

Spill Prevention Control and Countermeasure Provisions

The goal of the Spill Prevention Control and Countermeasure Plan provisions is to set forth requirements for prevention of, preparedness for, and response to oil discharges at specific non-transportation related facilities. To prevent the oil from reaching navigable waters and to contain discharges of oil, facilities are required to develop and implement SPCC Plans and establish procedures, methods, and equipment requirements.

The SPCC Plan framework was conceived in 1972 as the amended Federal Water Pollution Control Act, or the Clean Water Act. The Oil Pollution Act of 1990 revised the original provisions, expanding and improving EPA's activities and placing more impetus on owners and operators for response and recovery. The regulations continued to evolve throughout the last two decades, with the latest revisions finalized on December 26, 2006. These latest revisions, due to numerous legal actions from concerned stakeholders, have been extended four times. The latest extension pushed amending and implementing SPCC Plans to July 1, 2007. Naturally, all current facilities must comply with the original provisions.

The revised provisions incorporate several minor changes and additions. For instance, the original rule was that a total of 1,320 gallons of all storage containers or a single container of 660 gallons required an SPCC Plan. The new provision eliminated the single 660-gallon container requiring coverage. Additionally, previously all containers, regardless of size were used to calculate the 1,320 gallons of storage. Now, only containers of 55 gallons or more will be subject to the rule, exempting anything less than 55 gallons. The attached table has a comprehensive cross-reference to the provision and how the previous and revised regulations differ.

Source: Environmental Protection Agency, SPCC Guidance for Regional Inspectors

Citation	Revised Rule Provision	Change from 1974 Rule
New Threshold Requirement	An owner/operator of a facility with more than 1,320 gallons in aboveground storage must prepare a plan.	The single container capacity of 660 gallons requiring a plan has been eliminated.
Minimum Container Size	A <i>de minimis</i> container capacity of 55 gallons has been established to determine aboveground storage capacity.	Previously all containers, regardless of size, were considered to be subject to SPCC provisions.
SPCC Plan Preparation	The EPA Regional Administrator has the authority to require a facility, regardless of exemptions, to prepare an SPCC Plan.	No 1974 rule counterpart
Professional Engineer (PE) Certification	For a facility to comply with these provisions, a licensed PE must attest to: <ul style="list-style-type: none"> a. The PE is familiar with 40 CFR 112; b. The PE has visited and examined the facility; c. The Plan has been prepared with good engineering practice; d. Procedures for required inspections and testing have been established; e. The Plan is adequate for the facility 	The previous rule required a PE attest that, through the examination of a facility, the Plan was prepared with good engineering practice.
Plan Location	The owner/operator must maintain a complete copy of the Plan at a facility if the facility is normally attended for at least four hours per day.	Previously, a Plan was located at a facility if it was attended for at least eight hours per day.
Five-Year Review	The Plan is now reviewed every five years. The review must be documented, with a signed statement if the Plan will be amended. If amended with technical changes a PE certification is required.	The review period was previously three years.
Alternate Formats	The Plan must be written. If it does not follow the specified sequence, a cross-reference must be provided.	No 1974 rule counterpart.
Spill History	Spill History does not need to be reported.	The previous rule required a spill history for reportable discharges.
Environmental Equivalence	If a facility does not conform, the owner/operator must state the reason for nonconformance and describe the alternate methods to achieve equivalent environmental protection	No 1974 rule counterpart.

Citation	Revised Rule Provision	Change from 1974 Rule
Facility Diagram	The facility is required to prepare a facility diagram with location and contents of containers, transfer stations, and connecting pipes.	No 1974 rule counterpart.
Information for Use in a Discharge	The Plan must provide information and procedures relating to basic spill prevention, reporting, and response.	No 1974 rule counterpart.
Secondary Containment	The entire containment system must be able to contain oil and prevent a discharge from escaping the confines of the containment system before cleanup occurs.	Previously the containment must "prevent discharged oil from reaching a navigable water course."
Impracticability Claim/Integrity Testing	When secondary containment is not practicable, the owner/operator must explain why, and conduct integrity and leak testing for containers, valves, and piping.	No 1974 rule counterpart.
Brittle Fracture Evaluation	Storage containers undergoing repair, alteration, reconstruction, or change of service must be evaluated.	No 1974 rule counterpart.
Secondary Containment	Onshore facilities must ensure that secondary containment has sufficient freeboard to allow for precipitation. Whatever method used must be documented in the Plan. Typically, 110% of the largest tank is sufficient.	Previous rule did not specify allowance for precipitation was required for production facilities .
SPCC Streamlining	Self-Certifying SPCC Plan at facilities with storage capacity of 10,000 gallons or less.	Required Professional Engineer's Certification regardless of storage capacity.

These provisions are not all inclusive. There are additional non-physical, non-mechanical requirements involving reporting, inspecting, recordkeeping and other clerical functions not mentioned. For additional information contact Universal Lubricants Technical Services Dept at 800-444-OILS (6457), or visit EPA's website at www.epa.gov.

Lastly, regardless of the format, physical controls, or manpower, it is critical that all SPCC Plans and their procedures, unless meeting streamlining exemptions, be approved and certified by a licensed Professional Engineer.

