



# Spill Prevention Control and Countermeasure (SPCC) Plan Qualified Facilities Applicability

This document explains whether the SPCC rule applies to your facility; how to certify your SPCC Plan (or Plans); how to determine if you are eligible to develop a simplified Plan for your facility using a template; and summarizes the spill prevention measures to include in your Plan.

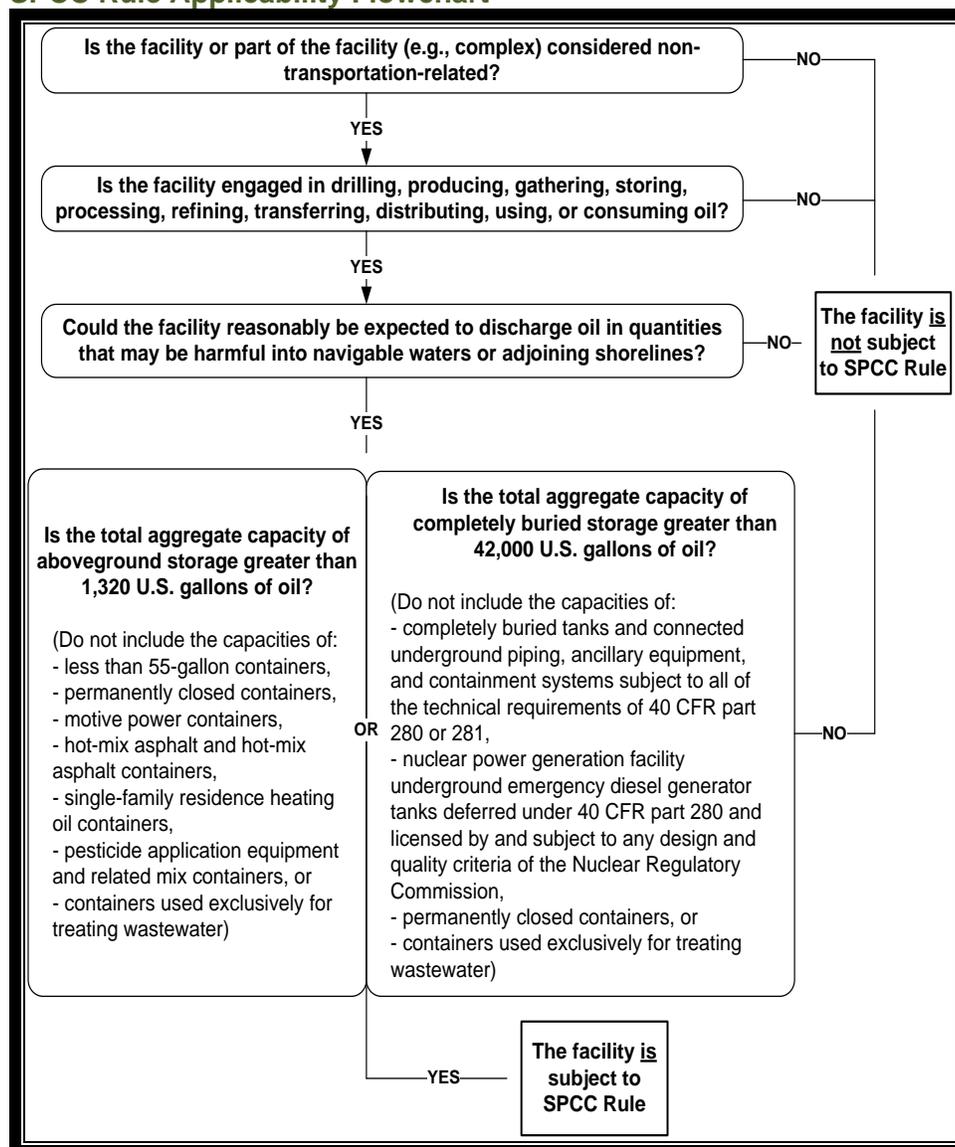
## STEP 1: Is my facility subject to the SPCC rule?

Follow the questions in the flowchart to determine if you must develop an SPCC Plan:

### Is the facility or part of the facility considered non-transportation-related?

A facility that stores, processes, refines, uses or consumes oil is non-transportation-related and potentially subject to the SPCC rule. Operations that are intended to move oil from one facility to another, i.e., transportation-related, are not included.

