



# RISK BULLETIN

## Spill Prevention, Control, And Countermeasures (SPCC) Guidelines

### INTRODUCTION

The intent of the Spill Prevention, Control, and Countermeasures (SPCC) rule is to prevent oil products from reaching navigable waters of the United States (US). The US Environmental Protection Agency (USEPA) considers planning and enforcement measures to be key factors in preventing accidental discharges at facilities. The USEPA conducts on-site visits to verify that facilities are taking the appropriate measures to prevent discharges from the site. The SPCC regulatory framework, compliance implications, technical requirements, and the most recent amendments and updates to the SPCC regulations are presented in this Risk Bulletin.

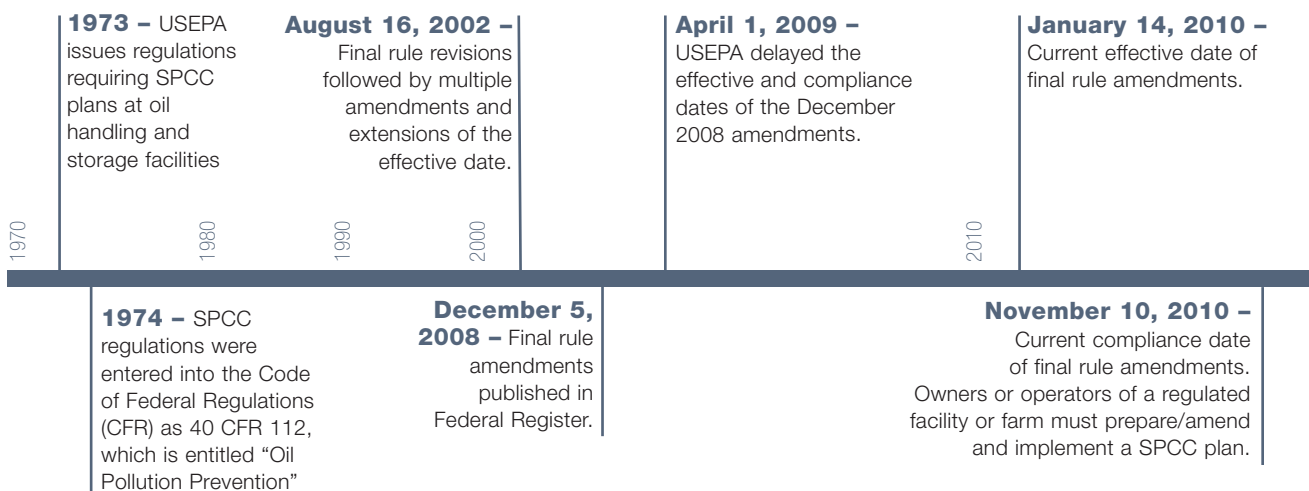
Since the USEPA first proposed amendments to the SPCC regulations in 2002, there have been several effective and compliance dates proposed (see timeline). This has presented the regulated community with a moving target. Final rule requirements will be enforced in 2010; however, until this time, owners and operators of facilities in operation before August 16, 2002 are required to maintain an SPCC Plan in compliance with the current regulations.

### COMPLIANCE IMPLICATIONS

If a facility has an oil spill, the USEPA can hold the facility liable and pursue penalties for violation of the regulations. Facilities can be held responsible

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### REGULATORY TIMELINE



for cleanup costs and damages that are a result of a spill. A liability limit of \$350 million per spill has been established by the USEPA for onshore facilities. In cases where a spill results from “gross negligence, willful misconduct, or a violation of federal regulations,” liability is unlimited. If a facility does not have an updated plan in place, they may be exposed to higher fines, more stringent regulatory requirements, and more frequent site inspections. If a facility does have an adequate plan, they can demonstrate they have been diligent in their prevention measures and have incorporated the plan into their risk management programs. In this event, they may be able to work with the USEPA to revise the plan to prevent future discharges.

