

Self-Certified Spill Prevention Control and Countermeasure (SPCC) Plans

Session Chair

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Freshwater Spills Symposium 2009
April 28-30, 2009 - St. Louis, MO

Qualified Facility – An Overview

- A qualified facility is a smaller oil storage facility that is eligible for streamlined regulatory requirements
 - Self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer
 - Streamlined integrity testing requirements
 - Streamlined facility security requirements
- Must meet eligibility criteria
- EPA's recent amendments (effective on January 14, 2010) would divide this group of facilities into tiers
 - Requirements described here would apply to "Tier II" facilities
 - Additional relief would be provided to "Tier I"

Agenda

- I. Tier II Eligibility Criteria
(Relief available now)
- II. Requirements for a Self-Certified Plan
- III. Alternative Requirements
- IV. 2008 SPCC Rule Amendments Tier I
Qualified Facilities
(Relief NOT Available at this time)
- V. Tools Available for Plan Preparers

I. Tier II Eligibility Criteria



Eligibility Criterion #1: Storage Capacity

- Facility must have **10,000 gallons or less** in aggregate aboveground oil storage capacity
- Will lose eligibility if facility increases capacity > 10,000 gallons

Eligibility Criterion #2: Reportable Discharge History

- For the 3 years prior to Plan certification, or since becoming subject to the rule if it has operated for less than 3 years, the facility must not have had:
 - A single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons, or
 - Two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period.

What is counted?

- When determining the applicability of this criterion, the gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil discharge that actually reaches navigable waters or adjoining shorelines, not the total amount of oil spilled.
- Oil discharges that result from natural disasters, acts of war, or terrorism are not included.
- Oil discharges that result from vandalism are included.

What if they have a spill?



- Facilities that have a reportable oil discharge after self-certifying the SPCC Plan do not automatically lose eligibility
 - However, the Regional Administrator has the authority to require a Plan amendment

How often is this determined?

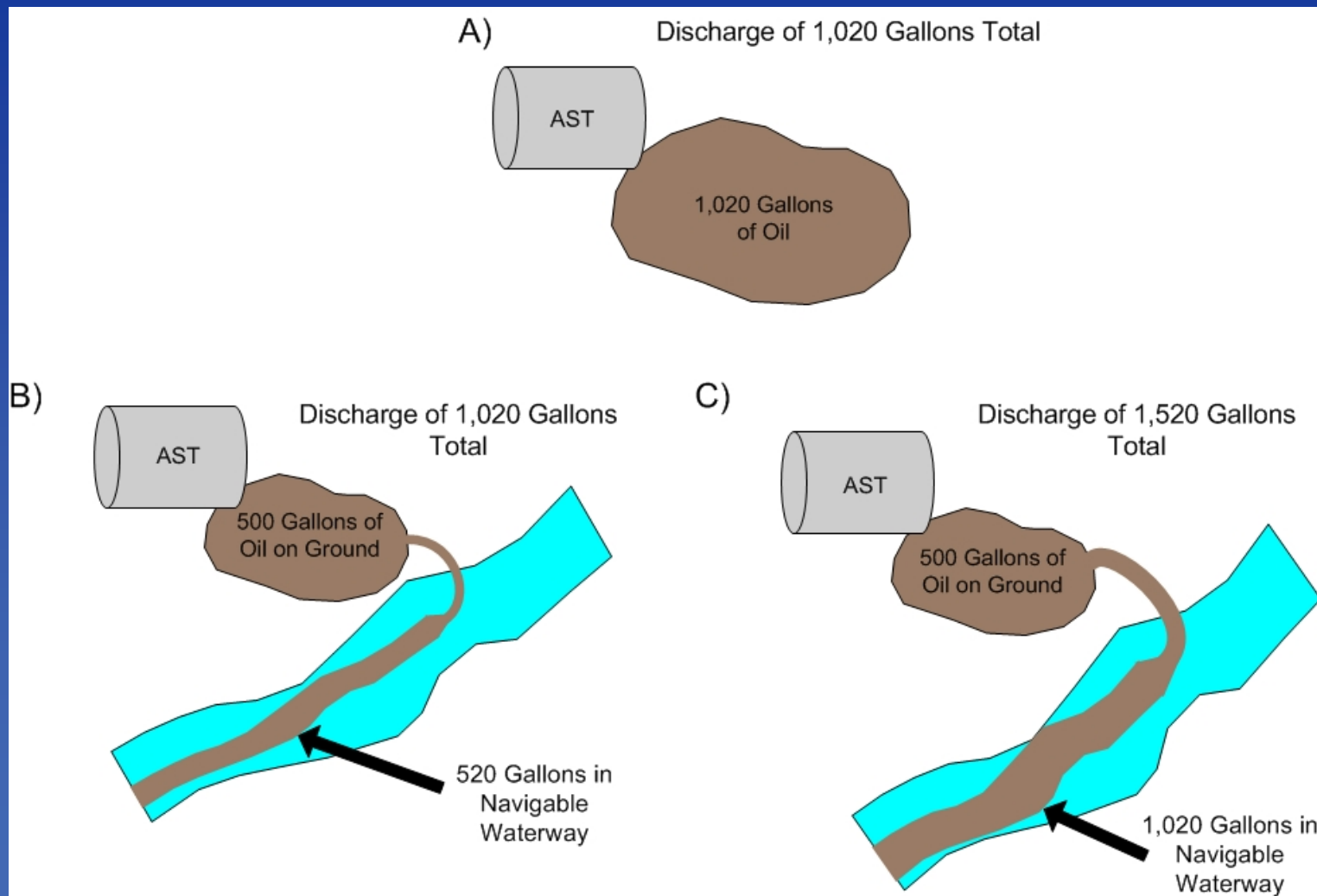
**** Discharge history criterion is a one-time determination! ****