### SPCC Rule Applicability Flowchart



*If the SPCC rule applies to your facility or farm, you must develop and implement an SPCC Plan.*

*The Plan describes oil handling operations, spill prevention practices, discharge or drainage controls, and the personnel, equipment and resources at the facility that are used to prevent oil spills from reaching navigable waters or adjoining shorelines.*

*Every SPCC Plan must be prepared in accordance with good engineering practices and certified by a Professional Engineer (PE) unless you are able to, and choose to, self-certify the Plan.*

Examples of non-transportation-related facilities include:

- Onshore and offshore oil well drilling facilities;
- Onshore and offshore oil production facilities (including separators and storage facilities);
- Oil refining or storage facilities;
- Industrial, commercial, agricultural, or public facilities using or storing oil (e.g., farms); and
- Certain waste treatment facilities.

If your facility is non-transportation-related then proceed to the next question. Otherwise, you are not subject to the SPCC rule.

**Is the facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil?**

If your facility operations include any of the above activities then proceed to the next question. Otherwise, you are not subject to the SPCC rule.

**Could the facility reasonably be expected to discharge oil in quantities that may be harmful into navigable waters or adjoining shorelines?**

You can determine this by considering the geography and location of your facility relative to nearby navigable waters (such as streams, creeks and other waterways). Additionally, you should determine if ditches, gullies, storm sewers or other drainage systems might transport an oil spill to nearby streams. Estimate the volume of oil that could be spilled in an incident and how that oil might drain or flow from your facility and the soil conditions or geographic features that might affect the flow toward waterways. Also you may want to consider whether precipitation runoff could transport oil into navigable waters or adjoining shorelines. You may not take into account manmade features, such as dikes, equipment, or other structures that might prevent, contain, hinder, or restrain the flow of oil. Assume these manmade features are not present when making your determination.

If you determine that a spill from your facility can reasonably be expected to flow to a navigable water then proceed to the next question. Otherwise, you are not subject to the SPCC rule.

**Is the total aggregate aboveground oil storage capacity greater than 1,320 gallons of oil; or is the total aggregate capacity of completely buried storage tanks greater than 42,000 gallons of oil?**

Add up the container oil storage capacities and compare your total facility capacity to the SPCC threshold:

- A total aboveground oil storage capacity greater than 1,320 gallons; or
- A completely buried oil storage capacity greater than 42,000 gallons.

When you begin to add up the capacity of your containers, use the shell capacity of the container (maximum volume) and not the actual amount of product stored in the container (operational volume) to determine whether the SPCC rule applies to you. Count only containers with storage capacity equal to or greater than 55 gallons.

***What types of oil are covered?***

*Oil of any type and in any form is covered, including, but not limited to: petroleum; fuel oil; sludge; oil refuse; oil mixed with wastes other than dredged spoil; fats, oils or greases of animal, fish, or marine mammal origin; vegetable oils, including oil from seeds, nuts, fruits, or kernels; and other oils and greases, including synthetic oils and mineral oils.*

***What is a "harmful quantity" of discharged oil?***

*As described in 40 CFR part 110, a harmful quantity is typically one that causes a film or sheen on the water's surface but it includes any quantity of discharged oil that violates state water quality standards, or leaves sludge or emulsion beneath the surface.*

***How do I report an oil spill?***

*You must immediately report oil spills to navigable waters or adjoining shorelines to the **National Response Center (NRC) at 1-800-424-8802 or 1-202-426-2675.***

*If you are required to have an SPCC Plan and the amount of oil spilled to water is more than 1,000 gallons or more than 42 gallons on two different occasions within a 12-month period, then you must also notify your EPA Regional office in writing.*

Examples of containers that count toward the overall facility oil storage capacity include:

*Bulk storage containers:* Aboveground storage tanks partially buried tanks; tanks in vaults; bunkered tanks; and mobile or portable containers such as drums, totes, non-transportation-related tank trucks, mobile refuelers; and certain completely buried tanks (also sometimes referred to as underground storage tanks).

*Oil-filled equipment:* May include electrical or operating equipment such as hydraulic systems, lubricating systems (e.g., those for pumps such as irrigation pumps; compressors and other rotating equipment), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, and electrical switches; or manufacturing equipment such as process vessels, or other equipment used in the alteration, processing or refining of petroleum oil and other non-petroleum oils, including animal fats and vegetable oils.

