



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

REGULATORY SUMMARY

EPA Amends Spill Prevention, Control, and Countermeasure (SPCC) Rule

This information is provided as a service of NASA's Principal Center for Regulatory Risk Analysis and Communication (RRAC PC) to inform you of regulatory developments. If you have further questions and/or need assistance with this matter, please contact Sharon Scroggins/MSFC (256-544-7932, sharon.scroggins@nasa.gov).

Introduction

The U.S. Environmental Protection Agency (EPA) is amending certain requirements for facilities subject to the Oil Spill Prevention, Control, and Countermeasure (SPCC) regulations. The final rule ([71 Federal Register \[FR\] 77266](#), 26 December 2006), which becomes effective 26 February 2007, provides streamlined options for specific qualified facilities and exemptions from the SPCC regulations for certain vehicle fuel tanks and other on-board bulk oil storage containers. EPA also is exempting mobile refuelers from the sized secondary containment requirements for bulk storage containers.

EPA also issued a proposed rule ([71 FR 77357](#), 26 December 2006) to extend the compliance dates from 31 October 2007 to 1 July 2009 for owners and operators of facilities to amend and implement an existing SPCC plan or, in the case of new facilities, time to prepare and implement a new SPCC plan. Facilities in operation before 16 August 2002 that have developed, implemented, and maintained SPCC plans are required to maintain their plans during the interim until the applicable dates by which their existing plans must be amended and implemented.

Background

The SPCC regulations apply to owners or operators of facilities that:

- Drill, produce, store, process, refine, transfer, distribute, use, or consume oil or oil products, and
- Could reasonably be expected to discharge oil to U.S. navigable waters or adjoining shorelines.

Additionally, facilities are subject to the rule if they have an aboveground oil storage capacity greater than 1,320 gallons or underground oil storage capacity greater than 42,000 gallons that is not subject to the underground storage tank (UST) regulations. The SPCC regulations include exemptions for the following equipment:

- Completely buried storage tanks subject to all of the technical requirements of the UST regulations (40 *Code of Federal Regulations* [CFR] 280 or as adopted by the state)
- Containers with a storage capacity less than 55 gallons of oil

- Parts of wastewater treatment facilities used exclusively for wastewater treatment (e.g., tanks used to hold oil recovered from oil/water separators in a wastewater treatment facility are subject to the SPCC regulations)
- Permanently closed containers

Summary of Final Rule

In December 2006, EPA amended the SPCC rule to streamline several requirements and to provide relief for certain facilities. Regulated facilities are required to develop and implement SPCC Plans that establish procedures and equipment requirements to prevent oil discharges from reaching navigable waters or adjoining shorelines. The revised rule modifies requirements for 1) facilities with a smaller oil storage capacity; 2) facilities with specific types of oil-filled operating equipment; 3) motive power containers; and 4) mobile refuelers. The amendment also removes certain requirements for animal fats and vegetable oils.

To use either of the first two modified requirements, the facility must meet requirements for its reportable discharge history. The facility must not have had: 1) a single discharge of oil to navigable waters exceeding 1,000 U.S. gallons; or 2) two discharges of oil to navigable waters each exceeding 42 U.S. gallons within any 12-month period, in the 3 years prior to the SPCC Plan certification date, or since becoming subject to 40 CFR Part 112 if operating for fewer than 3 years.

Facilities with Smaller Amounts of Oil

If a facility has 10,000 gallons or less in aggregate aboveground oil storage capacity and meets the oil discharge history criteria, the facility may:

- Prepare a self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer (PE)
- Meet tailored facility security and tank integrity inspection requirements without PE certification
- Prepare a plan that includes PE-certified environmentally equivalent measures or impracticability determinations that would require PE certification for only the portions dealing with environmental equivalence and impracticability determinations. The remaining portions of the plan could be self-certified by the facility owner or operator.

Facilities with Oil-filled Operational Equipment

Under the SPCC regulations, oil-filled operational equipment means equipment where oil is held solely to support the function of the device (e.g., hydraulic systems, transformers). Oil-filled operational equipment is not subject to the same requirements as bulk storage containers under 40 CFR 112.8 (e.g. secondary containment around the container). However, oil-filled operational equipment is subject to the general requirements of 40 CFR 112.7, including the general secondary containment requirements of 40 CFR 112.7(c). The recently promulgated changes allow owners of oil-filled operational equipment more flexibility.

The oil-filled operating equipment must meet the same discharge history as discussed above, with an added qualifier: in addition, the discharges cannot be from any oil-filled operating

equipment at the facility. If a facility has oil-filled operational equipment and meets the oil discharge history criteria, the facility:

- May implement an inspection and monitoring program, develop an oil spill contingency plan, and provide a written commitment of resources to control and remove oil discharged, for qualified oil-containing operational equipment in lieu of secondary containment for the equipment
- Does not need to make an impracticability determination for each piece of equipment

Note that EPA specifically did not include oil-filled manufacturing equipment in the definition of oil-filled operational equipment. Oil-filled manufacturing equipment remains subject to the general secondary containment requirements of 40 CFR 112.7(c).

Motive Power Containers

The amended rule clarifies that motive power containers (e.g., automotive or truck fuel tanks) are exempt from the SPCC rule. Oil-transfer activities within an SPCC-regulated facility (i.e., fueling from a bulk storage tank) remain covered by the SPCC rule.

EPA also states that non-self-propelled stationary or towed equipment is subject to the SPCC rule. These types of equipment include stationary cranes, distributed generator systems (gensets), or towed ground service equipment.

Mobile Refuelers

EPA has defined mobile refuelers as a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from a vehicle or other storage container. Mobile refuelers are now subject only to the general secondary containment requirements of 40 CFR 117, and do not need specific secondary containment with a certain volume.