Spill Prevention, Control, and Countermeasure Plans

Legal Requirements

The federal Clean Water Act requires facilities that store any kind of oil above certain volumes to prepare and implement Spill Prevention, Control and Countermeasure (SPCC) Plans to prevent the discharge of oil from a facility into navigable waters or adjoining shorelines. "Oil" is defined in Section 311(a)(1) of the Clean Water Act as "oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil." U.S. Environmental Protection Agency (EPA) interprets this definition to include crude oil, petroleum and petroleum-refined products, as well as non-petroleum oils such as vegetable and animal oils, synthetic oils and mineral oils.

SPCC regulations require some facilities to prepare a plan and have adequate containment, such as berms and dikes around aboveground fuel tanks (ASTs) or use certain double-wall ASTs to protect the soil and water in the event of a spill [40 CFR 112.1]. Secondary containment is also required at all loading/unloading areas. SPCC regulations are federal requirements, administered by EPA.

Legal References

- Oil definition - 311(a)(1) of the Clean Water Act
- Oil pollution prevention - 40 CFR 112.1

Does Your Facility Require a SPCC Plan?

Your facility needs to develop an SPCC plan if:

- For above ground tanks – it has the capacity to store over 1,320 gallons of oil. This is counted using the aggregate volume of all tanks 55 gallons or larger. Containers smaller than 55 gallons are exempt.
- For below ground tanks – it has the capacity to store oil in any size tank with an aggregate volume of 42,000 gallons. (USTs regulated under the CT UST program are exempt); AND,
- There is a reasonable expectation that a discharge of oil to a "navigable water of the United States" or "adjoining shorelines" would result considering a possible worst-case scenario. When assessing this risk, manmade features such as secondary containment, roads, railroads, etc. cannot be used to say "no risk." The SPCC regulations apply to just about every facility in the state, since a facility cannot take into consideration any man-made impediments.

NOTE: A facility storing over the threshold quantity of oil and arguing that they are not a threat to navigable waters should keep a letter explaining why an SPCC Plan is not necessary for that facility.

What is an SPCC Plan?

An SPCC Plan outlines a facility's oil containment systems and procedures to prevent an oil spill. It also outlines oil spill response and clean up protocols. Even if you are not required to have a formal SPCC Plan, you should still consider implementing the common sense practices that are part of a spill plan.

Each SPCC Plan is site specific, but must address the following:

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

Who Writes an SPCC Plan?

SPCC plans are written and certified according to the amount of oil storage capacity on site. Plans are written for facilities with greater than 10,000 gallons oil storage capacity or those meeting the criteria below. Plans for facilities with more than 10,000 gallons on-site oil storage capacity are Tier II and must be certified by a Registered Professional Engineer.

Written Plans that may be self-certified: Owner/operators of facilities that have 10,000 gallons or less of oil storage capacity may self-certify their plan, if the facility meets criteria 1 and 2 below. If the facility meets all 3 of the criteria below they are Tier I and may use the Tier 1 SPCC Template Plan.

1) If facility has a total aboveground oil storage capacity of 10,000 U.S. gallons or less;
2) If in the 3 years prior to the date the SPCC Plan is certified, facility had no single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons, or no two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period; and,
3) Facility has no aboveground oil storage containers with a capacity greater than 5,000 U.S. gallons.

Is There a Particular Form or Format for the full SPCC Plan?

