U. S. EPA
REGION 8 OIL PROGRAM

Oil Pollution Prevention Regulation (40 CFR Part 112)

- **Spill Prevention Control and Countermeasure (SPCC) Rule: Requirements help prevent oil discharges from reaching navigable waters or adjoining shorelines.**

- **Facility Response Plan (FRP): Specifies requirements for preparedness and response to oil discharges.**

SPCC Rule

Effective Date: January 10, 1974

Amended 2002, 2006, 2008 and 2009

(all amendments are now effective)

The 2002 SPCC Rule

- New format with separate sections for different types of facilities and different types of oils
- Incorporates the use of plain language.
- Changed “should and shall to must” providing clarification that the rule’s requirements are mandatory.

DO I NEED TO PREPARE A PLAN?

General Applicability

Applies to any owner or operator of a non-transportation related facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil or oil products.

40 CFR 112.1

Applicability

Regulatory threshold:

Total above ground capacity >1,320 gallons OR

Total UST capacity of > 42,000 gallon, not subject to UST regulations

40 CFR 112.1

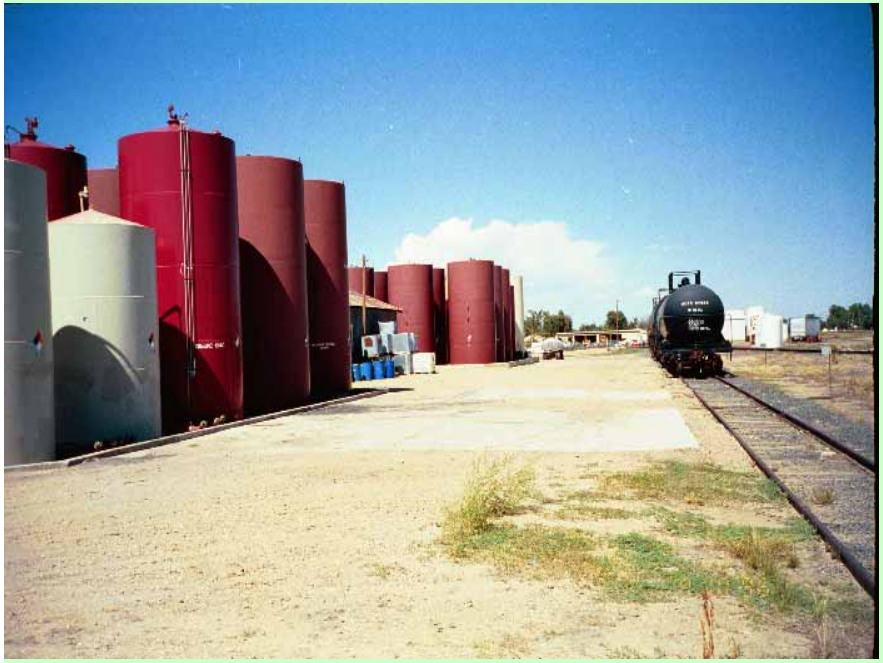
Applicability

Minimum container size:

Exempts containers less than 55 gallons from capacity calculation.

Capacity of any bulk storage containers and/or oil-filled equipment is counted toward SPCC.

40 CFR 112.1




NO
SMOKING

Applicability

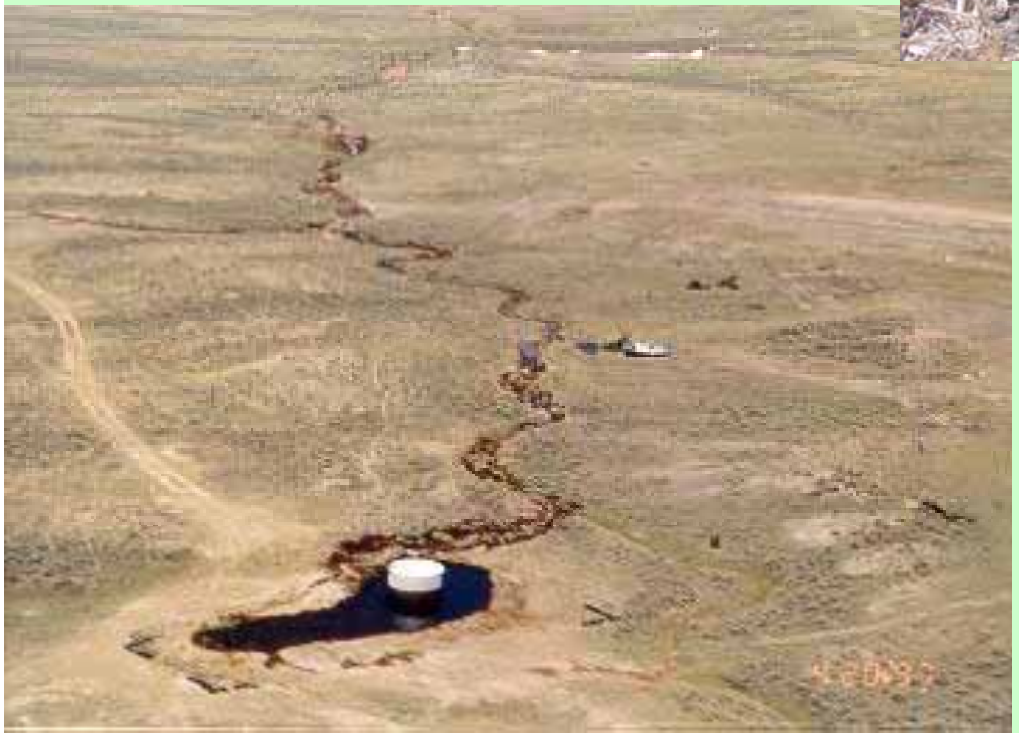
Facilities which may reasonably be expected to discharge oil to navigable waters or adjoining shorelines of the United States;

May affect natural resources belong to, appertaining to, or under the exclusive management authority of the U.S.;

Into or upon waters of the contiguous zone...

40 CFR 112.1

Photo courtesy of McClusky Gazette. Allan Tibbets, photographer.



Adverse Weather

Should be considered when making a determination whether there is a reasonable potential to discharge to navigable waters.

Exemptions in the Rule

The rule exempts completely buried tanks that are subject to and meet all technical requirements of the Underground Storage Tank rules (40 CFR part 280 or 281).

If exempt from UST – Subject to SPCC

40 CFR 112.1

Excluded or Exempt from UST Regulations (40 CFR part 280)

…and therefore may be subject to SPCC, if the facility meets the applicability requirements.