**OWNERS/OPERATORS  
SUBJECT TO SPCC RULES**

Facilities subject to SPCC regulations include all users of oil that store quantities above the USEPA defined thresholds. A description of “who needs an SPCC Plan” is provided on the [USEPA Region 8 website](#). **Facilities with the following oil quantities are required to be in compliance with the SPCC regulations:**

- Aboveground oil storage capacity of 1,320 gallons or more
- Any container with an oil storage capacity of 55 gallons or greater which also meets the thresholds for aboveground oil storage capacity (1,320 gallons or more)
- Buried oil storage capacity of 42,000 gallons or more

**The following facilities are exempt from SPCC regulations:**

- Facilities or parts of facilities exclusively used for wastewater treatment
- Containers with less than 55 gallons of storage capacity (Storage containers with less than 55 gallons of oil are not included in the 1,320 gallon threshold capacity calculation)
- Facilities not expected to have a discharge to navigable waters based on the site geography/topography
- Facilities subject to Department of Transportation (DOT) rules or that have a completely buried oil storage capacity of 42,000 gallons or less
- Completely buried tanks covered by Underground Storage Tanks (UST) rules (40 CFR 280 or 40 CFR 281)

**SPCC REGULATIONS AND COMPLIANCE DEADLINES**

Compliance requirements are based on when a facility started operations. The following table describes how facilities are required to maintain and update their plans.

**Table 1. SPCC Plan Compliance Guidelines**

A facility (other than a farm) starting operation...	Must...
On or before 8/16/2002	Maintain existing Plan Amend and implement Plan no later than 11/10/2010
After 8/16/2002 through 11/10/2010	Prepare and implement Plan no later than 11/10/2010
After 11/10/2010	Prepare and implement Plan before beginning operations

It is important to note that if the facility has been in operation on or before August 16, 2002, it is required to have an existing plan in place, but it has until November 10, 2010, to make revisions required under the new rule.

The 2002 rule changes include several clarifications to the regulations. One significant clarification is the requirement to include oil-filled operational equipment such as hydraulic systems, gear boxes, transformers, and lubricating systems in the SPCC plan. The operational equipment is only required to be included in the plan if it contains 55 gallons or more in a single container or system. Also, a Certification of the Applicability of the Substantial Harm Criteria (Appendix C CFR 112) must be completed and included in the SPCC plan. The Certification will determine whether a Facility Response Plan (FRP) is required. Additional changes or clarifications made in the 2002 rules include:

- Periodic integrity testing for containers, pipelines and valves.
- “Should” has been replaced with “must or shall.”
- Designate a responsible person for discharge prevention.
- Facilities must meet security, fencing, and lighting requirements.
- Clarification regarding the sizing for secondary containment (capacity of the largest single container and sufficient freeboard to contain precipitation). It is

important to note that EPA does not designate a certain storm event that must be used when designing for precipitation, but expects good engineering judgment be used based on the facility, site location, and surrounding area.

- A facility diagram showing the locations of all aboveground and USTs must be included in the plan.
- Storage containers with less than 55 gallons of oil are exempt from the capacity calculation.
- Aboveground containers with a single tank storage capacity of 1,320 gallons or a group of containers with a total capacity greater than 1,320 gallons are subject to the regulation.
- USTs (completely buried) are exempt if covered under a Federal or State UST program.
- Storage containers are required to have a high level alarm. Other devices that can be used are high liquid level pump cutoff devices, direct audible or code signal communication between the pumping station and container gauger, and a fast response system for determining the liquid level of storage containers, e.g. digital computers, telepulse, or direct vision gauges.
- The SPCC plan must be reviewed every 5 years, rather than every 3 years as previously required. Plans must be amended within 6 months when there are changes to the facility that may affect the discharge potential.
- SPCC recordkeeping requirements were revised to allow for typical business records. For example, records from stormwater pollution prevention inspections can also be used for SPCC inspections where relevant.
- Spill information must be submitted to the USEPA Regional Administrator for the following situations that occur within a 12-month timeframe for spills that reach navigable waters:
  - One single discharge of 1,000 gallons or more
  - Two discharges of 42 gallons or more
- Oil-handling employees are required to receive annual SPCC training. The training “must highlight and describe known discharges as described in §112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures.”
- Underground piping installed or replaced after August 16, 2002, must have a protective wrapping and coating, and must be cathodically protected.
- Vehicles entering the facility must be warned of aboveground piping.
- Secondary containment must be provided for all loading/unloading racks and aboveground piping.
- Alternative measures for secondary containment, tank testing, etc., can be certified by a PE, if the regulation-specified requirements are impractical for the site.



