

PLAN TRAIN EXERCISE SUCCEED PLAN TRAIN EXERCISE SUCCEED PLAN TR
N EXERCISE SUCCEED PLAN TRAIN EXERCISE SUCCEED PLAN TRAIN EXERCISE



Presented by:
Eric G. Politte, P.E.
Response Management Associates, Inc. (RMA)
President
281-320-9796
www.rmaworld.com

Presented by Response Management Associates

40 CFR Part 112

Spill Prevention, Control and Countermeasure (SPCC) Plan

Presented by:

Eric G. Politte, P.E.

Response Management Associates, Inc. (RMA)

President

281-320-9796

www.rmaworld.com



40 CFR Part 112

Spill Prevention, Control and Countermeasure (SPCC) Plan

- The original SPCC regulation promulgated in 1973;
- Issued under the authority of the FWPCA (aka CWA) Sections 311(j)(1)(C) and 501;
- Codified at 40 CFR part 112; and
- First effective on January 10, 1974.

Recent History of the SPCC Rule

- July 17, 2002 – Rule Published in Federal Register
- August 16, 2002 – Rule Effective Date

- February 17, 2003 – First Amended Plan Completion Deadline
- April 17, 2003 – First Extended Plan Completion Deadline
- August 17, 2004 – Final Extended Plan Completion Deadline – Rule Change published in the Federal Register April 17, 2003

- August 18, 2003 – First Full Implementation Deadline
- February 18, 2005 – Final Extended Full Implementation Deadline – Rule Change published in the Federal Register April 17, 2003

Compliance Time Line

July 17,
2002

August 16,
2002

August 17,
2004

February 18,
2005

Final rule
published

Effective date of
Final rule – applies
to existing and
new facilities

Existing facilities
(in Operation on
or before August 16, 2002)
Must have Plan prepared,
Including amendments.

Existing facilities
Must implement the
amended Plan.

New facilities
Beginning Operation after
Aug. 16, 2002 must prepare
and implement a Plan.

New facilities
(in operation after this date)
must prepare and
implement a Plan before
beginning operations.

40 CFR Part 112

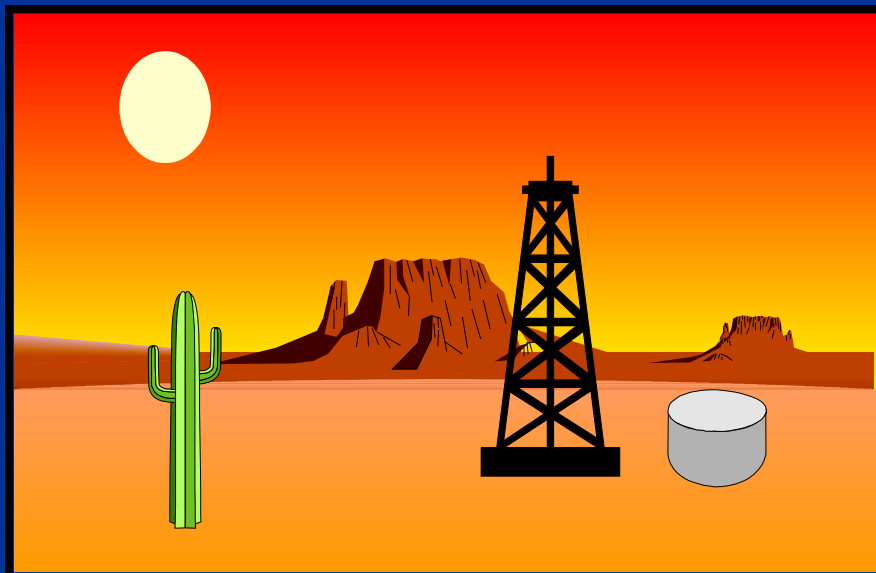
- 112.1 = General Applicability
- 112.2 = Definitions
- 112.3 = Compliance Timeline; P.E. Cert Rqmnts, etc.
- 112.4 = Data Submission in case of spill; Amendment by RA
- 112.5 = Plan Amendment by Owner/Operator
- 112.6 = [Reserved]
- 112.7 = General SPCC Requirements
- 112.8 = SPCC Requirements for Onshore Facilities
(excluding production)

PART 112 - DOES APPLY



- **Non-transportation** related facilities which, due to their location could reasonably be expected to **discharge** oil into or upon the **navigable waters** of the United States or adjoining shorelines

PART 112 - DOES NOT APPLY



- **Non-transportation** related facilities which, due to their location **could not reasonably be expected** to discharge oil into or upon the navigable waters of the United States or adjoining shorelines.

