



# Spill Prevention, Control, and Countermeasure (SPCC) Rule

## *Streamlined Requirements for Tier I and II Qualified Facilities*

The SPCC rule has streamlined requirements for facilities with smaller oil storage capacity. The owner or operator of a “qualified facility” can prepare and self-certify an SPCC Plan rather than have a Professional Engineer (PE) review and certify the Plan. Self-certification is an optional alternative to PE certification of the Plan.

### What is a Qualified Facility?

A qualified facility is an SPCC-regulated facility in which the owner or operator is eligible to self-certify the SPCC Plan rather than have a PE certify the Plan.

There are two types of qualified facilities (Tier I and II). Tier I qualified facility owners or operators complete a self-certified SPCC Plan template in lieu of a full SPCC Plan. These facilities meet the eligibility criteria for a qualified facility and have *no individual aboveground oil containers greater than 5,000 gallons*.

All other qualified facilities are designated “Tier II qualified facilities” and the owner or operator prepares a full SPCC Plan and self-certifies the Plan.

### Do I have a Qualified Facility?

To determine if your facility is a qualified facility and what tier it is, you simply need to know the total capacity of aboveground oil storage containers at the facility and information on oil spills from the facility for the past three years.

A facility must meet two criteria to take advantage of the Tier II qualified facility option:

- The facility has 10,000 gallons or less in aggregate **aboveground** oil storage capacity; and
- The facility has not had any oil spills as described in the table below:

### 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>1</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.

<sup>1</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.

**What do I do if I have a Tier I qualified facility?**

In lieu of preparing a full SPCC Plan that is PE-certified or self-certified, you have the option to complete and self-certify the SPCC Plan template found in Appendix G of 40 CFR part 112. The Plan template is a simple SPCC Plan that includes only the requirements that apply to this tier of regulated facilities.

The Plan template is available, in several formats, on the EPA website at [www.epa.gov/emergencies](http://www.epa.gov/emergencies). Once you complete and certify the template, it serves as the SPCC Plan for the facility. You can also certify any future amendments to the SPCC Plan.

**What do I do if I have a Tier II qualified facility?**

You must prepare and implement an SPCC Plan that follows all of the rule requirements in 40 CFR 112; however, you may choose to self-certify the facility's SPCC Plan and future amendments instead of having the SPCC Plan reviewed and certified by a PE.

**How do I certify my SPCC Plan?**

You must certify that:

- You are familiar with the SPCC requirements;
- You have visited and examined the facility; 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.

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

Yes, 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 self-certify your Plan.

A list of state PE licensing boards, is available at: [http://www.epa.gov/emergencies/docs/oil/spcc/pe\\_state\\_boards.pdf](http://www.epa.gov/emergencies/docs/oil/spcc/pe_state_boards.pdf)

**If I own a qualified facility, am I required to self-certify the SPCC Plan?**

No. Self-certifying and/or using the Tier I Plan template are alternative means of complying with SPCC requirements.

If you own or operate a Tier I qualified facility, you can choose to prepare and implement either a full PE-certified SPCC Plan or a self-certified SPCC Plan according to all of the requirements of §112.6(b) (for a Tier II qualified facility) in order to comply with the requirements under 40 CFR part 112.

If you own a Tier II qualified facility, you can choose to have a PE prepare and certify your SPCC Plan.

Regardless of who prepares or certifies the SPCC Plan, the facility owner or operator is ultimately responsible to prepare a Plan, amend it when necessary, and implement the Plan. If an oil spill from your facility reaches navigable waters or adjoining shorelines, then you must report the spill to the National Response Center (NRC) and in some cases to the EPA Regional office. After receiving a report of an oil discharge, the EPA Regional Administrator may determine whether you must amend your SPCC Plan and have it certified by a PE.

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

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

Additionally, 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.

**Can I substitute other measures for any of the SPCC rule requirements?**

You may deviate from rule requirements under certain circumstances if you are the owner or operator of a Tier II Qualified Facility.

The SPCC rule allows for environmentally equivalent alternatives to specific rule provisions when the alternative measures are described and documented in the SPCC Plan. You can provide environmentally equivalent alternatives in your Tier II SPCC Plan when these measures are reviewed and certified by a PE.

Similarly, you may determine that secondary containment is impracticable and develop a contingency plan in accordance with the rule as long as the determination is reviewed and certified by a PE. A self-certified Plan with PE-certified portions is called a “hybrid Plan.”

**Can a Tier I qualified facility use a “hybrid Plan”?**

No, a Tier I facility cannot use a “hybrid Plan,” because the Tier I category is meant to allow facilities with simple oil storage configurations to have a relatively simple means to comply with the SPCC requirements. If a facility qualifies to use the SPCC Plan template but has site-specific factors that make it difficult to use the template as written,<sup>2</sup> then the Appendix G Plan template may not be an appropriate tool for the facility to address its oil spill planning elements. Instead, the facility owner/operator could opt to comply with the SPCC requirements as a Tier II qualified facility—that is, prepare a full self-certified Plan or hybrid Plan.

**Can I lose eligibility to self-certify my SPCC Plan?**

Yes, 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. 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.

