Spill Prevention, Control and Countermeasures (SPCC)  
40 CFR 112  

For Bulk Facilities
CWA 311 SPCC Compliance Determination Process Overview

Section 311(c) and/or (e) Administrative Order if threat or actual discharge

At time of inspection, could not conclude if facility is subject to SPCC jurisdiction (conduct additional research)

Take Expedited Settlement Agreement Action as appropriate

Directed/Targeted* SPCC Inspection

- Spills
  - Multi-media/other program
  - State referral
  - Citizen complaints
  - Geographically driven
- Sector initiatives
  - Selected through current enforcement case
  * Targets based on OEM draft Targeting Strategy as listed in bullets above (this list is not all inclusive and subject to change)

Inspect Facility
- Review SPCC Plan
- Complete National Inspection Checklist
  - Photo Log
  - Identification of deficiencies
  - Provide SBREFA Information
- Closing Conference (See draft OECA Guidance)
- Clock starts on the optional Schedule for Return to Compliance process (90 days maximum)**

Facility not in compliance

Enter into database as “out of compliance”

Facility in compliance

- Complete inspection report
- Appropriate management review
Note: Facility is in compliance with all aspects of regulation (field and plan)

Enter into database as “in compliance”

Facility brought into compliance within the optional 90 day Schedule for Return to Compliance timeframe

When facility is “brought into compliance” enter into database and regions may pursue additional enforcement as appropriate.

Follow the Enforcement Response Framework

CANNOT USE SCHEDULE FOR RETURN TO COMPLIANCE PROCESS IF:****
- Inspection based on spill at facility
  - No SPCC Plan
  - No or grossly inadequate containment
  - Region determines inappropriate
  - On-going enforcement case

At time of inspection, facility was not subject to SPCC jurisdiction

Information gathering tools (Section 311(m) and 308)

** Based on consultation between program and enforcement personnel, regions may shorten or extend based on case-specific circumstances.

*** Based on consultation between program and enforcement personnel, regions may determine to use the Schedule for Return to Compliance process on a case by case basis.

Key:
- Blue: Pre-inspection
- Green: Inspection
- Yellow: Post-inspection
- Orange: Database
- Purple: Enforcement Response Framework

Optional/Outreach SPCC Workshop

Post Inspection Procedures:
- Complete inspection report
- Appropriate management review
- Inform facilities of their deficiencies using informal written mechanism (to be completed within 45 days of the inspection)
- Regions may cease Schedule for Return to Compliance process at anytime.
- Program and enforcement personnel shall evaluate the progress of the Schedule for Return to Compliance process within 60 days of the inspection.

Facility is not in compliance

(at after optional 90 day Schedule for Return to Compliance timeframe has lapsed)

Follow the Enforcement Response Framework

When facility is “brought into compliance” enter into database
CWA 311 FRP Compliance Determination Process Overview

- Directed/Targeted* FRP Inspection and/or GIUEs
  - Blue: Pre-inspection
  - Green: Inspection
  - Yellow: Post-inspection
  - Orange: Database
  - Purple: Enforcement Response

Section 311(c) and/or (e) Administrative Order if threat or actual discharge

Inspect/Exercise Facility
- Complete inspection/GIUE report
- Appropriate management review
- Identification of deficiencies
- Small Business Regulatory Enforcement Fairness Act (SBREFA) Information
- Closing Conference (See draft OECA Guidance)
- Clock starts on the optional Schedule for Return to Compliance process (120 days maximum)**

Post Inspection Procedures:
- Complete inspection/GIUE report
- Appropriate management review
- Inform facilities of their deficiencies using informal written mechanism (to be completed within 60 days of the inspection)
- Regions may cease Schedule for Return to Compliance process at anytime.
- Program and enforcement personnel shall consult and evaluate the progress of the Schedule for Return to Compliance process within 90 days.

