



United States Environmental Protection Agency

SPILL PREVENTION, CONTROL AND COUNTERMEASURE (SPCC) REGULATION

40 CFR 112



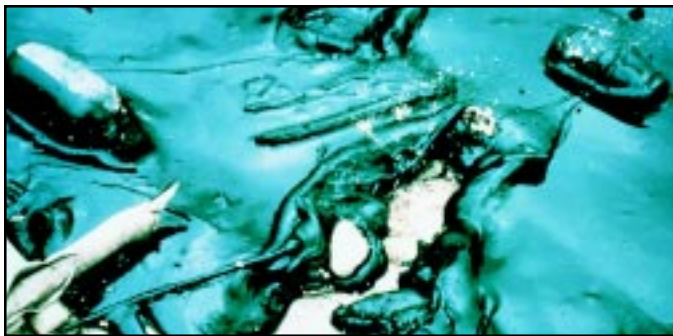
A Facility Owner/Operator's Guide to Oil Pollution Prevention

OIL POLLUTION PREVENTION

The Environmental Protection Agency's Oil Pollution Prevention Rule became effective January 10, 1974. It was published under the authority of Section 311(j)(1)(C) of the Federal Water Pollution Control Act (Clean Water Act). The regulation may be found at Title 40, Code of Federal Regulations, Part 112 (40 CFR 112). The prevention rule was revised on July 17, 2002. Facilities subject to the rule must prepare and implement a plan to prevent any discharge of oil into or upon navigable waters of the United States or adjoining shorelines. The plan is called a Spill Prevention, Control, and Countermeasure (SPCC) Plan.

PURPOSE OF THE RULE

To prevent discharge of oil into navigable waters of the United States or adjoining shorelines as opposed to response and cleanup after a spill occurs.



WHO IS REGULATED BY THE SPCC RULE?

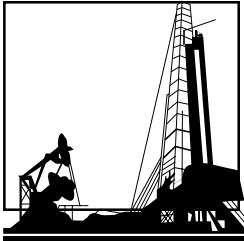
Before a facility is subject to the SPCC rule, it must meet three criteria: 1) it must be non-transportation-related; 2) it must have an aggregate aboveground storage capacity greater than 1,320 gallons or a completely buried storage capacity greater than 42,000 gallons; and 3) there must be a reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines.

WHO PREPARES THE SPCC PLAN?

Preparation of the SPCC Plan is the responsibility of the facility owner or operator, but it must be certified by a licensed Professional Engineer. By certifying the SPCC Plan, the Professional Engineer, having examined the facility, attests that: 1) he is familiar with the requirements of part 112; 2) he or his agent has visited and examined the facility; 3) the Plan has been prepared in accordance with good engineering practices, including consideration of applicable industry standards, and with the requirements of part 112; 4) procedures for required inspections and testing have been established; and 5) the Plan is adequate for the facility.

1. What is a non-transportation-related facility?

A non-transportation-related facility (including all equipment and appurtenances) may include but is not limited to:



Oil Drilling



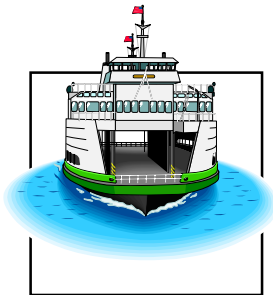
Power Generators



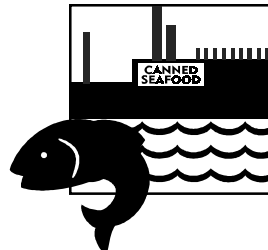
Oil Refineries



Airports



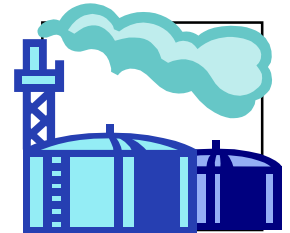
Marinas



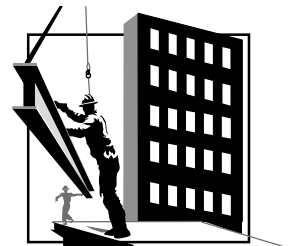
Fish Canneries



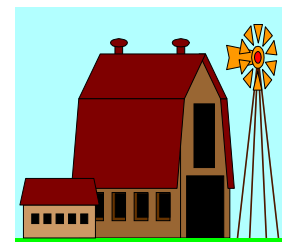
Oil Production



Oil Storage



Construction Sites



Farms

- Fixed onshore and offshore oil well drilling facilities;
- Mobile onshore and offshore oil well drilling platforms, barges, trucks or other mobile facilities when in a fixed position;
- Fixed onshore and offshore oil production structures, platforms, derricks and rigs (including separators and storage facilities);
- Mobile onshore and offshore oil production facilities (including separators and storage facilities);
- Oil refining or storage facilities;
- Industrial, commercial, agricultural, or public facilities using or storing oil;
- Certain waste treatment facilities;
- Loading racks, transfer hoses, loading arms and other equipment appurtenant to a non-transportation related facility;
- Highway vehicles and railroad cars used to transport oil exclusively within the confines of a non-transportation related facility; and
- Pipeline systems used to transport oil exclusively within the confines of a non-transportation-related facility.

