Spill Prevention, Control, and Countermeasure Rule

Oil Program Activities

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Office of Emergency Management
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Freshwater Spills Symposium
May 2005
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>2002</td>
<td>Final Rule: SPCC Rule Amendments</td>
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<tr>
<td>2003</td>
<td>Final Rule: Compliance Date Extension</td>
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<td>2004</td>
<td>Final Rule: Compliance Date Extension</td>
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<tr>
<td>2004</td>
<td>Notices of Data Availability</td>
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### SPCC Rule Timeline (2002 – Present)

#### continued

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>2005</td>
<td>Proposed Rulemaking</td>
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<tr>
<td></td>
<td><strong>SPCC Guidance for Regional Inspectors</strong></td>
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<tr>
<td>2006</td>
<td>Final Rule: Compliance Date Extension</td>
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<tr>
<td>2007 – future</td>
<td>Future Rule Revisions, Outreach</td>
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2003 and 2004 Compliance Date Extensions

- Provides additional time for regulated community to update or prepare Plans, especially following the litigation settlement (2004 extension).
- Alleviates the need for individual extension requests.
- The 2004 extension also amends the compliance deadlines for onshore and offshore mobile facilities (§112.3(c)).

Litigation Issues:
- Loading racks
- Impracticability
- Produced water and wastewater treatment
- Integrity testing
- Facility security
- Definition of facility
- Navigable waters (not resolved through settlement)

Under settlement terms, EPA published clarifications in the Litigation – Settlement in 2004 -- FR and sent a letter to PMAA to clarify certain issues.
The complaint alleged rulemaking deficiencies pertaining to the updated definition of "navigable waters."

The issue of navigable waters was not resolved, and it is currently being litigated in the district court for the District of Columbia.

"Status of Navigable Waters"
NODAs provide alternative approaches to ensure protection from oil spills for:

- Facilities that handle less than a specified threshold of oil
- Oil-filled and process equipment

Notices published in the Federal Register on September 20, 2004. Comment period ended November 19, 2004. EPA received comments, including data and analyses, to help assess the merit of these alternatives. Comments used in development of 2005 proposed rule regarding qualified facilities and qualified oil-filled operational equipment.
Recent Regulatory Actions

- Proposal to modify several SPCC requirements
- Proposals published in the Federal Register on December 12, 2005
- Issuance of SPCC Guidance for Regional Inspectors
- Guidance posted December 2, 2005 at www.epa.gov/oilspill/guidance.htm
- Final rule to extend compliance dates
- Published in the Federal Register on February 17, 2006

www.epa.gov/oilspill/guidance.htm
Why is EPA Considering Amending the SPCC Rule?

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Would offer streamlined optional requirements for:

- Qualified facilities
- Qualified oil-filled operational equipment
- Airport Mobile Refuelers

Would exempt motive power containers

Would remove certain provisions for animal fats and vegetable oils

Would provide a separate, indefinite compliance date extension for farms
A facility is

Qualified Facilities

<table>
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<tr>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
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Qualified Facilities (continued)

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Oil filled operational equipment includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the devices. Oil-filled operational equipment is not considered a bulk storage container, and does not include manufacturing equipment (flow-through process).

Qualified Oil-Filled Operational Equipment

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instead of secondary containment, the facility may prepare an:

- inspection and monitoring program to detect equipment failure and/or an oil discharge;
- oil spill contingency plan and a written commitment of manpower, equipment and materials.

No impracticability determination needed.

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the facility has not had a reportable discharge from any oil-filled operational equipment in the ten years prior to the SPCC Plan certification date or since becoming subject to the SPCC requirements if the facility has been in operation for less than ten years;

the facility has oil-filled operational equipment;

Then…And…If…

An optional choice for equipment at all facilities:

Qualified Oil-Filled Operational Equipment (continued)

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An AMR is a vehicle with an onboard bulk storage container designed or used to store and transport fuel for transfer into or from aircraft or ground service equipment.

AMRs are exempt only from the specifically sized secondary containment requirements. Refuels and transfers remain subject to other provisions and general secondary containment requirements.
Onboard bulk storage containers holding fuel solely to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment (i.e., hydraulic and lubrication systems) used solely for vehicle operation. For example: large RVs, aircraft, buses, construction equipment.

Proposed amendment would exempt motive power containers, except:
- Transfers to or from these containers at an otherwise regulated facility;
- Bulk storage container(s) mounted on a vehicle for any purpose other than powering the vehicle itself, for example, a tanker truck or mobile refueler; or
- Oil drilling or workover equipment, including rigs.

Motive Power
Inserted in 2002 Rule to satisfy EORRA procedures

Notice and comment issue

Proposed amendment would remove sections that do not apply to AFVO:

Onshore oil production (§112.13),
Onshore oil drilling and workover facilities (§112.14), and
Offshore oil drilling, production, or workover facilities (§112.15).

Request for input on modification of requirements

Petroleum vs. AFVO

Animal Fats and Vegetable Oils

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Farms

- of SPCC requirements for farms.
Proposed Rule Modifications:
Docket ID No. EPA-HQ-OPA-2005-0001
60 day comment period
Comment period closed February 10, 2006
Over 160 comments received
EPA working on fast turn-around of final action

Amendment Docket

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Compliance Date Extension
## Current Compliance Dates

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<tr>
<th>A facility starting operation...</th>
<th>Must...</th>
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| On or before 8/16/02             | Maintain existing Plan  
                              Amend and Implement Plan no later than 10/31/07 |
| After 8/16/02 through 10/31/07   | Prepare and implement a Plan no later than 10/31/07 |
| After 10/31/07                   | Prepare and implement a Plan before beginning operations |
Extension

During the extension…

- Facilities must maintain a Plan.
- The regulated community will update/prepare Plans and have additional time to understand recent clarifications of the rule.
- EPA has developed guidance to address the performance-based nature of the rule.
Released in December 2005
www.epa.gov/oilspill
Clarifies the role of the inspector in reviewing implementation of performance-based provisions
Is a "living document" and may be updated or revised
Does not address all aspects of the SPCC rule

SPCC Inspector Guidance Document

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SPCC Guidance Contents

- Chapter 1: Introduction
- Chapter 2: Applicability of the SPCC Rule
- Chapter 3: Environment Equivalence
- Chapter 4: Secondary Containment and Impracticability Determinations
- Chapter 5: Oil/Water Separators
- Chapter 6: Facility Diagrams
- Chapter 7: Inspection, Evaluation, and Testing

Appendices
Appendices

A.
B.
C.
D.
E.
F.
G.
H.
Role of the Inspector
Appendix G
SPCC Inspection Checklists

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Congressional Hearing
Outreach - IOGCC

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Outreach - ASTSWMO

- committees
Future SPCC Activities

- Update Guidance Document, as needed
- Update Inspection Checklists
- "Carry-through" provisions during interim period
- Finalize Revised Rule
- Additional Outreach
- Regions will begin local outreach presentations on SPCC Guidance for Regional Inspectors
- Future SPCC Activities
For More Information

U.S. EPA Headquarters

EPA Oil Program Website

Superfund, TRI, EPCRA, RMP and Oil Information Center