

EPA Office of Emergency Management - Oil Program Update

U.S. Environmental Protection Agency
Office of Emergency Management, Regulation and
Policy Development Division
(RPDD)

The National Agronomic Environmental Health &
Safety School, August 22, 2007



Year in Review for SPCC

- Recent Regulatory Actions
- Future SPCC Activities



Recent SPCC Regulatory Actions

- Amended the SPCC rule in December 2006
- Finalized extension of compliance dates to July 1, 2009 for non-farm facilities in May 2007
- See www.epa.gov/oilspill for more details

Why did EPA Amend the SPCC Rule?

- To address certain targeted requirements, and issues raised by regulated community members, including:
 - Small businesses
 - Electrical utilities
 - Aviation
 - **Farms**
 - Animal fats/vegetable oil industries

December 2006 Amendments

- Streamlined requirements for:
 - Qualified facilities
 - Qualified oil-filled operational equipment
 - Mobile Refuelers
- Exempted motive power containers
- Removed inapplicable provisions related to animal fats and vegetable oil facilities
- Provided a separate, indefinite compliance date extension for farms

Qualified Facilities

- Must meet eligibility criteria to use alternative option
- Streamlined regulatory requirements
 - Self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer
 - Streamlined integrity testing requirements
 - Streamlined facility security requirements
- May also use qualified oil-filled operational equipment option since an impracticability determination by a PE is not necessary

Qualified Facilities Eligibility Criteria

- Facility must have 10,000 gallons or less in aggregate aboveground oil storage capacity
- For the 3 years prior to Plan certification, or since becoming subject to the rule if it has operated for less than 3 years, the facility must not have had:
 - A single discharge of oil to navigable waters exceeding 1,000 U.S. gallons, or
 - Two discharges of oil to navigable waters each exceeding 42 U.S. gallons within any 12-month period

Reportable Discharge History

- When determining the applicability of this criterion, the gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount of oil spilled.
- Oil discharges that result from natural disasters, acts of war, or terrorism are not included
- Facilities that have a reportable oil discharge after self-certifying the **SPCC Plan do not automatically lose eligibility**
 - However, the Regional Administrator has the authority to require a Plan amendment

Qualified Facilities - Summary

- An *optional* choice for small facilities:

If a facility...	And the facility...	Then the owner/operator of the facility...
...has 10,000 gallons or less in aggregate above-ground oil storage capacity	...meets the oil discharge history criteria	<p>...may prepare a self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer (PE)</p> <p>...may meet tailored facility security and tank integrity inspection requirements without PE certification</p> <p>...may prepare a Plan which includes PE-certified environmentally equivalent measures or impracticability determinations that would require PE certification for only the portions dealing with environmental equivalence and impracticability determinations. The remaining portions of the Plan could be self-certified by the facility owner/operator.</p>

Mobile Refuelers - Definition

- Bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container
- Include vehicles of various sizes equipped with a bulk storage container that is used to fuel or defuel aircraft, motor vehicles, locomotives, tanks, vessels, or other oil storage containers
- Also may included fuel nurse tanks at farms

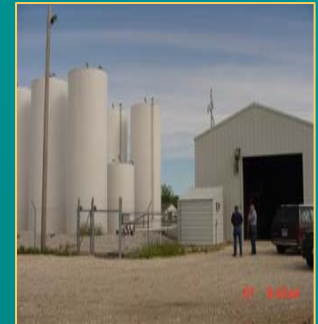
Mobile Refuelers: What's Required?

- Owners and operators of mobile refuelers at a non-transportation-related facility will no longer need to provide sized secondary containment
 - Sufficient to contain the capacity of the largest single compartment or container with enough volume to contain precipitation
- Does not apply to vehicles that are used primarily to store oil in a stationary location
- General secondary containment requirements still apply (§112.7(c))



Farms

- Farm: 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
- There is no capacity limitation associated with eligibility for the extension
- The compliance date is delayed until the effective date of a rule addressing farms
- EPA will announce the new compliance date in the Federal Register
- Farms subject to SPCC requirements on or before August 16, 2002 must maintain their Plans



Amended Compliance Dates for Non-Farm Facilities

EPA extended the SPCC compliance dates for non-farm facilities on May 16, 2007 (see 72 FR 27445)



