

Module 3
Spill Prevention, Control, and Countermeasures (SPCC) and Facility Response Plan (FRP) Rules Overview



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Objective

- By the end of the presentation, attendees should be able to:
 - Understand the SPCC/FRP Rules
 - Enhance their ability to effectively utilize their Facility Response Plan (FRP) and Emergency Response Action Plan (ERAP) during a GIUE or emergency oil spill response.

FRP rule (40 CFR 112.20-112.21)



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Topics

- **SPCC**
 - Applicability
 - Terms and Definitions
 - General Requirement
 - Preparation, Reviews and amendments
- **FRP**
 - Applicability
 - Substantial Harm Criteria/Sig-Sub Harm Criteria
 - Required Submissions
 - General Requirements



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Oil Discharges Occur!

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Spill Prevention Control and Countermeasures 112.1(b)

140 CFR 112.1

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SPCC General applicability

- Non-transportation-related facility (Appendix A)
- Reasonable expectation of oil discharge that could impact WOTUS or adjoining shorelines
- Harmful Quantities
- Aggregate storage capacities
 - AST 1,320 gallons (~32bbbl)
 - UST 42,000 gallons (1,000bbbl)


Cause a Spill
Violate Applicable Water Quality Standards

140 CFR 112.1

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40 CFR 112.1(b) General SPCC Rule Applicability- Engage on



- Drilling
- Producing
- Gathering
- Storing
- Processing
- Refining
- Transferring
- Distributing
- Consuming oil and oil products



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Reasonable Expectation of an Oil Discharge


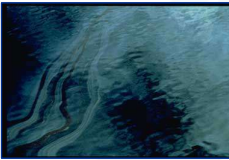
- Geography and location relative to WOTUS
- Determine if any conveyance exists
- Volume of oil discharge/flow path



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Reasonable Expectation of an Oil Discharge


- Soil and geologic conditions
- Precipitation runoff
- Quantity and oil stored
- Past discharges



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40 CFR 112.2 "Oil" Definition

- Fats, Oils, or Grease of:
 - Animal 
 - Fish 
 - Marine Mammal Origin Whale 
- Vegetable Oil:
 - Seeds 
 - Nuts 
 - 
 - 
- Other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil



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What is a Discharge

40 CFR 112.2 "Discharge" includes, but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any amount of oil no matter where it occurs












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What is a Discharge?

40 CFR 110.3:

- Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or
- Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines or
- Violates water quality standard



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Facility Boundaries

Things to consider:

- Ownership, management, and operation
- Similar functions, characteristics, and types of activities
- Shared drainage pathway

Aggregation
Aggregation of equipment at an oil production facility.

Diagram labels: wellhead, separator/heater/cooler, separator, secondary containment berm, Stock tanks of crude oil/produced water. Reference: 81122

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Separation

Separation of areas at a military base (or other large facility).

Diagram labels: Power Generation Plant, Aircraft fueling area, Mess Hall, 10 miles, 15 miles. Reference: 81122

Separation of parcels at an oil production facility.

Diagram labels: general collection area, separator/heater/cooler, separator, stock tanks, 50 miles. Reference: 81122

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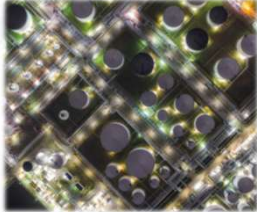

General Requirements for SPCC Plans: 40 CFR 112.7

- Describe physical layout with diagram
 - Location and contents of each fixed oil container
 - Storage areas for mobile/portable containers
 - All transfer areas and connecting piping
 - Exempt completely buried USTs exempt under 40 CFR 112.1(d)(4) labeled "exempt"
 - Permanently closed containers
 - Breakout tanks

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General Requirements for SPCC Plans: 40 CFR 112.7


- Describe physical layout with diagram – Continued
- Discharge **Prevention** Measures
- Discharge or Drainage **Controls**
- **Countermeasures**
- Disposal of recovered oil
- Emergency contact list

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Exempt oil containers' capacities: 40 CFR 112.1(d)


- Capacity of bulk storage container used primarily to power the movement of a motor vehicle
- Capacity of hot-mix asphalt (HMA) or any HMA container
- Capacity of single-family residential heating oil
- Capacity of pesticide application equipment and related mix containers
- Capacity of milk and milk product containers
- **Capacity of containers used exclusively for wastewater treatment**



