

Environmental ALERT

Spill Prevention Control and Countermeasure (SPCC) Finalized Amendment

What happened?

The Environmental Protection Agency (EPA) has finalized a number of amendments to their SPCC Rule which became effective January 14, 2010.

Most significantly, the proposed amendments include a provision for defined "Tier I facilities" to complete a SPCC template in lieu of developing a complete plan in its entirety. This template is a simplified form which incorporates all of the elements of the SPCC rule including a self certification statement. "Tier II facilities" cannot utilize this template and must prepare a complete plan. The EPA has also extended the compliance deadline to November 10, 2010 for facilities who have existing SPCC plans and still require facility improvements to satisfy the 2002 SPCC amendments.

Who does this affect?

Any facility with an aboveground oil storage of capacity of 1,320 gallons or greater in containers of 55 gallons or greater is required to prepare a SPCC Plan. Fuel tanks utilized for motive power (i.e. vehicle gas tanks), hot mix asphalt containers and heating oil tanks at residential single family homes are not applicable to this

total. Saddle tanks for mobile fueling, emergency generator diesel tanks, wet electrical transformers, waste cooking oil, and elevator hydraulic oil reservoirs are all potentially applicable to your facility site wide total.

The EPA has defined a "Tier I Qualified Facility" as having an aggregate storage capacity of 10,000 gallons or less, and having no storage containers 5,000 gallons or greater. In addition, a Qualified Facility's spill history for 3 years prior to the SPCC plan certification date may not have experienced a single discharge of 1,000 gallons or greater as well as no more than two (2) discharges of 42 gallons or greater in any 12-month period. A "Tier II Qualified Facility" must meet the same 10,000 aggregate site total and spill history requirements as Tier 1 facilities but has at least one tank greater than 5,000 gallons. Tier II facilities can self-certify their SPCC plan but may not utilize the SPCC template. Previously approved SPCC

amendments included the ability for "Qualified Facilities" to self certify their SPCC plans in lieu of obtaining a Professional Engineer's certification.

The template for Tier 1 facilities can be found in the following document beginning on page 29: www.regulations.gov/search/Regs/contentStreamer?objectId=0900006480a56ca3&disposition=attachment&contentType=pdf

Where can I go for more information?

The EPA has published a PowerPoint presentation on the recently approved SPCC amendments located at: www.epa.gov/ceppo/web/content/spcc/. The complete listing of amendments made to the SPCC rule in 2009 can be found at: www.epa.gov/ceppo/web/content/spcc/spcc_nov09amend.htm.

For further assistance with SPCC issues, please contact Chris Gulics or Matt Mee of BSG at 800-879-6681.

