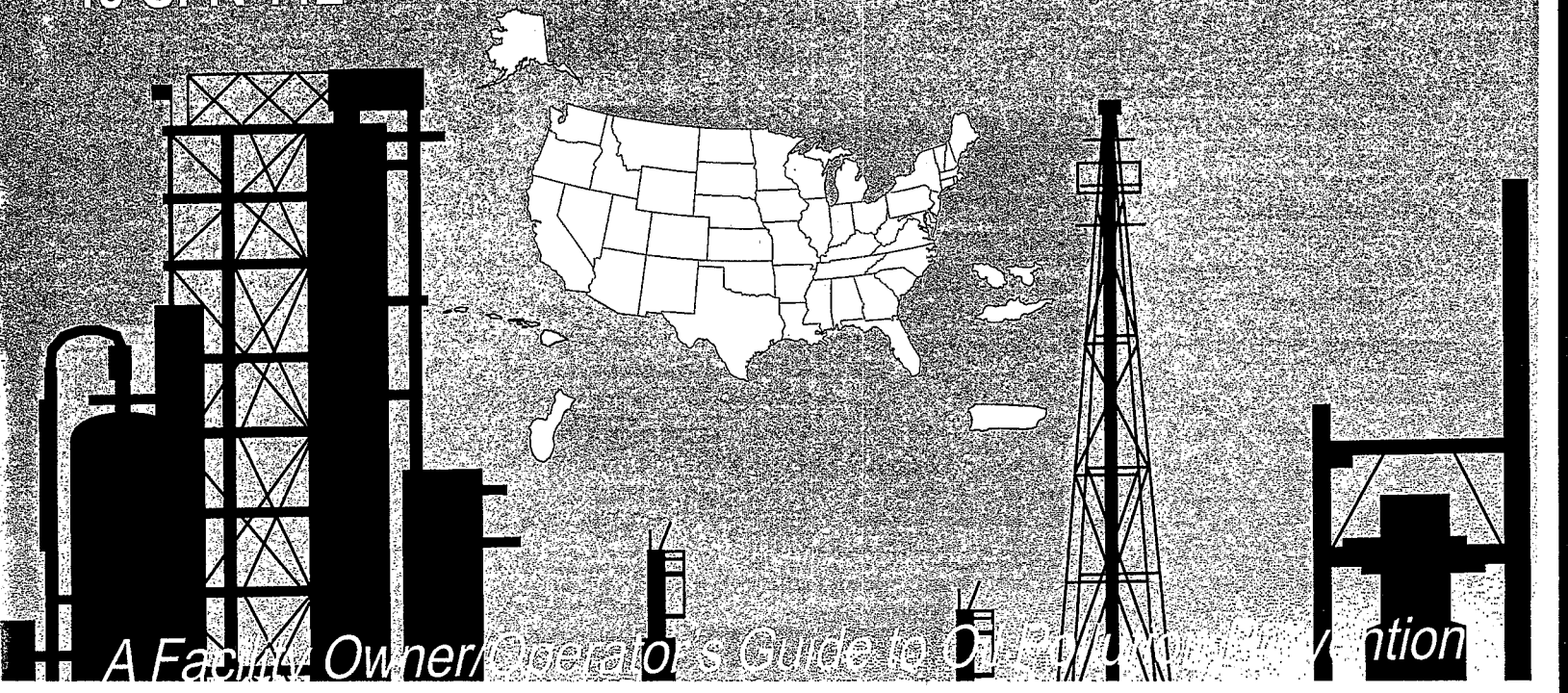
EPA
United States Environmental Protection Agency
Office of Emergency and Remedial Response
Oil Program Center
EPA 540-K-98-003
July 1998

SPILL PREVENTION, CONTROL AND COUNTERMEASURE (SPCC) REGULATION

40 CFR 112



A Facility Owner/Operator's Guide to Oil Pollution Prevention

OIL POLLUTION PREVENTION

The Environmental Protection Agency's Oil Pollution Prevention Regulation was published in the Federal Register on December 11, 1973 and was promulgated under Section 311(j)(1)(C) of the Clean Water Act. The regulation is identified as Title 40, Code of Federal Regulations, Part 112 (40 CFR 112). It was amended by the Oil Pollution Act of 1990 and requires facilities that are subject to the regulation to prepare and implement a plan to prevent any discharge of oil into navigable waters or adjoining shorelines of the United States. The plan is referred to as a Spill Prevention, Control, and Countermeasure (SPCC) Plan.

