

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
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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
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TOOL #1

SMALL BUSINESS COMPLIANCE ASSISTANCE POLICY

- 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.

SMALL BUSINESS POLICY

➤ 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

TOOL #2

EPA AUDIT POLICY

- 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
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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
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TOOL #4

TRADITIONAL ADMINISTRATIVE ENFORCEMENT

- Class I Administrative Complaint
 - Class II Administrative Complaint
 - Expedited Enforcement
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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.
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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



LOADING AREA CONTAINMENT



LOADING AREA CONTAINMENT



LOADING AREA CONTAINMENT SNOW PLOW DAMAGE



COMBINED LOADING AREA/BULK STORAGE CONTAINMENT



TYPICAL MARINA INSTALLATION



CONVAULT TANK

