



PAPER

SHOULD I BE WORRIED ABOUT

# SPCC?

8 THINGS YOU NEED TO KNOW.



**Spill Prevention Control and Countermeasures (SPCC) may apply to you if you have large quantities of oils, fuels, or other oil-based fluids at your facility. If you do, READ ON.**

Oils and oil-based fluids are used just about everywhere you look in daily life. Among other things, they fuel cars, trains, buses and airplanes and keep engines, machines, and their parts lubricated and running smoothly. But accidents or improper handling of oils can cause spills into groundwater, streams, rivers and oceans — causing pollution and making water unfit for human consumption or aquatic animal life. That’s more than just uncool — it could land you with a big, expensive fine!

To help prevent oil from polluting waterways, the Environmental Protection Agency (EPA) created a set of regulations known as the Spill Prevention Control and Countermeasures (SPCC) Rule as part of the Clean Water Act (CWA). SPCC requires facilities with certain quantities of oil onsite to take proactive steps to ensure that all of the oil that they have onsite stays contained and does not enter the nation’s waters. These facilities are also required to have a plan that describes what actions they’ll take when an oil spill does happen.

It’s important to know that this is not just about large oil processing and handling facilities. Food processing companies, fleet maintenance operations, manufacturing plants and even farms can fall under regulation if they have the capacity to store threshold quantities of oil.



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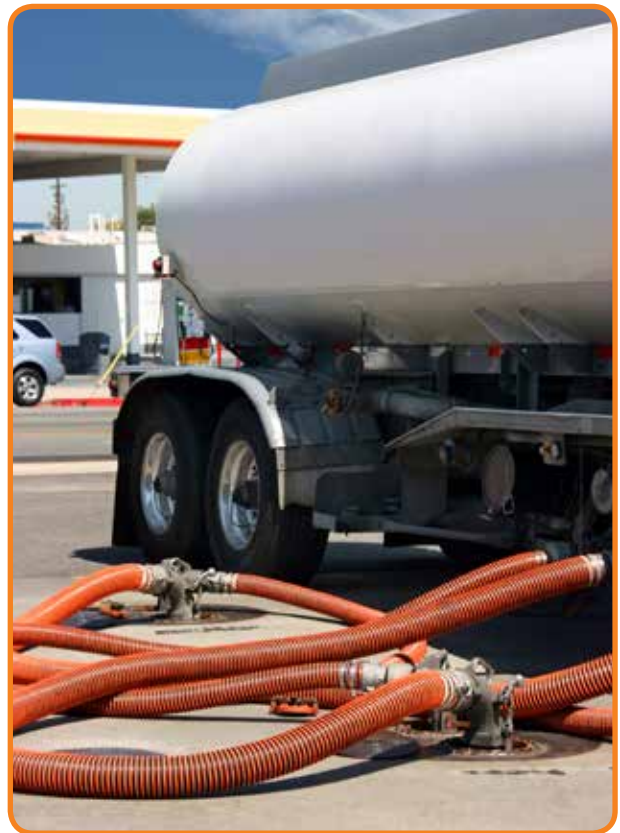
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## 1. What are "oils?"

It may seem obvious, but the EPA's definition of oil is quite broad. Oil can be "any kind or in any form, including, but not limited to: fats, oils or greases of animal, fish or marine or mammal origin; vegetable oils, including oils from seeds, nuts, trees or kernels; and other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse or oil mixed with wastes other than dredged spoil" [40 CFR 112.2].

To add clarity to the above definition, think of just about any liquid that floats on water as an oil. Some of the most commonly found industrial/commercial oils include (but are not limited to): motor oil, gasoline, diesel fuel, jet fuel, transmission fluid, brake fluid, solvents, vegetable oils, fryer grease, oil-based lubricants, mineral oils, kerosene and benzene.



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## 2. Who needs to comply with SPCC regulations?

According to the EPA, any facility that could reasonably be expected to discharge oil into Waters of the United States (WOTUS) or adjoining shorelines is subject to regulation, and there are provisions that allow regional inspectors to require any facility that they feel poses a threat to create a plan. But in general, facilities that meet the following criteria are subject to the SPCC rule:

- Non-transportation-related facilities that drill, produce, gather, store, use, process, refine, transfer, distribute or consume oil and oil products
- Have an aggregate aboveground storage capacity greater than 1,320 gallons or underground storage capacity greater than 42,000 gallons
- Have a “reasonable expectation” of discharge into or upon WOTUS or adjoining shorelines

To determine whether a facility meets the SPCC planning threshold, all “bulk storage containers” that have the capacity to hold 55 gallons or more must be counted. Bulk storage containers include, but are not limited to: drums, containers, tanks and mobile or portable totes. Containers with capacities less than 55 gallons are not subject to SPCC regulation, and do not need to be counted toward the total [40 CFR 112.1(d)(5)].

It is important to note that a container’s *capacity*, not necessarily the volume of oil stored, is what triggers the regulation. For example, if a facility has a 2,000-gallon diesel tank, but only keeps 500 gallons of fuel in the tank, they would be subject to SPCC regulation because the tank has a capacity greater than 1,320 gallons.