PURPOSE

To prevent discharge of oil into navigable waters or adjoining shorelines of the United States. The main thrust of the SPCC regulation is PREVENTION as opposed to after-the-fact reactive measures commonly described in Spill Contingency Plans.

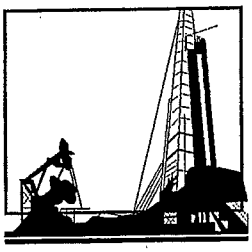
WHO IS REGULATED BY THE SPCC REGULATION?

There are three criteria a facility must meet to be regulated by the SPCC regulation. These criteria are: 1) the facility must be non-transportation-related, 2) the facility must have an aboveground storage capacity greater than 660 gallons in a single container **or** an aggregate storage capacity greater than 1,320 gallons **or** a total underground storage capacity greater than 42,000 gallons, and 3) there must be a reasonable expectation of a discharge to navigable waters or adjoining shorelines of the United States.

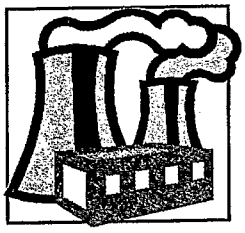
WHO PREPARES THE SPCC PLAN?

An SPCC Plan may be written by the owner or operator of the facility or his/her authorized environmental consultant, engineer or scientist, but it must be certified by a registered Professional Engineer. By certifying the SPCC Plan, the Professional Engineer, having examined the facility, attests that the SPCC Plan has been prepared in accordance with good engineering practices.

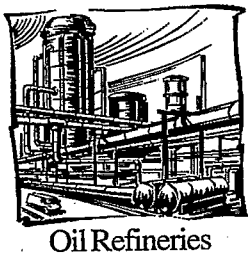
1. What is a non-transportation-related facility?



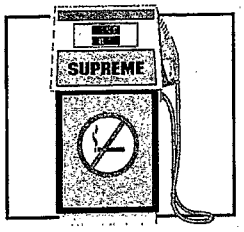
Oil Drilling



Power Plants



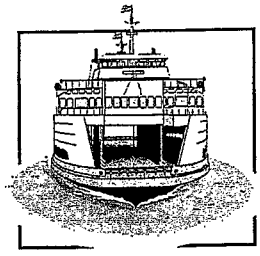
Oil Refineries



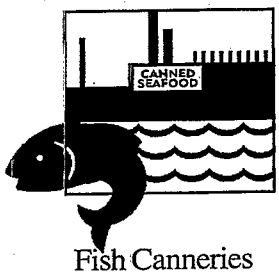
Gas Stations

These facilities (including all equipment and appurtenances) may include but are not limited to:

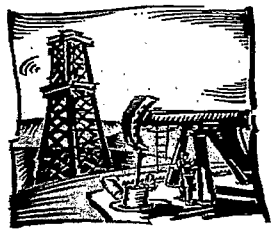
- Fixed onshore and offshore oil well drilling facilities;
- Mobile onshore and offshore oil well drilling platforms, barges, trucks or other mobile facilities;
- Fixed onshore and offshore oil production structures, platforms, derricks and rigs;
- Mobile onshore and offshore oil production facilities;
- Oil refining or storage facilities;
- Industrial, commercial, agricultural, or public facilities which use, store, drill for, produce, gather, process, refine or consume oil or oil products;
- Waste treatment facilities;
- Loading areas/racks, transfer hoses, loading arms and other equipment which are appurtenant to a non-transportation related facility;
- Highway vehicles and railroad cars used to transport oil exclusively within the confines of a non-transportation related facility; and
- Pipeline systems used to transport oil exclusively within the confines of a non-transportation-related facility.



