



U.S. ENVIRONMENTAL PROTECTION AGENCY

MID-ATLANTIC REGION

OIL PROGRAM UPDATE

OCTOBER 2007

Serving: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia

The SPCC Rule Undergoes Proposed Amendments

On October 1, 2007, EPA Administrator Stephen L. Johnson signed a proposed rule to amend the Spill Prevention, Control, and Countermeasure (SPCC) rule at 40 CFR part 112. With these proposed changes, EPA intends to provide clarity, tailor, and streamline requirements as appropriate in order to encourage greater compliance with the SPCC regulations.

Quick Summary of the Proposed Rule:

All SPCC-regulated facilities would be potentially affected by the proposed amendments to provide:

- Clarity on the general secondary containment requirements
- Flexibility in the security requirements
- Flexibility in the use of industry standards to comply with integrity testing requirements
- Additional flexibility in meeting the facility diagram requirements and
- Clarification on the flexibility provided by the definition of "facility"

In addition to the amendments listed above, EPA is proposing to:

Exempt the following from SPCC regulations:

- hot-mix asphalt and hot-mix asphalt containers;
- pesticide application equipment and related mix containers used at farms;
- heating oil containers at single-family residences; and
- completely buried oil storage tanks at nuclear power generation facilities that meet the Nuclear Regulatory Commission design criteria and quality assurance criteria at 10 CFR part 50, Appendices A and B.

Differentiate integrity testing requirements for containers that store Animal Fats or Vegetable Oils (AFVO) and meet certain criteria and FDA regulatory requirements.

Define "loading/unloading rack" in order to clarify the equipment subject to the provisions for facility tank car and tank truck loading/unloading racks and **exclude** farms and oil production facilities from the loading/unloading requirements.

Streamline: requirements and allow the use of an SPCC Plan template for a subset of qualified facilities known as "Tier 1" qualified facilities (i.e., with no individual oil storage container with a capacity greater than 5,000 U.S. gallons up to an aggregate of 10,000 gallons); and several requirements for oil production facilities, including:

- Modify the definition of "production facility", consistent with the proposed amendments to the definition of facility".
- Extend the timeframe by which a new oil production facility must prepare and implement an SPCC Plan.
- Exempt flow-through process vessels at oil production facilities from the sized secondary containment requirements, while maintaining general secondary containment requirements and requiring additional oil spill prevention measures.
- Exempt flowlines and intra-facility gathering lines at oil production facilities from all secondary containment requirements, *while establishing more specific oil spill prevention measures.*
- Clarify the definition of "permanently closed" as it applies to an oil production facility.

(Note: EPA is also taking comment on approaches that could be used to establish alternative criteria for an oil production facility to be eligible to self-certify an SPCC Plan as a qualified facility, and approaches to address produced water containers at oil production facilities.)

Clarify that nurse tanks used at farms are included in the December 2006 amendments related to mobile refuelers and therefore exempt from the specifically sized secondary containment requirements for bulk storage containers.

Your Role:

You have the opportunity to comment on these proposed changes during a **60-day comment period**, following publication of the proposed rule in the **Federal Register (FR)**. The proposed rule was published in the FR on October 15, 2007. The comment period ends on December 14, 2007. A link to the published rule can be found at the website (<http://www.epa.gov/oilspill>). Submit your comments to (<http://www.regulations.gov>).

If you are the owner or operator of a SPCC-regulated facility, remember you are still required to comply with the existing SPCC regulations while EPA considers these proposed amendments.

More Information:

Text of the Publication Proposed Rule (http://www.epa.gov/oilspill/pdfs/SPCC10_1_07.pdf)

Facts Sheets on the Proposed Rule – 4 total (http://www.epa.gov/oilspill/spcc_oct07.htm)

Information about October 2007 proposed amendments to the SPCC Rule

Information for Farms about the October 2007 proposed amendments to the SPCC Rule

Information about the October 2007 proposed amendments to the SPCC Rule for Facilities handling Animal Fats and Vegetable Oils (AFVO)

Information for Oil Production Facilities about the October 2007 proposed amendments to the SPCC Rule.

Latest Activities with the SPCC Rule (<http://www.epa.gov/oilspill>)

Oil Information Helpline, (800) 424-9346 or <http://www.epa.gov/superfund/resources/infocenter>

Some of the information for this article was compiled from (<http://www.epa.gov/oilspill>) and associated links.

TO REPORT SPILLS
National Response Center
Chemical or Oil
1-800-424-8802

An Overview of the SPCC/FRP Inspection Process

The Federal Oil Pollution Prevention Regulation consists of the Spill Prevention Control and Countermeasure (SPCC) rule and the Facility Response Plan (FRP) rule. This regulation has two sets of requirements: oil spill prevention (SPCC) and oil spill response (FRP).

In order to assure compliance with the rule, SPCC/FRP inspectors conduct unannounced inspections throughout the

region (i.e. Pennsylvania, Delaware, Maryland, Virginia, West Virginia and Washington, DC). These inspections are conducted pursuant to the Oil Pollution Prevention Regulation of the Clean Water Act as amended by the Oil Pollution Act of 1990.