- **Flow-through process tanks**
- **Emergency spill and overfill tanks**
- **Surface impoundments, pits, ponds, or lagoons**
- **Liquid trap or associated gathering lines directly related to oil or gas production or gathering operations.**
- **Farm or residential tanks 1,100 gallons or less, used for motor fuel for noncommercial purposes**
- **Tanks on or above the floor of underground areas**
- **Septic tanks/ systems for collecting storm water and wastewater;**
- **Emergency spill and overfill tanks**
- **Any UST system that contains *de minimis* concentration of regulated substances**
- **Tanks used for storing heating oil for consumptive use on the premises where stored**
- **Tanks storing animal fat or vegetable oil**
- **Tanks 110 gallons or less**

Exemptions in the Rule

A facility, or part, used exclusively for wastewater treatment and not used for any other requirement of 40 CFR Part 112.

Only the wastewater treatment portion of the facility is exempt not the entire facility.

The production, recovery, or recycling of oil is not wastewater treatment and these facilities are not exempt.

40 CFR 112.1

Exemptions in the Rule

Permanently Closed: any container or facility for which:

All liquid and sludge has been removed from each container and connecting line; and

All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

40 CFR 112.1

“Permanently Closed”

Definition of “permanently closed” does not require a container to be removed from a facility.

Permanent closure requirements under the SPCC rule are separate and distinct from the closure requirements in regulations promulgated under Subtitle C of RCRA.


This Tank is
Permanently Closed.*
Date Closed: 8-1-02
*All connecting lines and piping have been disconnected and blanked off, and all valves [except for ventilation valves] have been closed and locked.

Exemptions in the Rule

Motive power containers:

Any onboard bulk storage container used primarily to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment.

40 CFR 112.1

Exemptions in the Rule

Pesticide Application Equipment

- **Exempt equipment includes:**
  - **Ground boom applicators**
  - **Airblast sprayers**
  - **Specialty aircraft that apply measured amounts of pesticides to crops and/or soil**
  - **Related mix containers**

Exemptions in the Rule

Pesticide Application Equipment

Exemption applies to all pesticide application equipment and related mix containers, regardless of ownership or where used.

40 CFR 112.1

Exemptions in the Rule

Residential heating oil containers at single-Family residences are Exempt from the SPCC rule.

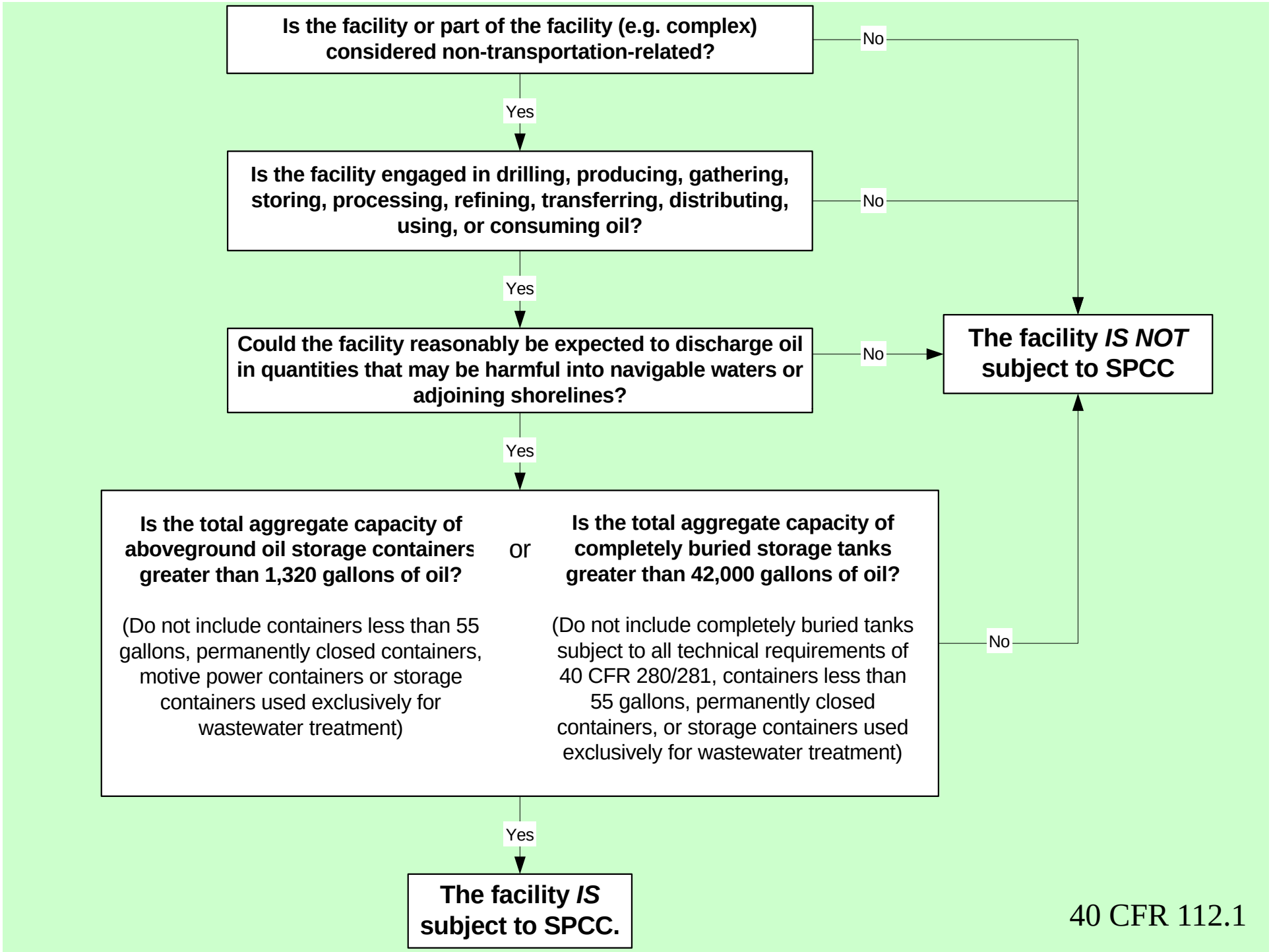
SPCC requirements continue to apply to oil containers used to heat other non-residential buildings.

40 CFR 112.1

Exemptions in the Rule

Dry gas production facilities are not subject to the SPCC rule.

A dry gas production facility produces natural gas from a well but does not also produce condensate or crude oil that can be drawn off the tanks, containers, or other production equipment at the facility.


Is the facility or part of the facility (e.g. complex) considered non-transportation-related?
No
Yes
Is the facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil?
No
Yes
Could the facility reasonably be expected to discharge oil in quantities that may be harmful into navigable waters or adjoining shorelines?
No
The facility IS NOT subject to SPCC
Yes
Is the total aggregate capacity of aboveground oil storage containers greater than 1,320 gallons of oil?
(Do not include containers less than 55 gallons, permanently closed containers, motive power containers or storage containers used exclusively for wastewater treatment)
or
Is the total aggregate capacity of completely buried storage tanks greater than 42,000 gallons of oil?
(Do not include completely buried tanks subject to all technical requirements of 40 CFR 280/281, containers less than 55 gallons, permanently closed containers, or storage containers used exclusively for wastewater treatment)
No
Yes
The facility IS subject to SPCC.