Jurisdiction

- **Old rule**

- Applies to owners/operators of facilities that drill, produce, gather, store, process, refine, transfer, distribute, or consume oil and oil products.

- **Revised rule**

- Also applies to owners/operators that use “oil in quantities that may be harmful.”

Equipment “Using” Oil

“Using” = Broader Coverage

- Addition of “using” may increase the number of facilities which have applicable storage operations. This could be interpreted to include large engine crankcases, process vessels, transformers, etc. with oil capacities of 55 gallons or greater.
- The addition therefore creates the potential need for compressor, generator, pump stations, transformer sites, and process (using oil) to develop plans.



Aboveground Storage Container Thresholds

- **Old rule**

- Regulates facilities that have a **single** aboveground container with more than **660** gallons capacity or **aggregate** aboveground capacity greater than **1,320 gallons**.

- **New rule**

- Regulates facilities that have **single or aggregate** aboveground storage capacity greater than **1,320 gallons**. Removes 660 gallon single container threshold.

(Caution: Watch more stringent State Rules)

Aboveground Storage Container Capacity

- **Revised rule**
 - Excludes the capacity of containers that are **“permanently closed”** from the calculation of the total aboveground storage capacity threshold.
- **Revised rule**
 - Includes containers with **55 gallons capacity or greater** and the storage capacity of operating equipment and other containers when calculating the total aboveground storage capacity threshold.

Buried Storage Tank Thresholds

- **Old rule**

- Required capacity threshold for completely buried storage tanks is greater than **42,000 gallons**.

- **Revised rule**

- **Excludes** completely buried tanks if the tanks are subject to all of the technical requirements of **40 CFR part 280** or a **State program approved under 40 CFR part 281** (UST regulations).

Aboveground Storage Container Capacity

Container Size = “Shell Capacity”

- Although the definition of “Shell” can be somewhat ambiguous, container size cannot be equated to “safe fill”, “max fill”, high alarm levels, or other means of determining container size other than by calculating “shell” capacity. D16 references API 650.



Facility Diagram

- **Revised rule**

- The facility's **physical layout** must be described.
- A facility **diagram** must be included that marks the location and contents of each **container (including completely buried tanks), all transfer stations and connecting pipes.**

Integrity Testing for Aboveground Containers

[Onshore Facilities (Non-production)]

- **Old rule**

- Aboveground containers **should** be subject to periodic integrity testing using such techniques as hydrostatic testing, **visual inspection**, **or** a system of nondestructive shell thickness testing.

Integrity Testing for Aboveground Containers

[Onshore Facilities (Non-production)]

- **Revised rule**
 - (owner or operator must)
 - **Test** aboveground containers for integrity on a regular schedule, and when material repairs are done;
 - Take into account container size and design when deciding test frequency and type;
 - **Must Combine** visual inspection with another testing technique (such as hydrostatic, radiographic, ultrasonic, etc.).

Brittle Fracture Evaluation

- **Revised rule**
 - Owners/operators must evaluate **field-constructed** aboveground containers for **brittle fracture** when containers are undergoing repair, alteration, or change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe; and/or when there has been a discharge or failure due to brittle fracture or other catastrophe.

Buried Piping Installations

[Onshore Facilities (Non-production)]

- **Old rule**

- Buried piping installations **should** have a protective wrapping and coating and should be cathodically protected, if soil conditions warrant

- **Revised rule**

- Buried piping installed or replaced on or after August 16, 2002 **must** be protectively wrapped, coated and cathodically protected; or otherwise satisfy the corrosion protection provisions for piping in 40 CFR Parts 280/281.

