

COMPLETING THE SPCC TEMPLATE FOR QUALIFIED FACILITIES

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**Welcome to Completing the SPCC
Template for Qualified Facilities**

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Objectives

1. Review the triggers for SPCC Plans
2. Review the definition of "qualified facilities"
3. Discuss the SPCC Plan Template for qualified facilities
4. Question-and-answer session

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 **Waters of the State**

- California defines "Waters of the State" as:
 - "any surface water or groundwater, including saline waters, within the boundaries of the state"
- The term includes:
 - All waters within the State boundaries
 - The territorial sea (3 nautical miles from coast)




[CA Water Code, §13050(e)]

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 **Aboveground Petroleum Storage Act (APSA)**


Any tank facility that:

- Is subject to 40 CFR 112; or
- Has a storage capacity of $\geq 1,320$ gallons of petroleum must:
 - Prepare and implement an SPCC Plan
 - Conduct periodic inspections to assure compliance




[19 CCR 1601 and Health and Safety Code, Div. 20, Chap 6.67]

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 **APSA Exclusions**

- Farms, nurseries, logging operations, and construction sites are excluded if:
 - No individual storage tank capacity is $> 20,000$ gal.
 - Cumulative storage capacity is not $> 100,000$ gal.
- Underground Storage Tanks (USTs) that are subject to 40 CFR 280 are also excluded



[19 CCR 1601]

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Oil Discharge Prevention

- Discharge prevention should be top priority for facilities with on-site oil storage
- 40 CFR 112 addresses oil pollution prevention
 - Certain facilities are required to create and implement a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan)

▼ Part 112 Oil Pollution Prevention	112.1 – 112.21
Subpart A Applicability, Definitions, and General Requirements for All Facilities and All Types of Oils	112.1 – 112.7
Subpart B Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)	112.8 – 112.11
Subpart C Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, Including Oils from Seeds, Nuts, Fruits, and Kernels	112.12 – 112.15
Subpart D Response Requirements	112.20 – 112.21

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Spill Prevention, Control, and Countermeasure Rule

The purpose of the rule is to ensure certain facilities develop SPCC Plans designed to prevent oil discharges from reaching US navigable waters or adjoining shorelines, or in California “waters of the state”



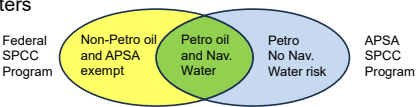
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APSA vs. Federal SPCC Applicability

CUPAs are only reviewing the SPCC Plan under APSA


- APSA only applies to petroleum oils, while SPCC includes all oils (e.g., vegetable oils)
- APSA exempts certain specific facilities (e.g., farms, construction)
- APSA reviews sites with a risk to waters of the state in addition to the Federal definition of navigable waters



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 **Facility Definition**


“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...”




Includes construction and other facilities that have standby, temporary, and seasonal storage

[40 CFR 112.2]

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 **Facility Definition (cont.)**

“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.”



[40 CFR 112.2]

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 **Oil Pollution Prevention Program**
Non-transportation-related Facilities


The rules apply to owners and operators of facilities involved in:

- On- and offshore activities
- Agriculture
- Non-transportation-related activities



[40 CFR 112.1(b)]

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 **Oil Pollution Prevention Program**
Transportation-related Facilities

- The rules do not apply to transportation-related facilities
 - Rail
 - Aircraft
 - Vessel
 - Highway
- They may or may not apply to pipelines and gathering lines

Transportation facilities are regulated by the Department of Transportation (DOT)


[40 CFR 112.1(d)]

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 **Non-transportation-related Activities**

Non-transportation-related activities include:

- Oil production (drilling, gathering, refining, processing, and workover)
- Transferring
- Distributing
- Storing
- Using
- Consuming



[40 CFR 112.1(b)]

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 **Capacity Triggers**

You must have an SPCC Plan if your facility has:

- More than 1,320 gal. of oil in aggregate above-ground storage capacity
- More than 42,000 gal. of completely buried oil storage capacity
- A "reasonable expectation of an oil discharge" to a waterway or adjoining shoreline




[40 CFR 112.1]

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Capacity Criteria

Counted:

- Containers with a capacity of 55 gal. or greater, including:
 - Tanks and tank batteries
 - Mobile or portable containers
 - Oil-filled equipment
 - Flow-through process equipment
 - Operational equipment




