Recent SPCC Amendments

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Presentation Focus

- 2009 SPCC Rule Amendments
  - Compliance Dates Extended – June 19, 2009 (74 FR 29136)
  - Changes to the December 2008 Amendments – November 13, 2009 (74 FR 58784)
- Changes made to the definition of “facility” and “loading/unloading rack” in 2008

Brief History since 2002

- Amendments are largely performance-based
- Provides flexibility
- To date, compliance with the amendments has not been required

Important Dates

- What's important about the effective and compliance dates?
  - **Effective date** (January 14, 2010)
    - Date the 2008 and 2009 amendments may be incorporated into the SPCC Plan
  - **Compliance date** (November 10, 2010)
    - Date the SPCC Plan must be developed or amended and implemented
      - EPA says they will propose an additional extension of the compliance date

Compliance Dates

A facility that first becomes subject to SPCC…	Must…
On or before August 16, 2002	• Maintain its existing SPCC Plan • Amend and implement the SPCC Plan no later than **Nov. 10, 2010.**
After August 16, 2002 through **Nov. 10, 2010**	• Prepare and implement the SPCC Plan no later than **Nov. 10, 2010**
After **Nov. 10, 2010**	• Prepare and implement a SPCC Plan **before beginning operations** * * Owners or operators of new oil production facilities must prepare and implement an SPCC Plan six months after the start of operations.

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November 2009 Amendments Made to the 2008 Amendments

- Took no action to a majority of the 2008 amendments.
- Provided technical corrections to a few provisions of the December 2008 amendments
- Removed certain provisions from the December 2008 final rule

2008 Provisions Removed

- Exclusion from loading/unloading rack requirements:
  - oil production facilities
  - farms
- Alternative qualified facility eligibility criteria for an oil production facility
- Exemption for produced water containers

Corrections to December 2008 Amendments

- Provided clarification and corrections of errors related to the designation of a subset of "Tier I" qualified facilities.
- Amended the language related to the exemption for underground oil storage tanks and vaulted tanks that supply emergency diesel generators at nuclear power generation facilities.
- Changed the compliance date for new oil production facilities and farms to November 10, 2010.

Questions?
2009 amendments or Dates

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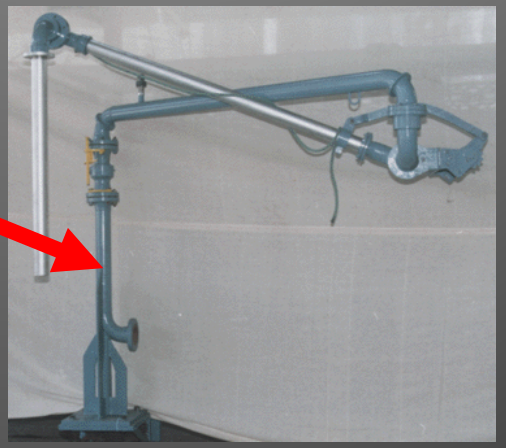
Revised Definition of Loading/Unloading Rack

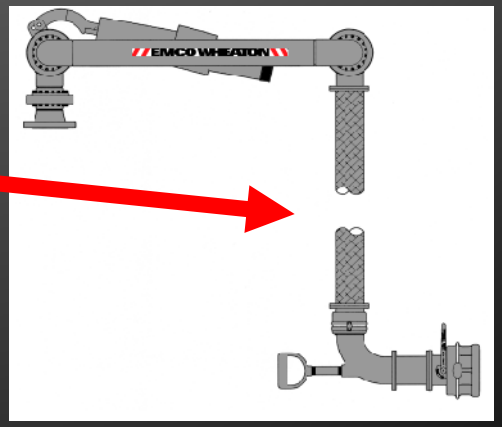
- EPA finalized definition of loading/unloading rack
  - Term "rack" replaces "area" throughout §112.7(h).
  - Provides clarity on applicability.

Definition of Loading/Unloading Rack

- Loading/unloading rack – a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to the requirements of this part. A loading/unloading rack includes a loading or unloading arm, and may include any combination of the following: piping assemblages, valves, pumps, shut-off devices, overfill sensors, or personnel safety devices.

