



# **SAFETY ALERT**

## **Spill Prevention, Control and Countermeasures (SPCC) Regulation Update**

### **History**

Under the Oil Pollution Prevention and Response regulation (40 CFR 112), the USEPA established requirements for specific facilities to develop Spill Prevention, Control, and Countermeasures (SPCC) plans to help prevent oil discharges from reaching navigable waters. On December 12, 2005, the USEPA proposed new amendments to the SPCC rule to address a number of issues that have been raised since 2002. On December 26, 2006, the Agency promulgated these amendments in the Federal Register and proposed, once again, to extend the SPCC compliance deadline. This final rule is effective February 26, 2007.

### **Impacted Facilities**

The SPCC rule applies to owners/operators of non-transportation-related facilities that drill, produce, store, process, refine, transfer, distribute, use, or consume oil or oil products, and could reasonably be expected to discharge oil to U.S. navigable waters if a large spill or release occurred at the facility. Since most concrete pipe and products facilities store and use oil and oil products, the SPCC regulations usually apply to these facilities.

### **Definitions**

Most concrete pipe and products facilities store and use oil or oil-based materials. The definition of "oil" as it pertains to the SPCC regulation is:

Oil: all grades of motor oil, hydraulic oil, lube oil, fuel oil, gasoline and diesel, automatic transmission fluid (ATF), waste oil, and transformer mineral oil. The definition of oil also includes non-petroleum oils such as animal or vegetable oils and synthetic oils.

Most concrete pipe and products facilities have the potential to "discharge" these oils into U.S. navigable waters because the broad definition of "discharge" used in the SPCC regulation is:

Discharge: includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

### **Threshold Quantities**

If your facility only stores minimal amounts of oil or oil products, an SPCC plan may not be required to be developed.

For above ground storage containers of oil products (as defined above): SPCC plans are required for all facilities that have an above ground oil storage capacity greater than 1,320 gallons. Storage containers with capacities of less than 55 gallons do not count towards these applicability thresholds, which means that 55-gallon drums are included.

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Typical IBC Storage Container and 55-Gallon Drum Container

However, according to the US EPA, any onboard bulk storage container used primarily to store fuel to power the movement of a motor vehicle (e.g., truck fuel tanks) does not need to be counted and does not have to meet the SPCC regulations.

For underground storage containers of oil products (as defined above): SPCC plans are required for all facilities that have a buried oil storage capacity greater than 42,000 gallons.

### **Major Modification to the Rule**

Sized secondary containment for a mobile re-fueler no longer needs to be provided. A mobile re-fueler is defined as a bulk storage container onboard a vehicle (or towed) that is used to store and transport fuel to another oil storage container. In essence, sized secondary containment is no longer required for the diesel supplier's truck filling your diesel AST or UST. However, general secondary containment requirements still apply.

### **Proposed Compliance Date Extension**

The USEPA is also proposing an extension to the SPCC compliance deadline, which would extend the dates for preparing or amending and implementing an SPCC plan from October 31, 2007, to July 1, 2009.

More information may be found at one of the following outlets:

EPA Website: <http://www.epa.gov/oilspill/spcc.htm>

State Websites: State or local governmental environmental agencies usually maintain a website that provides information such as contacts and reference materials about SPCC.

Consultants: If needed, a local environmental consultant can assist in determining a site's SPCC requirements and obligations.