



Spill Prevention, Control, and Countermeasure (SPCC) Final Rule Amendment

Exemption for All Milk and Milk Product Containers, Associated Piping and Appurtenances

EPA is finalizing the SPCC amendments proposed on January 15, 2009 (74 FR 2461). These amendments streamline requirements for the dairy and milk products industries.

What changes is EPA finalizing?

The final rule:

- Exempts all milk and milk product containers, associated piping and appurtenances from SPCC applicability and requirements;
- Excludes the capacity of the exempt containers, associated piping and appurtenances from a facility's total oil storage capacity calculation to determine if the facility needs to comply with SPCC; and
- Removes the compliance date requirements for the exempt containers.

Why is EPA finalizing this exemption?

Milk and milk products are stored and handled uniquely from other oils. Because milk and milk product containers are subject to certain specific construction and sanitation standards and requirements, the Agency believes that compliance with the SPCC requirements is not necessary. Specifically, milk and milk product containers subject to the Pasteurized Milk Ordinance (PMO) are required to have operating permits, and are subject to inspections by the State dairy regulatory agencies. PMO establishes criteria for the permitting, inspection and enforcement of milk and milk product handling equipment and operations that govern all processes for milk intended for human consumption. Likewise, the U.S. Department of Agriculture (USDA) Recommended Requirements for Milk and Manufacturing Purposes and its Production and Processing has developed and maintains a set of model regulations relating to quality and sanitation requirements for the production and processing of manufacturing grade milk, which are recommended for adoption and enforcement by the various States that regulate manufacturing grade milk. These model regulations are recommended for adoption and enforcement by the States and contain criteria similar to the PMO for milk for manufacturing purposes and its products. Milk and milk product containers, associated piping and appurtenances are generally constructed according to industry 3-A Sanitary Standards, which satisfy both the PMO and the USDA Recommended Requirements. The Agency believes that the combination of these measures satisfactorily address the prevention of oil discharges in quantities that are harmful.

Why is EPA removing the SPCC compliance date requirements for these containers?

The compliance date for the owner or operator of a facility to comply with the SPCC requirements for these milk and milk product containers was delayed one year from the effective date of a final rule specifically addressing them, or as established by rule. This was to provide time for facilities to prepare or amend their SPCC Plans, as well as implement them. Because EPA is exempting the milk and milk product containers, associated piping and appurtenances for which the delay was established, a compliance date for these containers is no longer necessary.

For More Information

Read the SPCC rule amendment

<http://www.epa.gov/emergencies/spcc>

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

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

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