What to expect during an SPCC/FRP Inspection

When a facility in Region III is visited by SPCC/FRP inspectors, the facility representative(s) should be prepared to provide the following information:

(Continued next page)

- A copy of the SPCC plan
- A copy of the FRP plan (FRP facilities only)
- Personnel training records
- Routine inspections records
- Drill records (FRP facilities only)
- Oil Spill Removal Organization (OSRO) information (FRP facilities only)

As part of the routine inspection records, inspectors will ask for documentation on integrity testing, dike drainage events and spill incident reports, when applicable. When the opening review is completed, a walk-through of the facility is conducted and inspectors may request approval to take photographs. The inspectors will evaluate your facility's spill prevention and response measures, as well as storage tanks, diversionary structures and loading/unloading areas. As a final component of the inspection process, the inspector will hold a debriefing meeting to conclude the inspection, discuss observations, and answer questions the facility representative(s) may have.

Following the inspection, the SPCC plan and/or FRP plan will be reviewed to determine compliance with the Oil Pollution Prevention Regulation. EPA will send your facility an official report identifying regulatory (plan and/or field) deficiencies or a confirmation letter that your facility and corresponding plan are in compliance with the rule.

EPA views inspections as co-educational: inspectors can learn from industry experience, and facilities can learn from EPA about the adequacy of certain discharge prevention and control methods.

Region III Emergency Preparedness and Prevention and Hazmat Spills Conference

December 2-5, 2007 – Pittsburgh, PA

Also known as the Chemical Emergency Preparedness & Prevention (CEPP) Conference, this annual event is organized and hosted by EPA, Region III. Joan Armstrong and Anne Gilley of Region III's Oil Program will be leading a workshop session at this year's CEPP Conference. This session will cover the latest proposed amendments to the SPCC rule, as well as provide the audience with the types of enforcement tools available to EPA when dealing with violations of the OPA regulations. The date and time of the session has not been assigned yet. Please continue to check the website for more information and registration.

<http://www.2007conference.org>

Region III Regional Response Team (RRT) Meeting

The next RRT meeting is scheduled to be held in January 2008. The location and dates have not yet been finalized. Please continue to check the website. For more information contact Linda Marzulli at (215) 814-3256.

<http://www.uscg.mil/d5/msafety/rrt/index.htm>

Clean Water Act – 35th Anniversary

On June 22, 1969 a rail car passing over the Cuyahogo River accidentally sparked a fire that sent flames soaring five stories off the water and floating down river. The event, subsequently reported in the national media, is generally considered to be a galvanizing moment in America's environmental history, and one that led directly to the passage of the Clean Water Act of 1972.

This October marks the 35th anniversary of the Clean Water Act, one of America's most important environmental and public health laws.

The goals of the 1972 Clean Water Act are to eliminate the discharge of pollutants into waterways and make all U.S. waters swimmable and fishable. In the last 35 years, the overall health of our marine waters, lakes, rivers, streams and wetlands has dramatically improved.

Unfortunately, despite this great progress many of the Nation's waters still do not meet water quality goals. EPA will continue to aggressively enforce our nation's environmental laws through effective compliance assistance and a strong enforcement program.

For Further Information

For More Information about the Final Rule refer to the EPA website which contains, access to the Final Rule, Fact Sheets, a Power Point Presentation and other useful information.

To keep up with the latest changes, proposals, text, and the additional supportive materials, frequently visit the EPA website at the following URL:

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

From the Desk of the FRP Coordinator

Through the years, consultants and facility representatives have asked me if I have a template for preparing a Facility Response Plan (FRP). The answer is “no”, however, the next best thing is to refer to 40 CFR, Part 112.20 and check out APPENDIX F. This appendix presents the *Facility Specific Response Plan* and lists a detailed Table of Contents. Each element of the response plan table of contents is further described.

Several sections of the response plan must be co-located for easy access by response personnel during an actual emergency or oil discharge. This collection of sections is called the Emergency Response Action Plan (ERAP) and must be maintained in the front of the same binder that contains the complete response plan, or it must be contained in a separate binder. Sample forms are contained throughout the Appendix and could be considered as templates.

Owners or operators of facilities regulated under Part 112.20 are required to prepare and submit facility-specific response plans to the appropriate EPA Regional office. In certain cases, information required in the model response plan is similar to the information currently maintained in the facility’s SPCC plan. In these cases, owner or operators may reproduce the information and include a photo copy in the response plan.

As we have seen through the years, many facilities may go through several owners/operators and **it is important that the EPA-issued (i.e. PA-FRP-XXX) facility identification number is submitted with all correspondence.** If there is a facility change that materially may affect the response to a worst case discharge {see 112.20(d)(1)}, the owner/operator must resubmit revised portions of the response plan within 60 days of such change.

The FRP helps an owner or operator develop a response organization and ensure the availability of response resources (i.e., response equipment, trained personnel) needed to respond to an oil discharge. The FRP should **also demonstrate that the response resources are available in a timely manner**, thereby reducing a discharge’s impact and severity. The FRP also helps a facility owner or operator improve discharge prevention measures through the early identification of risks at the facility. In addition, FRPs aid local and regional response authorities to better understand the potential hazards and response capabilities in their area.

If your facility is required to prepare a response plan, it must be maintained at the facility, along with plan updates reflecting material changes. You must also keep logs of response equipment and response training drills and exercises.

Region III Oil Program

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