPCC Compliance Requirements
  - Invitation to Self-Disclose Violations or request compliance assistance.
- Recipient List gathered from Internet Resources
OUTREACH
COMPLIANCE ASSISTANCE
INSPECTIONS

- Small Business Policy Disclosures Only
- EPA May Visit Site If Requested, & Discuss:
  - Applicability
  - Examples of Violations
  - Provide Inspection Report
NEW JERSEY MARINA INITIATIVE RESULTS

- 450 Marinas Identified
- 220 With Fuel Storage
- 122 With Fuel Storage are SPCC-regulated (27% of all marinas)
- All 122 Marinas were inspected by EPA
- All 122 Marinas had significant violations
SPCC VIOLATIONS

MOST COMMON
(100% Frequency)
- No SPCC Plan

(98% Frequency)
- Inspections & Records
- No Containment in Loading Areas

LESS COMMON
(Less than 50%)
- No Bulk Storage Tank Containment
- Inadequate Containment
- No Fencing
- Insufficient Illumination
- Drain Valves Open
MARINA USE OF SELF-DISCLOSURE POLICIES

- Of 122 SPCC-regulated marinas, 72 Contacted EPA to take advantage of Small Business Policy following Outreach (63%)
  - All but one requested compliance assistance
    - One disclosed violations on their own
  - All had significant violations
  - All have corrected violations or agreed to correct violations within one year of inspection date.
  - All but one approved for 100% penalty relief
    - One pending
ENFORCEMENT INSPECTIONS

- 50 of 122 SPCC Regulated marinas did not request compliance assistance (36%)
- All 50 inspected for enforcement
- All had significant violations & rec’d Notice of Violation
- 43 have provided schedules to correct violations
- 7 failed to correct violations and/or provide schedules
ENFORCEMENT

- 43 of these 50 have submitted schedules
- 7 failed to submit schedules and have been or are being evaluated for enforcement
- Two Class I Administrative Complaints have issued....additional enforcement pending.
SUMMARY OF RESULTS

- All 122 SPCC-regulated marinas inspected by EPA did not prepare or implement SPCC Plans
- Outreach Efforts resulted in 63% of regulated marina community coming forth disclosing violations
- Combined with enforcement inspections, 93% have corrected violations or plan to correct violations within a one year period
- $720,000 gravity-based penalties waived
- $225,000 economic benefit penalties waived
- $35,900 total penalties assessed
- Total spill prevention (oil properly contained): 1,000,000 gallons
LOADING AREA CONTAINMENT
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SNOW PLOW DAMAGE
COMBINED LOADING AREA/BULK STORAGE CONTAINMENT
TYPICAL MARINA INSTALLATION
CONVAULT TANK