

# Spill Prevention, Control and Countermeasure Regulations 40 CFR Part 112

The December 2008 Amendments and  
the Current Compliance Dates

A comprehensive presentation on the December 5, 2008  
SPCC Amendments is available at [www.epa.gov/oilspill](http://www.epa.gov/oilspill)

# Objectives

- Review the December 5, 2008 SPCC Amendments
- Review the Current Compliance dates

# Amendments to the SPCC Rule December 2008

On December 5, 2008, the Federal Register published EPA's final rule to amend the SPCC rules in order to provide increased clarity, tailor requirements to particular industry sectors, and to streamline certain requirements for those facility owners or operators subject to the rule.

# December 2008 SPCC Amendments Effective Date

- The February 3, 2009 effective date of the December 5, 2008 SPCC Amendments has been extended to January 14, 2010.
- This does not remove any regulatory requirement for owners or operators of facilities in operation before August 16, 2002, to maintain an SPCC Plan in accordance with the SPCC regulations.

# SPCC exemption for Hot-Mix Asphalt 40 CFR 112.1(d)



- Only applicable to HMA, not applicable to AC.
- EPA never intended that HMA be included as part of a facility's SPCC Plan

Exemption for Pesticide Application  
Equipment and Related Mix Containers  
40 CFR 112.1(d) and 112.1(d)(2)

- Includes ground boom applicators, air-blast sprayers, specialty aircraft that apply measured amounts of pesticides to crops and/or soil, and related mix containers.
- Equipment capacity no longer counted towards the 1320 gallon SPCC threshold.

# Mobile Refueler Requirements for Farm Nurse Tanks 40 CFR 112.7(c)

- Nurse tanks are mobile/portable containers used at farms to store and transport fuel for transfers to or from farm equipment to other bulk storage containers.
- The definition of “mobile refueler ”includes nurse tanks, as well as non-road licensed refueling equipment that are used to refuel farm equipment in the fields.
- Nurse tanks are exempt from sized secondary containment §112.8(c)
- Must meet general secondary containment requirements at §112.7(c)

# Residential Heating Oil Containers

- Exemption for single family residential heating oil tanks at 40 CFR 112.1(d).
- Applies to containers that are:
  - Aboveground or completely buried
  - Located at a farm or other single-family residences
  - Used solely to store heating oil used to heat the residence

# UST Oil Transfer Clarification



loading/unloading rack (as defined in the amended rule), must comply with 112.7(h).

- All other transfers/equipment (dispensers) must be addressed and meet the general containment requirements 112.7(c).

- Dispensers and racks are not part of a UST system and therefore SPCC regulated

# Amended Definition of “Facility” 40 CFR 112.2



Installations, pipes, or pipelines make up the facility.

- Adds the terms “property,” “parcel,” and “lease” to the list of example terms that can be considered in determining facility boundaries.
- •Clarifies that the term "waste treatment" refers to oil waste treatment.

## SPCC Plan Facility Diagram – Mobile and Portable Containers 40 CFR 112.7(a)(3)

- Facility diagram must include the location of all fixed (not mobile) containers.
- Facility Diagram must identify the area at the facility where mobile containers are stored.
- The number, contents, and capacity must be included in the plan. Total number can be an estimate if the number changes.

# Loading/Unloading Rack Definition

## 40 CFR 112.2

- EPA is finalizing the following definition for loading/unloading rack which governs whether a facility is subject to 40 CFR 112.7(h).

