

Highlights of the 2002 SPCC Rule

- New format
- New sections for different types of facilities and new subparts for different types of oils (petroleum and other oils, animal fats and vegetable oils).
- Incorporates the use of plain language.
- "Should to shall to must." Clarification that the rule's requirements are mandatory.

Applicability

General Applicability 112.1:

- Facilities which may reasonably be expected to discharge oil to navigable waters or adjoining shorelines of the United States; or
- Which may affect natural resources belong to, appertaining to, or under the exclusive management authority of the U.S.; or
- Into or upon waters of the Contiguous zone...

General Applicability 112.1:

- Clarifies regulations apply to "using oil" (i.e. oil filled electrical equipment)
- Regulatory threshold:
 - Raises the threshold by eliminating the 660 gallon/single container criterion.
 - Now total >1,320 gallons

New Exemptions in the Rule

- Minimum container size:
 - Exempts containers less than 55 gallons from capacity calculation.
- The rule exempts completely buried tanks that meet all technical requirements of the Underground Storage Tank rules (40 CFR part 280 or 281).
- A facility, or part, used exclusively for wastewater treatment and not used for any other requirement of 40 CFR Part 112.

SPCC Plan Preparation - otherwise exempt facilities:

Regional Administrators have authority to require preparation of an SPCC Plan for otherwise exempt facilities on a case-by-case basis.

New Definitions Section 112.2

Facility:

Any mobile or fixed, onshore or offshore building, structure, installation, equipment, pipe, or pipeline used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and waste treatment, or in which oil is used (may be as small as a piece of equipment or as large as a oil field or a military base)

Bulk Storage Container:

Any container used to store oil. Oil filled electrical, manufacturing or operational equipment is not included in this definition. Therefore, they are not subject to the bulk storage requirements of the rule (integrity testing, and fail safe engineering). Bunkered Tanks, Completely Buried Tanks, and Partially Buried Tanks are considered above ground tanks.

Breakout Tank:

A container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Storage Capacity:

Means the shell capacity.

Alteration:

Any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

Repair:

Any work necessary to maintain or restore a container to a condition suitable for safe operation, other than ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Permanently closed containers:

All liquid and sludge removed, all piping and connecting lines disconnected and blanked off, closed/locked valves and signs posted indicating closure date.

Section 112.3

Timeframes for preparation and implementation.

- If a facility is operating prior to August 16, 2002, then the owner or operator must amend the SPCC Plan on or before February 17, 2006 and must implement the amended Plan as soon as possible, but not later than August 18, 2006. Same time frame for amendments to bring an existing Plan into compliance.
- If a facility begins operations after August 16, 2002 through August 18, 2003, then the owner or operator must prepare a Plan on or before August 18, 2006, and fully implement it as soon as possible, but not later than August 18, 2006.
- If a facility begins operations after August 18, 2003, then the owner or operator must prepare and implement a Plan before beginning operations.

Must maintain copy of Plan at facility if attended 4 or more hours per day.

Professional Engineer (P.E.) Certification

- PE must certify SPCC Plan is prepared in accordance with Part 112
- PE must certify plan is prepared in accordance with good engineering practices
- PE must consider applicable industry standards
- Site visit:
 - The rule will allow a professional subordinate to conduct the site visit in place of the PE, but the PE must review the subordinate's work and certify the Plan

P.E. certification not required for non-technical amendments.

Section 112.4

Submission of Information to Regional Administrator:

Whenever facility has discharged:

- more than 1,000 gallons of oil; or
- more than 42 gallons in each of two discharges of oil in any 12-month period.

The Regional Administrator may require amendments after on-site review of Plan. Facilities must provide same information as that provided to RA to the State agency in charge of oil pollution control activities in state in which the facility is located. The State agency may then make recommendations to the Regional Administrator as to further procedures, methods, equipment or other requirements necessary to prevent or contain discharges of oil from the facility.

Amendment by Owner/Operator: Section 311.5

Review Plan when material changes occur or

Review at least once every 5 years.

P.E. need certify only technical amendments.

General Requirements: Section 112.7

Prepare a plan in writing and discuss conformance with regulations.

Plan must be prepared in accordance with good engineering practice.

Plan must have full approval of management.

Alternative formats for SPCC Plans: Encourages an owner or operator to use an Integrated Contingency Plan (ICP) or a State SPCC Plan (requires a cross reference to sections).

Deviations:

The rule will allow waivers for most provisions, provided the owner or operator explains the reasons for nonconformance in the Plan and provides equivalent environmental protection. (Not applicable to secondary containment)

The Regional Administrator may not agree and require amendment of the Plan. Describe discharge prevention measures, drainage controls, and all transfer stations and connecting pipes.

Describe countermeasures for discharge discovery, response and clean-up, and methods of disposal of recovered materials.

Include a contact list and phone numbers for appropriate Federal, State and local agencies and contractors.

Include information and procedures to be followed in the event of a discharge. Include spill predictions for all types of failures.

Describe appropriate containment or diversionary structures to prevent discharges of oil to navigable waters.

Oil Spill Contingency Plan may be used when installation of containment is not practicable.

Inspections, Tests, and Records:

Develop written procedures for all inspections and tests.

Keep records of inspections and tests signed by the appropriate supervisor for 3 years.

Business records:

Allows an owner or operator to use "usual and customary" business records as a record of tests and inspections.

Personnel Training:

Train all oil handling personnel in the operation and maintenance of equipment, applicable laws and regulations, and the contents of the SPCC Plan.

Designate a person accountable for discharge prevention who reports to management.

Facility Diagram:

Required; must mark location and contents of each container (including exempt USTs and all piping).

Onshore Facilities, excluding production facilities: Section 112.8

Requires testing of bulk containers on regular schedule, or after material repairs, must combine visual with other methodology.

Requires buried piping to have protective wrapping, coating and cathodic protection if installed after 8/16/02.

Integrity and leak testing of buried piping at the time of installation, modification, construction, relocation or replacement.

Onshore Oil Production Facilities: Section 112.9

Allows NPDES records to be used to record stormwater bypass events.

Clarifies that all tank battery, separation and treating installations must have secondary containment for entire capacity of largest single container and sufficient freeboard to contain precipitation.

Requirements for Animal Fats, Oils and Greases; Fish and Marine Mammal Oils; and Vegetable Oils: Section 112.12

Requirement same of those in Section 112.8