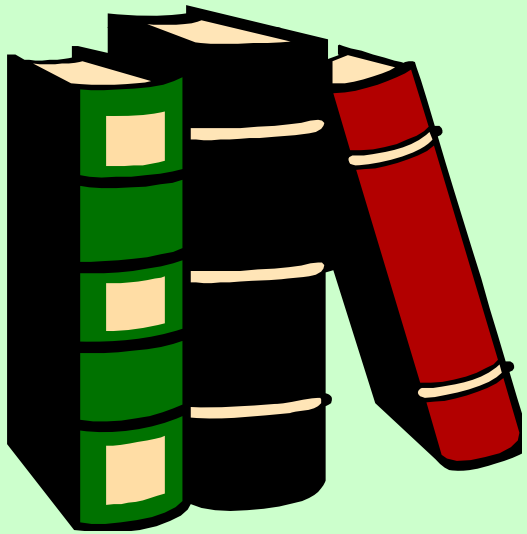
40 CFR 112.1

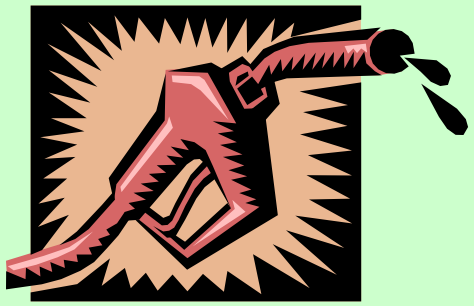
Otherwise Exempt Facilities

(f) Regional Administrators have authority to require preparation of an SPCC Plan for otherwise exempt facilities on a case-by-case basis.

40 CFR 112.1

112.2 DEFINITIONS





Oil

Oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, 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.

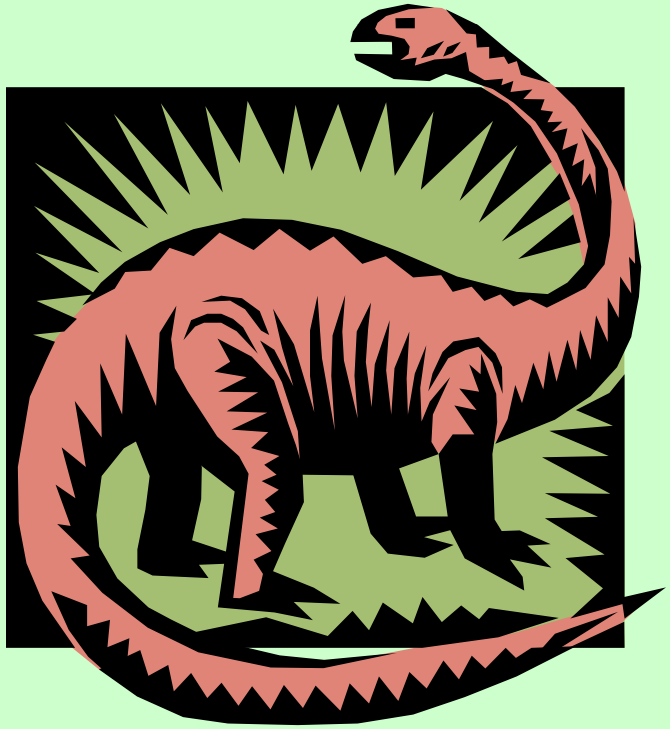
Oil

Substance which has:

- limited water solubility, and
- a relative cohesive mass upon discharge, and
- the potential for leaving a residue and being detectable in a water body, and
- the ability to be removed from the navigable waters and adjoining shoreline using currently available removal technology and equipment, and
- the potential for adverse environmental effects (i.e. toxic effects to aquatic animals, drowning of waterfowl, harm to wildlife, adverse aesthetic effects).

Definitions 40 CFR 112.2

Petroleum Oil



Petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products, such as gasoline and jet fuel.

Non-Petroleum Oil

Oil of any kind that is not petroleum-based, including but not limited to: fats, oils, and greases of animal, fish, or marine mammal origin; And vegetable oils, including oils from seeds, nuts, fruits, and kernels.

Definitions 40 CFR 112.2

Hazardous Substances and Hazardous Waste

- **Hazardous substances that are oils, or mixed with oils, are subject to SPCC rule requirements.**
- **Containers storing these substances may also be covered by RCRA and CERCLA.**
- **Tanks containing RCRA hazardous wastes are not subject to the UST rules, and therefore are subject to SPCC rules if they contain oil.**
- **Hazardous substances that are not oils nor mixed with oils are not subject to SPCC rule requirements.**

Definitions 40 CFR 112.2

Facility

Facility **means any mobile or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used, as described in Appendix A to this part.**

Facility (continued)

The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.

Onshore Facility

Any facility of any kind located in, on, or under any land within the United States, other than submerged lands.