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Capacity Criteria Exclusions

NOT counted:

- Containers with less than 55-gal. capacity (e.g., 30-gal. drum, quart-sized container)
- Permanently closed containers/facilities
- Underground storage tanks subject to 40 CFR 280




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Oil Pollution Prevention Program Applicability

Federal program applies to facilities located in close proximity to nearby surface waters


- It's reasonable to expect that the facility could discharge oil in harmful quantities into or upon a navigable water of the US or adjoining shoreline

Note: The APSPA program also includes "Waters of the State"



[40 CFR 112.1]

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 **Oil Pollution Prevention Program**
Applicability Determination

The owner/operator decides if the facility meets the applicability criteria


- Based on quantity and nature of oil stored, geography, and location
- Consider topography, drainage, and distance to water
- Exclude discharge prevention features (e.g., secondary containment, response capability)



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 **SPCC Plan**
Location Exclusion

Facilities residing in locations where it is not reasonable to expect that an oil discharge could reach navigable waters are excluded from the Plan requirements




[40 CFR 112.1(d)]

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 **SPCC Plan**
Location Exclusion

Exclusion is based on natural geographic and topographic consideration only

- Secondary containment and man-made obstructions do not count



It's unlikely that facilities can use this exclusion under AP5A since "Waters of the State" is so broadly defined


[40 CFR 112.1(d)]

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SPCC Plan
Capacity Exclusion

Facilities with a limited storage capacity for oil may not be required to develop an SPCC Plan

- Based on both aboveground and underground storage limits
- Must account for each on-site storage location reasonably expected to store some type of oil




[40 CFR 112.1(d)]

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SPCC Plan
Federal Capacity Exclusion – Aboveground Limits

Facilities are not required to have a Plan if their total aboveground storage capacity is $\leq 1,320$ gal.

- Don't have to include containers that are less than 55 gal.



[40 CFR 112.1(d)]


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SPCC Plan
Capacity Exclusion – Underground Storage Tanks

"Completely buried tank means any container completely below grade and covered with earth, sand, gravel, asphalt, or other material"


- Includes connected underground piping, underground ancillary equipment, and containment systems
- Excluded from capacity calculation for SPCC, but must be indicated on the facility diagram

USTs are excluded from SPCC capacity determinations if the capacity is $\leq 42,000$ gal.




[40 CFR 112.1(d) and 112.2]

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 **APSA**
Tanks In Underground Areas (TIUGAs)


Facilities with storage capacity < 1,320 gal. that have 1 or more TIUGAs are subject to the requirements unless the TIUGA(s):

- Holds hydraulic fluid for a closed loop system for elevators/lifts/similar devices;
- Is a heating oil tank; or
- Is a sump, separator, clarifier, catch basin, or storm drain




[HSC §25270.3]

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 **APSA**
Tanks In Underground Areas (TIUGAs)


TIUGAs meet certain criteria and are located in a structure that is:

- At least 10 percent below the ground surface (basement, cellar, shaft, pit, vault, etc.)
 - “Below grade but not buried”
- Able to provide for secondary containment of the contents of the tank, piping, and ancillary equipment until cleanup occurs
- Sufficient to allow for direct viewing of the exterior of the tank, except for that part in contact with the surface of the floor






[HSC §25270.2(o)]

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 **SPCC Plan**
Capacity Exclusion – Underground Limits


- Facilities must meet both aboveground and underground storage capacity limits to qualify for the exclusion
- Underground storage capacity limit is 42,000 gal.
- Not required to include underground storage tanks (USTs) managed under RCRA Federal regulations and State-approved programs [40 CFR 280 through 282]

 **Code of Federal Regulations** 
A point in time eCFR system

 Title 40


[40 CFR 112.1(d)]

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 **SPCC Plan Certification**

Many Plans must be reviewed and certified by a licensed Professional Engineer (PE)

- Engineer must be familiar with Federal and State regulations that apply to oil pollution prevention
- Engineer's certification affirms that PE has visited and inspected the facility



[40 CFR 112.3(d)]

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 **SPCC Plan Certification**
Professional Engineer (PE) Certification

PE must attest that the Plan:

- Is adequate for the facility
- Was written in compliance with the SPCC rules, following good practices and industry standards
- Establishes inspection and testing protocols



[40 CFR 112.3(d)]