EPA does not expect any two plans to look alike. However, at a minimum, all plans must include:

- Facility diagram and description;
- Facility drainage;
- List of all oil storage tanks and areas;

- Quantities of oil that could be released, with predicted path of flow and flow rate; oil discharge predictions;
- Procedures for receiving oil from supplier, transfer of oil within the facility, end point uses of the oil, waste oil disposal; transfer procedures and equipment including piping;
- Capacity of required secondary containment; appropriate secondary containment or diversionary structures;
- Clean-up procedures, use of in-house staff versus contractors;
- Notification list. Name(s) and phone numbers of in-house management, remote management, fire and police, municipal, state and federal agencies requiring notification;
- Site security for prevention of internal sabotage, external vandalism;
- Employee training for spill prevention, oil handling, and spill clean-up; personnel training and oil discharge prevention briefings;
- Facility inspections;
- Requirements for bulk storage containers including inspections, overfill, and integrity testing requirements;
- Requirements for qualified oil filled operational equipment;
- Loading/unloading rack requirement and procedures for tank car and tank trucks;
- Brittle fracture evaluations for aboveground field constructed containers;
- Record-keeping requirements;
- Five year plan review;
- Management approval; and
- Plan certification (by professional engineer or in certain cases by facility owner/operator).

A sample SPCC Plan which can be used for a Tier 2 Plan is available in Appendix D of the "*SPCC Guidance for Regional Inspectors*" on the EPA website. A sample Tier I SPCC Plan is also available on the EPA website.

Where Should the SPCC Plan be Located?

Facilities staffed at least 4 hours per day are required to keep the plan onsite. Facilities staffed less than 4 hours per day can keep the plan at the nearest field office. A copy does not have to be filed with EPA. However, the SPCC plan must be available during normal business hours for review by an EPA inspector.

All employees that handle or manage oil must be made aware of the SPCC Plan.

It is highly recommended that copies of the Plan and best management practices be posted in plain view or accessible on file at oil storage locations.

Does an SPCC Plan Need to be Reviewed and/or Updated?

- The owner/operators must review the Plan at least once every five years and keep records of these reviews. An example of such documentation is "I have completed review and evaluation of the SPCC plan for (name of facility) on (date), and will/will not amend the plan as a result (signature)."

- The plan must be amended when there are changes in facility design, construction, operation or maintenance which materially affect the facility's potential for the discharge of oil; or if there are two or more spills in 12 months, or one spill of at least 1,000 gallons.
- Only technical changes to the SPCC plan must be certified by a Registered Professional Engineer. Non-technical amendments include personnel or contact information changes.

Who Cares if My Facility Has a Plan?

- **Company management.** Having measures in place to prevent spills is cost effective, since spill cleanup can be costly. When a plan is in place, spill cleanup can be more efficient, more effective, and less costly than if there is no course of action.
- **The U.S. EPA.** The penalty for failure to have an SPCC Plan can be up to $32,500 per day for violations occurring from March 16, 2004 through January 12, 2009 and up to $37,500 per day for violations occurring after January 12, 2011 up to a maximum of $137,500, if an administrative action is filed. The EPA performs random, unannounced inspections of facilities every year.

What Could You Be Held Responsible for if there is a Spill?

- Removing the material from public property. Cleaning of highways, waterways, storm drains, bridge abutments, etc.
- Removing the material from private property, such as boat hulls and parking lots.
- Paying for natural resources damages (lost parking receipts at public beaches; lost revenues from fishing licenses; replacing killed fish, shellfish, and waterfowl).
- Paying for lost livelihood wages of fishermen and shell fisherman, devaluation of property for sale. Private suits.
- Civil penalty for spilling into a water of the U.S.
- Possibility that if you fail to notify the federal authorities of a spill it could lead to a criminal penalty. Responsibility for spill notification is the owner/operators.

For questions about the federal SPCC program, visit EPA's SPCC webpage or call Cosmo Caterino, EPA-Region 1 at 617-918-1264.

Did You Know?

Moral of the story: It's a lot cheaper to prevent a release than to clean one up.

DISCLAIMER: This guidance is a tool to help you evaluate compliance at your facility. It is not a complete list of all regulations and requirements that may apply to your business. You are responsible for knowing and complying with all updated applicable state, federal, local, and tribal requirements. Please be aware that environmental laws and regulations, as well as process technology may have changed significantly since these were published. Please do not rely on them for current information, but rather to provide background information.

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