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Discharge or drainage controls

<p>40 CFR 112.7(c) General Secondary Containment</p> <ul style="list-style-type: none"> ▪ Requirements: <ul style="list-style-type: none"> • Contain oil • Address the typical failure mode • Address the most likely quantity ▪ Can be Passive or Active 	<p>40 CFR 112.8 Specific (Sized) Secondary Containment</p> <ul style="list-style-type: none"> ▪ Bulk containers: capacity of largest single container + freeboard ▪ Loading racks: maximum capacity of any single compartment
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40 CFR 112.8 Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge



Sized Secondary Containment for Bulk Containers



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General Secondary Containment




Spill kit

General Secondary Containment




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Do you count these containers towards your aggregate storage volume?



Should the facility include these mobile/portable containers in their SPCC plan?

Do you need to include every drum in your inventory list?



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Oil-Filled Operational Equipment

- Oil used for/in the operation of that equipment
- Is not considered a bulk storage container
- General containment requirement with exceptions



40 CFR 112.7(k)



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Transfers

Loading/Unloading Areas

- General containment



Loading/Unloading Racks 112.8



- Specific (**sized**) containment
- Loading/unloading arm
- Visual inspections
- Warning signs, wheel chock, interlock system



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SPCC Plan preparation, reviews and amendments

- Must prepare in writing and implement a SPCC Plan ([§ 112.7](#))
- New Operations 112.3(b)
 - six months to prepare and implement
- Good engineering practices
- Full approval of management




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SPCC Plan preparation, reviews and amendments - Continued

- A licensed Professional Engineer must review and certify a Plan
- Have a Professional Engineer certify any technical amendments
- Review and evaluation of the SPCC Plan at least once every five years

The Plan is adequate for this facility.



P.E. Registration Number



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Reviews and Amendments

By Regional Administrator

- Discharges
 - Any single > 1,000 gal to WOTUS
 - Two > 42 gal in 12-month period to WOTUS
- 30 days to amend, 6 months to implement

By Owner/Operator

- Material changes
- Every 5 years
- 6 months to amend, 6 months to implement

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Inspections and Tests



Facilities must:

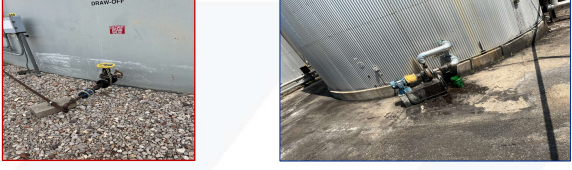
- Conduct inspections and tests in accordance with written procedures
- And appropriate industry standards
 - Qualifications of personnel
 - Frequency and type
- **Sign and maintain** all records with plan for 3 years
 - Available at facility

112.7(c)




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Inspect the container's supports and foundations for signs of deterioration, or discharges, Also, for signs of accumulation of oil inside diked areas.



Keep certified inspector comparison records for the lifetime of the tank.



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Ashland Oil Spill

- 1 million gallons of diesel discharged into a storm sewer -> WOTUS
- Failed to conduct integrity testing
- \$2.25 million in penalties and \$18 million in cleanup costs



40 CFR 112.7(i)



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Personnel Training

- Operation and maintenance of equipment
- Response procedures
- General facility operations
- Contents of the facility SPCC Plan
- Applicable pollution laws and regulations



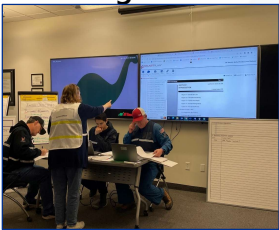
40 CFR 112.7(i)(1)



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Discharge Prevention Briefings

- Conduct at least annually
- All oil-handling personnel
- SPCC review
- Discuss
 - Discharges and failures
 - Malfunctioning components
 - Any recently developed precautionary measures



40 CFR 112.7(b)(3)

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Facility Specific Requirements

- 112.8 Onshore Facilities (bulk)**
 - Facility Drainage
 - Bulk Storage Containers
 - Facility transfer operations, pumping, and facility process
- 112.9 Onshore Production Facilities**
 - Facility Drainage
 - Bulk Storage Containers
 - Riser-through process vessels
 - Physioland water containers
 - Facility transfer operations
- 112.10 Onshore Drilling and Workover**
 - Discharge prevention
- 112.12 AFVO**
 - Facility Drainage
 - Bulk storage containers
 - Bulk storage container inspections
 - Facility transfer operations, pumping, and facility process

