

Subject: More Proposed Changes To SPCC Regulations

To All:

FYI - From EPA at www.epa.gov/oilspill.

Gary

Spill Prevention, Control, and Countermeasure (SPCC) Proposed Rule Amendments

Information about October 2007 proposed amendments to the SPCC Rule

**EPA-550-F-07-005
October 2007**

EPA has proposed amendments to the SPCC rule that will increase clarity and tailor certain requirements for easier and increased compliance. The regulated community now has the opportunity to comment on these proposed changes during a 60-day comment period, following publication of the proposed rule in the Federal Register.

EPA is requesting comments on the following proposed changes to the SPCC regulations:

All SPCC-regulated facilities would be potentially affected by the proposed amendments to provide:

- clarity on the general secondary containment requirements;
- flexibility in the security requirements;
- flexibility in the use of industry standards to comply with integrity testing requirements;
- additional flexibility in meeting the facility diagram requirements; and
- clarification on the flexibility provided by the definition of "facility."

In addition to the amendments listed above, EPA is proposing to:

- ***Exempt the following from SPCC regulations:***
 - hot-mix asphalt and hot-mix asphalt containers;
 - pesticide application equipment and related mix containers used at farms;
 - heating oil containers at single-family residences; and
 - completely buried oil storage tanks at nuclear power generation facilities that meet the Nuclear Regulatory Commission design criteria and quality assurance criteria at 10 CFR part 50, Appendices A and B.
- ***Differentiate integrity testing requirements for containers that store Animal Fats or Vegetable Oils (AFVO) and meet certain criteria and FDA regulatory requirements.***
- ***Define "loading/unloading rack" in order to clarify the equipment subject to the provisions for facility tank car and tank truck loading/unloading racks and exclude farms and oil production facilities from the loading/unloading requirements; and***
- ***Streamline:***
 - requirements and allow the use of an SPCC Plan template for a subset of qualified facilities known as

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- “Tier 1” qualified facilities (i.e., with no individual oil storage container with a capacity greater than 5,000 U.S. gallons up to an aggregate of 10,000 gallons); and
- several requirements for oil production facilities, including:
 - modify the definition of “production facility”, consistent with the proposed amendments to the definition of “facility”;
 - extend the timeframe by which a new oil production facility must prepare and implement an SPCC Plan;
 - exempt flow-through process vessels at oil production facilities from the sized secondary containment requirements, while maintaining general secondary containment requirements and requiring additional oil spill prevention measures;
 - exempt flowlines and intra-facility gathering lines at oil production facilities from all secondary containment requirements, *while establishing more specific oil spill prevention measures*;
 - clarify the definition of “permanently closed” as it applies to an oil production facility.

(Note: EPA is also taking comment on approaches that could be used to establish alternative criteria for an oil production facility to be eligible to self-certify an SPCC Plan as a qualified facility, and approaches to address produced water containers at oil production facilities.)

- ***Clarify that nurse tanks used at farms are included in the December 2006 amendments related to mobile refuelers and therefore exempt from the specifically sized secondary containment requirements for bulk storage containers.***

All SPCC regulated facilities are still required to comply with the existing SPCC regulations while EPA considers these proposed amendments. For information about facilities required to comply with the SPCC and any compliance date extensions, please visit www.epa.gov/emergencies.

Please submit your comments on the proposed rule at www.regulations.gov. If you have specific questions about the proposed amendments, please contact our helpline at 1-800-424-9346.

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