Oil-filled equipment is also subject to regulation if it contains more than 55 gallons of oil. Some examples of oil-filled equipment are:

- Power generators
- Hydraulic systems
- Lubricating systems
- Gear boxes
- Pumps
- Compressors
- Coolant systems
- Heat transfer systems
- Transformers
- Circuit breakers and switches



Facilities with completely buried oil tanks typically do not require SPCC plans, because those tanks are governed by other regulations. Wastewater treatment plants and certain other facilities, such as convenience stores are also exempted from SPCC regulation.



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### 3. What are Waters of the United States (WOTUS)?

The Clean Water Act defines WOTUS as, "all waters which are currently used, have been used in the past, or may be susceptible to use in interstate commerce." [40 CFR 230.3]

### 4. Does every facility subject to SPCC regulations meet the same requirements?

The EPA acknowledges that every facility storing oil does not pose an equal threat, and facilities with smaller quantities of oil onsite can qualify for Tier I status. This status allows the facility to use a template provided by the EPA to create their SPCC plan. The facility may also self-certify their plan instead of having it reviewed and certified by a professional engineer. To qualify as a Tier I facility:

- The total aboveground oil storage capacity must be 10,000 gallons or less,
- No single container can have a capacity greater than 5,000 gallons, and
- The facility can have no single discharge greater than 1,000 gallons, or no more than two discharges in excess of 42 gallons within in a 12-month period in the previous three years.

Facilities that do not meet these requirements are classified as Tier II facilities and must have their plans certified by a professional engineer who has knowledge of SPCC regulations, has visited the facility and has considered the good engineering practices listed in the plan to ensure that they will be appropriate and adequate for the facility.



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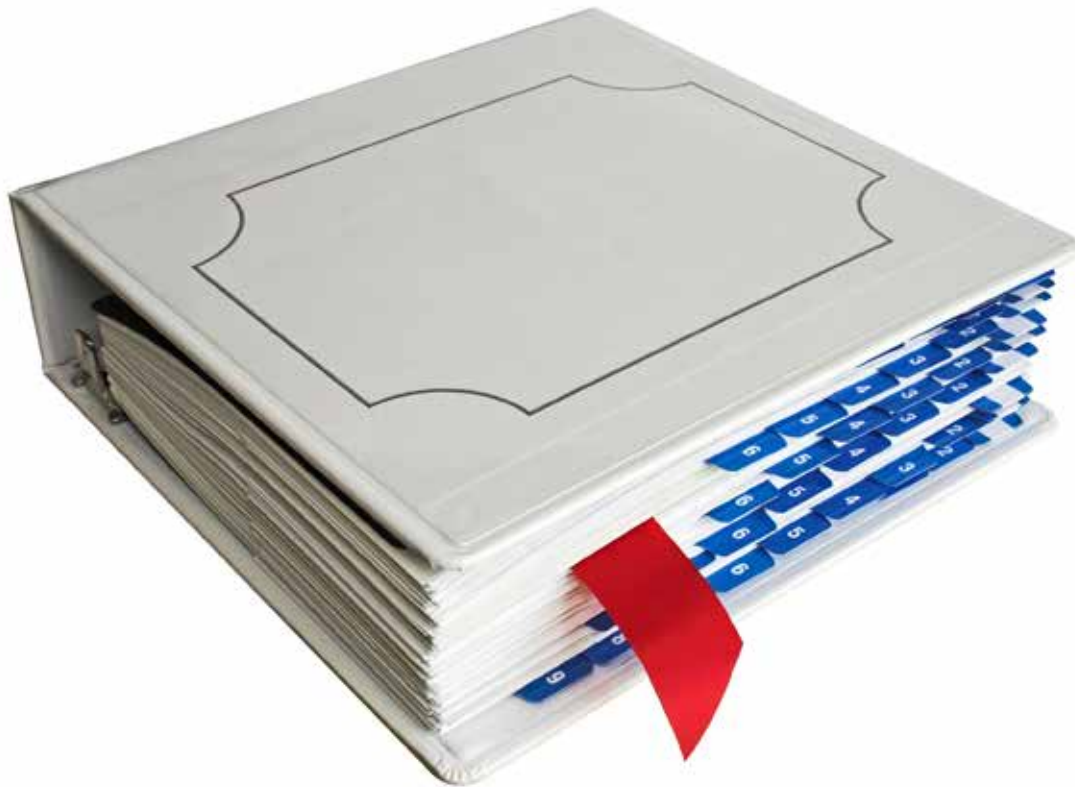
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## 5. What's in an SPCC plan?

