

US EPA ARCHIVE DOCUMENT

# **Top 10 Misconceptions about SPCC** **\*Updated for 2009\***

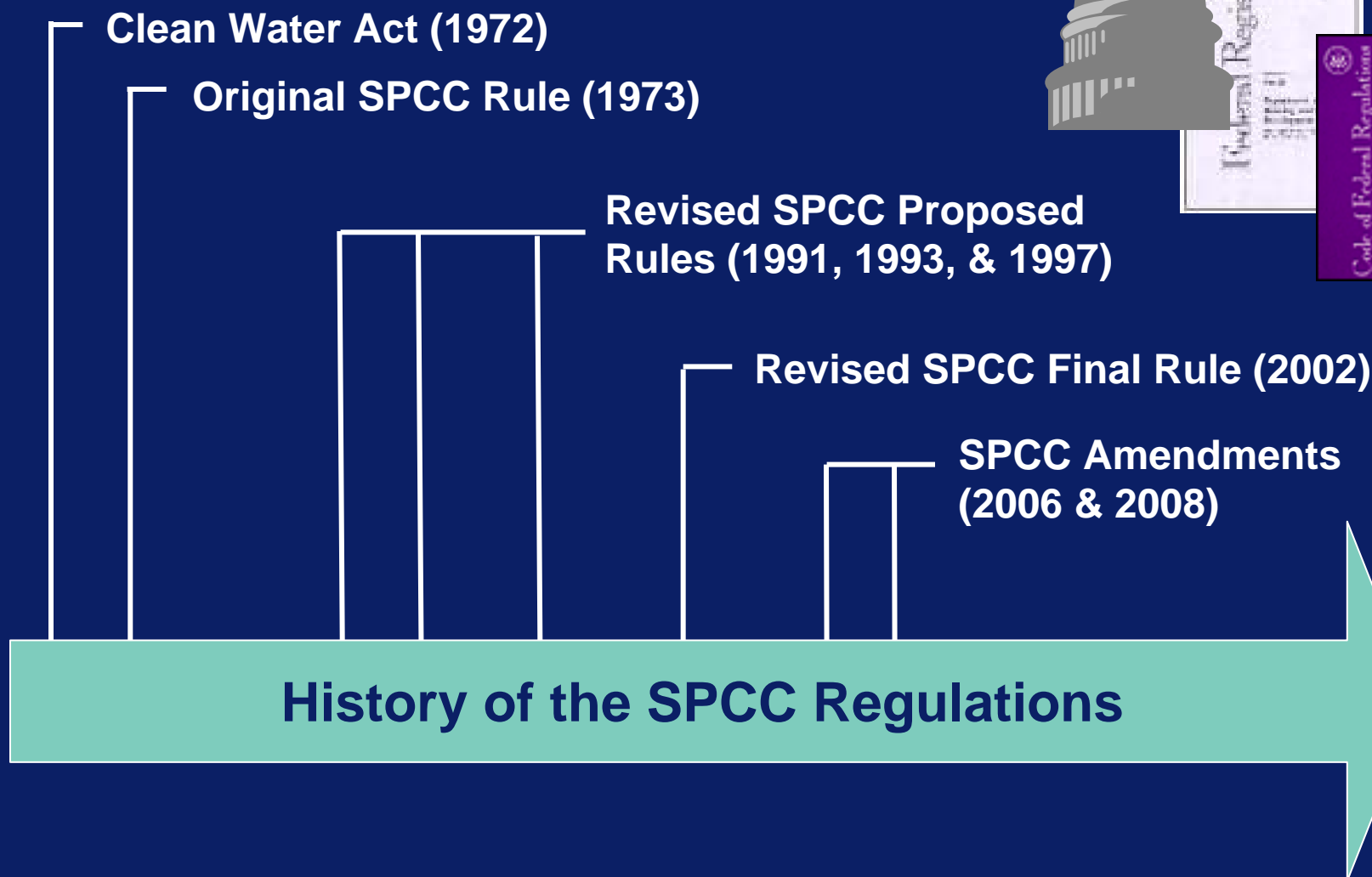
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## History of SPCC



## Misconception #1: Facilities must use permanent containment structures in all cases to provide general secondary containment