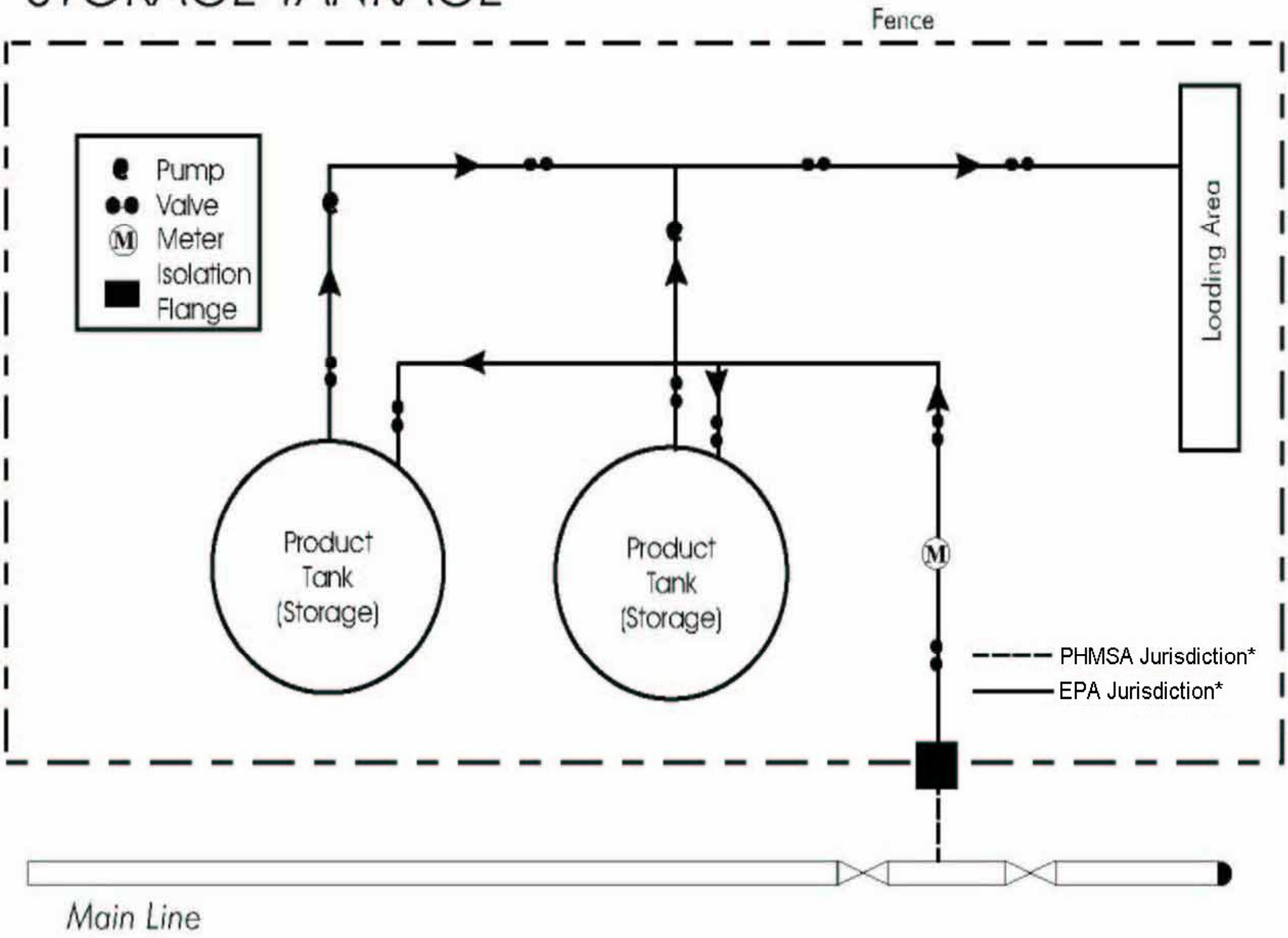
Definitions 40 CFR 112.2

Transportation-related and Non-transportation-related Facilities

As applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, (Appendix A of this part).

Transportation-Related Facilities (DOT Jurisdiction)	Non-Transportation-Related Facilities (EPA Jurisdiction)
Onshore and offshore terminal facilities, including transfer hoses, loading arms, and other equipment used to transfer oil in bulk to or from a vessel, including storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels	Fixed or mobile onshore and offshore oil drilling and production facilities
	Oil refining and storage facilities
	Industrial, commercial, agricultural, and public facilities that use and store oil
Transfer hoses, loading arms, and other equipment appurtenant to a non-transportation-related facility used to transfer oil in bulk to or from a vessel	Waste treatment facilities
	Loading racks, transfer hoses, loading arms, and other equipment used to transfer oil in bulk to or from highway vehicles or railroad cars
Interstate and intrastate onshore and offshore pipeline systems	
Highway vehicles and railroad cars that are used for the transport of oil	Highway vehicles, railroad cars, and pipelines used to transport oil within confines of non-transportation-related facility

