

US EPA ARCHIVE DOCUMENT

# Oil Spill Prevention SPCC

*40 CFR Part 112*



Mark W. Howard  
Regulations and Policy Development  
Division, Office of Emergency  
Management, U.S. EPA

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# What is the SPCC Rule?

- Spill Prevention, Control, and Countermeasure rule
- Part of the Oil Pollution Prevention regulation (40 CFR part 112)
- Requirements help prevent oil discharges from reaching navigable waters or adjoining shorelines.
- Certain facilities are required to **develop SPCC Plans** that describe equipment, workforce, procedures, and training to prevent, control, and provide adequate countermeasures to a discharge of oil.
- Promulgated under the authority of the Clean Water Act (CWA) §311(j)(1)(C).

# HQ Oil Prevention Activities

- SPCC regulatory development team
- SPCC guidance development
  - Inspectors guidance
  - Questions and Answers (Q&A) document
- 40 hour inspector training course
- Inspection implementation
  - Inspection procedures and checklist
  - Compliance determinations
  - Enforcement case development support
  - Monthly SPCC FRP Tech Workgroup and call
- Technical Outreach
  - Seminars and presentations to stakeholders/regulated community
  - Facts sheets and website

# FWSS Spill Short Course

“Delayed Not Amended”

# Regional Prevention Activities

- Assist HQ on SPCC related workgroups
  - Monthly SPCC FRP Tech Workgroup and call
  - Reg. development workgroup
- SPCC compliance inspections
  - Field Inspection
  - Compliance determinations
- Enforcement
- Technical Outreach
  - Seminars and presentations to stakeholders/regulated community
- Data tracking

# Purpose of Inspections

- Assess compliance with regulations
- Promote voluntary compliance through technical assistance and technology transfer
- Gather information to document violations that support enforcement actions
- Create strong, credible enforcement presence

# General Categories of Inspections

- Routine compliance
  - Announced, such as through letter or telephone call, to facility in advance
  - Unannounced, with no notice given to facility
- “For cause” in response to suspected spill or violation
- Case development support or follow-up
- Multi-media and technical assistance



# Types of Violations

- SPCC Violations (Statutory/Regulatory)
  - CWA 311(j) and 40 CFR Part 112
- Discharge violations (Statutory)
  - CWA §301(a) discharge of a pollutant without a permit, or out of compliance with the terms of the permit
  - CWA §311(b)(3) discharge of a harmful quantity of oil or a hazardous substance
- Notification (Criminal)
  - CWA 311(b)(5)

# General Enforcement Tools

- Informal Actions are intended to encourage compliance
- Formal Administrative Actions  
CWA §311(b)(6)(B) provides two classes of administrative penalties:
  - Class I Penalties, up to \$11,000 per violation up to a maximum penalty of \$32,500
  - Class II Penalties, up to \$11,000 per day for each day the violation continues up to a maximum penalty of \$157,500
- Civil and Criminal Judicial Actions require referral to DOJ

# Current Status of SPCC

- The 2008 Amendments will become effective January 14, 2010.
- Therefore, **amendments are currently not in effect** and **subject to change** before they become effective.
- EPA is not advising the regulated community at this time to take advantage of the relief provided by the December 2008 amendments
  - For example, qualified facility owners/operators should not yet use the Tier I Qualified Facility SPCC Plan Template (Appendix G)
- The action to **delay** the effective date DOES NOT impact the current July 1, 2009, compliance date for all facilities except farms
  - EPA is currently working on a final action to **amend** the compliance date

# FWSS Prevention Sessions (4/28)

- Steel Tank Institute Standards for Inspection and Repair of Tanks
  - *Dana Schmidt, Steel Tank Institute* [1.5 hrs]
- The 2008 SPCC Rule Revisions
  - *Mark Howard, EPA HQ* [1 hr]
- Cost Saving Estimates for EPA's Oil Spill Prevention Amendments
  - *George Denning, EPA HQ* [30 min]

# FWSS Prevention Sessions (4/29 am)

- Top 10 Misconceptions about SPCC \*Updated for 2009\*
  - *Christopher Ludwa, Booz Allen Hamilton* [30 min]
- Measuring Benefits of Oil Spill Prevention Control and Countermeasures Prevention: Methods & Approaches
  - *George Denning, US EPA HQ* [30 min]
- Self-Certified Spill SPCC Plans TBD, EPA HQ
  - *Mark Howard, EPA HQ* [1 hr]

# Prevention Sessions (4/29 am/pm)

- The Impact of the 2008 SPCC Rule on Oil Production Facilities
  - *Richard Franklin, EPA R 10* [30 min]
- SPCC Compliance: Design Build Considerations for Secondary Containment
  - *Ron Elder, Burns & McDonnell Engineering Company, Inc.* [1 hr]
- Oil Spill Case Study – Ambès Tank Farm (Gironde, France)
  - *Mikaël Laurent, CEDRE* [1 hr]
- SPCC and FRP “Stump the Regulator”
  - EPA Panel



# Come to the SPCC and Tank Talk Sections



Mark W. Howard  
*howard.markw@epa.gov*  
202-564-1964



EPA OEM Website: <http://www.epa.gov/emergencies>  
Superfund, TRI, EPCRA, RMP, and Oil Information Center: (800) 424-9346