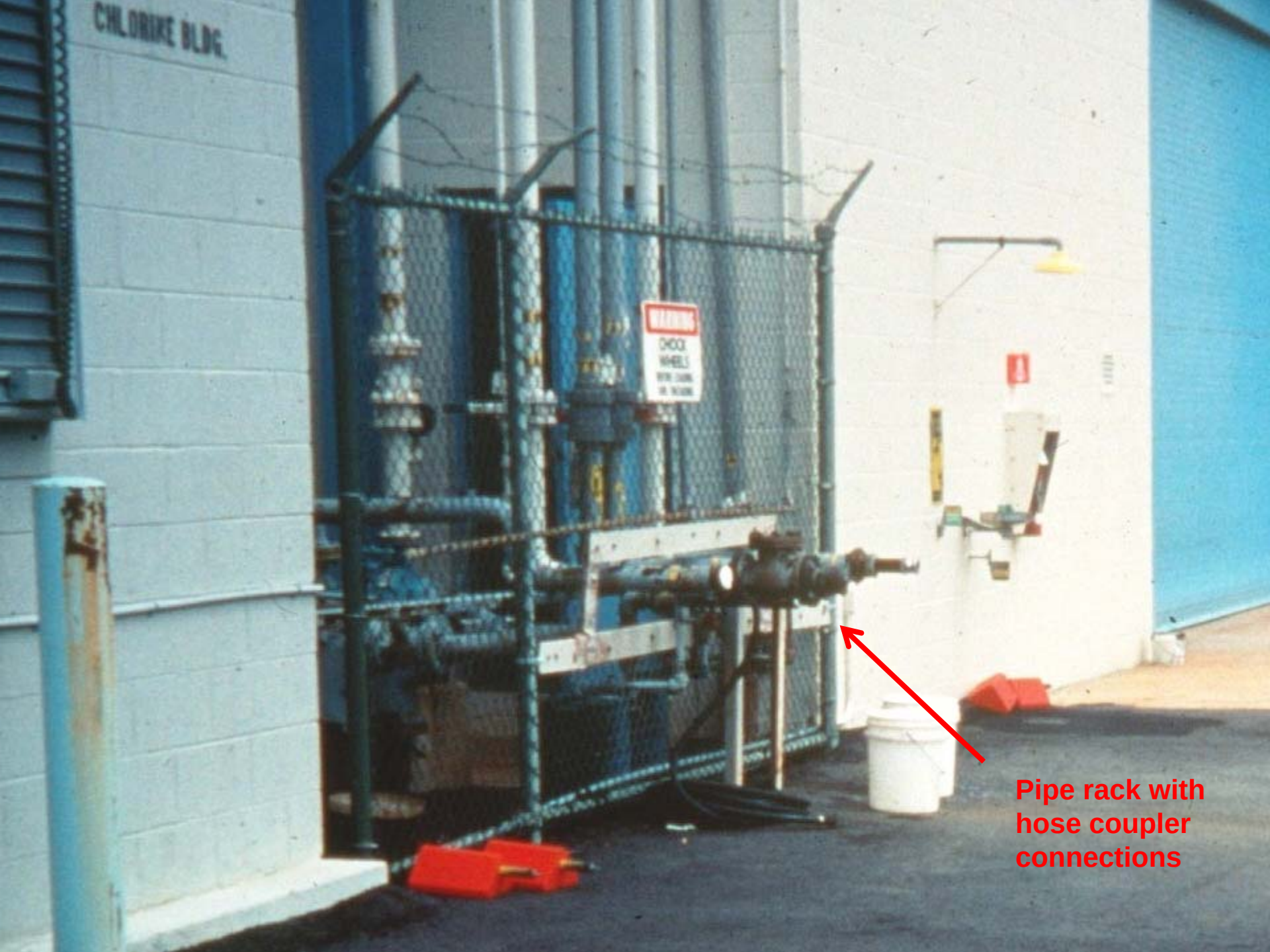
Look for the arm





No Unloading Arm

Flexible hose connected to hose coupler


CHLORINE BLDG.
Pipe rack with
hose coupler
connections

This is not an Unloading Rack

Hose connected to the fill pipe without an unloading arm

Qualified Facilities

- 10,000 gallons or less oil storage capacity
- 3 years prior to certification:
  - No single discharge of 1,000 gallons; or
  - No two discharges of 42 gallons each within 12 months
- 5,000 gallon maximum capacity in single container

Tier I Qualified Facility

- 10,000 gallons or less oil storage capacity
- 3 years prior to certification:
  - No single discharge of 1,000 gallons; or
  - No two discharges of 42 gallons each within 12 months

Tier II Qualified Facility

Tier I Qualified Facilities

- May choose the Tier I Qualified Facility Template in 40 CFR 112 Appendix G
- Tier I facilities may not use environmental equivalence
  - Tier II Qualified Facility plan; or
  - Full SPCC Plan with PE certification

Tier I Qualified Facilities

- Tier I qualified facility plan must be certified by either the owner/operator or *PE if required by the state engineering licensing board or regulation!*
- Facility changes and no longer qualifies as Tier I
  - Within 6 months of the change:
    - Prepare and implement a Tier II plan; or
    - Full SPCC Plan with PE certification

Qualified Facilities and Loading/Unloading Rack Questions?

