

USEPA Overview of SPCC for Tribal Partners



Overview of SPCC for Tribal Partners

- This EPA-hosted session will provide a basic overview of the prevention program for oil spills under SPCC. The training objective is to provide attendees with a general awareness of the SPCC Program. The session will also include a question and answer segment where participants will be able to interact with the SPCC and CAMEO national program managers.
- The target audience for the Overview of SPCC includes:
 - All tribes (including state-recognized) that have any petroleum and/or chemical production, above-ground storage, processing or transportation (pipelines) within, through, or adjoining their tribal lands.
 - Tribal owners/operators of regulated oil and chemical facilities.
 - Alaska Native Corporations with regulated oil and chemical facilities.
 - Tribal environmental management agencies.
 - Tribal Emergency Response Commissions (TERCs) & Tribal Emergency Planning Committees (TEPCs).
 - Tribal first responders.
 - Tribal environmental nonprofit organizations.

USEPA Overview of SPCC for Tribal Partners

May 22, 2024



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Logistics

- EPA is recording the presentation, so we will set up a parking lot for sensitive questions after both presentations have been completed
- Breaks, as needed
- Katie will review the software
- Certificates

Katie Garvey

Host, me

Chat [refresh icon] [close icon]

To: Everyone [dropdown arrow]

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A Quick Chat Box Poll

What role do you play in
for your tribe and what is
your organizational or
tribal affiliation?

Please use the chat
function.



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Legal Disclaimer

This presentation is meant to provide an overview to EPA inspectors, owners and operators of facilities of regulated, and the general public on the implementation of the Spill Prevention, Control, and Countermeasure (SPCC) rule (40 CFR Part 112). This presentation seeks to promote nationally-consistent implementation of the SPCC rule. The statutory provisions and EPA regulations described in this presentation contain legally binding requirements. This presentation does not substitute for those provisions or regulations, nor is it a regulation itself. In the event of a conflict between the discussion in this presentation and any statute or regulation, this presentation is not controlling. This presentation does not impose legally binding requirements on EPA or the regulated community, and might not apply to a particular situation based upon the circumstances. The word “should” as used in this presentation is intended solely to recommend or suggest an action, and is not intended to be viewed as controlling. Examples in this presentation are provided as suggestions and illustrations only. While this presentation indicates possible approaches to assure effective implementation of the applicable statute and regulations, EPA retains the discretion to adopt approaches on a case-by-case basis that differ from this presentation where appropriate. Any decisions regarding compliance at a particular facility will be made based on the application of the statute and regulations. References or links to information cited throughout this presentation are subject to change. Rule provisions and internet addresses provided in this guidance are current as of May 2024. This presentation may be revised periodically without public notice.

Oil Regulations

- 40 CFR part 112 - Oil Pollution Prevention regulation
 - Specifies requirements for prevention of, preparedness for, and response to oil discharges
 - Spill Prevention, Control, and Countermeasure (SPCC)
 - Includes requirements for Facility Response Plans (FRPs)
- 40 CFR part 110 – Discharge of Oil (sheen rule)
 - Prohibition of oil discharge
 - Reporting requirements
 - Establishes harmful quantity

What does the SPCC rule require?

- Requires facilities to develop and implement a **site-specific SPCC Plan** to address:
 - Containment and procedures to *prevent* oil discharge (tank testing);
 - *Control* measures to keep an oil discharge from entering navigable waters (containment); and
 - *Countermeasures* to contain, clean up, and mitigate any oil discharge that affects navigable waters (spill response measures).
- Performance-based rule designed to implement the Congressional policy of “no oil discharges” to waters of the United States

1.2.6 Compliance Date Amendments

- EPA extended the compliance dates for facilities to update (or for new facilities to prepare) and implement an SPCC Plan
 - Eight times, 2003-2011
 - Guidance summarizes each of these extensions.
- New production facilities have six months to develop and implement their SPCC Plan
- **All compliance dates are in the past.**
 - If the owner or operator of a facility does not have an SPCC Plan, must develop a Plan immediately.
 - Plan must comply with all amendments to the rule.

