

# Spill Prevention, Control and Countermeasure (SPCC) regulation

## (EPA's oil storage and spill regulation)

### **BACKGROUND**

All oil storage facilities, including farms, with more than 1,320 gallons of aggregate, above-ground storage are regulated by the SPCC Regulation. SPCC Rule requires facilities to possess and follow an SPCC plan. Storage containers 55 gallons and larger for petroleum products, vegetable oils, and animal fats are included.

To reduce the regulatory burden, the EPA amended the existing SPCC rule through a series of amendments, starting in 2006. Although the original regulation was promulgated in 1973 and amended in 2002, EPA has not actively enforced this regulation on farms.

The EPA Office of Solid Waste and Emergency Response is responsible for the amendments and the contact person is R. Craig Matthiessen, 202-564-8016, [matthiessen.craig@epa.gov](mailto:matthiessen.craig@epa.gov).

The effective date of the December 2008 rulemaking was delayed until April 4, 2009, in accordance with the January 20, 2009 White House and OMB memorandums involving regulatory reviews.

### **FINAL RULE**

**\* The final rule was published on Nov. 13, 2009 and became effective on Jan. 14, 2010.**

- Facilities in operation prior to 2002 are required to maintain their SPCC Plans and have until November 10, 2010 to modify their plans in accordance with the 2009 amended regulation.
- Farmers can define their facility - aggregation is self determined without adjacency issues.
- Provides the option to "self-certify" SPCC plans for "Qualified Facilities" (more than 1,320 gallons & 10,000 gallons or less of aggregate oil storage capacity)
  - Tier I Qualified Facilities can self-certify using the EPA template in the Appendix. (Tier I = all storage containers  $\leq$  5,000 gallons &  $\leq$  10,000 aggregate storage.)
  - Tier II Qualified Facilities can self-certify their own Plan. (Tier II = storage container(s)  $>$  5,000 gallons and  $\leq$  10,000 aggregate storage.)
  - PE certification required for facilities with more than 10,000 gallons of storage capacity.
- Mobile Refuelers (nurse tanks, mounted tanks for re-fueling, etc.) are exempt from "sized" secondary containment but require "general" secondary containment.
- "General" secondary containment can be pre-packaged spill kits, absorbents, shovels, etc. in consideration of the typical failure mode and quantity of oil.
- Exempts motive power containers (vehicle fuel tanks)
- Exempts pesticide application equipment and related mix containers.
- Pesticide surfactants and adjuvants in 55 gallon barrels or larger are included as oil storage.
- Allows owner or operator to provide fencing and lighting as appropriate for the facility.
- Exempts home heating oil tanks.
- Industry standards can be used for integrity testing, rather than PE certification.

### **ADDITIONAL INFORMATION**

- The exemption for milk is pending finalization. Storage that meets Grade A dairy requirements will probably be exempt. The public review period ended in February 2009.
- EPA estimates the SPCC regulation impacts 90 percent of all farms and 84 percent of those farms can use the self-certification template.
- <http://www.epa.gov/emergencies/content/spcc/index.htm> is the EPA source for information.
- The guidance document for EPA Regional Inspectors has not been updated yet.

### **ASSISTANCE**

- NRCS has been the USDA technical point of contact for EPA and OMB on this regulation.
- EPA received USDA-NRCS input to develop informational sheets for farmers
- EPA and ag-industry requested USDA assistance to distribute the information. (Not finalized yet.) Some Land Grant Universities provided oil storage and SPCC guidance to farmers in the past.
- NRCS' current policy prevents technical or financial assistance for the installation or remediation of fuel storage facilities.
- The Steel Tank Institute provides information about the SPCC regulation.