A facility (<i>other than a farm</i>) starting operation...	Must...
On or before 8/16/02	Maintain existing Plan Amend and implement Plan no later than 07/01/09
After 8/16/02 through 07/01/09	Prepare and implement Plan no later than 07/01/09
After 07/01/09	Prepare and implement Plan before beginning operations

Outreach

- Regional Oil Program offices have presented local outreach sessions on the 2006 SPCC rule amendments
- Fact sheets available on www.epa.gov/oilspill



2. Future SPCC Activities



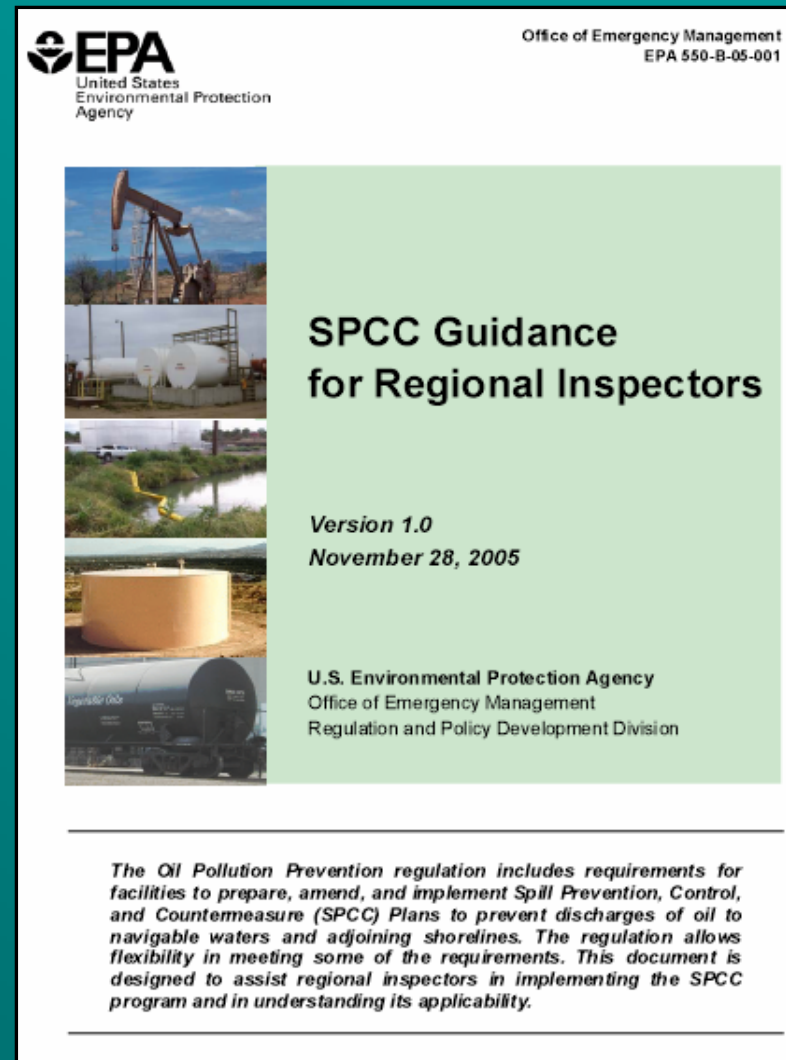
Update SPCC Guidance Document

EPA is modifying the *SPCC Guidance for Regional Inspectors* for consistency with the 2006 amendments

- Unrelated public comments are not yet being addressed, while EPA considers future rule amendments

See:

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



The Road Ahead for SPCC

- As highlighted in the EPA Regulatory Agenda, EPA is considering further amendments
- Address other areas where regulatory reform may be appropriate
- Expects to issue a proposed rule in Fall 2007
- May include:
 - Oil and gas exploration and production
 - **Farms**
 - Tier I qualified facilities
 - Loading racks



Issues Raised by Agricultural Stakeholders

- Definition of “facility” under SPCC
- Security
- Farm nurse tanks
- Pesticide equipment
- Home heating oil tanks

Reminder...

- Proposal anticipated to be published in Fall 2007 in Federal Register
- Please look for this notice and comment
- 60-day Comment Period expected, so we want to get the word out now

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EPA Oil Program Website: <http://www.epa.gov/oilspill>

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