

SPCC Plan Services

“We Lay the Groundwork for Success”



Spill Prevention Control and Countermeasures Plan Finalized Rule Amendments

A Spill Prevention Control and Countermeasure (SPCC) Plan must be prepared to maintain compliance with amended U.S. EPA regulations adopted November 5, 2009. Is your SPCC plan in compliance with these new regulations?

Federal Regulations

The goal of Federal Oil Pollution Prevention regulation in 40 CFR Part 112 is to prevent oil discharges from reaching navigable waters of the United States or adjoining shorelines. Oil is defined by the Federal rule to include: petroleum; fuel oil; sludge; oil refuse; fats, oils or greases of animal, fish, or marine mammal; vegetable oils including oils from seeds, nuts, fruits, or kernels; synthetic oils; and mineral oils.

As a cornerstone of U.S. EPA's strategy to prevent oil spills from reaching our nation's waters, the U.S. EPA requires that certain facilities develop and implement oil Spill Prevention Control and Countermeasures (SPCC) Plans. Unlike oil spill contingency plans that typically address spill cleanup measures after a spill has occurred, SPCC plans ensure that facilities put in place containment and other countermeasures that would prevent oil spills that could reach navigable waters. A spill contingency plan is required as part of the SPCC Plan if a facility is unable to provide secondary containment (e.g., berms surrounding the oil storage container).

The elements of the SPCC Plan include:

- Discussion of conformance with federal regulations
- Facility description, diagram, and contacts
- Container capacity and identification of container contents
- Discharge prevention and control measures

- Discharge countermeasures and recovered material disposal methods
- Discharge notification information and procedures
- Potential spill predictions (volumes, rates, flow direction, and quantities)
- Written inspection and/or test procedures
- Non-destructive container integrity testing requirements
- Personnel training
- Facility security and lighting

The regulations require that a Professional Engineer certify that the SPCC Plan has been prepared in accordance with “good engineering practice, including consideration of applicable industry standards, and provide environmental protection equivalent to the measures described in the SPCC rule.”

California Regulations

In 1989, the California Legislature found that in order to protect the state's people and natural resources from aboveground petroleum storage tank spills, an inspection program was necessary. The Aboveground Petroleum Storage Act (APSA) became effective January 1, 1990. In general, the APSA requires owners or operators of aboveground petroleum storage tanks and wastewater treatment facilities to file a storage statement, pay a fee, and prepare & implement a federal SPCC plan. The local Certified Unified Program Agency (CUPA) oversees compliance with the APSA as well as the SPCC rule.

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Who is subject to the regulations, and who is exempt? The SPCC rule applies to owners or operators of facilities that store, use, process, refine, transfer, distribute, or consume oil and oil products. The federal regulations have three basic criteria before a facility is subject to the rule: (1) it must be non-transportation related; (2) it must have an aggregate aboveground storage capacity in excess of 1,320 gallons (based upon the total capacity of containers in excess of 55 gallons each) or an Underground Storage Tank (UST) capacity in excess of 42,000 gallons (unless the UST's comply with 40 CFR Parts 280, and 281); and (3) it must pose a reasonable threat of a discharge into or upon navigable waters of the United States. APSA has limited the exception identified as item 3 in the preceding sentence by issuing the opinion that all aboveground petroleum tanks in California have a reasonable probability of discharging.

Farm SPCC Plans

The U.S. EPA under the SPCC rule defines a farm as "a facility on a tract of land devoted to the production of crops or raising of animals including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year." If your farm meets this definition and if you have oil storage in excess of the quantities noted previously, you are required to prepare a SPCC Plan. SPCC Plan preparation is required by the SPCC rule to be completed by May 10, 2013.

Changes in the Federal Rule

On November 5, 2009, U.S. EPA adopted revisions to the SPCC rule. The revised rule reduces the number of facilities regulated and changes some requirements.

Highlights of SPCC Rule:

- Promulgates SPCC rule changes adopted December, 2008
- Excludes oil production and farm loading and unloading rack requirements contained in the December, 2008 SPCC rule changes

- Excludes hot asphalt mix containers from being included in SPCC Plans
- Allows deviations from most SPCC rule provisions (with the exception of secondary containment requirements) when equivalent environmental protection is provided
- Provides for a flexible plan format, but requires a cross-reference showing that all regulatory requirements are met
- Clarifies rule applicability to the storage and operational use of oil;
- Increases the SPCC Plan review/ update period to five years
- Requires regular non-destructive container inspections consistent with industry standards promoted by the Steel Tank Institute or the American Petroleum Institute.
- Requires facilities to implement several formerly-optional facility attributes, including lighting and secondary containment

Where Things Stand Today?

The U.S. EPA published a final rule amending the Spill Prevention, Control, and Countermeasure (SPCC) Rule in the Federal Register on November 5, 2009—The finalized amendments to the SPCC rule became effective on January 14, 2010. The U.S. EPA provides information regarding the finalized amendments on their website www.epa.gov/emergencies/content/spcc/spcc_nov09amend.htm.

Condor Services

Condor engineering staff, including Registered Professional Engineers, can review and certify your self-developed SPCC Plan, develop a SPCC Plan, or update your current SPCC Plan to meet the amendments to the SPCC rule.

For additional information contact:

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