STORAGE TANKAGE

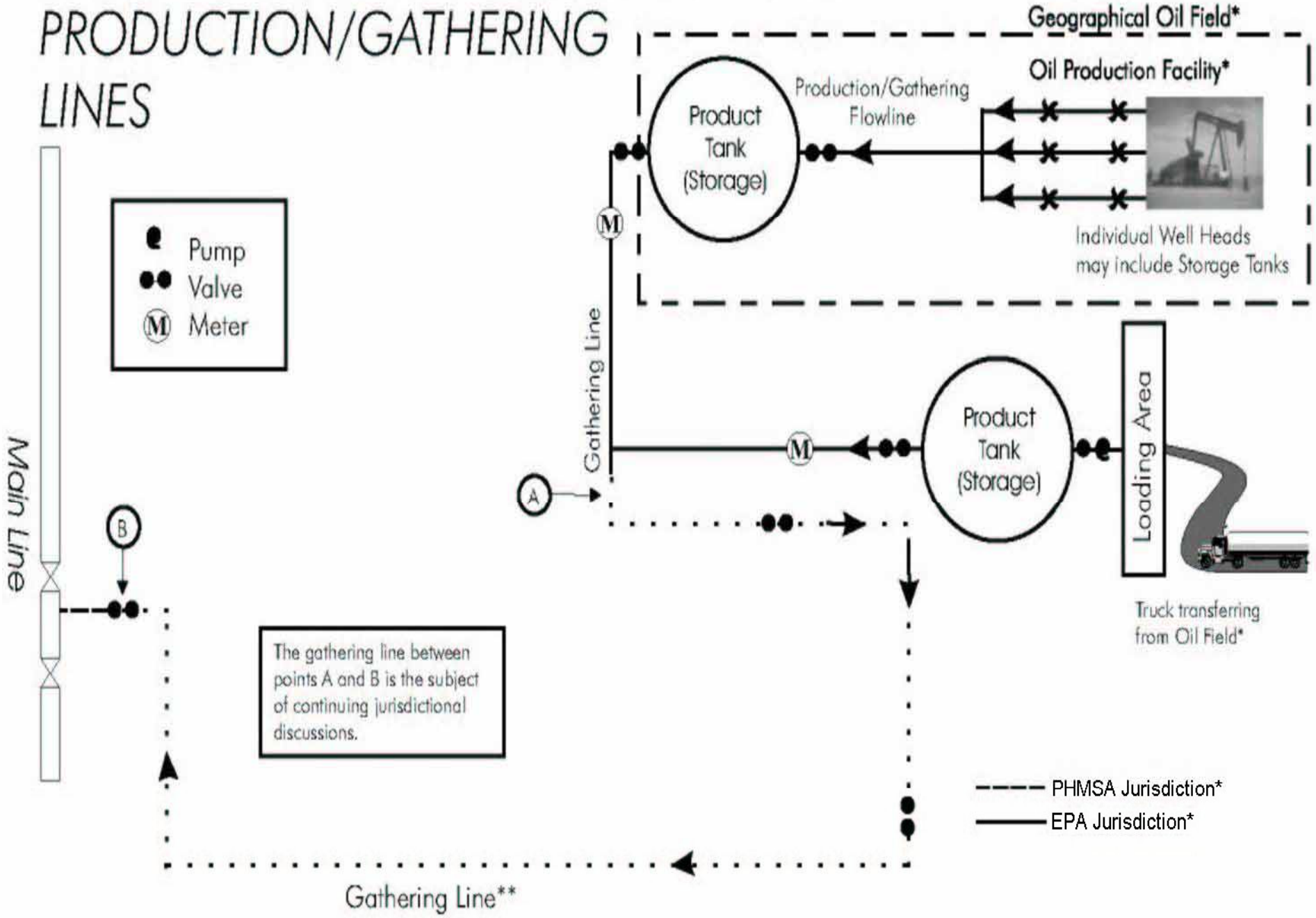


Complex Facility

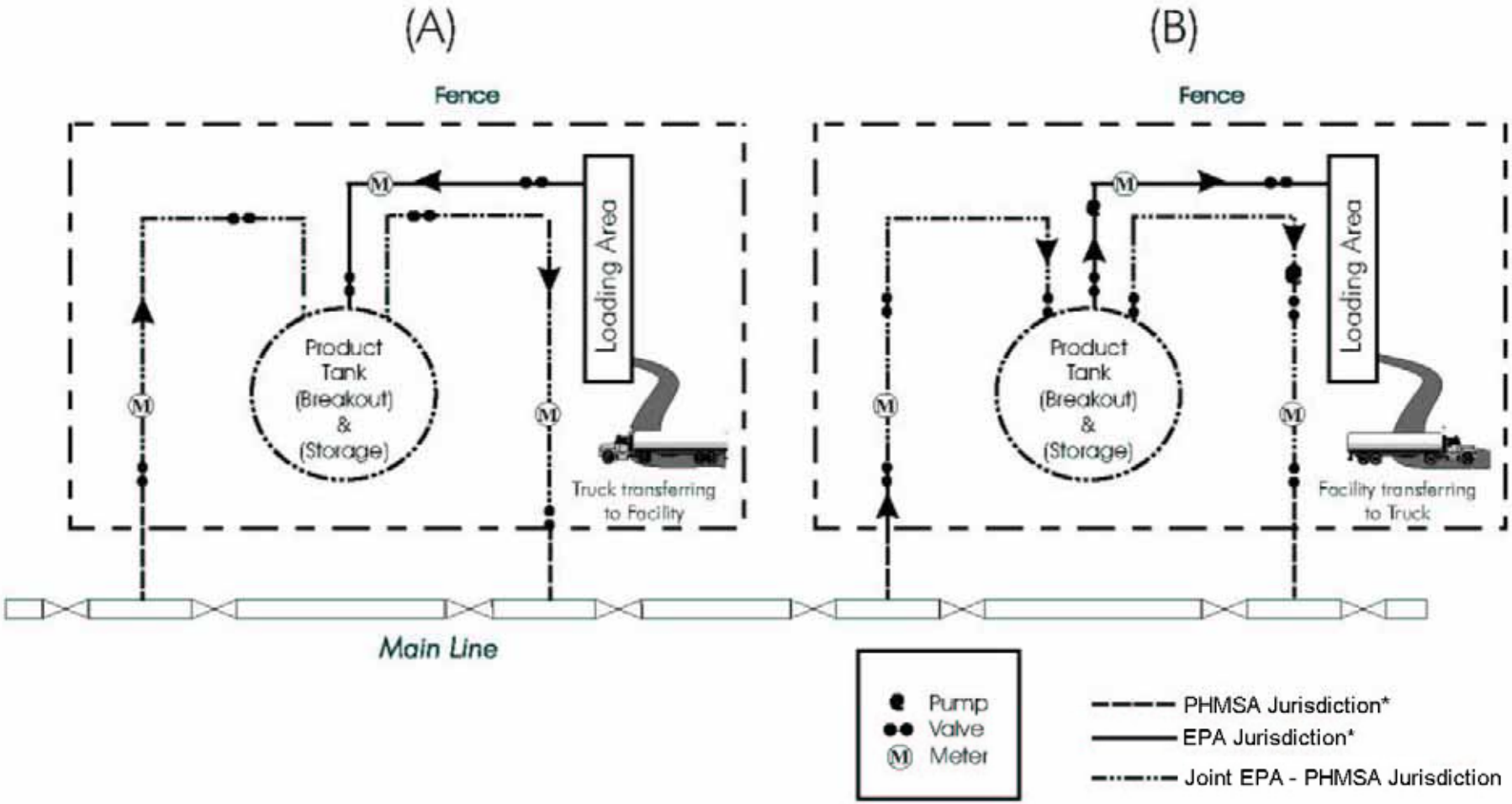
A facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the CWA.

Definitions 40 CFR 112.2

STORAGE TANKAGE ASSOCIATED WITH PRODUCTION/GATHERING LINES



BREAKOUT AND STORAGE TANKAGE - JOINT EPA - OPS JURISDICTION



* This diagram does not identify the precise location where the change in jurisdiction occurs between EPA and OPS for the purpose of the Clean Water Act, Section 311(j) (33 USC 1321(j)). When the pipeline operator and the storage or breakout tank operator remain the same, the change in jurisdiction occurs at the first and last pressure influencing device, meter, valve, or isolation flange, at or inside the facility property line. When the pipeline operator and the storage or breakout tank operator are not the same, the change in jurisdiction occurs at the change in operational responsibility or at the first and last pressure influencing device, valve, or isolation flange, at or inside the facility property line. In either of the above situations, the location of the property line should not solely be used to determine jurisdiction when operational activities (loading/offloading) extend beyond the property line.

SOURCE: US EPA REV: 11/09/99

ATTACHMENT 4

Production Facility

Production facility **means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or intra-facility gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil (including condensate), or associated storage or measurement, and is located in an oil or gas field, at a facility. This definition governs whether such structures, piping, or equipment are subject to a specific section of this part.**

Definitions 40 CFR 112.2

Farm

Facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, $1,000 or more of agricultural products during a year.

Definitions 40 CFR 112.2

Bulk Storage Container

Any container used to store oil.

Bunkered Tanks, Completely Buried Tanks, Partially Buried Tanks are considered like above ground tanks.

Oil filled electrical, manufacturing or operational equipment is not included in the definition. Therefore, they are not subject to the bulk storage requirements of the rule (containment, testing, and fail safe engineering)

Definitions 40 CFR 112.2

Completely Buried Tank

Any container completely below grade and covered with earth, sand, gravel, asphalt, or other material. Containers in vaults, bunkered tanks, or partially buried tanks are considered aboveground

storage containers for

purposes of this part.

Definitions 40 CFR 112.2

Bunkered Tank

A container constructed or placed in the ground by cutting the earth and re-covering the container in a manner that breaks the surrounding natural grade, or that lies above grade, and is covered with earth, sand, gravel, asphalt, or other material. A bunkered tank is considered an aboveground storage container for purposes of this part.

