

Spill Prevention Control and Countermeasures (SPCC) Regulations Fact Sheet

REGULATORY SUMMARY

These regulations strive to prevent oil from entering navigable waters through the prevention and control of oil spills. This fact sheet focuses specifically on requirements for the development of Spill Prevention Control and Countermeasures (SPCC) Plans. SPCC plans are required for facilities that store oil and oil-containing products exceeding certain thresholds. Containers of 55 gallons or larger can be regulated. SPCC plans include the use of oil storage controls and countermeasures for releases of oil. Underground storage tanks regulated under 40 CFR 280 and 281 are not subject to the SPCC Requirements and are discussed in a separate fact sheet. **Any small business that maintains a total aboveground oil storage capacity of greater than 1,320 gallons, or total capacity greater than 42,000 gallons in completely buried containers, where there is a reasonable potential for a discharge to reach navigable water, should be concerned with these requirements.**

WHERE TO FIND OIL POLLUTION PREVENTION REGULATIONS

Statutory Authority: The *Clean Water Act of 1977* and its amendments, primarily the *Water Quality Act of 1987*.

Regulations: The requirements for the development and implementation of SPCC Plans are found in 40 CFR:

- [Part 112](#) – Requirement to prepare and implement Spill Prevention Control and Countermeasure Plan.

LEARNING THE LINGO

Bulk Storage Container refers to a container used to store oil that has a capacity equal or greater than 55 gallons. This includes, but is not limited to, containers used for the storage of oil prior to use, in use, or prior to further distribution in commerce. It does not include oil-filled electrical, operating, or manufacturing equipment.

Discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil. It excludes discharges allowed by a permit issued under section 402 of the Clean Water Act.

Facility means a building or structure in which oil is used. This includes mobile and fixed onshore and offshore installations, equipment, and piping used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and waste treatment. A more specific description of facilities covered by the regulation can be found in Appendix A of 40 CFR 112.

Navigable Waters include all waters that are used in interstate or foreign commerce, all interstate waters including wetlands, and all intrastate waters, such as lakes, rivers, streams, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. This term is broadly defined under the Clean Water Act and Oil Pollution Act, and essentially means any natural surface water in the U.S.

Oil includes a variety of substances that are petroleum and non-petroleum based. Examples of oils and oil-containing products include, but are not limited to:

Petroleum-based Oils	Non-Petroleum-based Oils	Oil-containing Products
<ul style="list-style-type: none"> • Gasoline 	<ul style="list-style-type: none"> • Animal-based oil 	<ul style="list-style-type: none"> • Oil-based paint
<ul style="list-style-type: none"> • Diesel fuel 	<ul style="list-style-type: none"> • Vegetable oil 	<ul style="list-style-type: none"> • Oil-based thinner
<ul style="list-style-type: none"> • Motor oil 	<ul style="list-style-type: none"> • Biofuel 	<ul style="list-style-type: none"> • Oil-based ink
<ul style="list-style-type: none"> • Heating fuel 		<ul style="list-style-type: none"> • Petroleum-based parts washer solvent
<ul style="list-style-type: none"> • Jet fuel 		<ul style="list-style-type: none"> • Roofing tar
<ul style="list-style-type: none"> • Aviation fuel 		
<ul style="list-style-type: none"> • Hydraulic fluid 		

Spill Prevention, Control, and Countermeasure (SPCC) Plan refers to the document required by [40 CFR 112.3](#). The document must detail the equipment, workforce, procedures, and steps required to prevent, control, and provide adequate countermeasures to a discharge of oil.

Worst Case Discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions. This can be determined using the worksheets in [Appendix D of 40 CFR 112](#).

KEY PROVISIONS OF INTEREST TO SMALL BUSINESSES

1. Facility Location

A facility is subject to the SPCC regulations if oil discharged from the facility could be reasonably expected to reach navigable waters. This determination is based solely upon consideration of the geographical and location aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, and drainage). It excludes consideration of manmade features such as dikes, equipment, or other structures which may serve to restrain, hinder, contain, or otherwise prevent a discharge.

2. Aggregate Oil Storage Capacity: Aboveground Storage and Completely Buried Storage

A small business facility must prepare a SPCC Plan if it has an aggregate aboveground storage capacity of greater than 1,320 gallons of oil where spilled oil has a reasonable potential to reach navigable waters. For purposes of this regulation only containers of oil with a capacity of 55 gallons or greater are counted.