### RECENT AMENDMENTS

In December 2006, USEPA provided amendments to some of the regulations as follows:

- A facility can self-certify their SPCC plan if they store 10,000 gallons or less of oil and meet additional requirements regarding discharges as noted above.
- An option to the general secondary containment for qualified oil-filled operational equipment was provided. Facilities may prepare an oil spill contingency plan for qualified oil-filled operational equipment instead of providing secondary containment. The oil spill contingency plan must include a written commitment of manpower, equipment, and materials to control and remove discharged oil; and an inspection and monitoring program for the equipment.
- Vehicle fuel tanks and other on-board bulk oil storage containers (motive power containers) were defined.
- Mobile refuelers are exempt from the sized secondary containment requirements for bulk storage containers.
- The SPCC compliance date for farms has been extended until “the Agency promulgates a rule specifically addressing how farms should be regulated under the SPCC rule.”
- Facilities storing animal fats and vegetable oils must comply with the requirements of section 112.12 and other general rule requirements.

In December 2008, USEPA finalized changes to some of the regulations. A summary of the changes is noted below. Please visit the EPA website to see a more detailed discussion.

- The types of facilities that are exempt have been updated
- Streamlining and additional flexibility options for regulated facilities were provided
  - A Plan template is provided for certain qualified facilities for self-certification
  - Extends “qualified facility” to some smaller production facilities
  - Amends the definition of “facility”
  - Amends the facility diagram requirement
  - Defines “loading/unloading” rack
- Sector-specific changes were made for Agriculture, Oil Production Facilities, Animal Fats and Vegetable Oils, and Qualified Facilities
  - Agriculture: exempts pesticide application equipment and related mix containers and loading rack requirements; clarifies nurse tank considered a mobile refueler
  - Oil Production Facilities: provides timeframe for preparing and implementing plan for new facilities, provides compliance alternatives to sized secondary containment
  - Animal Fats and Vegetable Oils: amended integrity testing requirements
  - Qualified Facilities: streamlined requirements for subset of qualified facilities (Tier I qualified facilities)



## PROFESSIONAL ENGINEER CERTIFICATION VS. SELF-CERTIFICATION

Under the current regulations, SPCC plans must be certified by a Professional Engineer (PE), and must be reviewed every 5 years. Part of the review and certification process includes the PE or an agent of the PE completing a site visit to examine the facility. A PE certification is only required for technical changes to the plan. Non-technical changes, i.e., name changes, are not required to be certified. It is strongly recommended that facilities work with a PE who has experience with SPCC preparation and knowledge of the SPCC regulations.

In December 2006, the USEPA accepted revisions to the SPCC regulations, which included the option of self-certification in lieu of a PE certification for facilities that store less than 10,000 gallons of oil. A facility must also meet the following requirements for self-certification:

- No single discharge of oil to navigable water exceeding 1,000 US gallons within a 12-month period
- No two discharges of oil to navigable water each exceeding 42 US gallons within a 12-month period

The discharges cannot occur in the 3 years prior to the plan certification date, or since the facility became subject to 40 CFR 112 (if operating less than 3 years). It is important to note the quantity of oil is based on the amount of discharge reaching navigable waters, not the total amount discharged.

As part of the December 2008 amendments, EPA tailored the SPCC requirements for some qualified facilities. The subset of qualified facilities are designated as “Tier I qualified facilities” and they are facilities that meet the criteria as a qualified facility and do not have any individual above-ground oil storage containers with a capacity greater than 5,000 US gallons. Other qualified facilities that do not meet the criteria of the subset facilities will be designated “Tier II qualified facilities”.

### POTENTIAL INDUSTRY IMPACTS

The new regulations will have an impact for the various industries required to implement an SPCC plan. New amendments and clarifications are expected from USEPA to help give facilities a clearer understanding of the requirements for their specific needs. Facilities with oil-filled operations equipment (e.g. hydraulic systems) may be required to inventory their equipment, where it may not have been done in the past. Some facilities may need to install additional secondary containment, fencing, and security changes. Some facilities in rural locations may currently have little or no fencing. Facilities may need to update their SPCC plans, facility infrastructure, and inspection/testing programs in order to be in compliance with the revised regulatory requirements.

### REFERENCES

The internet provides many resources with information regarding SPCC plans. The USEPA provides a very thorough examination of the 2002 updates, as well as the recent 2006 and 2008 amendments. There are numerous publications and fact sheets available electronically on [USEPA's website](http://www.epa.gov).

### CITED REFERENCES

40 CFR Part 112 – Oil Pollution Prevention  
<http://www.epa.gov/oilspill>



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