(A “snap shot” of a facility’s compliance history)

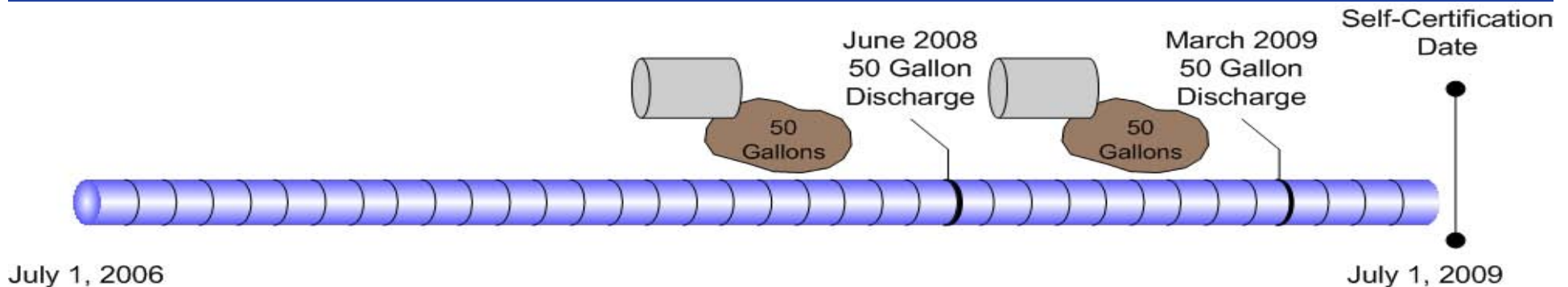


Facilities do not require a re-assessment of eligibility following a technical change to the Plan or 5-year review.

How much reaches navigable waters?



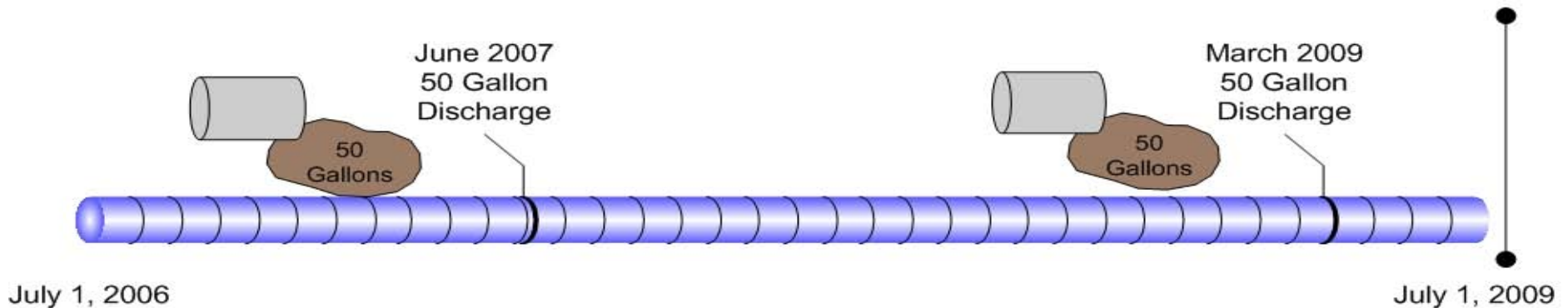
Does this facility meet the discharge history eligibility criterion?