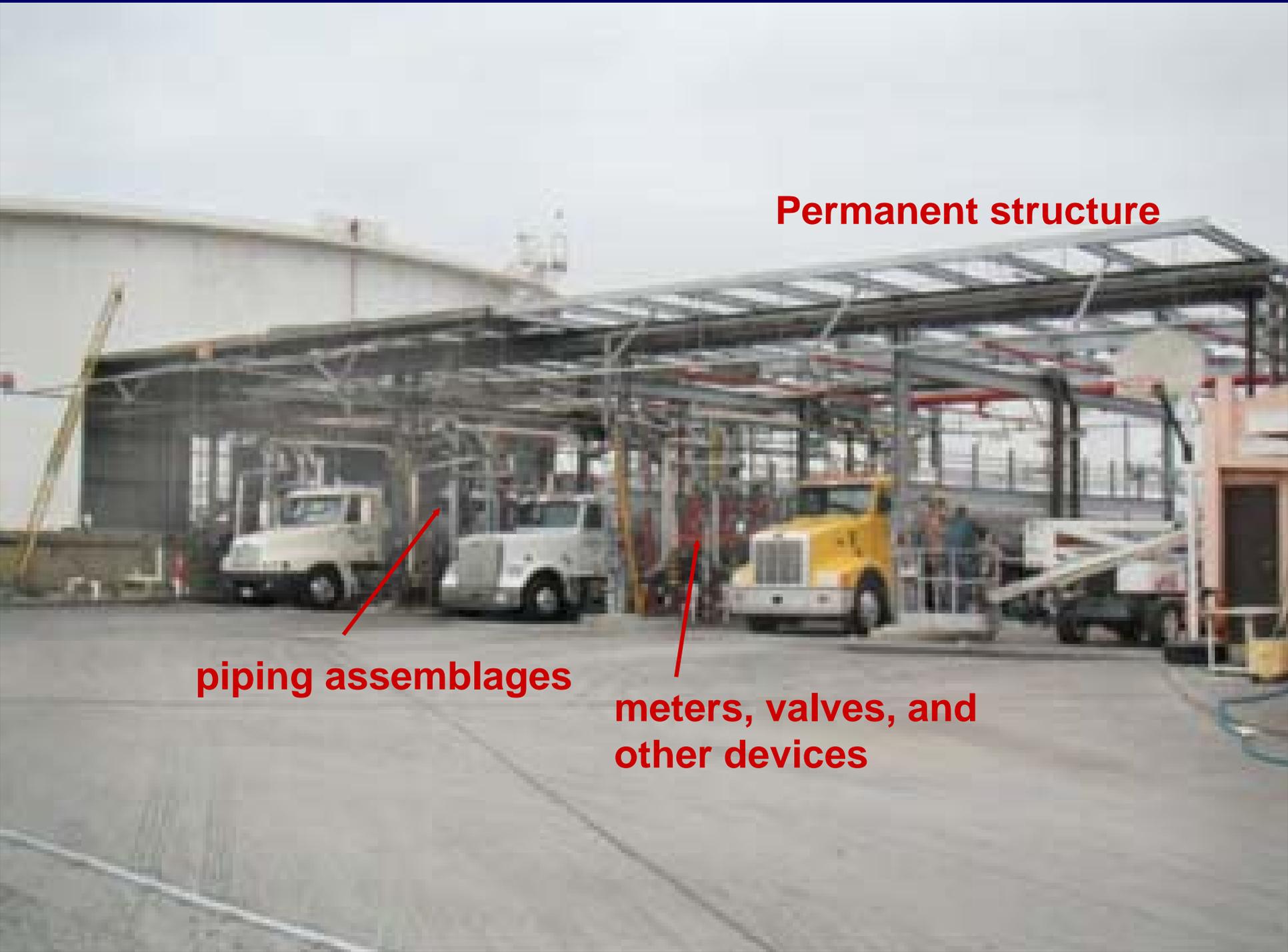
“Loading/unloading rack means a fixed structure (such as a platform or gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to the requirements of this part. A loading/unloading rack includes a loading or unloading arm and may include any combination of the following: Piping assemblages, valves, pumps shut-off devices, overfill sensors, or personnel safety devices.”

- The term “rack” replaces “area” throughout the 40 CFR 112.7(h) requirement.
- Production facilities and farms are excluded from 40 CFR 112.7(h).
- As oil transfer areas oil production facilities and farms are still subject to the general containment requirements of 40 CFR 112.7(c).

**Permanent structure**

**pipng assemblages**

**meters, valves, and  
other devices**





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STAY BACK WHEN UNLOADING

MAIL 2

HYD

OIL  
TRANSPORT  
UNLOAD

9 29 '06



CAUTION  
NO SMOKING  
OR OPEN FLAME

FUEL

FUEL  
OR

9/12/2000

18

# Tier I Qualified Facilities

- Tier I Qualified Facilities Are a subset of Tier II Facilities as they have less than 10,000 gallons total storage capacity, no single discharge of oil exceeding 1,000 gallons or any two discharges exceeding 42 gallons each in last 3 years. Unlike Tier II Facilities, Tier I Facilities have no oil storage containers exceeding 5,000 gallons.
- Tier I facilities can self-certify their SPCC Plan or complete a template in lieu of a full PE Certification. The Template can be found in Appendix G of the SPCC Rule.
- The Appendix G Template is designed to be a simple SPCC Plan.
- The Appendix G Template is limited to those facilities that do not use environmentally equivalent measures, do not determine secondary containment to be impracticable, and do not need PE certification to comply with any rule requirements.

# Definition of “Permanently Closed”: Preamble Clarification

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- Permanently closed containers may be brought back into use as needed for variations in production rates and economic conditions.
- Permanent closure requirements under the SPCC rule are separate and distinct from the closure requirements in regulations promulgated under Subtitle C of RCRA.