Partially Buried Tank

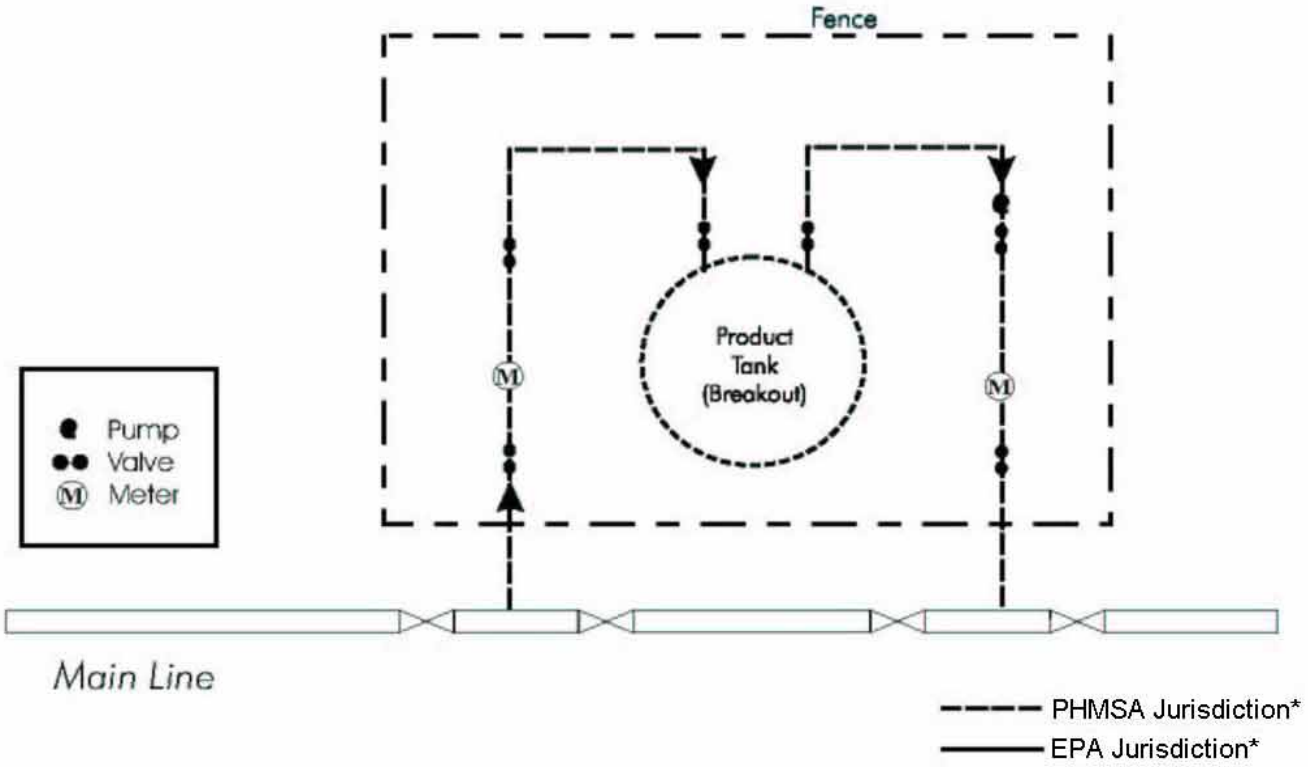
A storage container that is partially inserted or constructed in the ground, but not entirely below grade, and not completely covered with earth, sand, gravel, asphalt, or other material. A partially buried tank is considered an aboveground storage container for purposes of this part.

Definitions 40 CFR 112.2

Breakout Tank

A container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

BREAKOUT TANKAGE



SOURCE: US EPA REV: 11/09/99

ATTACHMENT 1

Produced Water Container

Produced water container **means a storage container at an oil production facility used to store the produced water after initial oil/water separation, and prior to reinjection, beneficial reuse, discharge, or transfer for disposal.**

Oil-filled Operational Equipment

Equipment that includes an oil storage container(s) in which the oil is present solely to support the function of the apparatus or the device.

Does not include well heads, pump jacks, separators, heater treaters, injection pumps, and other equipment at oil production facilities.

Does include pumps for fuel tanks, transformers, heaters, and other non-production related equipment.

Definitions 40 CFR 112.2

Oil-filled Operational Equipment

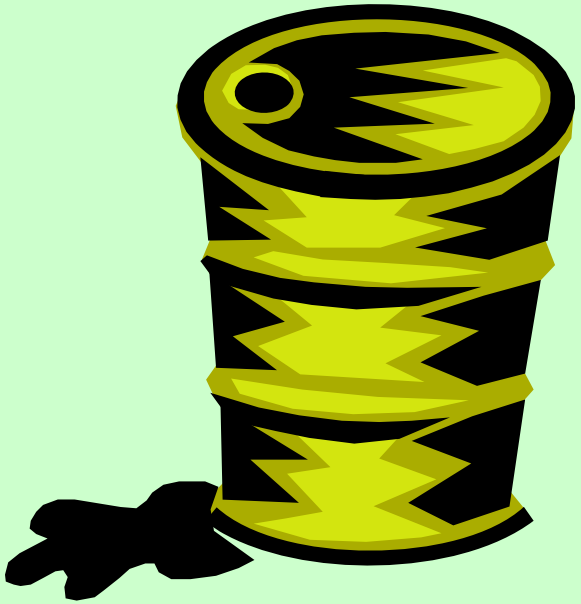
- **Not considered a bulk storage container**
- **Does not include oil-filled manufacturing equipment (flow-through process)**
- **Piping might be considered a component of oil-filled operational equipment:**
  - **Yes, if it is inherent to the equipment and used solely to facilitate operation of the device**
  - **No, if it is not intrinsic to the equipment (i.e., flowlines, transfer piping or piping associated with a process).**

Mobile Refueler

A bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Storage Capacity

The shell capacity of the container.



Definitions 40 CFR 112.2

Storage Capacity Calculation

***Included* in storage capacity**	***Excluded* from storage capacity**
Capacity of containers (e.g. bulk storage containers, oil-filled equipment, mobile/portable containers, etc.) with a capacity of 55 gallons or greater.	**Capacity of completely buried tanks and associated underground piping, ancillary equipment, and containment systems that are subject to all technical requirements of 40 CFR part 280 *or* 281.** **Capacity of tanks used exclusively for wastewater treatment.**
	Capacity of containers that are permanently closed.

Tank Re-rating

- **Shell capacity should be used as the measure of storage capacity, unless changes are made to the design shell capacity (shell dimensions) in a permanent, non-reversible manner.**

- **Even where modifications are done in accordance with industry standards, (e.g., modifying a vent, overflow, or other tank appurtenance that reduce the working fill capacity) the tank is not necessarily considered to be re-rated to a lower capacity.**

Definitions 40 CFR 112.2

Alteration

Any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

Repair

Any work necessary to maintain or restore a container to a condition suitable for safe operation, other than that necessary for ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Definitions 40 CFR 112.2

Oil Discharge

- Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under Section 402 of the CWA;

Definitions 40 CFR 112.2

Discharge of Oil "Sheen Rule"

40 CFR 110 - A "harmful quantity" of discharged oil includes any of the following:

- **Violates state water quality standards**
- **Causes a film or sheen on the water's surface**
- **Leaves sludge or emulsion beneath the surface.**

Definitions 40 CFR 110.3

Navigable Waters

- **All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92–500), and tributaries of such waters;**

Navigable Waters

- **All interstate waters;**

Definitions 40 CFR 112.2

Navigable Waters

- **Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and**

Definitions 40 CFR 112.2

Navigable Waters

- **Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.**

Definitions 40 CFR 112.2

Not Navigable Waters

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds which also meet the criteria of this definition) are not waters of the United States. Navigable waters do not include prior converted cropland.