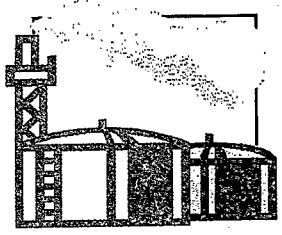
Marinas



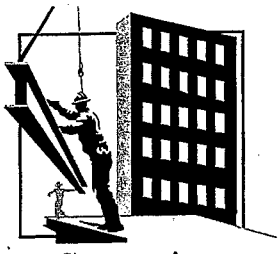
Fish Canneries



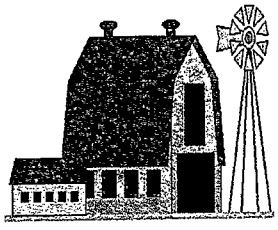
Oil Production



Oil Storage



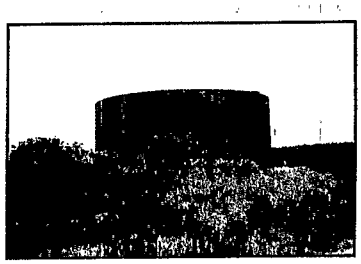
Construction



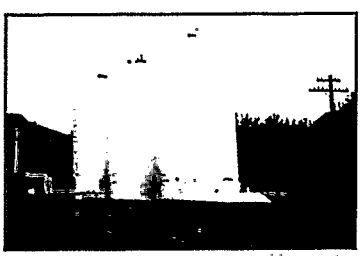
Farms

2. What is considered as Oil Storage Capacity?

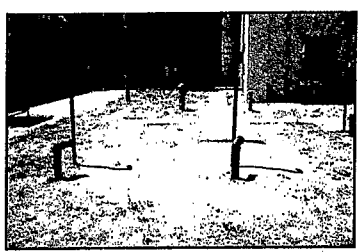
Oil storage means containers storing oil at a facility. Oil storage containers may include, but are not limited to, tanks, containers, pails, drums, quart containers, transformers, oil-filled equipment, and mobile or portable totes. The CAPACITY of the containers (maximum volume) must be considered and NOT the actual amount of product stored in the container (operational volume). A facility may be subject to SPCC regulation if it has at least one of the following oil storage capacities:



If a facility has one aboveground oil storage container greater than 660 gallons; **or**



If a facility has a total aboveground oil storage capacity greater than 1,320 gallons; **or**

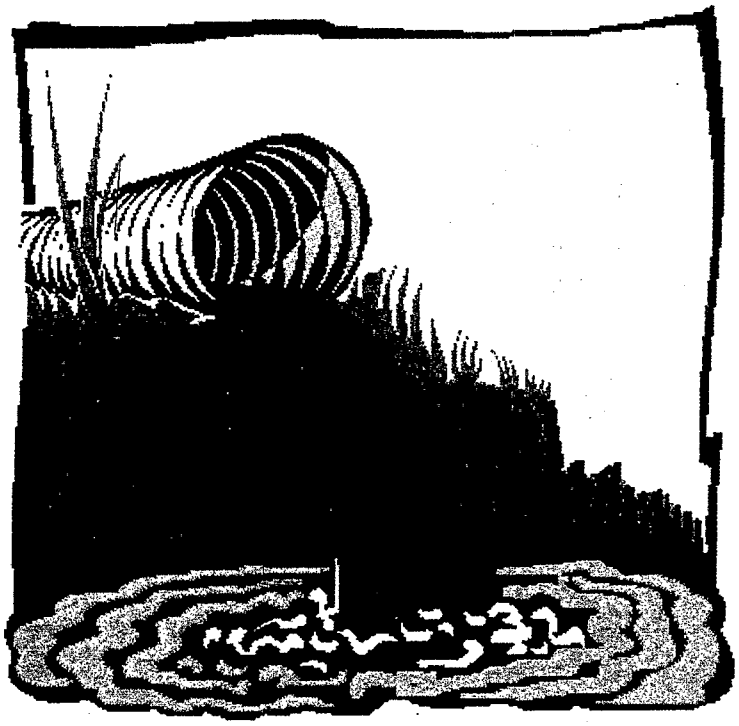


If a facility has a total underground oil storage capacity of greater than 42,000 gallons

Under the SPCC regulation, oil is defined as "*oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil and oily mixtures.*" This also includes, but is not limited to, non-petroleum oils, synthetic, mineral, animal, and vegetable oils.

3. How do I determine if my facility could reasonably discharge oil into or upon navigable waters or adjoining shorelines of the United States?