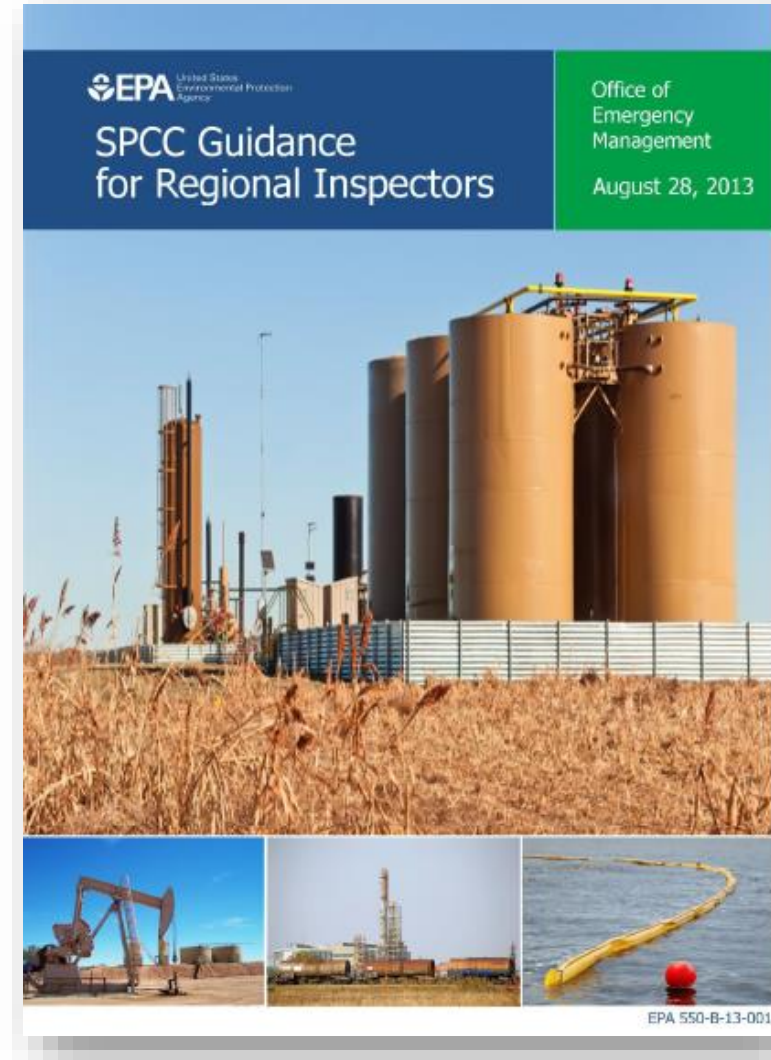
All other facilities starting operation...	Must...
On or before August 16, 2002	Maintain its existing SPCC Plan Amend and implement the amended SPCC Plan no later than November 10, 2011
After August 16, 2002 through November 10, 2011	Prepare and implement an SPCC Plan no later than November 10, 2011
After November 10, 2011 (excluding oil production facilities)	Prepare and implement an SPCC Plan before beginning operations
After November 10, 2011 (oil production facilities)	Prepare and implement an SPCC Plan within six months after beginning operations.

§112.3

SPCC Guidance

- EPA issued Version 2.0 of the SPCC guidance on **August 28, 2013**
- This presentation focuses on the *substantive* changes since the previous version.

*This presentation is not intended to serve as training on the entire SPCC rule, but rather focuses on the **new or revised content and structure of the Guidance.***