Because facilities are unique, SPCC plans will differ for each facility. All plans, however, must:

- **Describe the location of oil** containers, tanks, oil-filled equipment and piping as well as the types of oils stored in each
- **Record the routine oil handling procedures** that are used at the facility and detail the best practices that will help prevent oil discharges
- **Have provisions for training and documentation** of that training. This is to ensure that all employees who handle oil onsite are aware of these procedures and practices
- **Provide a list of spill response materials, names** of individuals who are trained to respond to large spills, and the procedures for responding to and cleaning up oil spills
- **Be updated** within six months of any change, and reviewed at least once every five years. As part of a regular review, facilities must look for “more effective prevention and control technologies” that may have been introduced since the plan’s last review

Because this regulation is performance based, the facility has the liberty of determining what will work best for their situation. No specific methods, processes or products are mandated.



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## 6. What is a Facility Response Plan?

Certain facilities that store or use oil and could do “substantial harm” to waters or shorelines are required to prepare and submit **Facility Response Plans (FRPs)** that describe how the facility will respond to a worst case scenario discharge of oil in a timely manner, with the proper equipment and with trained personnel [40 CFR 112.20].

Criteria that necessitates an FRP includes:

- Transferring oil over water to or from vessels and having a total oil storage capacity greater than or equal to 42,000 gallons
- Having a total oil storage capacity greater than or equal to 1 million gallons, and one of the following:
  - Lack of sufficient secondary containment for each aboveground storage area,
  - Located at a distance where a discharge could injure fish, wildlife and sensitive environments,
  - Located at a distance where a discharge would shut down a public drinking intake, or
  - A reportable oil discharge of greater than or equal to 10,000 gallons within the past five years.



Other factors, such as the frequency of discharges, age of oil storage tanks and geographical location can also play a role in determining the need for this plan. If the owner or operator of a facility determines that the facility is not subject to the FRP requirements, a form must be completed and maintained as part of the SPCC plan that documents how the facility came to the conclusion that it was not subject to the FRP requirements.



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## 7. How much training is required?

As with any plan, it will only prove to be useful if everyone knows about it and is trained to implement it to the best of their ability. Under SPCC planning requirements, oil-handling personnel should receive briefings at least annually to review discharge prevention procedures [40 CFR 112.7(f)]. Training must include a review of the facility's SPCC plan and needs to include instruction on how to:

- Operate equipment in a manner to prevent discharge
- Maintain equipment to prevent discharge
- Take action if there is a discharge
- Follow general facility operating procedures, rules and protocols



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## 8. What about secondary containment?

The primary focus of SPCC planning is to put proactive tools, procedures, products and/or structures in place to prevent oil spills from leaving a facility. The main way to accomplish this is by providing secondary containment.

Secondary containment systems provide temporary containment of oil until it can be cleaned up, pumped out or otherwise handled. Because secondary containment plays such a critical role in SPCC planning, it's important to understand some of the terms associated with secondary containment.

The first two terms are "general" and "specific." In short, any facility that is subject to SPCC regulations needs to meet general secondary containment requirements, which address the most likely discharges that could occur. General secondary containment requirements apply to:

- Bulk storage containers
- Portable containers
- Production tank battery, treatment and separation installations
- Oil-filled operational or process equipment
- Transfer activities

Certain types of containers, processes and equipment are also subject to specific secondary containment requirements. These provisions address worst-case discharges, and require secondary containment systems to be appropriately sized to contain both oil and "sufficient freeboard" for rain or snowmelt that could co-accumulate in the containment area. Facilities often determine the amount of space needed to accommodate rain or snowmelt based on the worst 25-year, 24-hour storm event or by adding 10% to the overall sump capacity. Specific containment provisions apply to:

- Bulk storage containers (any container that is capable of holding 55 gallons or more)
- Loading/unloading racks
- Single compartment of a tank car or tank truck at a loading/unloading rack
- Mobile/portable bulk storage containers
- Production tank batteries, treatment and separation installations



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To help facilities meet secondary containment requirements, “active” and “passive” containment measures may be used, because in some situations, permanent containment walls or dikes may not work. When evaluating active and passive systems, it is important to evaluate how effective the device will be in preventing a discharge.

**Active** containment measures are those that require a person to deploy them. Most often, active measures are used to help meet general secondary containment requirements. The measures can be deployed either before oil is handled, or in response to a discharge. Some examples include:

- Using **absorbent socks, mats or pillows** to absorb a small spill before it spreads
- Placing a **drain cover** over a drain before oil is transferred, or before a spill hits the drain
- Keeping **spill kits** in oil transfer and handling areas to facilitate fast response
- **Closing drainage valves** to prevent spills from leaving an area

**Passive** containment measures are permanent structures that remain in place at all times and do not require any action or deployment to make them operational. Some examples of passive containment measures are:

- **Spill containment pallets**
- **Flexible, installed berms**
- **Earthen dikes**
- **Cement berms and walls**



Preparing and implementing SPCC plans isn't just about having a spill kit onsite to respond to oil spills. The majority of the planning focuses on a broader array of best practices and simple things that can be done every day to prevent spills from happening. Utilizing secondary containment devices and establishing operating procedures to keep oils in check helps make facilities safer and minimizes downtime caused by responding to both small and large spills – and steers you clear of potentially expensive fines!



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