- **Revised Rule**

- The **walls and floor** of the containment must be capable of containing oil and must be constructed so that any discharge from a tank or pipe will not escape containment **before cleanup occurs.**



- **Significant Impact**

- Although not specifying a permeability factor, containment systems must be capable of containing discharged “oil” until the time at which cleanup occurs. The language specifically references both the horizontal (walls) and the vertical (floor) containment.

Training

- **Revised rule**
 - Conduct **training** for only oil handling personnel in the operation and maintenance of equipment to prevent oil discharge.
 - **Schedule** and **conduct** discharge prevention briefings for oil handling personnel at least once a year. The requirement to designate a person at each facility stays the same.

Other Key Additions

Countermeasures

- The Plan must address countermeasures for discharge discovery, response and cleanup (addressing both facility and contract capability)

Contingency Procedures

- If the Facility is not currently an OPA 90 jurisdictional facility with a part 112.20 response plan, the SPCC Plan must address contingency procedures in the event of a discharge.

Other Key Additions

Notifications

- If the Facility is not currently an OPA 90 jurisdictional facility with a part 112.20 response plan, the SPCC Plan must have a Spill Notification Form – providing the spill reporter the ability to document and relay certain information to the National Response Center or other agencies.

Other Key Additions

Disposal Plan

- Must provide methods of disposal of recovered materials in accordance with applicable legal requirements.

Containment Volume

- 25/24 vs 110%
- 110% guidance provided in API Bulletin D-16

Deviations

- **Revised rule**
 - The Plan may **deviate** from the rule's substantive requirements (**except** for the secondary containment requirements), provided that the owner/operator **explains** the reason for nonconformance with the requirement, and provides **equivalent** environmental protection with an **alternate** measure.

Impracticability

- **Old rule**

- When it is not practicable to install secondary containment at a facility, the owner/operator must explain why and provide a **strong spill contingency plan** (per 40 CFR 109) describing **commitment of manpower, equipment, and materials** to control and remove any harmful quantity of oil discharged.

- **Revised rule**

- The owner/operator also must conduct **periodic integrity testing** of the containers; and conduct **periodic integrity and leak testing** of the valves and piping.

Professional Engineer Certification

- **Revised rule**
 - By certification, the PE attests that:
 - He is **familiar** with the requirements of the SPCC rule;
 - He or his **agent** has visited and examined the facility;
 - The Plan has been prepared in accordance with good engineering practice, including **consideration of applicable industry standards**, and with the requirements of the SPCC rule;
 - **Procedures for required inspections and testing have been established;** and
 - The Plan is **adequate** for the facility.

SPCC Spill Documentation Requirements Reduced

- **Old rule**

- Submit information to the RA when facility had a single discharge greater than 1,000 gallons of oil or had two (2) harmful quantity reportable discharges within any 12-month period.

- **Revised rule**

- Raises the threshold for submitting spill reports from two harmful quantity discharges to two (2) discharges of greater than 42 gallons each and reduces the amount of information going to the RA from 10 to 8 items. However, the 1000 gallon, single discharge trigger remains the same. (Note: This does not affect NRC reporting)

Plan Amendment

- **Old rule**
 - Plan must be reviewed at least every **3 years**.
 - Amendments to the Plan must be **certified** by a PE.
- **Revised rule**
 - The Plan must be reviewed at least every **5 years** and documentation of the completed review and evaluation process must be presented.
 - A P.E. must certify any **technical** amendments, not **non-technical** amendments such as phone number or name changes.

Other Revised Rule Issues

3 Issues THAT WERE in Litigation - Settled

- Truck Rack (vs Truck “Areas”)
- Produced Water (sought exemption clarification)
- Impracticability (use of costs)

1 Issue THAT’s STILL in Litigation

- Navigable Water (appeared to expand EPA jurisdiction)

What Now!

- Other Proposed Rulemaking in the wings

EPA Information and Hotlines

If ALL else fails, call for help!

- For SPCC, FRP, & OPA Information: **800-424-9346**



www.epa.gov/oilspill

oilinfo@epamail.epa.gov



Contact us for additional information or to discuss our SPCC development capabilities:

281-320-9796

egpolitte@rmaworld.com

www.rmaworld.com

Presented by Response Management Associates