SPCC Rule Applicability

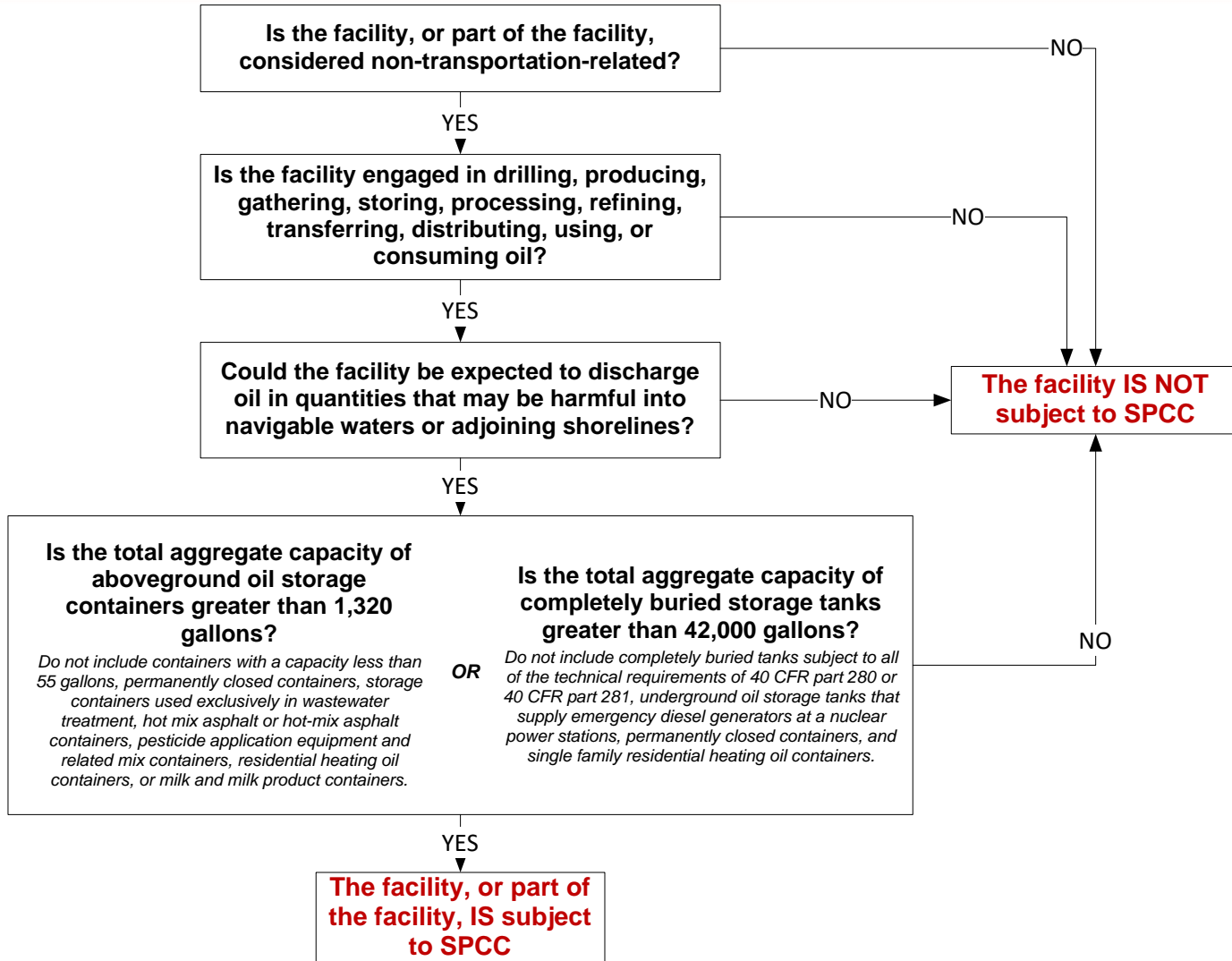
The SPCC rule applies to a **facility** that meets the following criteria:

- 1 Drills, produces, gathers, stores, processes, refines, transfers, distributes, uses, or consumes
- 2 oil and oil products; and
- 3 Is **non-transportation-related** (i.e. facility is not exclusively covered by DOI or DOT); and
- 4 Can reasonably be expected to discharge oil in **quantities that may be harmful** into or upon the **navigable waters** of the U.S. or adjoining shorelines; and
- 5 Meets **capacity thresholds**
 - Aboveground storage > 1,320 gallons; or
 - Completely buried storage > 42,000 gallons

Exemptions to SPCC Applicability

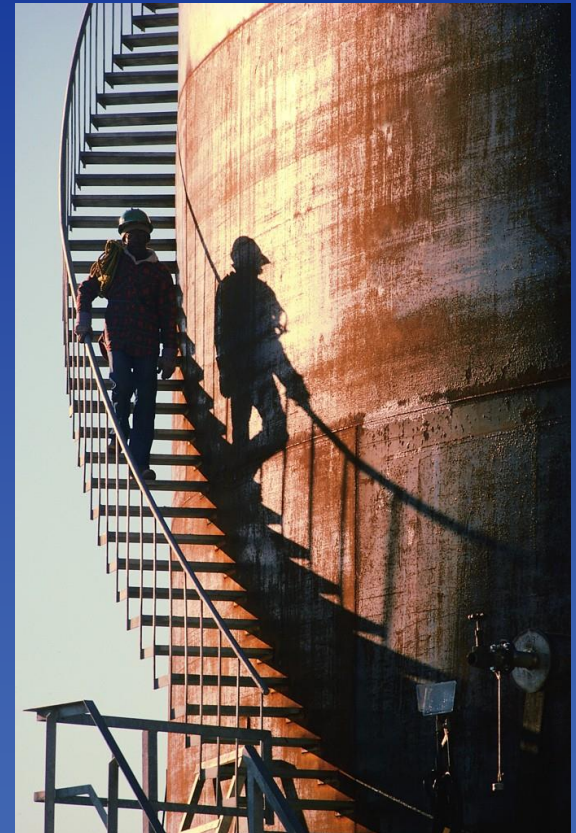
- Current exemptions to the SPCC rule include
 - Underground storage tanks subject to UST tech requirements
 - Wastewater treatment facilities
 - Motive power containers
- Exemptions in the 2008 amendments include
 - Hot-mix asphalt (HMA)
 - Residential heating oil containers (ASTs and USTs)
 - Pesticide application equipment
 - USTs at nuclear power generation facilities
 - Intra-facility gathering lines subject to the requirements of 49 CFR part 192 or 195