Some oil containers are exempt<sup>1</sup> from the SPCC rule and the capacities of these containers do not count toward the overall facility storage capacity. For example, do not count the capacities of:

- Storage containers with a capacity less than 55 gallons;
- Permanently closed containers (this includes new containers that have not been used yet to store oil);
- Motive power containers (includes gasoline tanks or hydraulic equipment associated with cars, trucks or heavy equipment);
- Hot-mix asphalt or any hot-mix asphalt container;
- Containers of heating oil used solely at a single-family residence;
- Pesticide application equipment and related mix containers; and
- Underground storage tanks systems subject to all the technical requirements of 40 CFR 280 or 281

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If the total capacity of your aboveground containers is over 1,320 gallons or the total capacity of your completely buried tanks is over 42,000 gallons, then your facility is subject to the SPCC rule and you must develop a Plan.

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## STEP 2: Do I have a Qualified Facility?

The rule provides simplified spill prevention requirements for qualified facilities. The owner or operator of a qualified facility can self-certify the facility's SPCC Plan. There are two types of qualified facilities. To determine if your facility is a qualified facility and what type it is, you'll need the following information:

- The total capacity of aboveground oil storage containers at the facility and
- Information on oil spills from the facility for the past three years.

### **How do I define my facility?**

*The boundary of a "facility" depends on site-specific circumstances. Some factors to consider when determining the boundaries of your facility may include, but are not limited to:*

- *Ownership, management, and operation of the buildings, structures, equipment, installations, pipes, or pipelines on the site;*
- *Similarity in functions, operational characteristics, and types of activities occurring at the site;*
- *Adjacency; or*
- *Shared drainage pathways (e.g., same receiving water bodies).*

*Adjacent or non-adjacent parcels, either leased or owned, may be considered separate facilities for SPCC purposes. Containers on separate parcels (that a facility owner or operator identifies as separate facilities based on how they are operated) do not need to be added together in determining whether the applicability threshold is met.*

### **When should I prepare and implement an SPCC Plan?**

*Facilities in operation on or before August 16, 2002, must maintain and amend their existing Plan by November 10, 2011.*

*Any facility that started operation after August 16, 2002, but before November 10, 2011, must prepare and implement a Plan on or before November 10, 2011.*

*If your facility was in operation before August 16, 2002, and you do not already have a Plan, you must prepare a Plan now. Do not wait until November 10, 2011.*

<sup>1</sup> For a full list of exemptions from the SPCC rule, see 40 CFR part 112.1.

Follow the table to determine if you can self-certify your SPCC Plan:

**Qualified Facility Applicability**

If the facility total aboveground oil storage capacity is 10,000 gallons or less ...		
And...	And the facility has...	Then the facility is a:
Within three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, the facility has not had: <ul style="list-style-type: none"> <li>• A single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 gallons, or</li> <li>• Two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 gallons within any 12-month period.<sup>2</sup></li> </ul>	No individual aboveground oil containers greater than 5,000 gallons;	<b>Tier I Qualified Facility:</b> Complete and self-certify Plan template (Appendix G to 40 CFR part 112) in lieu of a full PE-certified Plan or other self-certified SPCC Plan.
	Any individual aboveground oil container greater than 5,000 gallons;	<b>Tier II Qualified Facility:</b> Prepare a self-certified Plan in accordance with all applicable requirements of §112.7 and subparts B or C of the rule, in lieu of a PE-certified Plan.

**Qualified Facilities**

If your facility meets the criteria described in the table above, and each of your aboveground oil storage containers has a capacity of 5,000 gallons or less, then your facility is a Tier I Qualified Facility and you can choose to complete and certify the SPCC Plan template found in Appendix G of the SPCC rule. A copy of this template can be found on the SPCC page at [www.epa.gov/oilspill](http://www.epa.gov/oilspill).

If your facility is not eligible to use the template, you may still qualify to self-certify your SPCC Plan as a Tier II Qualified Facility. The requirements for a Tier II Qualified Facility Plan are similar to a PE-certified Plan (i.e., the Plan must follow the requirements of 40 CFR 112.7 and subparts B or C of the rule; however, the owner or operator certifies the Plan).

An owner/operator that certifies a facility’s SPCC Plan attests that he/she is familiar with the SPCC requirements and has visited and examined the facility. The 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; and
- Management approves the Plan and has committed resources to implement it.