Facility is not in compliance
- Spills
- Citizen complaints
- Multi-media/other program
- State referral
- 5-year review
- New facilities
- Updated plan

Follow the Enforcement Response Framework

Facility brought into compliance within the optional 120 day Schedule for Return to Compliance timeframe

- Information gathering tools (Section 311(m) and 308)

CANNOT USE SCHEDULE FOR RETURN TO COMPLIANCE PROCESS IF:
- Spills
- Citizen complaints
- Multi-media/other program
- State referral
- 5-year review
- New facilities
- Updated plan
- No FRP Plan
- No or grossly inadequate containment
- Region determines inappropriate
- No OSRO, First Responder or Equipment as outlined in the Plan

When facility is “brought into compliance” enter into database and regions may pursue additional enforcement as appropriate

** Based on consultation between program and enforcement personnel, regions may shorten or extend based on case-specific circumstances. Regions may go directly to Enforcement Response Framework at anytime.

*** Based on consultation between program and enforcement personnel, regions may determine to use the Schedule for Return to Compliance process on a case by case basis.
Do you have an oil?

• The list of Petroleum and Non-petroleum oils subject to the Clean Water Act requirements can be found at “http://www.uscg.mil/vrp/faq/oil.shtml”

• Oils include: gasoline, non-petroleum oils, asphalt, hexane, jet fuel, mineral spirits, edible and non-edible animal and vegetable oils, coal tar, creosote, lube oil additives, tallow, polyolefins, ethyl cyclohexane, turpentine, ………
• Non-Transportation-Related Facility engaged in:
• **Drilling, producing, gathering, storing**, processing, refining, transferring, distributing, using, or consuming
• **Oil** of any kind (petroleum, vegetable, animal, synthetic)
• in:
  - **Total** aboveground storage capacity >1,320 gallons counting only containers 55 gallons and greater; and/or
  - **Total underground capacity** > 42,000 gallons not including capacity of buried tanks covered in 40 CFR part 280 or 281
  - Exempts wastewater treatment facilities
• A discharge of oil from the facility could reasonably be expected to reach **waters of the U.S.**, 

• Dikes, equipment, and other manmade structures are **not considered** as reasons that oil would not be expected to reach waters of the U.S., 

• Examples of waters of the U.S. may include: lakes, rivers, streams, dry creek beds, ditches, wetlands, and tributaries to these.
OPA Jurisdiction of Federal Agencies
SPCC Requirements for Preparation and Implementation (112.3) continued,

- Professional Engineer (PE) must certify:
  - Is familiar with the rule
  - PE or agent has visited and examined the facility
  - Plan is prepared in accordance with good engineering practice (considering applicable industry standards) and with the rule
  - Testing and inspection procedures are established
  - The plan is adequate for the facility
General Requirements for Preparation and Implementation [112.7(a)]

- Plan must be **signed by owner/operator**, 
- Plan must follow the sequence of the rule (112.7) or cross reference, 
- Equivalent environmental protection 
- Must have detailed facility diagram 
- Describe prevention and countermeasures 
  - Type of oil and capacity of each container 
  - Prevention measures provided for all oil handling and storage 
  - Discharge or drainage controls 
  - Countermeasures, disposal, and reporting a discharge
General Requirements for Preparation and Implementation [112.7(b-c)]

- Plan must have a spill prediction section describing **what would be a likely cause of a spill** and where it would flow,
- Plan must describe **what containment is used** such as:
  - Dikes or berms that are **sufficiently impervious** to contain spilled oil until it is cleaned up,
  - Curbing, culvert ing, gutters or other drainage,
  - Weirs, booms or other barriers,
  - Spill diversion or retention ponds.
Records must be made according to the frequency and procedures that the facility establishes in the SPCC plan,

- Sign and keep with the plan for 3 years,

- Records must include:
  - Tank, piping, valve inspections and testing,
  - Water drained from dikes,
  - SPCC plan 5 year review,
Bulk Storage Tank Requirements
[112.8(c)]

• Tank’s material must be compatible with the oil stored and conditions of storage,

• Secondary containment must:
  – Hold the entire contents of the largest tank,
  – Plus sufficient freeboard for rainfall,
  – Be sufficiently impervious to hold a spill until it can be detected and cleaned up,
  – Be free of vegetation that would compromise imperviousness and inhibit inspections,
FRP/SPCC
Deficiencies
Agency Observations

Problems commonly found in Facility Response Plans (FRPs)
Common FRP Problems
General Information

- Name of protected waterway or environmentally sensitive area omitted
- Number of underground storage tanks (USTs), UST oil storage or drums/small container storage omitted
- Facility’s status with respect to the significant and substantial harm criteria not stated
Common FRP Problems
Worst Case Discharge Planning