Spill Reporting

- **Report all discharges of oil into or threatening to enter waters of the United States or adjoining shorelines to National Response Center (NRC) at 1-800-424-8802.**
- **Any person in charge of a vessel or an onshore or offshore facility must notify NRC immediately after he or she has knowledge of the discharge.**

Definitions 40 CFR 110.6

National Response Center (NRC)

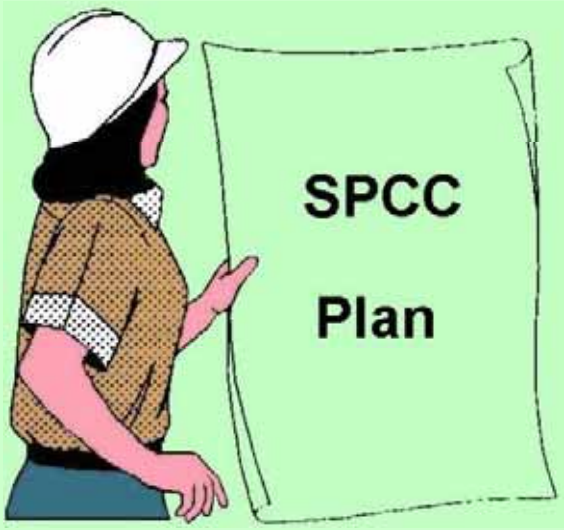
- **Federal government's centralized reporting center, which is staffed 24 hours a day by U.S. Coast Guard personnel**
- **NRC relays information regarding discharges to EPA or U.S. Coast Guard depending on the location of the incident.**
- **An On-Scene Coordinator evaluates the situation and decides if federal emergency response action is necessary.**

Definitions 40 CFR 112.2

Reporting Oil Discharges

Additional discharge reporting requirement for SPCC facilities (40 CFR 112.4):

More than 1,000 gallons in a single discharge or more than 42 gallons in two discharges within any 12 month period, then facility must submit certain information to the Regional Administrator within 60 days.



Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan

The document required by § 112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

Requirement to Prepare and Implement a SPCC Plan

Timeframes for preparation and implementation.

Must maintain copy of Plan at facility if attended 4 or more hours per day.

40 CFR 112.3

Mobile Facilities

- General plan
- Implemented prior to operation
- When facility moved, be installed according to plan
- Cannot operate mobile facility without implementing the plan
- Plan applicable only when in a non-transportation mode

40 CFR 112.3

Professional Engineer (PE)

Certified by a licensed PE

- Licensed in any state
- PE familiar with 40 CFR Part 112
- PE or agent visited facility
- In accordance with good engineering practices
  - Applicable industry standards
  - In compliance with regulations
- Inspection and testing procedures are established
- Plan is adequate for facility

40 CFR 112.3

Exception to PE Certification

- **“Qualified facilities” were addressed in the 2006 SPCC Amendments.**
- **The 2009 rule amendments further streamline and tailor the SPCC requirements for a subset of qualified facilities.**

40 CFR 112.3

Self Certification

1. **Familiar with the requirements of 40 CFR part 112;**
2. **Have visited and examined the facility;**
3. **Plan has been prepared in accordance with accepted and sound industry practices and standards and with requirement of this part;**
4. **Procedures for required inspections and testing have been established;**
5. **Plan is being fully implemented;**
6. **Facility meets the qualification criteria set forth under 112.3(g);**
7. **Plan does not deviate from any requirement of this part except as provided in (c) of this section;**
8. **The Plan and individual(s) responsible for implementing it have full approval of management and the facility owner or operator has committed the necessary resources to fully implement the Plan.**

40 CFR 112.3

Qualified Facility

- **10,000 gallons or less in aggregate aboveground oil storage capacity; and**
- **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.

40 CFR 112.3

Reportable Discharge History

When determining the applicability of this criterion, the gallon amount(s) specified (either 1,000 or 42) refers to **the amount of oil 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.)

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

Tier II Qualified Facility Option

A Tier II qualified facility owner/operator can choose to prepare a self-certified plan or prepare a PE-certified Plan in accordance with all applicable requirements of §112.

40 CFR 112.3

Tier II Qualified Facilities

Environmental Equivalence: Plan may not include EE unless each is reviewed and certified by a PE.

Alternative requirements for which PE certification not required:

- **Security;**
- **Integrity testing.**

40 CFR 112.3

Tier II Qualified Facilities

Impracticability:

Plan may not include any determinations that secondary containment is impracticable unless such determination and alternate provision has been reviewed and certified by a PE.

40 CFR 112.3

Ineligibility for Qualified Facilities

Facility becomes ineligible for self certification as a qualified facility if a change occurs such that the total oil storage capacity exceeds 10,000 gallons.

Then you must prepare a Plan in accordance with 112.7 and any other applicable subpart, including certification by a PE.

40 CFR 112.3

Tier I Eligibility Criteria

In addition to the Tier II Eligibility Criteria:

- **No individual aboveground oil storage container with a capacity greater than 5,000 U.S. gallons.**

40 CFR 112.3

Tier I Option

Limited to those facilities that:

- Do not use environmentally equivalent measures,
- Do not determine secondary containment to be impracticable, and
- Do not need PE certification to comply with any rule requirements.

40 CFR 112.3

Tier I Options

A Tier I qualified facility owner/operator can choose to comply with:

- **Tier I self-certified Template Plan or**
- **Tier II self-certified Plan or**
- **PE-certified Plan in accordance with all applicable requirements of §112.**

40 CFR 112.3

Tier I Options

Tier I Template is found in Appendix G to the SPCC rule.

Template is designed to be a simple SPCC Plan.

