

November 2009

Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements

If you handle oil or oil products, you could be subject to the Spill Prevention Control and Countermeasure (SPCC) regulations. These regulations are found in federal regulations (40 CFR Part 112) and require that certain procedures, methods and equipment be used to prevent and contain discharges of oil or petroleum products. This includes the development of an emergency action plan.

The regulations apply to non-transportation-related facilities that store oil or petroleum products in greater than threshold quantities.

Facilities are regulated if, due to their location, a discharge could reasonably be expected to reach a waterway (including sewer pathways).

This fact sheet has been prepared to help you determine if your business is subject to the SPCC requirements.

***** NOTE *****

Under the SPCC regulations, the definition of oil is very broad and includes animal, vegetable and soluble oils.

Other common oil and petroleum products that are regulated include: heating oil, crude oil, mineral oil, gasoline and diesel fuel.

How do I know if my facility is subject to these regulations?

First you need to determine the oil storage capacity at your facility. If you

have any of the following storage capacities, you are subject to the SPCC regulations:

- A total aboveground storage capacity of 1,320 gallons; or
- More than 42,000 gallons of underground storage capacity. This excludes tanks regulated under 40 CFR Parts 280 or 281. In Ohio these tanks are regulated by the State Fire Marshal's Bureau of Underground Storage Tank Regulations (BUSTR).

Storage tanks in basements are considered aboveground storage tanks rather than underground storage tanks.

It is important to note that the total capacity of your tanks or containers must be considered, not the actual amount of oil stored or the portion commonly used.

If you are storing oil in containers that are less than 55 gallons in size, you do not need to include these in calculating your SPCC storage capacity.

What are examples of SPCC regulated facilities?

Some examples of facilities covered by the SPCC program are listed below; however, other facilities may also be subject to the regulations:

- Vehicle maintenance and refueling facilities;
- Facilities that use, store, produce, gather or process oil or petroleum products;
- Oil drilling, production and refining facilities;
- Waste treatment facilities;

- Loading areas/racks, transfer hoses, loading arms and other equipment which are part of a non-transportation-related facility;
- Highway vehicles and railroad cars used to transport oil within the confines of a non-transportation-related facility; or
- Pipeline systems used to transport oil exclusively within the confines of a non-transportation-related facility.

Are there any exemptions?

The following are exempt from the SPCC regulations:

- Some transportation-related activities. These include highway vehicles, railroad cars, pipelines and breakout storage tanks needed for the continuous operation of a pipeline. Transportation facilities used for routine on-site storage may not be exempt;
- Containers less than 55 gallons;
- Permanently closed containers;
- Underground storage tanks regulated in Ohio by BUSTR; or licensed by the Nuclear Regulatory Commission;
- Tanks used exclusively for wastewater treatment. The production, recovery or recycling of oil is not considered wastewater treatment;
- Hot mix asphalt;
- Residential heating oil;
- Pesticide application and mixing; and
- Onboard bulk storage containers used to power the movement of a motor vehicle or ancillary onboard oil-filled operational equipment.

Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements

How do I comply with the SPCC requirements?

If you are subject to the SPCC rules, there are two basic requirements:

- Provide adequate secondary containment for oil or petroleum product storage and transfer areas to contain any releases; and
- Prepare and implement a written SPCC plan.

What is adequate secondary containment?

The secondary containment system must be constructed so that a discharge from a storage tank or pipe will not escape before a cleanup occurs. To meet this criteria, containment systems are usually designed to hold 110 percent of the volume of the largest tank or container in the area.

Transfer areas also need to have sufficient containment capacity to hold at least the largest single compartment of the tank car or truck. Appropriate containment for onshore facilities may include:

- Impervious dikes, berms or retaining walls;
- Curbing;
- Culverts, gutters or other drainage systems;
- Weirs, booms or other barriers;
- Spill diversion or retention ponds;
- Sorbent materials; or
- Shop fabricated double-walled tanks meeting UL standards.

What are the requirements of a written SPCC plan?

In addition to secondary containment, if you are subject to the SPCC regulations you must have a written SPCC plan. The SPCC plan needs to describe all measures taken at your facility to

prevent and control a release of oil or petroleum products, including:

- Facility operations, staffing, site security, spill history and documentation of annual oil-handling employee training;
- Oil release scenarios that include possible volume of the spill and the direction of flow;
- Notification procedures (including an emergency call down list);
- A facility site plan showing areas of oil storage and transfer;
- A description of containment structures or equipment used to prevent releases;
- A description of the procedures to stop, contain and clean up any released materials, including procedures for managing collected rain water;
- Oil storage inspection procedures;
- A written commitment of manpower, equipment and materials to expeditiously control and remove any amount of oil that may be spilled; and
- Written procedures for integrity and leak testing of tanks, containers, valves and piping.

The SPCC plan must be prepared and implemented before you begin operations, and it must be updated every five years or whenever significant changes in oil storage occur. In addition, your oil-handling employees need to be trained on the contents of the SPCC plan.

The SPCC plan must also be signed by your management and you must have the plan certified by a professional engineer (PE) familiar with your facility, unless you meet the requirements to self-certify your plan as described below. The PE is certifying that he is familiar with the SPCC requirements, that he or his agent has visited and examined your facility, that your SPCC plan has been prepared in accordance with the SPCC

requirements and good engineering practices, that procedures for inspections and testing have been established, and your that plan is adequate for your facility.