If small business facility has a completely buried storage capacity of greater than 42,000 gallons of oil that has reasonable potential to reach navigable waters if discharged, they must also prepare a SPCC Plan. (Note that this regulation does not apply to underground storage tanks containing hazardous substances that are regulated under 40 CFR 280 and 281.)

3. SPCC Plan Contents

The SPCC Plan should clearly address the following three topics:

- Operating procedures implemented to prevent oil spills.
- Control measures installed to prevent a spill from reaching navigable waters.
- Countermeasures to contain, clean up, and mitigate the effects of an oil spill that reaches navigable waters.

How these three topics are addressed will be unique to the facility, operations, and location. Development of an SPCC Plan requires detailed knowledge of the facility and potential effects an oil spill could have on the environment and natural resources.

Each SPCC Plan, while customized to the facility it covers, must include certain standard elements to ensure compliance with SPCC regulations. SPCC Plan requirements include the following:

- Discussion of the facility's conformance with applicable SPCC requirements.
- Description of the facility's physical layout and a facility diagram that indicates the locations of oil storage and handling.
- Discharge prevention measures including procedures for routine handling of products.
- Discharge or drainage control.
- Explanation of regulatory applicability (i.e., how the threshold was exceeded).
- General facility description including name, function, and drainage patterns.
- Description of oil storage and handling areas.
- Description of spill events in the previous 12 months.
- Analysis of potential spill scenarios, including predictions of direction, rate of flow, and total quantities of oil that could be released.
- Designation of SPCC responsibilities, including a Spill Coordinator.

Facility Diagram Details

The facility diagram must include all transfer stations and connecting pipes and mark the location and contents of each container. It must identify the location of underground storage tanks regulated under 40 CFR 280 and 281, even though they do not need to be otherwise addressed in the SPCC Plan. The Facility Diagram should identify these storage facilities as "Exempt."

- Description of spill containment and drainage control structures and equipment for oil storage and handling facilities.
- Description of spill emergency response equipment.
- Description of spill notification procedures.
- Oil Spill Contingency Plan describing spill response and cleanup procedures, including coordination with local authorities and spill response contractors.
- Spill Prevention Plan, including inspection and monitoring program, tank integrity testing procedures, preventive maintenance and housekeeping procedures, formal spill response training, and exercises and security measures.
- Documented review and update of procedures every five years.
- Certification that a Substantial Harm Analysis has been conducted and that the facility is either not subject to Facility Response Plan (FRP) requirements or that an FRP has been completed.
- Professional engineer's certification.
- Management approval.

4. Plan Certification

Regulations require that a licensed Professional Engineer (PE) review and certify the plan. However, the information for the plan can be collected and the plan written by someone other than a PE. The plan must be re-certified by a PE whenever technical amendments are made. Non-technical amendments, such as changes to phone numbers and contact names, do not require PE certification. The plan must be reviewed, revised, and recertified by a PE at least every five years.

5. Effective Date for Regulatory Revisions

On July 17, 2002, EPA amended the SPCC regulations. These amendments included changes in or clarification of operating requirements and clarification of applicability provisions. Changes went into effect in August 2002, and this fact sheet reflects the operating requirements of the rule as revised. SPCC Plans were required to be amended to reflect the changes. However, through a series of actions, EPA extended the deadline for revising existing SPCC Plans or putting new ones in place. The current deadlines for SPCC Plans are:

- If a facility was in operation on or before August 16, 2002, they may maintain their existing SPCC plan, but must amend it to ensure compliance with amendments to the regulations, on or before August 17, 2005. The amended plan must be implemented as soon as possible and no later than February 18, 2006.

- If a facility became operational between August 16, 2002 and February 18, 2006, and meets the criteria for coverage under these regulations, they must prepare a SPCC plan on or before February 18, 2006, and fully implement it as soon as possible, no later than February 18, 2006.
- If a facility becomes operational after February 18, 2006, and, then a SPCC plan must be prepared and implemented before the facility personnel undertake operations.

FIRST QUESTIONS FOR THE SMALL BUSINESS OWNER

- Do you use or store petroleum products or other oils, or products that contain oil, at your facility?
- Do you use oil to heat the building or any of the equipment at the facility? Do you have tanks for oil storage, including heating oil tanks?
- What are the sizes of the containers that you use to store oil?
- Do you know if there are is any water body, such as a lake, river, stream, wetland, close to the facility?
- Do you know how rainwater drains from the property and where it drains to?
- Do you have any written procedures for spills that occur on the property?