- **Eliminates and/or modifies certain requirements and provisions that generally do not apply to facilities that store or handle smaller volumes of oil**

Summary: Qualified Facility Applicability

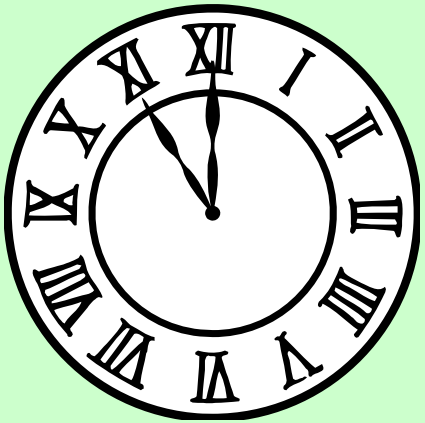
If the facility has…	And…	And the facility has…	Then:
10,000 U.S. gallons or less aggregate aboveground oil storage capacity;	Within any twelve-month period, three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, there has been: (1) No single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons; and (2) No two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons in any 12 -month period	No individual aboveground oil containers greater than 5,000 U.S. gallons;	Tier I: Complete and self-certify Plan template (Appendix G to 40 CFR part 112) in lieu of a full PE-certified Plan.
		Total oil capacity 10,000 U.S. gallons or less.	Tier II: Prepare self-certified Plan in accordance with all applicable requirements of §112.7 and subparts B and C of the rule, in lieu of a PE-

Owner or Operators

- **PE certification in no way relieves the owner or operator of a facility of his duty to prepare and fully implement such Plan in accordance with the requirements of this part.**

- **The owner or operator must:**
  - **Maintain the facility according to the Plan**

40 CFR 112.3



Timeframes

If a facility was operating prior to August 16, 2002, then the owner or operator must amend the SPCC Plan on or before November 10, 2011, and must implement the amended Plan as soon as possible, but not later than November 10, 2011.

40 CFR 112.3

Compliance Dates for All Facilities

A facility starting operation…	Must…
On or before August 16, 2002.	• Maintain its existing SPCC Plan • Amend and implement the SPCC Plan no later than **Nov. 10, 2011.**
After August 16, 2002 through **Nov. 10, 2011**	• Prepare and implement the SPCC Plan no later than **Nov. 10, 2011.**
After **Nov. 10, 2011** (excluding production facilities)	• Prepare and implement a SPCC Plan before beginning operations.

SPCC Plan Preparation and Implementation Timeframe

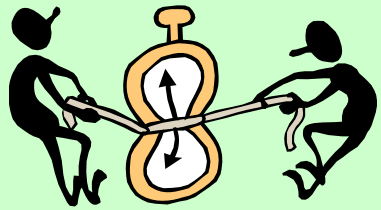
A new oil production facility has six months after the start of operations to prepare and implement an SPCC Plan.

- **A new production facility is one that becomes operational after November 10, 2011.**
- **“Start of operations” is indicated by the start of well fluid pumping, transfer via flowlines, separation, treatment or storage of crude oil, or other oil storage in capacities greater than the SPCC applicability threshold.**

40 CFR 112.3

Extension of Time

The Regional Administrator may authorize an extension …. when he finds that the owner or operator of a facility … cannot fully comply with the requirements as a result of either non-availability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or his agents or employees.



40 CFR 112.3

Extension of Time

An owner or operator's written extension request to the Regional Administrator must include:

(i) A full explanation of the cause for any such delay and the specific aspects of the Plan affected by the delay;

(ii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay; and

(iii) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment, or other preventive measures. In addition you may present additional oral or written statements in support of your extension request.

40 CFR 112.3

Extension of Time

- **The submission of a written extension request does not relieve obligation to comply with the rule.**
- **EPA may request a copy of the current SPCC Plan to evaluate the extension request.**
- **IF EPA authorizes an extension of time for particular equipment or other specific aspects of the Plan does not affect your obligation to comply with the requirements related to other equipment or other specific aspects of the Plan which EPA has not expressly authorized an extension.**

40 CFR 112.3

Section 112.4 Amendment of SPCC Plan by Regional Administrator

Amendment Required by RA

- RA may require amendment of the Plan if
  - Plan does not meet the requirements of this part
  - Necessary to prevent and contain discharges from facility
- 30 days from receipt, you may appeal to RA
- 30 days after RA decision, you may appeal to EPA Administrator appeal

  Submit a clear and concise statement of the issues and points of fact in the case, including additional information from you, or from any other person.

40 CFR 112.4

If you are the owner or operator of a facility

Which has:

- Discharged more than 1,000 U.S. gallons of oil in a single discharge,
- Discharged more than 42 U.S. gallons of oil in each of two discharges, within any twelve month period,

Then you must:

- Submit information to EPA and the appropriate State Agency within 60 days;

40 CFR 112.4

Information

(1) Name of the facility;

(2) Your name;

(3) Location of the facility;

(4) Maximum storage or handling capacity of the facility and normal daily throughput;

(5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;

(6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;

40 CFR 112.4

Information (Continued)

(7) The cause of such discharge as described in 112.1(b), including a failure analysis of the system or subsystem in which the failure occurred;

(8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence; and

(9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.

40 CFR 112.4

Amendment of SPCC Plan by Owner/Operator

Amend the SPCC Plan for your facility … when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge

(Examples: commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at a facility).

40 CFR 112.5

Amendment of SPCC Plan by Owner/Operator

Amendment must be prepared within six months, and implemented as soon as possible, but not later than six months following preparation of the amendment.

40 CFR 112.5

Amendment of SPCC Plan by Owner/Operator

A review and evaluation of the SPCC Plan at least once every five years from the date facility becomes subject; or

If your facility was in operation on or before August 16, 2002, five years from the date of your last review was required under this part.

40 CFR 112.5

Amendment of SPCC Plan by Owner/Operator

- **Amend SPCC Plan within six months of the review to include more effective prevention and control technology if the technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge from the facility.**

- **Implement any amendment as soon as possible, but not later than six months following preparation of any amendment.**

40 CFR 112.5

Amendment of SPCC Plan by Owner/Operator

- **Document review and evaluation**
- **Must sign a statement as to whether you will amend the Plan**
  - **at beginning or end of Plan;**
  - **in a log; or**
  - **an appendix to the Plan.**

  "I have completed review and evaluation of the SPCC Plan for (facility name) on (date), and will (will not) amend the Plan as a result."
- **Professional Engineer must certify any technical amendment**

40 CFR 112.5

Amendment of Self Certified SPCC Plan

Must self certify any technical amendments to SPCC Plan when there is a change in facility design, construction or maintenance which affects its potential for a discharge.

If a Professional Engineer certified a portion of the Plan and the technical amendment affects this portion of the Plan, then the amended provisions must be certified by a PE.

40 CFR 112.5

SUBPART D
Response Requirements

112.20 **Facility response plans**

112.21 **Facility response training and drills/exercises**

Substantial Harm Certification

Determine whether discharge could cause substantial harm (complete and sign Certification Statement):

- **42,000 gallons over water transfer, or**
- **1 million gallons, and**
  - **Facility does not adequate secondary containment; or**
  - **Facility is located at a distance (as calculated using the appropriate formula in appendix C to this part or a comparable formula) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments; or**

40 CFR 112.20

Fish and Wildlife and Sensitive Environments

Areas that may be identified by their legal designation or by evaluations of Area Committees (for planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests,

Fish and Wildlife and Sensitive Environments

Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Substantial Harm Certification

- **Discharge from the facility would shut down a public drinking water intake; or**

- **Facility had a discharge in an amount greater than or equal to 10,000 gallons within the last 5 years.**

40 CFR 112.20

Worst case discharge

For an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in Appendix D .

40 CFR 112.20