

SPCC PLANS

Prevent, Prepare, Respond





DID YOU KNOW?

A spill of only *one* gallon of oil can contaminate a *million* gallons of water.

What is an SPCC Plan?

- Spill Prevention, Control and Countermeasure (SPCC) Plan
- An SPCC Plan is a detailed, facility-specific, written description of how a facility's operations comply with the requirements in the Oil Pollution Prevention regulation.

Regulatory Background

- The regulation became effective 1/10/74. The regulations have been revised several times, most recently in 2009.
- The regulation can be found at Title 40, Code of Federal Regulations, Part 112 (40 CFR 112)
- The final rule became effective on 1/14/2010

Regulatory Background

New compliance dates are:

- A facility starting operation on or before August 16, 2002 must
 - maintain its existing SPCC Plan
 - amend and implement the SPCC Plan no later than Nov. 10, 2010
- After August 16, 2002 through Nov. 10, 2010
 - prepare and implement the SPCC Plan no later than Nov. 10, 2010
- After Nov. 10, 2010
 - prepare and implement a SPCC Plan before beginning operations*

* Owners or operators of new oil production facilities must prepare and implement an SPCC Plan six months after the start of operations.

Oil Pollution Prevention

- The Oil Pollution Prevention regulation establishes requirements for facilities to prevent oil spills from reaching the navigable waters of the U.S. or adjoining shorelines.
- The rule applies to owners or operators of certain facilities that drill, produce, gather, store, process, refine, transfer, distribute, use, or consume oil.

SPCC Criteria

- Facility must be non-transportation related
- Facility must have an aggregate aboveground storage capacity >1,320 gallons or a completely buried storage capacity >42,000 gallons of oil
- There must be a reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines

What is "oil"?

Section 311(a)(1) of the Clean Water Act defines "oil" as "oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil."

In addition to the above, this term also includes crude oil, petroleum-refined products, fats, oils or greases from animal, fish or marine mammal origin, vegetable and animal oils, and other oils and greases, including synthetic oils and mineral oils.

Non-Transportation Related Facility

- Oil drilling, production refining and/or storage facilities
- Industrial, commercial, agricultural, or public facilities using or storing oil, such as
 - Airports
 - Power generators
 - Marinas
 - Fish Canneries
 - Farms
 - Construction sites
- Highway vehicles used to transport oil exclusively within the confines of a non-transportation related facility

Bulk Oil Storage Capacity

Bulk oil storage containers may include, but are not limited to tanks, containers, drums, and mobile or portable totes.

Exclusions include containers less than 55 gallons, completely buried tanks that are subject to all of the technical requirements of the Federal UST Regulation or a state UST program, permanently closed tanks and parts of the facility used exclusively for wastewater treatment.

Navigable Waters or Adjoining Shoreline

Consider the relation of facility to:

- Streams
- Ponds and ditches (perennial or intermittent)
- Storm or sanitary sewers
- Wetlands
- Mudflats
- Sandflats
- Or other navigable waters

Other Factors

- Distance to navigable waters, volume of material stored, worse case weather conditions, drainage patterns, land contours, soils conditions, etc.
- The determination may NOT include consideration of man-made features such as dikes, equipment or other structures which serve to restrain, hinder, contain or prevent an oil discharge

SPCC Plan Elements

- Operating procedures the facility implements to prevent oil spills
- Control Measures installed to prevent oil from entering navigable waters or adjoining shorelines
- Countermeasures to contain, cleanup, and mitigate the effects of an oil spill that has an impact on navigable waters or adjoining shorelines

Other Important Plan Elements

- Plan must follow the sequence of 40CFR112.7 or provide cross-references
- Facility diagram
- Oil spill predictions
- Facility drainage
- Facility inspections
- Site security
- Management approval

Other Elements Continued

- Appropriate secondary containment or diversionary structures
- Loading/unloading requirements and procedures
- Personnel training and oil discharge prevention briefings
- Bulk storage container compliance
- Transfer procedures and equipment (including piping)

Other Elements Continued

- Contact list and phone numbers for facility response coordinator(s), National Response Center, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a discharge
- Professional Engineer certification
- Five-year Plan review

Don't let this happen to you



Fines & Penalties

- **§4301(a) and (c)** The fine for failing to notify the appropriate Federal agency of a discharge is a maximum of \$250,000 for an individual or \$500,000 for an organization. The maximum prison term is five years. The penalties for violations have a maximum of \$250,000 and 15 years in prison.
- **§4301(b)** Civil penalties are authorized at \$25,000 for each day of violation or \$1,000 per barrel of oil discharged. Failure to comply with a Federal removal order can result in civil penalties of up to \$25,000 for each day of violation.

THANK YOU