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 **SPCC Plan Certification**

- All technical amendments made to the Plan require certification by a licensed PE
 - Exceptions do apply to “qualified facilities”
- Periodic reviews of the SPCC Plan do not require PE certification



[40 CFR 112.5 and 112.6]

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SPCC Plan Self-Certification
Definition of Qualified Facilities

Qualified facilities are permitted to self-certify their SPCC Plans (no licensed PE required), provided they have:

- Total aboveground oil storage capacity of $\leq 10,000$ gal.
- Minimal spill history within the three years leading up to the Plan's self-certification date



[40 CFR 112.3(g)]

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SPCC Plan Self-Certification
Definition of Minimal Spill History

A "minimal spill history" is defined as either:

- No single discharge $> 1,000$ gal. within any 12-month period during the three years leading up to the Plan's self-certification date; or
- No two discharges > 42 gal. each within any 12-month period during the three years prior to the Plan's self-certification date



[40 CFR 112.3(g)]

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SPCC Plan Self-Certification
Types of Qualified Facilities

There are two types of qualified facilities:


- Tier I
- Tier II



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Tier I Qualified Facilities

- Total aboveground container storage capacity must be \leq 10,000 gal.;
- In the three years prior to the Plan certification:
 - No spills to navigable waters of the US and adjoining shorelines greater than 1,000 gal., or
 - No two spills greater than 42 gal. in a 12-month period; and
- No *individual* aboveground container can exceed 5,000-gal. capacity




[40 CFR 112.3(g)]

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Tier II Qualified Facilities

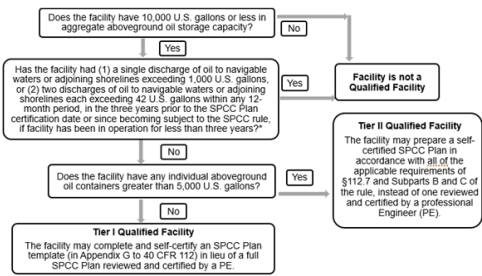
- Total storage capacity of aboveground containers must be \leq 10,000 gal.
- In the three years prior to the Plan certification:
 - No spills to navigable waters of the US and adjoining shorelines greater than 1,000 gal. or
 - No two spills greater than 42 gal. in a 12-month period; and
- *Individual* aboveground containers may exceed 5,000- gal. storage capacity



[40 CFR 112.3(g)]

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Tier I and II Qualified Facility Eligibility Requirements and Options



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    graph TD
      Q1{Does the facility have 10,000 U.S. gallons or less in aggregate aboveground oil storage capacity?}
      Q2{Has the facility had (1) a single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons, or (2) two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period, in the three years prior to the SPCC Plan certification date or since becoming subject to the SPCC rule, if facility has been in operation for less than three years?}
      Q3{Does the facility have any individual aboveground oil containers greater than 5,000 U.S. gallons?}
      Q4{Does the facility have any individual aboveground oil containers greater than 5,000 U.S. gallons?}
      
      Q1 -- No --> FNQ[Facility is not a Qualified Facility]
      Q1 -- Yes --> Q2
      Q2 -- Yes --> FNQ
      Q2 -- No --> Q3
      Q3 -- Yes --> T2Q[Tier II Qualified Facility]
      Q3 -- No --> Q4
      Q4 -- Yes --> T2Q
      Q4 -- No --> T1Q[Tier I Qualified Facility]
      
      T1Q[The facility may complete and self-certify an SPCC Plan template (in Appendix G to 40 CFR 112) in lieu of a full SPCC Plan reviewed and certified by a PE.]
      T2Q[The facility may prepare a self-certified SPCC Plan in accordance with all of the applicable requirements of §112.7 and Subparts B and C of the rule, instead of one reviewed and certified by a professional Engineer (PE).]
    