EXAMPLE:

- *50-gallon discharge (to navigable waters): June 2008*
- *50-gallon discharge (to navigable waters): March 2009*
- *Self-certification date: July 1, 2009*

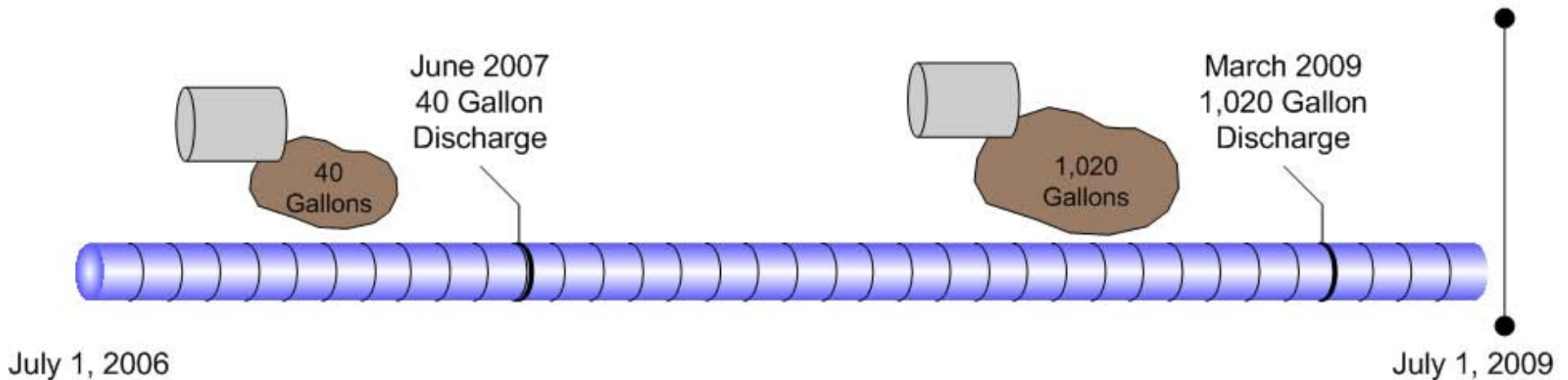
Does this facility meet the discharge history eligibility criterion?



EXAMPLE:

- *50-gallon discharge (to navigable waters): June 2007*
- *50-gallon discharge (to navigable waters): March 2009*
- *Self-certification date: July 1, 2009*

Does this facility meet the discharge history eligibility criterion?



EXAMPLE:

- 40-gallon discharge (to navigable waters): June 2007
- 1,020-gallon discharge (to navigable waters): March 2009
- Self-certification date: July 1, 2009

II. Self-Certification



Self-Certification

- In lieu of a PE-certification, the owner/operator must self-certify the facility's SPCC Plan.
- Owner/operator attests that he/she is familiar with the SPCC rule and has visited and examined the facility
- There are some states that do not allow self certification



Self-Certification Attestation

- Owner/operator also certifies that:
 - The Plan has been prepared in accordance with accepted and sound industry practices and standards and with the rule requirements.
 - Procedures for required inspections and testing have been established.
 - The Plan is being fully implemented.
 - The facility meets the qualifying criteria.
 - The Plan does not deviate from rule requirements except as allowed and as certified by a PE.
 - Management approves the Plan and has committed resources to implement it.

Alternative Requirements



Alternative Requirements for Qualified Facilities

- Rule provides alternative requirements for integrity testing and security
 - more performance-based
 - do not need to be reviewed and certified by a PE

The 2008 amendments extend these streamlined requirements to all applicable facilities (not just qualified facilities)

Facility Security

- To prevent acts of vandalism and assist in the discovery of oil discharges, describe how they:
 - Control access to the oil handling, processing and storage areas
 - Secure master flow and drain valves and out-of-service and loading/unloading connections of oil pipelines
 - Prevent unauthorized access to starter controls on oil pumps
 - Address the appropriateness of security lighting



Integrity Testing

- Test and inspect each aboveground container for integrity on a regular schedule and whenever material repairs are made
 - No longer specifically requires both visual inspection and another testing method (NDT)
- Flexibility to determine, in accordance with industry standards:
 - Appropriate qualifications for personnel performing tests and inspections
 - Frequency and type of testing and inspections that take into account container size, configuration, and design



§112.6(c)(4)(ii)

“The Hybrid Plan”

- An owner/operator may not use environmentally equivalent measures and make impracticability determinations,
 - *unless reviewed and certified by a PE*
- This is referred to as a “hybrid” Plan
- May also use the operational equipment relief in the plan

Technical Amendments

- Owner/operator may self-certify technical amendments as long as a PE has not certified the portion being changed
- If a PE certified the affected portion of the Plan (i.e., for a hybrid Plan), then a PE must certify the technical amendment

Summary

If a facility...	And the facility...	Then the owner/operator of the facility...
has 10,000 gallons or less in aggregate aboveground oil storage capacity	meets the oil discharge history criteria	<ul style="list-style-type: none">-may prepare a self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer (PE)-may meet tailored facility security and tank integrity inspection requirements without PE certification-may prepare a Plan which includes PE-certified environmentally equivalent measures or impracticability determinations that would require PE certification for only the portions dealing with environmental equivalence and impracticability determinations. The remaining portions of the Plan could be self-certified by the facility owner/operator.