Definition of Facility

- Clarifies that the definition of “facility” **alone** determines SPCC applicability and of 40 CFR 112.
- Containers can be separated or aggregated, based on various factors when defining “facility”.
- Clarifies that "waste treatment" refers to oil waste treatment.
- Adds “property,” “parcel,” and “lease” to terms that can be considered in determining facility boundaries.

Amended Definition of "Facility"

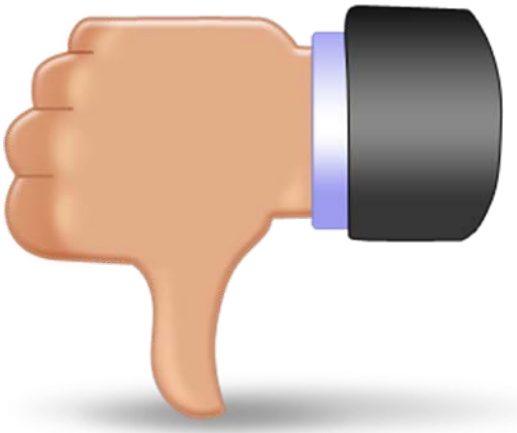
Facility means any mobile or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used, as described in Appendix A to this part. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.

Identifying Facility Boundaries

- Additional factors to consider:
  - Ownership, management, operation of the containers, buildings, structures, equipment, installations, pipes, or pipelines on the site
  - Similarity in functions, operational characteristics and types of activities occurring at the site
  - Adjacency
  - Shared drainage pathways
  - Control over day-to-day operations
  - Who trains employees with oil handling activities
  - Who conducts required inspections and tests
  - Who is responsible for responding to and cleaning up a discharge of oil

Identifying Facility Boundaries

- Cannot describe the boundaries of a facility unreasonably to avoid regulation. For example:
  - Cannot divide one facility into separate facilities with one oil storage container belonging to each facility where all storage containers are located side-by-side or close to each other and are used for the same purpose.



Military Base – Scenario #1

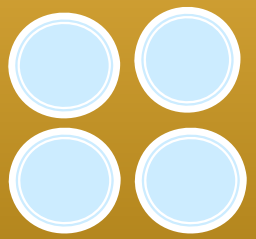
- Military Base (same principles apply to university or airport)
- Spread over 10 square miles
- Several areas where oil containers are located
  - Tank farm for aircraft fueling
  - Back-up fuel oil for a small power generation plant
  - Mess hall with drums of cooking oil