```

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 **SPCC Plan Self-Certification**
Tier I Facility Advantage

Tier I qualified facilities may complete a streamlined SPCC Plan template document, rather than create a Plan from scratch

- May complete an abbreviated version of the Plan
- Plan template is found in Appendix G to 40 CFR 112
- EPA's website includes links to downloadable/editable documents and examples of completed SPCCs

Appendix G to Part 112 - Tier I Qualified Facility SPCC Plan
Tier I Qualified Facility SPCC Plan

This template constitutes the SPCC Plan for the facility, when completed and signed by the owner or operator of a facility that meets the applicability criteria in §112.3(g)(1). This template addresses the requirements of 40 CFR part 112. Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or for a facility attended fewer than four hours per day, at the nearest field office. When making operational changes at a facility that are necessary to comply with the rule requirements, the owner/operator should follow state and local requirements (such as for permitting, design and construction) and obtain professional assistance, as appropriate.

[40 CFR 112.6]

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 **SPCC Plan Self-Certification**
Tier I and II Facilities

Tier I and II qualified facilities may use the Plan template and must prepare a standard written Plan according to:

- Rules found in 40 CFR 112.7
- Applicable requirements found in 40 CFR 112, Subparts B and C
- Cal OSFM has created a template that meets Tier II facility requirements



 *Like Tier I facilities, Tier II facilities may also self-certify their Plans*

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 **SPCC Plan Certification**
Self-Certification

The owner/operator of a qualified facility must certify that the SPCC Plan:

- Has been prepared per the regulations and follows best industry practices and standards
- Is approved by management and commits the resources to execute it
- Will be implemented



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 **SPCC Plan Certification**
Self-Certification

The owner/operator of a qualified facility must certify that the SPCC Plan:


- Includes discharge notification information
- Will be reviewed and amended at least **once every five years**




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 **Discharges of Oil**

- The Clean Water Act (CWA) prohibits discharges of oil into or upon navigable waters of the US in amounts that could cause harm to human health or the environment
 - Navigable waters include large water bodies as well as tributaries, lakes, ponds, etc.
- The CWA requires reporting of oil discharges to navigable waters by the responsible person




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 **Oil Discharges That “May Be Harmful”**


The rules implementing the oil discharge portion of the Clean Water Act are found at 40 CFR 110

- The EPA describes discharges of oil in quantities that “may be harmful” as those that:
 - Violate water quality standards established by the State or Federal EPA




[40 CFR 110.3]

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 **Oil Discharges That “May Be Harmful”**


The EPA describes discharges of oil in quantities that “may be harmful” as those that:

- Cause a film or sheen on the surface of the water or discoloration; or
- Cause a sludge or emulsion to be deposited beneath the surface of the water or on the shorelines





[40 CFR 110.3]

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 **Oil Discharge Notification**

- If a discharge occurs, immediately notify the National Response Center (NRC)
- Options for providing notification include:
 - Call the NRC at 1-800-424-8802 or 1-202-426-2675 (*Washington, DC area only*)
 - Call one of the Coast Guard district offices
 - Contact the nearest EPA regional office




[40 CFR 110.6]

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 **Reporting Oil Spills**

- People in charge of vessels or facilities must notify the NRC immediately upon knowledge of the discharge
 - NRC relays information to the EPA or US Coast Guard, depending on the location of the incident
- On-scene coordinators evaluate the situation and decide if emergency response is required




[40 CFR 110.6]

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 **Oil Discharge Notification Exclusions**


Discharges of oil that are *not determined to be harmful* are excluded from the normal notification requirements and include discharges:

- From properly functioning vessel engines
- Allowed under MARPOL 73/78, Annex I
- Permitted for research, demonstrations, or studies




[40 CFR 110.5]


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 **SPCC Reporting Requirements**

- Facilities subject to the SPCC Rule must report certain discharges to the EPA Regional Administrator within **60 days**
- Report oil discharge(s) to navigable waters or adjoining shorelines of:
 - More than 1,000 gal. (single event)
 - More than 42 gal. (in each of two events within a 12-month period)




Also, send the report to the agency of the state in which the facility is located




[40 CFR 112.4]

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 **Oil Discharge Notification**

Any release or threatened release of "hazardous substances" (including oil) into "State Waters" must be reported to Cal OES




[HSC §25510]

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Oil Discharge Notification Exceptions

- Discharges under 42 gal. that do not threaten to cause harm to the public health and safety, the environment, or property do not need to be reported
- A report is not required if "there is a reasonable belief that the release or threatened release poses no significant present or potential hazards to human health and safety, property, or the environment"