**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 also must review your Plan every five years and should use that review to include any changes in oil storage or spill prevention procedures or equipment at your facility.

**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.

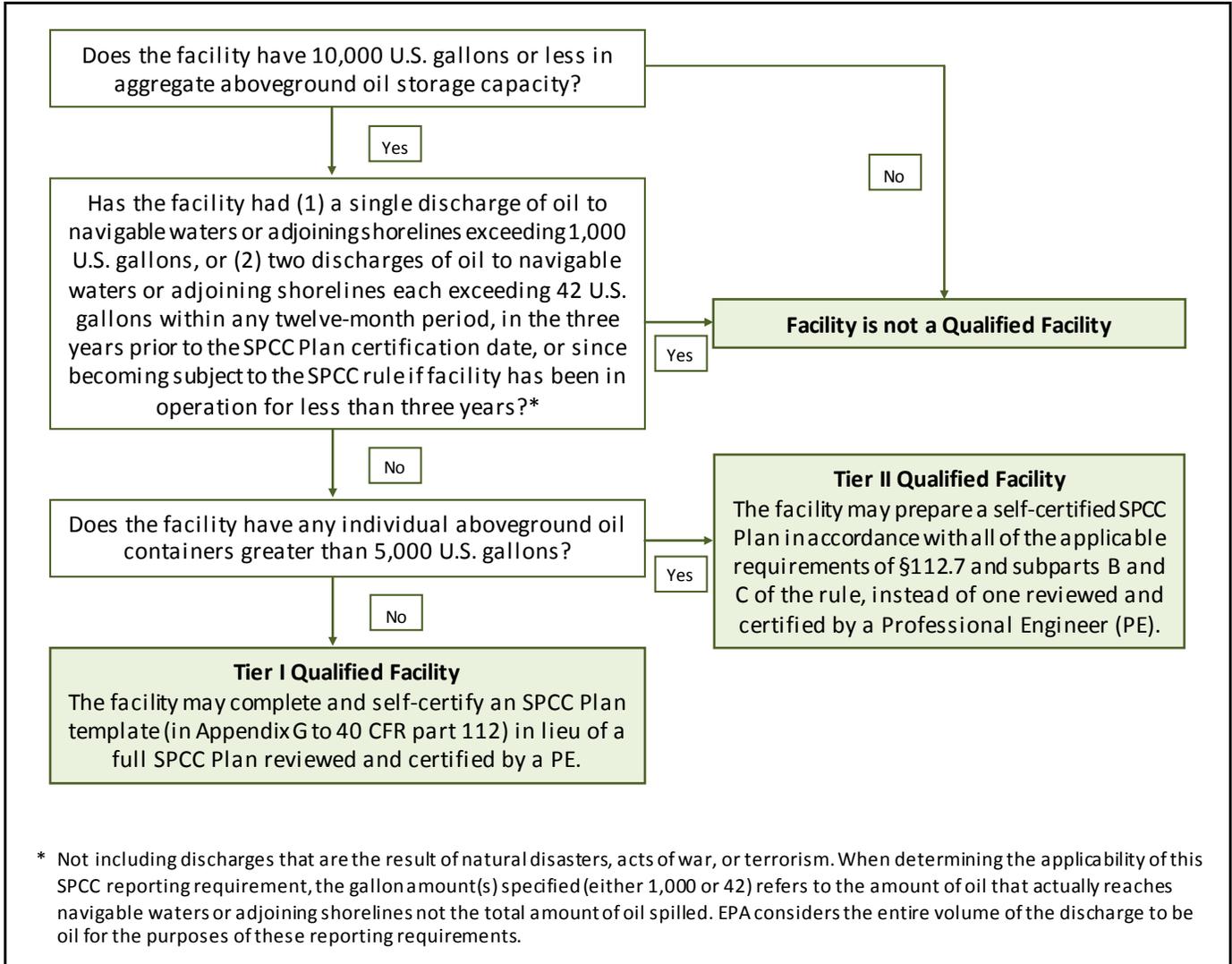
If your facility was in operation before August 16, 2002, and you do not already have a Plan, you must prepare a Plan now. Do not wait until November 10, 2011.

A new facility coming into operation after November 10, 2011, must have a Plan prepared and implemented before beginning operations. However, a new oil production facility coming into operation after November 10, 2011, must have a Plan prepared and implemented within six months of beginning operations.

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<sup>2</sup> If you do not follow the Appendix G template, you may prepare an equivalent Tier I Plan that meets all of the applicable requirements found in the Tier I template. You must also supplement the Plan with a section cross-referencing the location of all Tier I requirements.

### Tier I and II Qualified Facility Eligibility Requirements and Options



### For More Information

**Read the latest updates on the SPCC rule**

[www.epa.gov/emergencies/spcc](http://www.epa.gov/emergencies/spcc)

**Review the Oil Pollution Prevention regulation (40 CFR part 112)**

<http://www.gpoaccess.gov/cfr/>

**Visit the EPA Office of Emergency Management website**

[www.epa.gov/emergencies](http://www.epa.gov/emergencies)

**Call the 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>

### To Report an Oil or Chemical Spill

**Call the National Response Center**

(800) 424-8802 or (202) 267-2675

TDD (202) 267-4477