Military Base

Factors

- Different Groups are responsible for each area
- Operations vary between areas

Back-up fuel oil for power generation plant



Tank farm for aircraft fueling

Mess Hall Drum storage

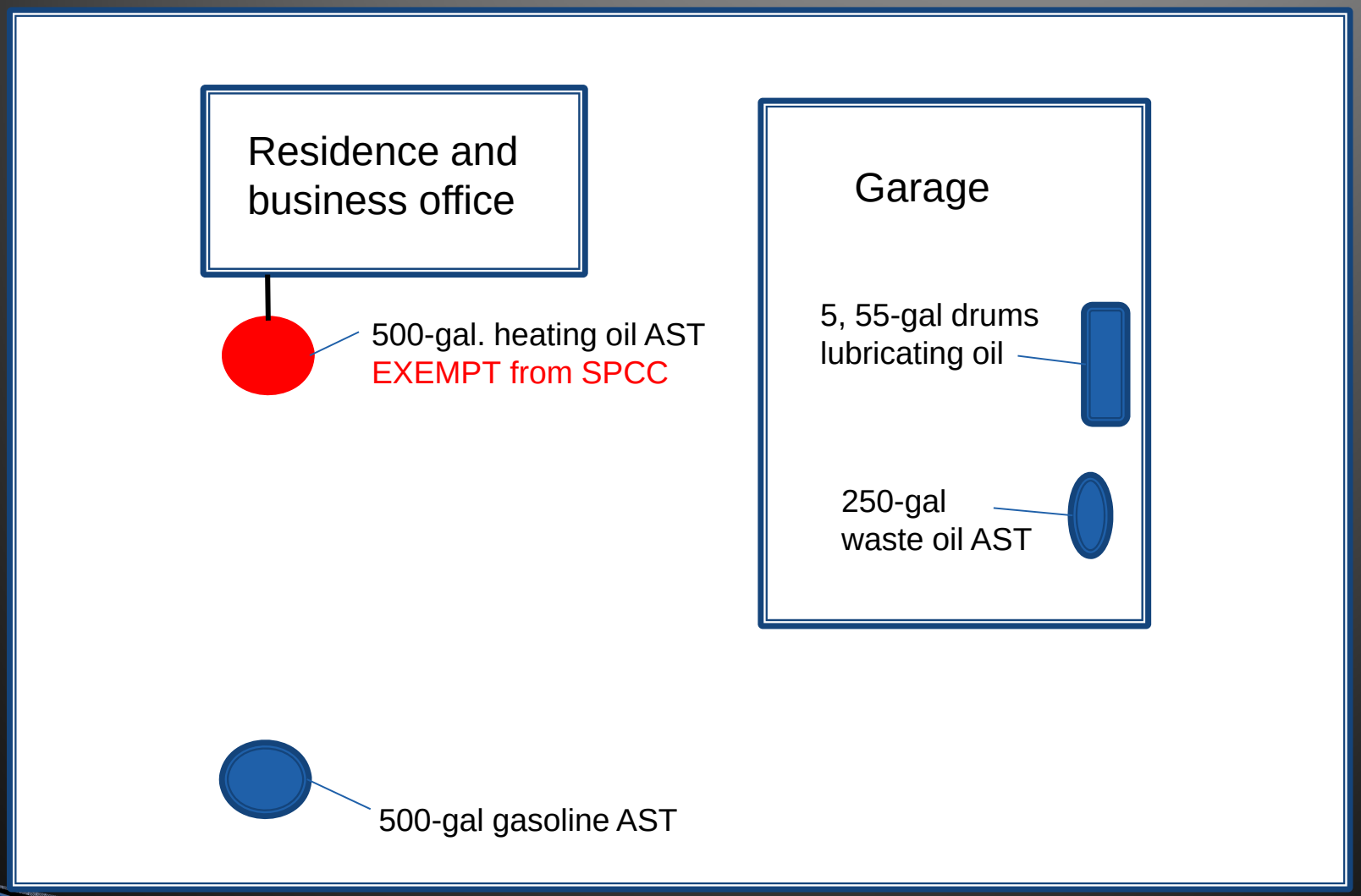
Military Base

- Factors allow a choice:
  - Calculate the oil storage capacity of each operation separately
    - Each location exceeding threshold prepares SPCC Plan
  - Aggregate the storage of oil across all locations
    - One SPCC Plan prepared for the base

Dual-purpose Facility – Scenario #2

- Truck maintenance facility operated from a residence
  - Business office located in residence
  - Garage in separate building

Vehicle Maintenance and Residence



Dual-purpose Facility

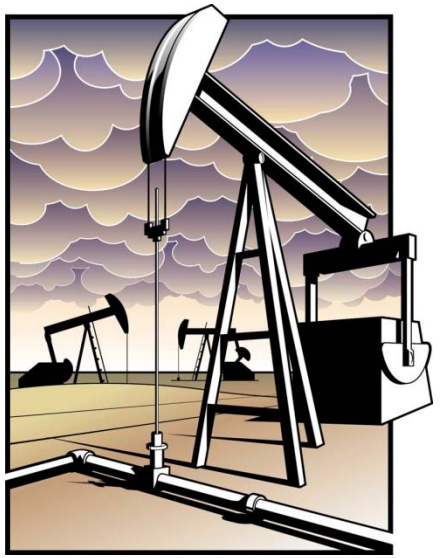
- Calculate the applicability of SPCC Rule
  - 500-gallon heating oil container is *exempt*
    - It heats the residence and the function of heating the home is necessary regardless of the presence of his business
  - Remaining containers are not exempt
    - Total capacity of the containers is 1,025 gallons.
- Entire facility is exempt since the total capacity of all eligible containers is less than 1,320 gallons.