You must document that your management has reviewed your plan every five years, even when there are no changes. Any technical modification to your plan also needs to be certified by a PE. Non-technical modifications, such as changes to the contact list or phone numbers, do not require a PE certification.

Your SPCC plan must be kept on site and be available for review if your facility is attended at least four hours per day.

Do I have to hire a PE to review and certify my plan?

If you meet the following criteria, you have the option to self-certify your SPCC plan instead of having your plan reviewed and certified by a PE:

- Have 10,000 gallons or less in aggregate aboveground oil storage capacity, and
- For the three years prior to your plan's certification date, you have not had discharges of oil to waters of the state that exceed:
 - A single discharge of 1,000 gallons of oil from your facility; or
 - Two discharges of more than 42 gallons of oil in a 12-month period.

However, if you want to use alternative methods that provide equivalent environmental protection, or if you have determined that secondary containment is impractical, then a PE will need to review and certify those aspects of your plan. You can still self-certify the remaining portions of your plan.

Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements

Are there other reduced requirements for facilities that don't store a lot of oil?

Yes. If you meet the criteria mentioned in the previous paragraph you also have the option to use streamlined facility security and tank integrity inspections requirements designed for smaller facilities.

How will I know if my SPCC plan is adequate?

You can compare your plan to sample plans, available from a number of sources, such as the American Petroleum Institute (www.api.org). In addition, you can access resources to help you understand, develop, and implement your SPCC plan from U.S. EPA's Web site at www.epa.gov/oilspill/spcc.htm.

Does Ohio EPA have to approve my SPCC plan?

No, Ohio EPA does not approve SPCC plans. Rather, you verify through management sign-off and certification that your company's SPCC plan has been implemented and meets the requirements of the regulations.

Only facilities subject to the Facility Response Plan (FRP) portion of the SPCC regulations must have their plans approved by U.S. EPA or the Coast Guard in order to operate. FRP facilities are those that have one million gallons or more of oil storage capacity, or transfer oil over water in vessels that have oil storage capacities of 42,000 gallons or more.

Do I need to send my SPCC plan to the EPA?

After you complete your SPCC plan, you are not required to submit it to the EPA, unless either U.S. EPA or Ohio EPA specifically requests that you submit it, or if the following conditions exist:

- If a release of 1,000 gallons or more occurs from your facility; or
- You have two releases of more than 42 gallons each within a 12-month period.

In this case, you must submit specific information related to the release and, if requested, your SPCC plan, to U.S. EPA Region 5 and the appropriate Ohio EPA district office emergency response program.

However, you should note that either U.S. EPA or Ohio EPA may, at some time, inspect your facility and ask to see your SPCC plan. In this situation, it is important that you are able to locate and provide your plan for review.

What if my facility doesn't have a plan or hasn't followed the SPCC requirements?

Depending on the circumstances and degree of inadequacy, you may be able to reach compliance without facing fines. That's why it is important to contact Ohio EPA if you are unsure about your status of compliance with the SPCC regulations or how to develop a plan. In serious cases, though, a company can be subject to violations or penalties.

Are there other environmental regulations affecting my oil storage?

If your facility has any oily wastewater that flows through a treatment device such as an oil/water separator, a wastewater permit may be required for this unit. For more information, contact your Ohio EPA district office Division of Surface Water.

If you generate, collect, transport, burn or market used oil, you will also be subject to Ohio's used oil regulations. Contact the Division of Hazardous Waste Management at your Ohio EPA district office for more information.

If you store oil in underground tanks, you may be subject to BUSTR's regulations. Contact BUSTR at (614) 752-7938 for more information.

Where can I get more information on the SPCC program?

For more information on the SPCC program, contact the SPCC coordinator at your Ohio EPA district office, or visit U.S. EPA's Web site at www.epa.gov/oilspill.

Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements



District Offices



Toll-free numbers are for citizens with questions or concerns about environmental issues. The regulated community should use the business line for routine business. Spills and emergencies should be reported to (800) 282-9378.

CDO Central District Office
 50 W. Town St. Suite 700
 Columbus, OH 43215
 (614) 728-3778
 (614) 728-3898 Fax
 (800) 686-2330
www.epa.ohio.gov/cdo

NWDO Northwest District Office*
 347 N. Dunbridge Rd.
 Bowling Green, OH 43402
 (419) 352-8461
 (419) 352-8468 Fax
 (800) 686-6930
www.epa.ohio.gov/nwdo

SEDO Southeast District Office
 2195 Front St.
 Logan, OH 43138
 (740) 385-8501
 (740) 3856490 Fax
 (800) 686-7330
www.epa.ohio.gov/sedo

NEDO Northeast District Office
 2110 E. Auroa Rd.
 Twinsburg, OH 44087
 (330) 963-1200
 (330) 487-0769 Fax
 (800) 686-6330
www.epa.ohio.gov/nedo

* For businesses in Ashland, Richland and Marion counties, contact the Central District Office.

SWDO Southwest District Office
 401 E. Fifth St.
 Dayton, OH 45402-6357
 (937) 285-6357
 (937) 285-6249 Fax
 (800) 686-6357
www.epa.ohio.gov/swdo