See Inspection Records Review List

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Applicability-Facility Response Plan

40 CFR §112.20






See Attachment C-II Certification of the Applicability of Substantial Harm Criteria

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FRP Rule Purpose and Applicability

The purpose of the FRP rule is to ensure facilities have an approved FRP to respond to the Worst-case discharge

"could reasonably be expected to cause **substantial harm** to the environment by discharging oil into or on the navigable waters or adjoining shorelines"

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Substantial Harm

42,000 Gallons of Storage

Transfers over water to vessels

1 Million Gallons of Storage

- Inadequate secondary containment
- Injury to fish and wildlife and sensitive environments
- Shutdown public drinking water intake
- Discharge ≥ 10,000 gallons



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Substantial Harm Criteria Exercise

Using the blank C-II form fill out the necessary information specific to your facility

ATTACHMENT C- IDENTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA


FACILITY NAME: _____
 FACILITY ADDRESS: _____

- Does the facility have an oil storage capacity greater than or equal to 10,000 gallons and conduct oil transfers over water to vessels?
 - Yes
 - No
- Does the facility have an oil storage capacity greater than or equal to 42,000 gallons and conduct oil transfers over water to vessels?
 - Yes
 - No
- Does the facility have an oil storage capacity greater than or equal to 1 million gallons and conduct oil transfers over water to vessels?
 - Yes
 - No
- Does the facility have an oil storage capacity greater than or equal to 1 million gallons and conduct oil transfers over water to vessels?
 - Yes
 - No
- Does the facility have an oil storage capacity greater than or equal to 1 million gallons and conduct oil transfers over water to vessels?
 - Yes
 - No

Confirmation:
 I certify under penalty of perjury that these answers are true and correct and that the information contained hereon is true and correct to the best of my knowledge and belief. I understand that providing false information is a violation of the Clean Water Act, 33 U.S.C. 1319, and may result in criminal penalties.

Signature: _____
 Name (print name of person): _____
 Title: _____
 Date: _____

NOTE: This form is intended to be used as a guide for the identification of the applicability and potential violation of the substantial harm criteria. It is not intended to be used as a substitute for the actual regulatory requirements.




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Substantial Harm

Regional Administrator Determination


- Type of operation
- Oil Storage Capacity
- Lack of Secondary containment
- Proximity to F&W and sensitive environments
- Proximity Drinking water intakes
- Spill history
- Other site-specific and environmental factors



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Significant & Substantial Harm

- Based on the following factors:
 - Past discharges
 - Proximity to waters
 - Age of storage tanks
 - Vulnerable Receptors will be impacted prior to arrival and deployment of response assets
 - Other facility-specific and Region-specific information
- EPA will issue notification of determination
- At a minimum review, every 5 years



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Submissions & Amendments

- Prior to start of new operations
 - 60 days for amendments
- Newly subject to 112.20(f)(1)
 - 6 months
- 60 days after material changes



1,000,000 Gallons X Oil

1,999,990 Gallons Y Oil

112.20(a)(2)(ii)-(iv), 112.20(d)(1), 112.20(d)(2)



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General Requirements

Contents and Format

- Follow appendix F format or use a cross-reference for ICP
- Emergency Response Action Plan
- FRP Contents described 112.20(h)1-11

Field Actions

- Spill response training program
- Drills and exercise program
- Operable and ready equipment
- Consistent with the NCP and Area Contingency Plans



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Recap-SPCC and FRP Rule:








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Recap-SPCC Plan Preparation and Amendments

- SPCC Plan must be certified by a Professional Engineer (PE)
- A PE must certify any technical amendments
- SPCC Plan must have the full approval of management
- A plan should be amended and resubmitted in the case of any material changes at the facility
- SPCC plans should be reviewed and resubmitted every five years.




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Recap – FRP

The purpose of the FRP rule is to ensure facilities have an approved FRP to respond to the Worst-case discharge

- Facilities who are subject to the FRP Rule required to prepare an FRP
- FRP Harm Categories
 - A facility may be determined to pose substantial harm.
 - A facility may be designated as posing significant-and-substantial harm.





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FRP Submissions:

- FRP/ERAP
- FRP review every 5 years

Facility should conduct amendments:
If required by Regional Administrator
If there is a Material change
After a 5-year review if there is a material change



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QUESTIONS?



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