SPCC Applicability Flowchart



§112.3 Prepare and Implement a Plan

- The facility owner/ operator must prepare an SPCC Plan:
 - In writing
 - In accordance with §112.7 and any other applicable sections of 40 CFR part 112
- Compliance dates to prepare, amend, and implement an SPCC Plan



Professional Engineer Certification

- A licensed PE must review and certify a Plan and technical amendments
- The certification does not relieve the owner/operator of his duty to prepare and fully implement a Plan
- Qualified facilities may opt to self-certify Plans in lieu of PE-certification.
 - This will be discussed during the overview of 112.6
 - **Some states do not allow self-certification of SPCC Plans**



§112.4 Amendment of SPCC Plan by Regional Administrator

Notify Regional Administrator

- Submit specific information to the RA if the facility discharged:
 - More than 1,000 gallons of oil in a single discharge as described in §112.1(b)
 - More than 42 gallons of oil in each of two discharges as described in §112.1(b) within a 12-month period
 - The gallon amount (42 or 1,000) refers to the amount of oil that reaches navigable waters which is reportable under 40 CFR 110
- No action necessary until one of the above triggering events
- Still required to report to NRC in accordance with 40 CFR part 110
- More to information presented in part 2 of webinar

§112.5 Amendment of SPCC Plan by Owners or Operators

- For changes in facility design, construction, operation, or maintenance that materially affect the potential for a discharge as described in §112.1(b)
 - Commissioning and decommissioning containers
 - Replacement, reconstruction, or movement of containers
 - Reconstruction, replacement, or installation of piping systems
 - Construction or demolition that might alter secondary containment structures
 - Changes in product or service
 - Revision of operating or maintenance procedures
- Amend within 6 months; implement ASAP, but no later than 6 months after amendment

Plan Review



- Complete review and evaluation of Plan
 - Once every 5 years from the date facility becomes subject to the rule
 - If a facility was in operation on or before 8/16/2002, five years from the date of your last review required by the rule
 - Does not always require a PE
- Amend Plan within 6 months to include more effective prevention and control technology
- Implement ASAP, but no later than 6 months of amendment

§112.6 Qualified Facility Plan Requirements

- Smaller oil storage facility that is eligible for streamlined regulatory requirements
 - Self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer
- Must meet eligibility criteria to use alternative option
- 2008 amendments divided this group of facilities into tiers

Tier Options for Qualified Facilities Self-Certification

- Facilities must first qualify for this option
 - Clean spill History (back three years, 2-42 gallon or 1000)
 - 10,000 gallons or less of **AST** facility capacity
- Tier II
 - All qualified facilities are Tier II
 - Full SPCC with no PE certification of Plan (self cert)
 - EPA can request a PE Plan
- Tier I
 - Qualified facilities that have no AST larger than 5,000 gallons
 - Facilities can use the rule's Appendix G template
 - Reduced requirements (Tier II cant use the template)
- Self certification issues
 - State Law
 - The attestation for facilities

§112.7 General Requirements for SPCC Plans

Plan Format

- Prepare in writing and according to good engineering practice
- Approval of management with authority to commit resources to fully implement the Plan
- For procedures, methods, and equipment that are not yet fully operational:
 - Discuss in separate paragraphs
 - Explain separately the details of installation and start-up



SPCC Requirements for Onshore Bulk Storage Facilities (§112.8)

§112.8 SPCC Requirements for Onshore Facilities

- Outlines specific requirements (in addition to general requirements in §112.7) for **onshore facilities** (excluding production facilities) regarding:
 - Facility drainage
 - Bulk storage containers
 - Containment drainage requirements
 - Facility transfer operations, pumping, and facility process