# General Secondary Containment Requirements 40 CFR 112.7(c)



secondary containment measures are those that require deployment or other specific action by the operator.

- Includes drip-pans, sumps, and collection systems.

# General Secondary Containment for Non-Transportation-Related Tank Trucks

- Mobile refuelers and other non-transportation related tank trucks are no longer subject to the sized containment requirements of 40 CFR 112.8(c).
- Mobile refuelers and other non-transportation related tank trucks are now subject to the general containment requirements of 40 CFR 112.7(c).
- Mobile refuelers and other non-transportation related tank trucks include those used to store (for short periods of time) and transport fuel, crude-oil, condensate, non-petroleum or other oils for transfer to or from bulk storage containers. For example, a truck used to refill oil-filled equipment at an electrical substation.

# Facility Security Requirements 40 CFR

## 112.7(g)

- Amendments allow the owner or operator to design the security arrangements at the facility to address the specific circumstances that apply.
- The SPCC Plan must describe how the owner or operator will secure and control access to all oil handling areas, starter controls on oil pumps, processing and storage areas, master flow and drain valves, and out of service loading/unloading connections and oil pipelines.
- The SPCC Plan must also address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.

# Integrity Testing 40 CFR 112.8(c)(6) and 40 CFR 112.12(c)(6)

- Requires the facility owner or operator to test/inspect each aboveground container on a regular schedule and whenever material repairs are made.
- Requires the facility owner or operator to determine, in accordance with industry standards, the appropriate qualifications of personnel performing tests and inspections and the frequency and type of testing and inspections which take into account container size, configuration, and design.
- Owner/operator can still use an alternative measure which provides equivalent environmental protections as provided by 40 CFR 112.7(a)(2).

# Animal Fats and Vegetable Oil Integrity Testing Requirements 40 CFR 112.(c)(6)

- Differentiated integrity testing requirements for storage containers subject to FDA regulation at 21 CFR Part 110.
- Provides the flexibility to use a visual inspection program for integrity testing that is appropriate for containers that store animal fats/vegetable oils (AFVOs) that meet certain criteria
- Storage containers must be elevated, made from Austenitic Stainless Steel, have no external insulation, and be shop fabricated.
- Facility owner or operator is required to document procedures for inspections and testing in the SPCC Plan.

# Modifications of SPCC Oil Production

## Facility requirements include:

- A revised definition of SPCC “Oil Production Facility” providing clarification on contiguous buildings, properties, parcels, etc.
- Revised requirements for flow-lines and intra-facility gathering lines, flow through process vessels, alternative qualified facility eligibility criteria, SPCC plan preparation and implementation.
- An exemption for produced water containers, eligibility criteria for alternative qualified facilities, and clarification of the definition of permanently closed containers.

# Manmade Structures: Preamble Clarification



- Freeboard for precipitation not necessary if container is indoors
- Indoor conditions that reduce external corrosion and potential for discharges, to develop a site-specific integrity testing and inspection program.

# Underground Storage Tanks at Nuclear Power Stations

- EPA is exempting USTs that:
  - Are deferred under 40 CFR part 280,
  - Supply emergency diesel generators at nuclear power generation facilities licensed by Nuclear Regulatory Commission (NRC), and meet the NRC design criteria and quality assurance criteria.
- This exemption includes both tanks that are completely buried and tanks that are below-grade and vaulted (but can't be visually inspected).
- NRC sets certain criteria to cover the design, fabrication, installation, testing and operation of structure, systems, and components. Certain actions necessary to comply with SPCC rule could be similar, duplicative, and/or impracticable at NRC facilities.

# Wind Turbines: Preamble Clarification



Imp practicability determination, and

– Establish and document an inspection or monitoring program

- The design of the wind turbine may inherently provide sufficient secondary containment for its oil reservoirs as determined by a PE (or owner/operator of a qualified facility)

# Compliance Dates (all Facilities)

- On June 11, 2009 EPA again extended the compliance date for all facilities to **November 10, 2010**. So.....
- a) If your facility was in operation on or before August 16, 2002
  - you must maintain your SPCC plan, but must amend it, if necessary to ensure compliance with this part, and must implement the amended Plan as soon as possible, but not later than **November 10, 2010**.

# Compliance Dates Continued (all facilities)

b) If your facility becomes operational between August 16, 2002 and November 10, 2010.

- you must prepare and implement a Plan by **November 10, 2010.**

c) If your facility becomes operational after November 10, 2010.

- you must prepare and implement a Plan **before** you begin operations.

# For More Information

- <http://www.epa.gov/oilspill>
- SPCC Hotline: (800) 424-9346
- Alan Hancock: (913) 551-7647

## Questions?