



# Spill Prevention Control and Countermeasure (SPCC) Regulations Fact Sheet

## REGULATORY SUMMARY

The Spill Prevention Control and Countermeasure (SPCC) regulations strive to prevent oil from entering navigable waters through the prevention, control, and mitigation of oil spills. This fact sheet focuses specifically on requirements for the development of SPCC Plans, which incorporate specific steps for preventing, controlling, and mitigating oil spills. SPCC plans are required for facilities that store oil and oil-containing products exceeding certain capacity thresholds where there is a possibility that an oil spill would reach a navigable water.

*Any small business that maintains a total aboveground oil storage capacity of greater than 1,320 gallons, or a total undergrounds oil storage capacity of greater than 42,000 gallons, where there is a reasonable potential for a discharge to reach navigable waters is subject to SPCC regulatory requirements.*

Aboveground storage containers with a capacity of 55-gallons or more are included in the aboveground capacity threshold calculation. Underground storage tanks regulated under 40 CFR 280 and 281 are not subject to the SPCC regulations and are discussed in a separate fact sheet.

## 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*, and the *Oil Pollution Act of 1990*.

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

- **Part 112** – Requirement to prepare and implement an SPCC Plan.
- **Part 110** – Requirements for spill reporting.

## 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 structure, or area in which oil is stored, or that is administered by the same owner or operator. 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.



**Mobile refuelers** are bulk storage containers onboard a vehicle or towed, that are designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

**Motive Power Containers** are any onboard bulk storage containers used primarily to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment. Examples of motive power containers include trucks, automobiles, bulldozers, aircraft, cherry pickers, self-propelled cranes, self-propelled heavy vehicles, and locomotives. They do not include oil drilling or workover equipment, including rigs, or onboard bulk storage containers which are used to store or transfer oil for further distribution.

**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.

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

**Qualified Facility** refers to a facility that has 10,000 gallons or less in aggregate aboveground oil storage capacity, and has not had a single discharge of over 1,000 gallons, or two discharges of 42 gallons in any twelve month period or in the past three years.

**Qualified Oil-Filled Operational Equipment** refers to equipment that has not had a single discharge of over 1,000 gallons or two discharges of 42 gallons in any twelve month period or in the past three years. Refers to the discharges of the equipment and not discharges from the entire facility.

**Spill Prevention, Control, and Countermeasure (SPCC) Plan** refers to the written set of procedures required under [40 CFR 112.3](#). Procedures must detail in writing, the equipment, workforce, and steps required to prevent, control, and mitigate a discharge of oil.

**Worst Case Discharge** means the largest foreseeable discharge of oil that could occur as a result of an emergency including human error and also including adverse weather conditions (e.g., hurricane, flooding). 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 it could be reasonably expected that oil discharged from the facility would reach navigable waters. This determination is based upon considerations of the geography and terrain (such as proximity to navigable waters or adjoining shorelines, land contour, drainage patterns, and types of soil and rock). It should be noted that manmade features that act as secondary containment and that serve to restrain, hinder, contain, or otherwise prevent a discharge are excluded from consideration in this determination.

### 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 where spilled oil may reasonably be expected to reach navigable waters. Only containers of oil with a capacity of 55-gallons or greater are counted toward this aggregate capacity threshold.

An SPCC plan is also required if a small business facility has a completely buried storage capacity of greater than 42,000 gallons of oil that may reasonably be expected to reach navigable waters if discharged. (Note this does not apply to underground storage tanks regulated under 40 CFR 280 and 281.)

### 3. SPCC Plan Contents

The SPCC Plan must clearly address the following:

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

Although a SPCC plan must have the above information, each SPCC plan will be unique to the specific facility, operations, and location. Development of an SPCC Plan requires detailed knowledge of the facility, including the location and capacity of oil-based storage, and the potential effects an oil spill could have on the area 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 standard elements include the following:

- Discussion of the facility's conformance with applicable SPCC requirements;
- Explanation of regulatory applicability;
- Description of the facility's physical layout and a facility diagram that indicates the locations of oil storage and handling;
- General facility description including name, function, and drainage patterns;
- Description of oil storage and handling areas;
- Discharge prevention measures including procedures for routine handling of products;
- Designation of SPCC responsibilities, including a Spill Coordinator;
- 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;

#### 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, fail-safe engineering controls to prevent overfills, 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 (PE) certification, or self-certification for qualified facilities; and
- Management approval.

#### 4. Plan Certification

Regulations require that a licensed 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 material changes to the plan are made (e.g., technical changes). 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.

Some qualified facilities may self-certify their own plans instead of having a PE certify the plan. A qualified facility is one that has a capacity of 10,000 gallons or less of oil, and has not had a single discharge of over 1,000 gallons or two discharges of 42 gallons in any twelve month period or in the past three years. When this occurs, the facility must still have a PE certify portions of the plan that include environmentally equivalent measures or impracticability determinations.