Oil Production Facility – #3

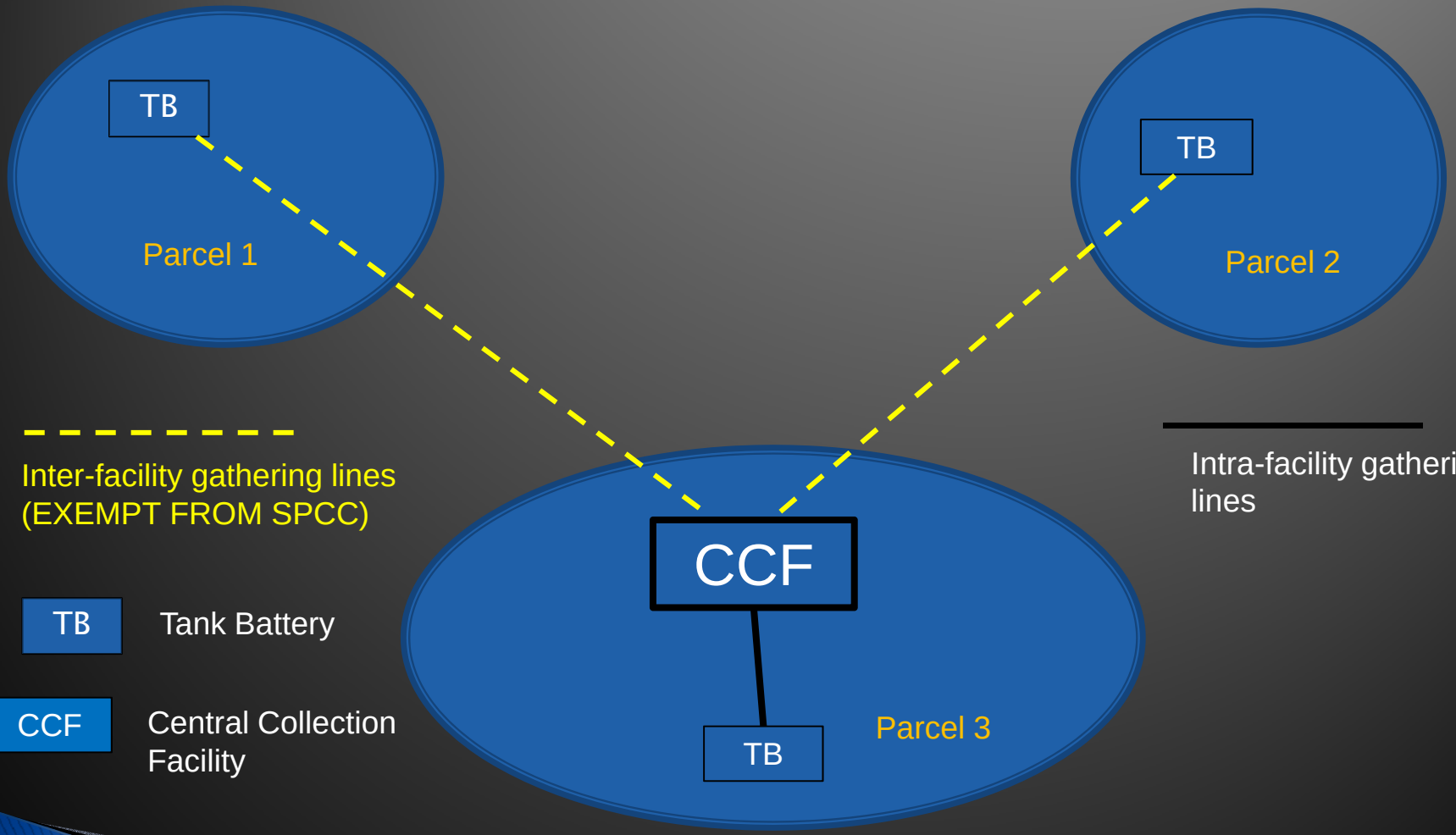
- Operator leases 3 parcels of land separated by large distances within one oil field
- Each parcel has a distinct lease agreement
- Each parcel has a tank battery and one or more wellheads
- Each tank battery has an aboveground storage capacity of greater than 1,320 gallons of oil
- Oil from each tank battery is piped to a central facility

Oil Production Facility

- Options:
  - Prepare one SPCC Plan for each parcel
    - Tank battery, wellheads, flowlines, and associated equipment
    - Exclude "*inter*–facility" gathering lines that transport oil from each of these facilities to a centralized collection. **Not** EPA's jurisdiction.



