



## New Spill Prevention Control and Countermeasure Rule

On August 16, 2002, revisions to the Spill Prevention Control and Countermeasure (SPCC) rules found in 40 CFR 112 become effective. The rule changes were made to simplify the language in the rule, to reduce the burden on the regulated community, and to allow for use of equivalent measures for environmental protection.

### OVERVIEW

The SPCC rules apply to owners and operators of facilities that store or use oil (petroleum) and oil products and have a potential to discharge oil to navigable waters or adjoining shorelines. The former SPCC rules affected facilities that had an aggregate oil aboveground storage capacity of over 1,320 gallons (including equipment reservoirs) or over 660 gallons in any one container as well as facilities that had completely buried oil storage capacity greater than 42,000 gallons.

One of the revisions to the SPCC rules involves a change in affected facilities. Under the revised rules:

- Facilities with buried storage tanks regulated under 40 CFR 280 or 281 are exempt;
- Any facility or part thereof used exclusively for wastewater treatment that is not used to meet a Part 112 requirement is exempted;
- The de minimis provision exempts containers of less than 55 gallons from being counted toward the 1,320 gallon threshold and from all SPCC requirements;
- The aboveground storage capacity threshold is maintained at 1,320 gallons but the 660 gallon (one container) provision is removed; and
- Applicability is clarified to include users of oil.

The revised rules also incorporate changes to SPCC plan and recordkeeping requirements, including the following:

- The period of review for SPCC plans is changed from three to five years and requires documentation of completion of the review and evaluation.
- A Professional Engineer's (PE) Certification is only needed for technical amendments to an existing SPCC plan, and not to non-technical amendments such as changes to phone numbers, names, etc.
- The revisions provide for a flexible plan format. If the specified rule format is not followed, a cross-reference may be used showing that all regulatory requirements are met. In addition, industry standards must be considered in SPCC plans.
- The revisions allow for deviations when equivalent environmental protection is provided.
- Usual and customary business records can be used to serve as a record of tests or inspections, instead of keeping duplicate records.
- Training is specified as for oil-handling employees only; training must be conducted at least once a year.

The revised SPCC rules allow six months to revise existing SPCC plans and six months to develop SPCC plans for new facilities becoming operational before August 18, 2003. Facilities in operation after August 18, 2003 must prepare a SPCC plan prior to beginning operations. In addition, the Regional Administrator of the US EPA has authority to require an exempted facility to prepare a partial or complete SPCC plan. In addition to these changes, the threshold for reporting discharges to the US EPA has been revised to over 42 gallons combined in two discharges in any 12-month period. Other revisions are present in the rules regarding Facility Response Plan requirements, buried piping installations and testing of aboveground containers.

### SUMMARY

The SPCC rule revisions have provided for exemptions for certain facilities and added flexibility in rule compliance. If you would like assistance in determining how the revised rules affect your facility's SPCC plan or in evaluating if you are subject to the SPCC rules, please contact Emily Rynders or Tony Domanico at the Payne Firm at (513) 489-2255 or via e-mail at [ear@paynefirm.com](mailto:ear@paynefirm.com) or [aid@paynefirm.com](mailto:aid@paynefirm.com), respectively. This and other Environmental Edge topics are available at our website at [www.paynefirm.com](http://www.paynefirm.com).