NAME THAT TANK....FOR \$1,000

Convert-a-zontals

Specific (Sized) Secondary Containment Requirements

- Areas where certain types of containers, activities, or equipment are located may be subject to additional, more stringent, containment requirements
- Sized to largest tank or tanker compartment with freeboard for a rain event
- EPA does not specify a freeboard requirement
 - 110% rule of thumb and 25 year 24 hour storm event
- Specific minimum size requirement for secondary containment for the following areas:
 - Loading/unloading racks (no freeboard requirements)
 - Bulk storage containers
 - Mobile or portable bulk storage containers
 - Production facility bulk storage containers, including tank batteries, separation, and treating vessels/equipment

Regularly Scheduled Integrity Testing

- Applies to:
 - Large (field-constructed or field-erected) and small (shop-built) aboveground bulk storage containers
 - Aboveground bulk storage containers on, partially in (partially buried, bunkered, or vaulted tanks) and off the ground wherever located
 - Aboveground bulk storage containers storing any type of oil
 - Examples: mobile/portable containers, drums, totes



*What containers at a facility are **not** subject to integrity testing provisions?*

Overfill Protection

- Follow good engineering practices to avoid discharges from container installations
- Provide at least one of the following devices:
 - High liquid level alarms
 - High liquid level pump cutoff
 - Direct audible or code signal communication between container gauger and pumping station
 - Fast-response system for determining liquid level of each bulk storage container, with person present to monitor
- Regularly test liquid level sensing devices (follow manufacturers specifications)



25 15:26

Piping Installations

- Buried piping installed after **August 16, 2002** must be:
 - Protectively wrapped and cathodically protected; or
 - Satisfy the corrosion protection provisions for piping in 40 CFR parts 280 or 281 (state program)
- Requirement applies to all soil conditions
- Exposed piping must be inspected for corrosion
- Take corrective action if corrosion damage



Piping Installations (continued)

- Conduct regular inspections of all aboveground valves, piping, and appurtenances
 - Assess general condition of items such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces
- Conduct integrity and leak testing of **buried piping** at time of installation, modification, construction, relocation, or replacement
- Cap or blank-flange piping
- Signs to prevent pipe strikes
- Properly designed piping supports

The background of the slide features a silhouette of an oil pumpjack against a sunset sky. The sun is low on the horizon, creating a bright orange glow that transitions into a darker blue at the top. The pumpjack is positioned on the left side of the frame, with its long arm extending upwards and to the right. The text is overlaid on the right side of the image.

SPCC
Requirements
for Oil
Production,
Drilling and
Workover
Facilities
(§112.9-10)

General Requirements Applicable to ALL Facilities

- Production facilities must meet general requirements under §112.7
 - Except the security requirement (§112.7(g))
 - Except general containment requirement (§112.7(c)) for certain flowlines and gathering lines



§112.9 SPCC Requirements for Onshore Production Facilities

- Outlines specific requirements (in addition to general requirements in §112.7) for onshore production facilities regarding:
 - Facility drainage
 - Bulk storage containers
 - Facility transfer operations, pumping, and



SPCC Plan Preparation and Implementation Timeframe

- A new oil production facility has six months after the start of operations to prepare and implement an SPCC Plan.
 - A new oil production facility is one that becomes operational after November 10, 2010 (offshore or FRP) or November 10, 2011 (onshore).
 - “Start of operations” is indicated by the start of well fluid pumping, transfer via flowlines, separation,



Bulk Storage Containers at Production Facilities

Container
compatibility
(§112.9(c)(1)):

Do not use a container
for the storage of oil
unless its material and
construction are
compatible with the
material stored and the
conditions of storage



Equalizing Line





Flowlines and Intra-facility Gathering Lines

- What is a flowline?
 - Flowlines are piping that transfer crude oil and well fluids from the wellhead to the tank battery **and** from the tank battery to the injection well.
- What is a gathering line?
 - Gathering lines transfer crude oil product between tank batteries, within or between facilities.
 - Any gathering lines within the boundaries of a facility are “intra-facility gathering lines” and within EPA’s SPCC jurisdiction.
 - Gathering lines often originate from an oil production facility’s lease automatic custody transfer (LACT) unit.
- “Flowline” and “gathering line” are not defined in the rule.