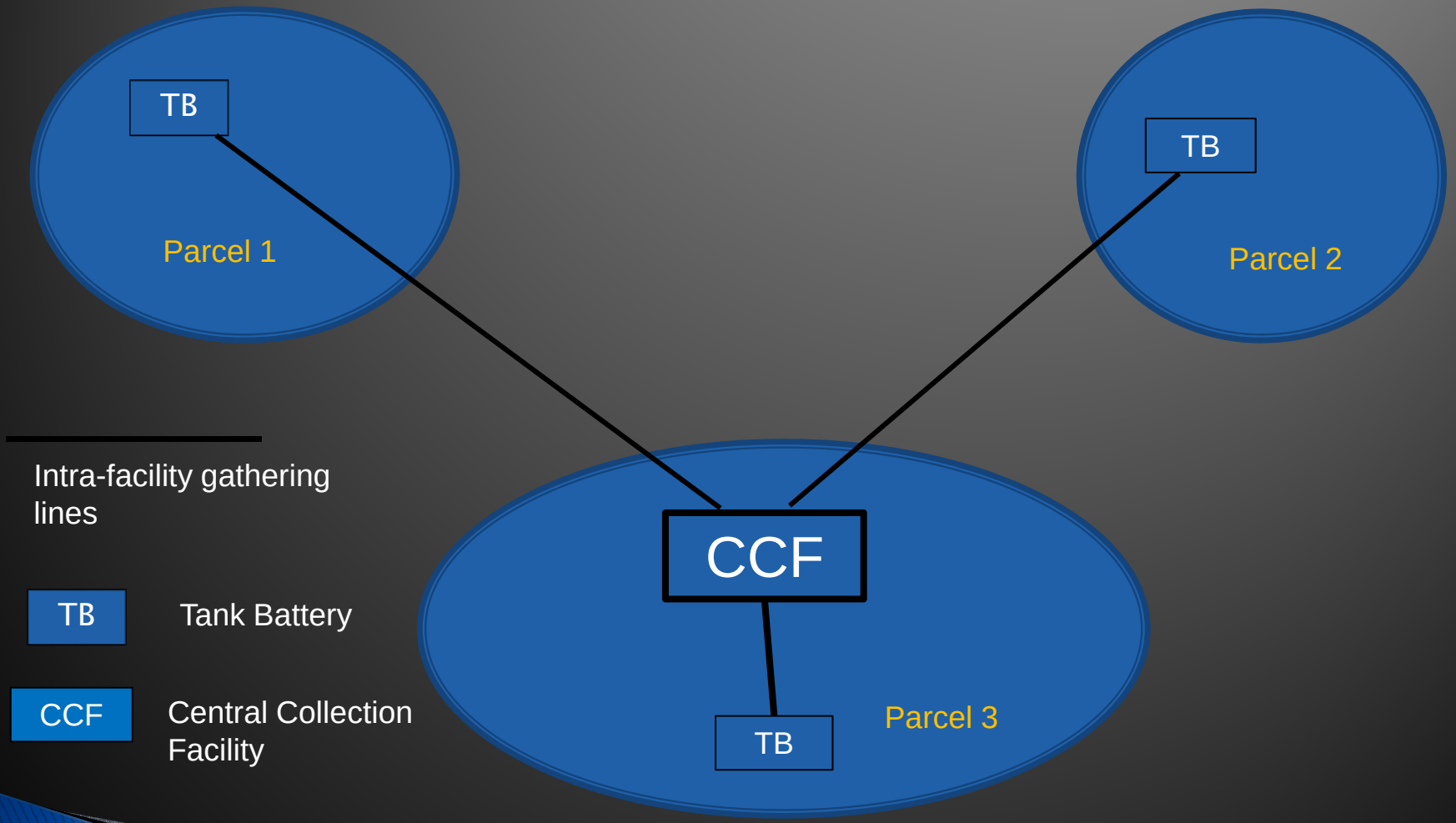
Separate Parcels



Combine the Parcels

- Consider all three parcels as one facility based on common ownership or operation of all of them.
  - Prepare one SPCC Plan that covers all components of all parcels, including gathering lines as they are now "*intra*-facility" gathering lines and EPA regulates those!

Combine Parcels



Helpful Resources

- SPCC Website
  - www.epa.gov/emergencies/content/spcc/index.htm
- Superfund, TRI, EPCRA, RMP, and Oil Information Center
  - (800) 424-9346 or (703) 412-9810
- Specialty Technical Publishers
  - www.stpub.com or 800-251-0381
  - *Environmental Auditing: Federal Compliance Guide,* authored by STC
  - *Oil and Petroleum Module*
    - *SPCC Audit Checklist – Pre-2002 amendments*
    - *SPCC Audit Checklist – all amendments through 2009*

Questions and Answers

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