[HSC §25510]

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SPCC Oil Discharge Report Elements

When reporting oil discharges, include:

- Names, location, and phone numbers
- Maximum capacity and normal throughput
- Discharge cause and failure analysis
- Preventive measures
- Other information as required




[40 CFR 112.4(a)]

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SPCC Oil Discharge Report Elements
Facility Details


Provide an adequate facility description, including:

- Specific discharge location
- Facility layout map(s)
- Flow diagrams
- Topographical maps




[40 CFR 112.4(a)]

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 **SPCC Plan Components**
Table G-5

Must develop an inspection/testing program for all aboveground bulk storage containers and piping, which includes:

- Reference to industry standard utilized (e.g.: STI SP001, API 653, ATA 103, DOT standards)
- Scope and frequency of inspection/testing
- Name of person conducting inspection/testing




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 **SPCC Plan Components**
Table G-5

Records of inspections/testing must be:

- Kept under usual and customary business practices
- Retained for a period of **three years**
- Signed by appropriate supervisor or inspector



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 **SPCC Plan Components**
Table G-5

Personnel must be trained in:

- Operation and maintenance of equipment to prevent discharges
- Discharge procedure protocols
- Applicable pollution control laws, rules, and regulations
- General facility operations
- Contents of the SPCC Plan




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SPCC Plan Components
Table G-5

Discharge prevention briefings must occur **annually**

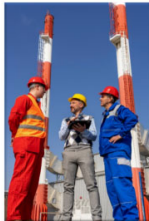
- Highlight and describe:
 - Past reportable discharges or failures
 - Malfunctioning components
 - Recently developed precautionary measures
- Assure adequate understanding of the SPCC Plan



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SPCC Plan Components
Table G-5

- Training and discharge prevention briefings must be documented
 - Retain for at least three years
 - Records kept under usual and customary business practices will suffice



[19 CCR 1611(a)(7)]



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SPCC Plan Components
Table G-6

Table G-6 is for describing security measures

4. Security (excluding oil production facilities) §112.7(g):

Table G-6 Implementation and Description of Security Measures	
Security measures are implemented at this facility to prevent unauthorized access to oil handling, processing, and storage areas. <input type="checkbox"/>	
The following is a description of how you secure and control access to the oil handling, processing and storage areas, secure master flow and drain valves, prevent unauthorized access to starter controls on oil pumps, secure out-of-service and loading/unloading connections of oil pipelines; address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.	




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SPCC Plan Components
Table G-6

Describe how you secure and control access to:

- Oil handling, processing, and storage areas
- Master flow and drain valves
- Starter controls on oil pumps
- Out-of-service and loading/unloading areas




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SPCC Plan Components
Table G-7

Table G-7 is for describing emergency procedures and release notification procedures

6. Emergency Procedures and Notifications (112.7005(c) and 112.7005(f))

Table G-7 Description of Emergency Procedures and Notifications
The following is a description of the immediate actions to be taken by facility personnel in the event of a discharge to navigable waters or adjoining premises (112.7005(c) and 112.7005(f))




Notification procedures should include the additional requirement from spills of less than 42 gal. into State Waters to Cal OES

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SPCC Plan Components
Table G-8

Table G-8 is for the contact list



6. Contact List (112.7003(a)(v))

Contact Organization / Person	Telephone Number
National Response Center (NRC)	1-800-424-9333
Cleanup Contractors	
Key Facility Personnel	
Personnel/Person Accountable for Emergency Production	Office
	Emergency
	Office
	Emergency
	Office
	Emergency
	Office
	Emergency
State Or Federal Control Agencies	
Other State, Federal, and Local Agencies	
Local Fire Department	
Local Police Department	
Neighboring	
Other Critical Information (i.e., shoreline water intake or neighboring facilities)	

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SPCC Plan Components
Table G-8

Include telephone numbers for:

- National Response Center (1-800-424-8802)
- Clean-up contractors
- Key facility personnel
- State oil pollution control agencies
- Local agencies (CUPA)
- Local fire and police departments
- Hospitals
- Others (e.g., downstream water intakes, neighboring facilities)



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SPCC Plan Certification
Review and Amend

The owner/operator of a qualified facility must certify that the SPCC Plan:

- Will be reviewed and amended at least **once every five years**
- Is amended within **6 months** to include, if applicable, more effective:
 - Prevention methods
 - Control methods



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SPCC Plan Certification
Review and Amend

The owner/operator of a qualified facility must implement amendments as soon as possible but no later than **six months** following a Plan amendment



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 **Thank You for Attending**

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San Diego	Sept. 22–23

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