#### 5. Effective Date for Regulatory Revisions

On December 2006 EPA amended the SPCC regulations. These amendments, effective February 26, 2007 included changes in or clarification of operating requirements and clarification of applicability provisions including:

- Adding the option to self-certify SPCC Plans in lieu of review and certification by a PE for facilities that have an aboveground oil storage capacity of 10,000 gallons or less and meet other qualifying criteria;
- Providing alternatives to the general secondary containment requirement without requiring a determination of impracticability for qualified oil-filled operational equipment;
- Defining and exempting vehicle fuel tanks and other on-board bulk oil storage containers (called motive power containers);
- Exempting mobile refuelers from the sized secondary containment requirements for bulk storage containers;
- Removing SPCC requirements for animal fats and vegetable oils for onshore oil production facilities, onshore oil drilling and workover facilities, and offshore oil drilling, production, and workover facilities; and
- Extending the SPCC compliance dates for farms until EPA determines an appropriate date.



Implementation of amended or new plans meeting the new regulatory requirements must take place by July 1, 2009.

It should be noted that the EPA proposed changes to the SPCC rule in October 2007. It is likely that the rules will change in 2008. For more information about the proposed changes, visit the EPA website at:

[http://www.epa.gov/emergencies/content/spcc/spcc\\_oct07.htm](http://www.epa.gov/emergencies/content/spcc/spcc_oct07.htm)

### **FIRST QUESTIONS FOR THE SMALL BUSINESS OWNER**

- Do you use or store products that contain oil, at your facility (these may include petroleum products or other products containing oil)?
- Do you use oil to heat the building or any equipment at your facility? Do you have tanks for oil storage, including heating oil tanks?
- What are capacities (in gallons) of the containers that you use to store oil?
- Do you know if there are any water bodies, such as lakes, rivers, streams, or wetlands, near 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 capacity greater than 42,000 gallons.
- Observe facility drainage areas 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, geology, and potential weather conditions.

### **THE POLLUTION PREVENTION CONNECTION**

- Look for ways to reduce the quantity of oil and oil products stored at the facility by conducting a fuel needs analysis (e.g., identify which sources of fuel are really necessary).
- 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.

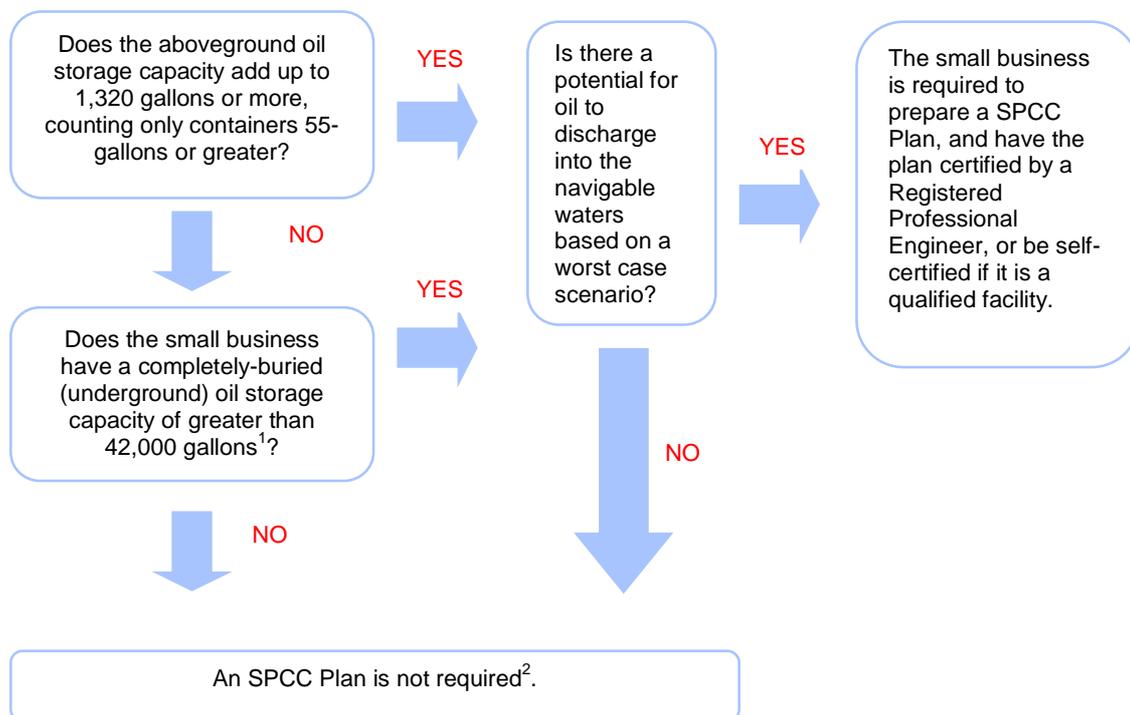
### **FOR FURTHER INFO**

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



## Spill Prevention Control and Countermeasure Plan (SPCC) Roadmap

This fact sheet provides a general overview of regulatory requirements. Only the EPA can enforce SPCC regulations; EPA has not delegated authority to the states. However, some states have their own reporting requirements, which can differ from the federal regulations.



### NOTES:

<sup>1</sup>Underground 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 regulations.

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