Flowlines and Gathering Lines



Onshore Drilling and Workover Requirements



Onshore Drilling and Workover Requirements



- Meet general requirements listed under 40 CFR 112.7, and:
- Position or locate mobile drilling or workover equipment so as to prevent a discharge *§112.10(b)*

Onshore Drilling and Workover Requirements

- Provide catchment basins, reserve pits, or diversion structures to contain any spill of oil or oily fluids (drilling mud)



§112.10(c)

Onshore Drilling and Workover

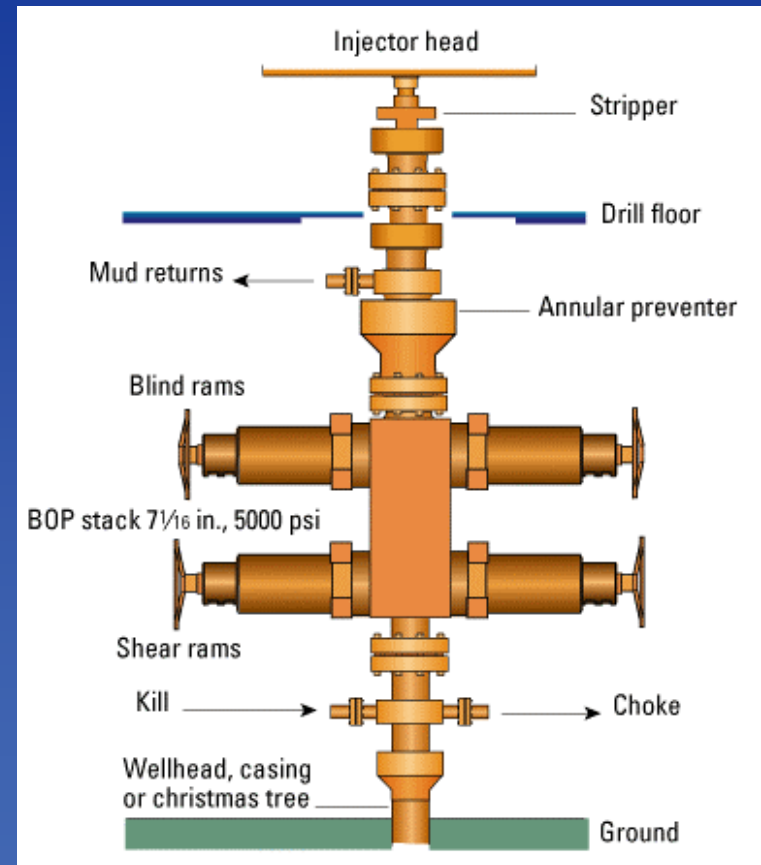
- No specific sizing requirement, and no freeboard requirement for secondary containment



§112.10(c)

Onshore Drilling and Workover

- Install a Blow Out Prevention (BOP) assembly and well control system
- The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered



§112.10(d)

Safety Moment

Oil Production and Exploration



H₂S

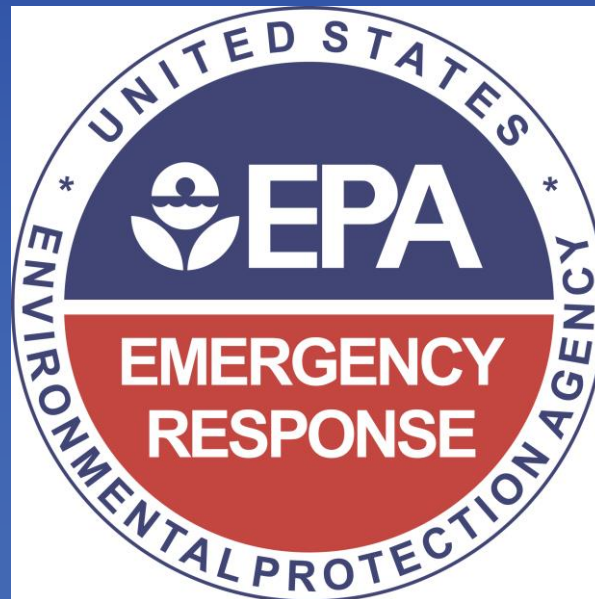


DO NOT ENTER



For More Information

- **EPA Emergency Management Web Site**
 - www.epa.gov/emergencies
 - www.epa.gov/oilspill
- **EPCRA, RMP, and Oil Information Center**
 - (800) 424-9346 or (703) 412-9810
 - TDD (800) 553-7672 or (703) 412-3323
 - <http://www.epa.gov/superfund/contacts/infocenter/index.htm>



Any Questions?



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U.S. EPA Office of Emergency Management

<http://www.epa.gov/emergencies>

<https://www.epa.gov/tribal-lands/forms/tribal-oil-spill-prevention-and-chemical-emergency-preparedness-webinars-0>

<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>

Oil Information Center:

(800) 424-9346 or TDD (800) 553-7672



Thank You