- ▶ Facilities must provide appropriate containment and/or diversionary structures or equipment to prevent a discharge of oil to navigable waters or adjoining shorelines (40 CFR §112.7(c))
- ▶ In some situations, permanent (passive) containment structures, such as dikes, may not be feasible to meet the §112.7(c) general containment requirement
- ▶ The SPCC Rule allows for the use of certain types of active containment measures (countermeasures or spill response capability) to meet the general containment requirement, which prevents a discharge to navigable waters or adjoining shorelines
  - Active containment measures are those that require deployment or other specific action by the facility owner or operator
  - EPA generally believes that active containment measures can be used to satisfy the general secondary containment requirement when they are capable of containing the most likely discharge volume
  - Active measures are not appropriate for all situations with the potential for an oil discharge (including the sized secondary containment requirement or situations where an oil discharge can not be readily detected)

## Examples of Active Containment Measures



## Misconception #2: All of the containers and equipment at a production facility are subject to the production requirements

- ▶ The SPCC Rule establishes separate and distinct requirements for onshore production facilities in §112.9
- ▶ In the 2008 amendments, EPA clarified that only the containers, infrastructure, and equipment uniquely associated with the production of crude oil are subject to the specific requirements for a production facility (for example, well heads, flowlines, and bulk storage containers for crude oil or condensate)
- ▶ All other infrastructure or equipment that indirectly supports crude oil production must meet the applicable bulk storage container requirements (for example, as provided in the 2008 amendments, containers storing oil that only support vehicle repair or maintenance at a production facility)
- ▶ All infrastructure and equipment, whether in direct support of crude oil production operations or not, are also subject to the general rule requirements



## Misconception #3: When looking at the SPCC oil discharge criteria, you must count the total amount of oil spilled

- ▶ The SPCC Rule uses similar discharge criteria for reporting spills to the Regional Administrator (§112.4) and determining the applicability of the alternatives for qualified facilities (§112.3(g)) and qualified oil-filled operational equipment (§112.7(k))
  - More than 1,000 US gallons of oil in a single discharge, or
  - More than 42 US gallons of oil in each of two discharges within any twelve month period
- ▶ When determining the applicability of either the reporting requirement or the qualified criteria, the gallon amount specified (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



## Misconception #4: The SPCC Rule unnecessarily focuses too much on small, inconsequential discharges

- ▶ The SPCC Rule recognizes that oil spills will occur and its purpose is to prevent such spills from reaching navigable waters or adjoining shorelines in quantities that may be harmful (a sheen or other factor as described in Part 110)
- ▶ “Quantities that may be harmful” are defined in §110.3 as discharges of oil that
  - Violate applicable water quality standards; or
  - Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines
- ▶ Even very small amounts of oil (e.g., less than 1 mg/L) spilled into water can have lethal and sublethal effects on a wide variety of organisms (52 FR 10712, 10716; April 2, 1987)
- ▶ Based on oil discharge notifications reported to the Emergency Response Notification System (ERNS), discharges from valves, piping, flowlines, and appurtenances are much more common than catastrophic tank failure or discharges from tanks (67 FR 47042, 47124; July 17, 2002)





## Misconception #5: The requirement that a professional engineer (PE) must certify an SPCC Plan is overly burdensome

- ▶ As provided in §112.3(d), a licensed PE must review and certify SPCC Plans for facilities that do not meet the qualified facility criteria
- ▶ EPA does not require the PE to be licensed in the same state in which the facility is located
  - A PE may familiarize himself with any particular requirements a state may impose and address them in the plan
  - Individual states may prescribe more stringent requirements than EPA
- ▶ A site visit must occur before the PE certifies the plan, but the PE's agent may conduct the visit
- ▶ In the 2006 amendments, EPA finalized an option in §112.6 to allow owners or operators of qualified facilities to self-certify their SPCC Plans
- ▶ In the 2008 amendments, EPA separated qualified facilities into Tier I and Tier II and provided additional streamlining for Tier I facilities, including use of a plan template



## Misconception #6: A loading/unloading rack or transfer area associated with an exempt underground storage tank (UST) is *out* of the SPCC regulations