• Worksheet to Plan Volume of Response Resources for Worst Case Discharge not completed [40 CFR 112, Attachment E-1 / E-2]
Common FRP Problems
Introductory Materials

• Inadequate cross reference sheet and table of contents
Common FRP Problems

ERAP

• ERAP not provided as a separate section in the front of the Response Plan, or as a separate document accompanying the Plan

• Qualified individual’s response training experience not described

• Notification list items missing
  – Wastewater treatment facility(s) name and phone number (recommended)
  – Factories/utilities with water intakes
  – Trustees of sensitive areas (recommended)
  – Wrong U.S. EPA region duty officer phone number
Common FRP Problems
Response Equipment

• Facility failed to have, or to document, the availability of 1,000 feet of boom, deployable within one hour
  – For example, facility relies on an Oil Spill Removal Organization (OSRO) for a boom, but OSRO response time is greater than one hour

• List of response equipment to be provided by an OSRO is not stated

• Response Equipment Testing and Deployment Drill Log is inadequate or incomplete
Inadequate or incomplete information:

• Emergency response personnel information
  – Type and date of response training

• Emergency response contractor information
  – Response time
  – Evidence of current contractual arrangements

• Facility response team information
  – Response time
  – Name of emergency response contractor, response time, phone/pager
Common FRP Problems
Evacuation Plans

Items missing or inadequately addressed, e.g.:

- Location of stored materials
- Hazard imposed by spilled materials
- Spill flow direction
- Prevailing wind directions and speed
- Water currents, tides, or wave conditions
- Arrival route of emergency response personnel and equipment

- Alternate evacuation routes
- Transportation of injured personnel to medical facility
- Location of alarm/notification systems
- Mitigation command center location
- Facility shelter location
- Community evacuation plans referenced
Common FRP Problems
Hazard Evaluation

Items missing or inadequately addressed, e.g.:

• Information provided on surface impoundments
  – If a facility has no surface impoundments, it should be so stated

• Labeled schematic drawings

• Secondary containment volumes
Common FRP Problems
Vulnerability Analysis

Analysis of potential effects on the following resources is missing:

• Schools
• Medical facilities
• Residential areas
• Businesses

• Endangered flora & fauna
• Recreational areas
• Transportation routes
• Utilities
Common FRP Problems
Oil Spill Potential Analysis

Items missing or inadequately addressed, e.g.:

- Horizontal range of potential spill
- Vulnerability to natural disaster (earthquake zones)
- Tank age
- Other factors (unstable soils, karst topography, etc.)
Common FRP Problems
Reportable Oil Spill History

Items missing or inadequately addressed, e.g.:

- Amount that reached navigable waters
- Effectiveness and capacity of secondary containment
- Steps taken to reduce possibility of reoccurrence
- Total oil storage capacity of tank(s) from which material discharged
- Enforcement actions
- Effectiveness of monitoring equipment
- Spill detection
Common FRP Problems
Discharge Detection Systems

● Discharge detection by personnel
  – Description of initial response actions
  – Emergency response information

● Automated discharge detection
  – Description of automatic spill detection equipment (overfill alarms, secondary containment sensors)
  – Description of alarm verification procedures and subsequent actions
Common FRP Problems
Discharge Detection Systems

• Discharge detection by personnel
  – Description of initial response actions
  – Emergency response information

• Automated discharge detection
  – Description of automatic spill detection equipment (overfill alarms, secondary containment sensors)
  – Description of alarm verification procedures and subsequent actions
Common FRP Problems
Containment and Drainage Planning

Items missing or inadequately addressed, e.g.:

• Containment volume
• Construction materials in drainage troughs
• Type and number of valves and separators in drainage system
• Sump pump capacities
• Containment capacities
Common FRP Problems
Diagrams

Site Plan Diagram - Items missing or inadequately addressed, e.g.:

- Correct scale
- Contents and capacities of bulk oil storage tanks and drums
- Location and capacity of secondary containment
Need More Info?

- Website:  www.epa.gov/oilspill

- National Hotline: 1-800-424-9346

- Regional Contacts:
  Donald P Smith – smith.donaldp@epa.gov
  214-665-6489