IV. 2008 SPCC Rule Amendments – Tier I Qualified Facilities



Tier I Qualified Facilities

- EPA's 2008 amendments (in effect Jan. 14, 2010) would create a subset of Qualified Facilities
 - Facilities meeting the criteria described earlier are "Tier II" qualified facilities
 - Facilities meeting additional criterion are "Tier I" qualified facilities and are subject to further streamlined requirements

§112.3(g), 112.6 and Appendix G

Amendments not effective until Jan. 14, 2010; subject to public comment and EPA review

Eligibility Criteria

- Meet the Tier II qualified facility eligibility criteria:
 - 10,000 gallons or less in aggregate aboveground oil storage capacity
 - For the 3 years prior to Plan certification, or since becoming subject to the rule if it has operated for less than 3 years, the facility must not have had:
 - A single discharge of oil to navigable waters exceeding 1,000 U.S. gallons, or
 - Two discharges of oil to navigable waters each exceeding 42 U.S. gallons within any 12-month period
- **- AND -**
- Maximum individual oil storage container capacity of 5,000 U.S. gallons

§112.3(g)

Why are Tier I QFs Unique?

- “Tier I qualified facilities” have:
 - The least complicated operations and facility characteristics
 - May have few low capacity oil containers and some mobile/portable containers, few oil transfers, little to no piping.
- The choice for Tier I or Tier II is optional if the qualifying criteria are met.

Tier I SPCC Plan Template

- A Tier I qualified facility would have the option to complete an **SPCC Plan template** in lieu of a full SPCC Plan.
- Template is designed to be a simple SPCC Plan.
 - Includes only the requirements that should apply to this tier o regulated facilities.
 - Eliminates and/or modifies certain requirements and provisions that generally do not apply to facilities that store or handle smaller volumes of oil.
- Template is found in **Appendix G** to the SPCC rule.

Requirements for Tier I Facilities

This amendment **removes** the requirements to:

- Prepare a facility diagram
- Provide a facility description
- Comply with loading/unloading rack provisions
- Do a brittle fracture evaluation
- Discussion conformance with 40 CFR part 112 or other applicable State discharge prevention and containment regulations and guidelines
- Comply with facility drainage requirements
- Monitor internal heating coils
- Comply with provisions for effluent treatment facilities
- Comply with provisions for facility transfer operation
- Comply with produced water container provisions

§112.3(g), 112.6 and Appendix G

Amendments not effective until Jan. 14, 2010; subject to public comment and EPA review

Requirements for Tier I Facilities

This amendment **modifies** the requirements to:

- Predict the rate of flow that could result from an equipment failure.
 - Instead, the facility must examine areas where there is a reasonable possibility for equipment failure and include in the Plan the total quantity of oil that could be discharged and a prediction of the direction of flow.
- Maintain separate sized secondary containment requirements for mobile/portable containers
 - Instead, requirements are combined with the other bulk storage containers, and the requirement for containment to be “sufficiently impervious” is eliminated.
- Meet a prescribed set of overfill prevention procedures.
 - Instead, use of alternative methods can be used.

§112.3(g), 112.6 and Appendix G

Amendments not effective until Jan. 14, 2010; subject to public comment and EPA review

V. Tools Available for Plan Preparers



Tools

- Tools are available to assist in preparing SPCC Plans
 1. Template (as previously discussed)
 - Found in Appendix G of 2008 Amendments
 2. SPCC Guidance for Regional Inspectors
 - http://www.epa.gov/emergencies/content/spcc/spcc_guidance.htm#Content
 3. Factsheets on SPCC Rule
 - http://www.epa.gov/emergencies/content/spcc/spcc_dec06.htm

For More Information

- 2008 SPCC rule amendment Federal Register notice (73 FR 74236; December 5, 2008)
 - <http://www.gpoaccess.gov/fr/>
 - <http://www.epa.gov/emergencies/content/spcc>
- Complete Oil Pollution Prevention regulation (40 CFR part 112)
 - <http://www.gpoaccess.gov/cfr>
 - <http://www.epa.gov/emergencies/lawsregs.htm>
- EPA Emergency Management Web Area
 - www.epa.gov/emergencies
 - www.epa.gov/oilspill
- Superfund, TRI, EPCRA, RMP, and Oil Information Center
 - (800) 424-9346 or (703) 412-9810
 - TDD (800) 553-7672 or (703) 412-3323
 - <http://www.epa.gov/superfund/contacts/infocenter/index.htm>

EPA Contacts - Any Questions?

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