- ▶ USTs that are subject to all of the technical requirements of EPA (Part 280) or state (Part 281) UST regulations are exempt from the SPCC Rule (§112.1(d)(4))
- ▶ A loading/unloading rack or transfer area associated with a UST is not typically part of the UST system and therefore is not subject to all of the UST technical requirements
- ▶ A transfer to or from this type of rack or area is a potential source of discharge of oil into navigable waters or adjoining shorelines
- ▶ Thus, EPA clarified in the 2008 amendments that such a loading/unloading rack or transfer area should be regulated under the SPCC Rule in the same manner as any other transfer equipment located at an otherwise regulated SPCC facility
  - A transfer at a loading/unloading rack associated with an exempt UST is subject to §112.7(h)
  - A transfer at an exempt UST not associated with a rack (e.g., a dispenser or other transfer equipment) is subject to the general secondary containment provision in §112.7(c), which may be met by using active measures



## Misconception #7: Fifty-five gallon drums are *out* of the SPCC regulations

- ▶ The SPCC Rule does not apply to any container with a storage capacity of *less than* 55 gallons of oil (§112.1(d)(5))
- ▶ EPA believes that measures like secondary containment, inspections, and integrity testing are not necessary for containers *smaller than* 55 gallons storing oil because a discharge from these containers generally poses a smaller risk to the environment (67 FR 47042, 47066; July 17, 2002)
- ▶ All containers with a storage capacity of *55 gallons or greater* must be counted toward the aboveground storage capacity threshold and must be addressed in SPCC Plans



## Misconception #8: Oil/water separators (OWSs) are always *out* of the SPCC regulations

- ▶ The SPCC Rule does not apply to any facility or part thereof used exclusively for wastewater treatment and not used to satisfy any of the SPCC requirements (§112.1(d)(6))
- ▶ The intended use of an OWS determines whether it qualifies for the wastewater treatment exemption
  - Only an OWS used exclusively to treat wastewater and not used to satisfy any requirement of the rule is exempt from all SPCC requirements
  - An OWS used for specific secondary containment is not exempt but it does not count toward the facility's storage capacity
  - An OWS used in oil production is not exempt, is considered a bulk storage container, and counts toward the facility's storage capacity
- ▶ The presence of an exempt OWS at an otherwise regulated facility does not exempt the entire facility from the SPCC Rule (for example, publicly owned treatment works (POTWs) may have bulk storage containers and oil-filled equipment, as well as exempt OWSs)

## Misconception #9: Oil-filled equipment and associated fuel storage are always *out* of the SPCC regulations

- ▶ Oil-filled equipment is excluded from the definition of “bulk storage container” in §112.2 and therefore from the bulk storage container requirements
  - However, oil-filled equipment must meet the general requirements of the rule
  - Oil-filled equipment does not include associated storage of fuel used to power the equipment – associated fuel tanks are bulk storage containers
- ▶ In the 2006 amendments, EPA provided an optional alternative to the general facility containment requirement for qualified oil-filled operational equipment
  - The alternative does not apply to oil-filled manufacturing equipment
  - Generators, or “gensets”, do not meet the definition of oil-filled operational equipment
- ▶ Also in the 2006 amendments, oil-filled equipment on board motor vehicles *and* tanks storing fuel used to power the vehicles (collectively called “motive power containers”) are excluded from the SPCC Rule altogether



## Misconception #10: There is no need to worry about the SPCC requirements before July 1, 2009

- ▶ On April 1, 2009, EPA delayed the effective date of the 2008 amendments until January 14, 2010 – this action has no impact on the compliance date for SPCC
- ▶ July 1, 2009, is the current deadline for SPCC Plans to be amended or prepared and implemented in accordance with the revised regulations (except for farms)
  - Until the compliance date, all carryover provisions still apply for facilities that were in operation on or before August 16, 2002, and the burden reduction measures in the revised regulations also apply now
  - The only parts of the SPCC Rule that do not apply now (for “existing facilities”) are the technical changes that added new or more stringent requirements and the 2008 amendments
  - Facilities that first became subject to the SPCC regulations after August 16, 2002, technically are not subject to any requirements until July 1, 2009
- ▶ It is a good idea for owners and operators of existing and new facilities to start working toward compliance now!



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