WHAT TO LOOK FOR

- Total aboveground oil storage capacity greater than 1,320 gallons in storage containers greater than or equal to 55-gallons; or
- Completely buried (underground) storage greater than 42,000 gallons.
- Observe facility drainage to identify if there is a potential for an oil release to reach a nearby waterway. Be sure to consider worst case scenarios based on site topography and potential weather conditions.

THE POLLUTION PREVENTION CONNECTION

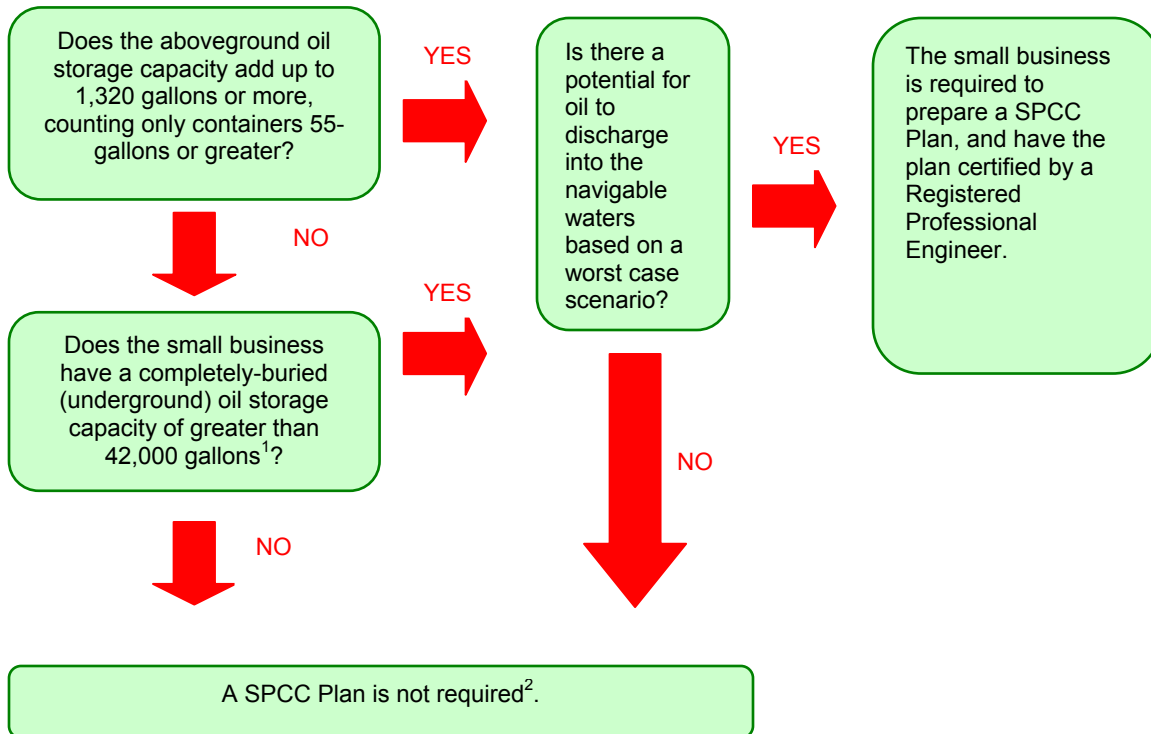
- Look for ways to reduce the quantity of oil and oil products stored at the facility and purchase these materials in containers with less than 55-gallon capacity when possible.
- Plan and institute procedures to prevent spills before they occur.
- Provide adequate resources to respond to and minimize the effect of spills that do occur.

FOR FURTHER INFO

- EPA's website on SPCC requirements and Oil Pollution Prevention Regulations: <http://www.epa.gov/oilspill/index.htm> .

This fact sheet provides a general overview of regulatory requirements. It is not all-inclusive and does not describe specific state and local requirements. Its purpose is to provide state SBAP staff with guidance on key provisions so that they may recognize potential applicability to small business and be more effective when seeking interpretations from regulatory experts.

Spill Prevention Control and Countermeasure Plan (SPCC) Roadmap



NOTES:

¹Underground storage tanks are regulated under 40 CFR 280 and 281, and are not included in determining the 42,000-gallon capacity threshold for the SPCC regulation.

²Regional Administrators can require the preparation of a SPCC Plan by a facility that does not meet the criteria specified in the regulation.