**Professional Engineer (PE) Certified SPCC Plans**

If your facility does not qualify as either a Tier I or Tier II qualified facility, then you must follow the requirements of 40 CFR 112.7 and subparts B or C of the rule, and have the SPCC Plan certified by a PE.

A PE must also be involved when you deviate from any of the SPCC requirements (i.e., either by providing environmentally equivalent alternatives or a contingency plan instead of secondary containment). You can still self-certify the SPCC Plan, if your facility is a Tier I or II qualified facility but the deviation must be certified by a PE.

<sup>2</sup> Not including discharges that are the result of natural disasters, acts of war, or terrorism. When determining the applicability of this SPCC reporting requirement, 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. EPA considers the entire volume of the discharge to be oil for the purposes of these reporting requirements.

The facility owner or operator is responsible for preparation of the SPCC Plan, but it must be certified by a PE who will confirm that:

- The PE is familiar with the requirements of the rule;
- The PE or his agent has visited and examined the facility;
- The SPCC Plan has been prepared in accordance with good engineering practices, including consideration of applicable industry standards, and with the requirements of the rule;
- Procedures for required inspections and testing have been established; and
- The SPCC Plan is adequate for the facility.

### STEP 3: How do I prepare and implement my SPCC Plan?

Once you determine that you need an SPCC Plan, and you know how to certify it, then you need to know what to include in the Plan.

You'll need to include the following information in your SPCC Plan:

- A list of the oil containers at the facility including the contents and location of each container;
- A brief description of the procedures that you will use to prevent oil spills. For example, steps you use to transfer fuel from a storage tank to a vehicle that reduce the possibility of a fuel spill;
- A brief description of the measures you installed to prevent oil from reaching water;
- A brief description of the measures you will use to contain and cleanup an oil spill; and
- A list of emergency contacts and first responders.

Include the following spill prevention measures in the SPCC Plan and implement them at your facility:

- Use containers suitable for the oil stored. For example, use a container designed for flammable liquids to store gasoline;
- Identify contractors or other local personnel who can help you clean up an oil spill;
- Provide overfill prevention for your oil storage containers. You could use a high-level alarm or audible vent;
- Provide effective, sized secondary containment for bulk storage containers, such as a dike or a remote impoundment. The containment must be able to hold the full capacity of the container plus possible rainfall. The dike may be constructed of earth or concrete. A double-walled tank may also suffice;
- Provide effective, general secondary containment to address the most likely discharge where you transfer oil to and from containers and for mobile refuelers, such as fuel nurse tanks mounted on trucks or trailers. For example, you may use sorbent materials, drip pans or curbing for these areas; and
- Periodically inspect and test pipes and containers. You should visually inspect aboveground pipes and inspect aboveground containers following industry standards. You must "leak test" buried pipes when they are installed or repaired. Keep a written record of your inspections.

#### **How and when do I maintain my SPCC Plan?**

*Amend and update your SPCC Plan when changes are made to the facility, for example, if you add new storage containers (e.g. tanks) that are 55 gallons or larger. You must review your Plan every five years to include any changes in oil storage or spill prevention procedures or equipment at your facility.*

#### **Do state engineering requirements impact SPCC Plan self-certification?**

*Some states require a PE to perform certain functions, including certifying SPCC Plans. Check with your state's engineer licensing board to find out if it prohibits SPCC Plan self-certification. If so, you may not be able to utilize the Tier I and Tier II options to self-certify your Plan.*

#### **Will I always be eligible to self-certify my SPCC Plan?**

*If you increase the oil storage capacity at your facility above the 10,000 gallon threshold, then you will lose your eligibility to self-certify your SPCC Plan and must have a PE certify the Plan within 6 months of the change.*

*However, you do not automatically lose eligibility if you have an oil spill to navigable waters or adjoining shorelines after self-certifying your SPCC Plan.<sup>3</sup>*

#### **Additional Resources**

*Spill Prevention, Control, and Countermeasures (SPCC) Regulation, 40 CFR part 112, A Facility Owner/Operator's Guide to Oil Pollution Prevention, EPA 540-K-09-001 and the SPCC Guidance for Regional Inspectors, EPA 550-B-05-001 explain the applicability criteria in the rule in more detail.*

<sup>3</sup> Following an oil spill(s) reported to EPA, the Regional Administrator may require that the SPCC Plan be amended in accordance with §112.4(d) and require a PE certification.