2. *What is considered Bulk Oil Storage Capacity?*

The revised rule recognizes that oil is sometimes stored in bulk and sometimes used operationally. A bulk storage container is any container storing oil at a facility. Bulk oil storage containers may include, but are not limited to tanks, containers, drums, and mobile or portable totes. Operational use includes oil-filled electrical equipment and manufacturing equipment. Operational use of oil is not subject to the rule's bulk storage requirements. (See §112.8 for bulk storage requirements). The shell capacity of the container (maximum volume) must be considered and not the actual amount of product stored in the container (operational volume).

A facility may be subject to SPCC rule if it has at least one of the following oil storage capacities:

- If a facility has a total aboveground oil storage capacity greater than 1,320 gallons; or



- If a facility has a completely buried oil storage capacity greater than 42,000 gallons;

When calculating oil storage capacity, the facility should not count containers with less than 55 gallons; completely buried tanks that are subject to all of the technical requirements of the Underground Storage Tank (UST) Regulation (40 CFR part 280) or all of the technical requirements of a state UST program approved under 40 CFR part 281; containers that are permanently closed as defined in 40 CFR part 112.2; or parts of the facility used exclusively for wastewater treatment and not used to satisfy any requirement of 40 CFR part 112. (The production, recovery, or recycling of oil is not considered wastewater treatment).



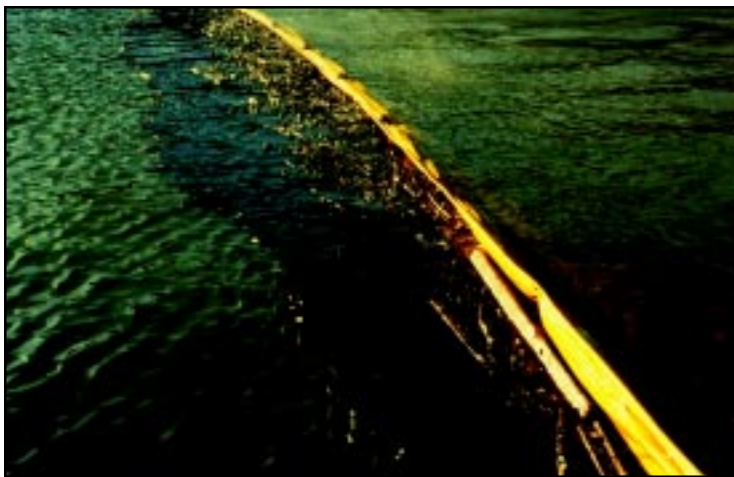
3. What types of oil does the rule address?

The term oil means oil of any kind or in any form, including, but not limited to: petroleum; fuel oil; sludge; oil refuse; oil mixed with wastes other than dredged spoil; fats, oils or greases of animal, fish, or marine mammal origin; vegetable oils, including oil from seeds, nuts, fruits, or kernels; and other oils and greases, including synthetic oils and mineral oils.

4. How do I determine if my facility could reasonably discharge oil into or upon navigable waters or adjoining shorelines?

This determination is based solely upon a consideration of the geographical and locational aspects of the facility. The location of the facility must be considered in relation to streams, ponds and ditches (perennial or intermittent), storm or sanitary sewers, wetlands, mudflats, sandflats, or other navigable waters. The distance to navigable waters, volume of material stored, worse case weather conditions, drainage patterns, land contours, soil conditions, etc., must also be taken into account.

In addition, according to the rule, this determination may NOT include consideration of man-made features such as dikes, equipment or other structures which may serve to restrain, hinder, contain or prevent an oil discharge.



DID YOU KNOW?

A spill of only *one*
gallon of oil can
contaminate a *million*
gallons of water.

What do I have to do now?

A facility which meets the four criteria described above must comply with the SPCC rule. The SPCC rule requires the owner or operator of a facility existing before August 16, 2002, to amend, if necessary, the SPCC Plan on or before February 17, 2003, and to implement the amended Plan by August 18, 2003. The owner or operator of a facility that becomes operational after August 16, 2002, through August 18, 2003, must prepare and implement a Plan on or before August 18, 2003. The owner or operator of a facility which becomes operational after August 18, 2003, must prepare and implement a Plan before beginning operations. This Plan must be prepared in accordance with good engineering practices.

No matter who prepares your SPCC Plan, remember that ultimately it is the owner or operator who is responsible for complying with the rule. A copy of the rule is available on our website at www.epa.gov/oilspill. You may also call or write to the nearest EPA office listed on the following page.

Although each SPCC Plan is unique to the facility, there are certain elements that must be included in order for the SPCC Plan to comply with the provisions of 40 CFR 112. Three areas which should be addressed in the Plan are: 1) operating procedures the facility implements to prevent oil spills; 2) control measures installed to prevent oil from entering navigable waters or ad-

joining shorelines; and 3) countermeasures to contain, cleanup, and mitigate the effects of an oil spill that has an impact on navigable waters or adjoining shorelines. Some other important elements of an SPCC Plan include, but are not limited to, the following:

- Professional Engineer certification
- Plan must follow the sequence of 40 CFR 112.7 or provide cross-references to the requirements in 40 CFR 112.7
- Facility diagram
- Oil spill predictions
- Facility drainage
- Facility inspections
- Site security
- Five-year Plan review
- Management approval
- Appropriate secondary containment or diversionary structures
- Loading/unloading requirements and procedures for tank car and tank trucks
- Personnel training and oil discharge prevention briefings
- Brittle fracture evaluations
- Bulk storage container compliance
- Transfer procedures and equipment (including piping)