This determination is based solely upon a consideration of the geographical and locational aspects of the facility. The location of the facility must be considered in relation to streams, ponds and ditches (perennial or intermittent), storm or sanitary sewers, wetlands, mudflats, sandflats, farm drain tiles, or other navigable waters. The distance to navigable waters, volume of material stored, worse case weather conditions, drainage patterns, land contours, soil conditions, etc., must also be taken into account. Further, according to the regulations, this determination may NOT include consideration of man-made features such as dikes, equipment or other structures which may serve to restrain, hinder, contain or prevent an oil discharge.



DID YOU KNOW?

A spill of only *one* gallon of oil can contaminate a *million* gallons of water.

What do I have to do now?

Facilities which meet the three items listed on the previous pages (non-transportation-related, have sufficient storage capacity, and could reasonably discharge to navigable waters or adjoining shorelines of the United States), **must** comply with the SPCC regulation. The SPCC regulation requires the facility owner/operator to prepare an SPCC Plan for his/her facility within 6 months of becoming operational and to implement the SPCC Plan within 12 months of the start of facility operations. This Plan must be well-thought out and prepared in accordance with good engineering practices.

No matter who ends up preparing your SPCC Plan, remember that ultimately it is the owner/operator who is responsible for complying with the regulation. A copy of the regulation is available by calling or writing to your nearest EPA office listed on the following page.

Although each SPCC Plan is unique to the facility, there are certain elements that must be included in order for the SPCC Plan to comply with the provisions of 40 CFR 112. Three areas which should be addressed in the Plan are: 1) operating procedures the facility implements to prevent oil spills; 2) control measures installed to prevent a spill from entering navigable waters or adjoining shorelines; and 3) countermeasures to contain, cleanup, and mitigate the effects of an oil spill that impacts navigable waters or adjoining shorelines of the U.S. Some other important elements of an SPCC Plan include, but are not limited to, the following:

- Professional Engineer (PE) certification
- Plan must follow the sequence of 40 CFR 112.7
- Spill predictions
- Facility drainage
- Facility inspections
- Site security
- Three-year Plan review
- Management approval
- Oil spill history
- Secondary containment or diversionary structures
- Loading/Unloading rack area for tank car and tank trucks
- Training and spill briefings

Whom should I contact if I want more information?

If you have questions regarding the U.S. EPA, SPCC Program, please call or write:

U.S. EPA Headquarters
Director, Oil Program (5203G)
401M St., SW
Washington, D.C. 20460
(703) 603-8760

SPCC/FRP Coordinator
c/o Emergency Response Section
U.S. EPA- Region I (HBR)
JFK Federal Building
Boston, MA 02203-0001
(617) 573-9693
CT, ME, MA, NH, RI, and VT

SPCC Coordinator
U.S. EPA- Region II
2890 Woodbridge Avenue
Building 209, MS211
Edison, NJ 08837-3679
(732) 321-6654
NJ, NY, PR, and USVI

SPCC Coordinator
U.S. EPA- Region III
1650 Arch Street (3HS32)
Philadelphia, PA 19106
(215) 814-3292
DE, DC, MD, PA, VA, and WV

SPCC/FRP Coordinator
U.S EPA - Region IV
61 Forsyth Street
Atlanta, GA 30365-3415
(404) 562-8761
AL, FL, GA, KY, MS, NC, SC, and TN

Oil Program Section Chief
U.S. EPA- Region V (SE5J)
77 West Jackson Boulevard
Chicago, IL 60604-3590
(312) 353-8200
IL, IN, MI, MN, OH, and WI

SPCC/FRP Coordinator
U.S. EPA- Region VI (6SF-RP)
1445 Ross Avenue
Dallas, TX 75202-2733
(214) 665-6489
AR, LA, NM, OK, and TX

Oil/SPCC Coordinator
U.S. EPA- Region VII (SUPRER+R)
726 Minnesota Avenue
Kansas City, KS 66101
(913) 551-7050
IA, KS, MO, and NE

Oil Program Coordinator
U.S. EPA- Region VIII (8EPR-SA)
999 18th Street, Suite 500
Denver, CO 80202-2466
(303) 312-6839
CO, MT, ND, SD, UT, and WY

