

## Important Information About Changes to EPA's SPCC Rule

The United States Environmental Protection Agency (EPA) recently published an amendment to its final rule concerning Spill Prevention, Control and Countermeasure (SPCC) Plans. Promulgated in 1973, the objective of the SPCC regulation is to prevent oil discharges from reaching navigable waters of the United States or neighboring shorelines. The regulation applies to owners or operators of facilities that drill, produce, gather, store, use, process, refine, transfer, distribute, or consume oil and oil products.

After the EPA published a final SPCC rule in 2002, many members of the regulated community filed legal challenges to certain aspects of the rule. Additionally, questions were raised about the implementability of certain portions of this rule. Most of these issues and concerns have since been settled.

Effective February 26, 2007, the new amendment is expected to simplify the regulatory requirements for owners and operators of certain facilities. It should also lessen overall costs of regulation and improve compliance, resulting in greater environmental protection.

### Key points of the new amendment include:

> Owners or operators of facilities with an oil storage size of 10,000 gallons or less who meet other qualifying criteria are given an option to self-certify their SPCC Plans rather than have them certified by a Professional Engineer.

> Owners and operators of facilities that have certain types of oil-filled operational equipment are allowed to utilize an oil spill contingency plan in conjunction with an inspection or monitoring program as an alternative to secondary containment for qualified equipment without necessitating a determination of impracticability.

> An exemption is given to newly defined motive power containers (an onboard bulk storage container whose main function is to power a motor vehicle, or supplementary onboard oil-filled operational equipment).

> Mobile refuelers are exempt from the specifically sized secondary containment criteria for bulk storage containers.

### New Compliance Deadlines:

If your facility was in operation on or before August 16, 2002, the deadline for maintaining (or amending if necessary) and implementing your SPCC Plan is October 31, 2007. If your facility became operational after August 16, 2002, you must also prepare and implement an SPCC Plan on or before October 31, 2007. Owners and operators of farms are being given an additional extension of their compliance deadline until the EPA publishes a specific rule to address how farms should be regulated under the SPCC rules.

### Where to Turn for Assistance:

Environmental Compliance Services, Inc. (ECS) provides comprehensive support services for regulatory compliance and permitting related to hazardous materials waste management, wastewater discharges, stormwater control, spill prevention, air emissions and water supply. We have been assisting facilities with SPCC Plans since our incorporation in 1985. ECS also offers a variety of training services in OSHA health and safety and environmental regulations. Seminar topics include RCRA waste management, spill prevention and response, stormwater management, underground storage tank (UST) compliance, and state-specific air or waste regulations.

**For additional information, please call (800) 789-3530 or visit [www.ecsconsult.com](http://www.ecsconsult.com).**

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