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From: Svatos, Becky
Sent: Wednesday, March 14, 2007 9:52 AM
To: Office - Iowa City; Durham, Mick; Bargsten, Kathy; Edwards, Tim; Brady, Jay; Knott, Michael; Ayers, Jessica
Subject: Oil Spill Prevention (SPCC) Rule Revisions

This e-mail summarizes changes to the SPCC rules that were published in December 2006 - one proposed change and several changes that are now effective.

Compliance Date Extension Proposed

EPA proposed to extend the date for amending and implementing revised SPCC Plans to comply with portions of the rule that have changed. Currently this date is October 31, 2007, and EPA proposed extending it until July 1, 2009. EPA has proposed an extension because they plan to propose further revisions to the SPCC rules in 2007. The comment period for this extension closed on January 25, 2007. I'll let you know when I hear EPA's final ruling on the extension. Remember - you need to be in compliance now with all existing requirements in the SPCC rules - the extension only applies to new requirements.

The Following Changes Became Effective on February 26, 2007:

Self-Certification of SPCC Plans for Smaller Facilities

A facility that stores 10,000 gallons or less of oil now has the option to self-certify their SPCC Plan rather than hiring a licensed Professional Engineer (PE). In order to self-certify, the facility must meet the following criteria:

- Has not had a single discharge exceeding 1,000 gallons that reached a waterway in the last three years
- Has not had two discharges exceeding 42 gallons each that reached a waterway in a 12-month period in the last three years
- Complies with all requirements in the SPCC rules without including environmentally equivalent deviations (except for the security and integrity testing requirements) or technical impracticability determinations

Facility owner signs a certification statement as described in 40 CFR 112.6(a)

A facility may choose to have a PE certify only specific portions of an SPCC Plan at a qualified facility where environmentally equivalent deviations are planned or where technical impracticability is being demonstrated. The SPCC Plan must still be prepared and implemented in compliance with the rule requirements.

Alternative to Secondary Containment for Oil-Filled Operational Equipment

EPA defined Oil-Filled Operational Equipment as:

- Containers in which the oil is present solely to support the function of the equipment. Oil-filled operational equipment is not a bulk storage container and does not include oil-filled manufacturing equipment (flow-through process vessels). Some examples of oil-filled operational equipment include transformers, hydraulic systems, lubricating systems, and gear boxes. EPA clarified that generator sets are not considered oil-filled operational equipment; the fuel tank is considered to be a bulk storage container.

Instead of providing secondary containment for Oil-Filled Operational Equipment, an owner or operator may do all of the following:

- Prepare an oil spill contingency plan according to 40 CFR 109 (If you already have a Facility Response Plan prepared according to 40 CFR 112.20 that can be used instead of the contingency plan)
- Include in the SPCC Plan a written commitment of resources to quickly control and remove discharged oil
- Establish and document inspection or monitoring procedures to detected equipment failures and/or discharges.

To qualify for this option, the facility must meet the following criteria:

- Has not had a single discharge exceeding 1,000 gallons that reached a waterway in the last three years
- Has not had two discharges exceeding 42 gallons each that reached a waterway in a 12-month period in the last three years

If the facility has a total oil storage capacity of 10,000 gallons or less, the facility could also self-certify their SPCC Plan.

Mobile Refuelers Excluded From Bulk Storage Container Definition

EPA defined a Mobile Refuler as:

- A bulk storage container onboard a vehicle or being towed that is designed or used solely to store and transport fuel. This definition does not include other mobile or portable oil storage containers that are not involved in fueling activities

*Mobile refuelers are no longer regulated as mobile containers that are required to have secondary containment for the entire capacity of the container. However, the general secondary containment requirements at 40 CFR 112.7 (c) still apply. For a mobile refueler that operates on highways and at a facility, only the period of actual loading/unloading operations at the facility would have to comply with the general secondary containment requirements. If the loading/unloading occurs at a rack, then the more specific requirements at 112.7 (h) would apply. A mobile refueler that never leaves a facility (e.g. an airport fuel truck) would have to comply with the general secondary containment requirements at all times

Clarification Regarding General Secondary Containment Requirements

EPA clarified that the general secondary containment requirement in 40 CFR 112.7 (c) is less stringent than the secondary containment requirement for bulk storage containers at 112.8 (c) (2). Containment must be provided for the most likely discharge, not necessarily the entire capacity of the container. Also, secondary containment can be either passive or active. Passive containment is a permanent installation like a dike or berm. Active containment involves deploying spill containment equipment, covering storm drains, or otherwise taking action to prevent a spill or keep it from reaching a waterway. EPA also noted that gravel beds often used at electrical substations may meet this general secondary containment requirement.

Motive Power Containers Exempt from SPCC Rules

EPA exempted motive power containers from the SPCC rules. Motive Power Containers are defined as:

- Any onboard bulk storage container used primarily to power the movement of a motor vehicle or ancillary onboard oil-filled operational equipment. An onboard bulk storage container used to distribute oil is not a motive power container. Examples of motive power containers include aircraft, buses, self-propelled cranes, agricultural equipment, and construction equipment.

Removal of Some Sections Related to Animal Fat and Vegetable Oil Facilities

Sections 40 CFR 112.13, 112.14, and 112.15 were removed because they applied to animal fat and vegetable oil onshore production facilities, onshore oil drilling and workover facilities, and offshore oil drilling, production, or workover facilities. Because these types of facilities do not exist, these sections of the rule were removed. However, EPA continues to evaluate whether requirements for animal fat and vegetable oil facilities should be different than for petroleum oil facilities and plans to address this issue in a future rulemaking.

Compliance Date Extended for Farms

EPA has extended the SPCC compliance date for farms until they publish rules specifically addressing SPCC requirements for farms. They did not give a schedule for this rulemaking and plan to gather data to evaluate whether different requirements should apply to farms.

Future Changes

Future EPA rulemaking in 2007 may include oil and natural gas exploration and production, farms, and Tier I facilities (1,321 - 5,000 gallons). EPA plans to propose a simplified approach for Tier 1 facilities and is developing a standardized form/checklist. EPA is also planning to revise the SPCC Guidance for Regional Inspectors that became available in December 2005 (and is actually very helpful!)

More Information

Go to EPA's website www.epa.gov/oilspill for more information. There are summary factsheets available for these new rules, you can download the Federal Register notices, and you can access the SPCC Guidance for Regional Inspectors. You can also contact me and I will be happy to help you!

Becky

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