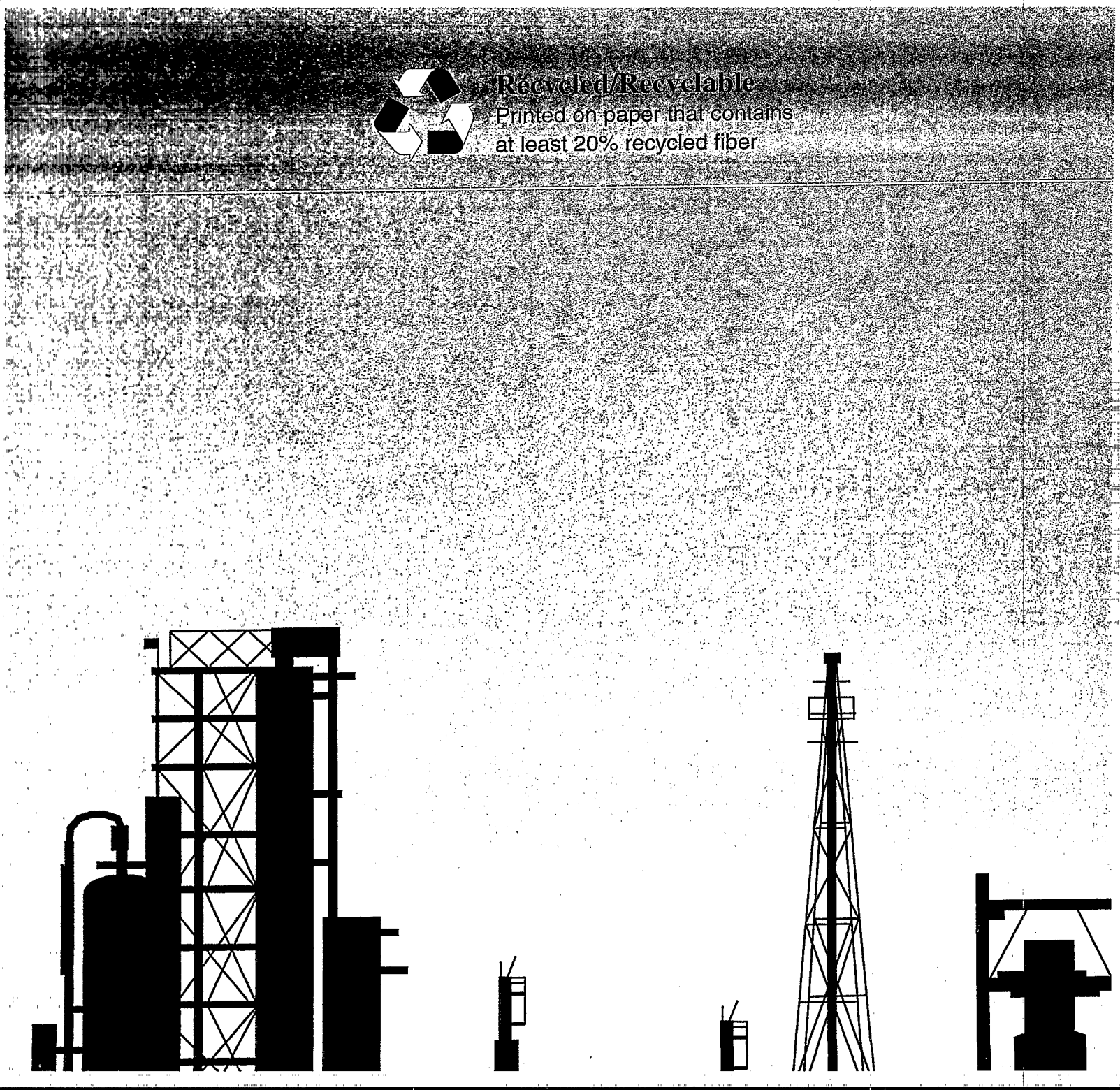
Oil Team/SPCC Coordinator
U.S. EPA- Region IX (SFD1-4)
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2337
AZ, CA, HI, NV, AS, GU
and Trust Territories

SPCC/FRP Coordinator
U.S. EPA- Region X
1200 Sixth Avenue (ECL-116)
Seattle, WA 98101
(206) 553-1671
AK, ID, OR, and WA

Alaska SPCC/RFP Coordinator
U.S. EPA-Alaska Operations Office
222 West 7th Ave., #19
Anchorage, AK 99513-7588
(907) 271-5083

To visit the Oil Prevention Program's national newsletter, "The Oil Spill Program Update," check our website at www.epa.gov/oilspill.

As always, to report an oil or chemical spill, call the National Response Center at (800) 424-8802.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