

WE CONTAIN MORE

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Answers to All of Your SPCC Questions (40 CFR Part 110)

By David R. Poole

Question - What constitutes an SPCC Plan?

Answer - A sketch or drawing of the site will assist in identification the implementation.

Question - When the SPCC Plan is completed and certified, is it sent to EPA for review?

Answer - No, a certified copy of the Plan is required to be available from EPA on-site review; if the facility is attended at least eight hours a day. If the facility is not attended, then the Plan shall be kept at the nearest company office.

Question - What is the time frame for plan preparation and implementation for a new facility?

Answer - One year from the date the facility begins operation.

Question - Is an SPCC Plan required when a facility has existing preventative systems in place and no previous history of spills?

Answer - The need for an SPCC Plan is determined by criteria; the storage capacity and the location, disregarding existing manmade structures.

Question - When a production lease consists of several operations, such as wells, oil/water separators, collection systems, tank batteries, etc. does each operation require a separate SPCC Plan?

Answer - No, one SPCC Plan may include all operations within a single geographical area when each is addressed in the Plan.

Question - Is every loss of oil or oil product subject to a penalty?

Answer - No, a discharge is defined in 311(a)(2) of the Federal Water Pollution Control Act as including, but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping that enters the waters of the United States or on the adjoining shorelines in harmful quantities. If the water is affected, a penalty could be assessed if a spill occurs and is prevented by

some means from entering water, no penalty should be assessed.

Question - What is considered to be a harmful quantity?

Answer - Harmful quantity is defined in the Regulations as discharges which affect the water quality standards or cause a film or sheen upon or discoloration of the water or adjoining shorelines.

Question - What are considered navigable waters?

Answer - The waters of the United States. The Coast Guard interpretation includes not only the traditionally recognized navigable waters but all streams, creeks, lakes,

up to \$5,000 per day for each violation.

Question - Must secondary containment be provided for transfer operations (i.e. for a tanker truck loading or unloading fuel at a facility)?

Answer - The secondary containment system should be designed to hold at the least maximum capacity of any single compartment of a tank car or tank truck loading or unloading at the facility. This is not to say that a truck must park within a diked wall for loading/unloading. The regulation allows flexibility here for diversion structures such as curbing or diking to channel a potential spill to a secondary containment structure.

Question - Must an SPCC Plan be sent to EPA for review and/or approval?

Answer - Normally an SPCC Plan is not required to be sent to EPA for approval; however the owners or operators of a facility is required to maintain a complete copy of the Plan at the facility if the facility is normally attended to at least eight hours per day, or at the nearest field office if the facility is not attended. Upon inspection by EPA or representative, a SPCC Plan must be produced for the inspection review. A SPCC Plan must be submitted to EPA for review if either of the following conditions are met: (1) A facility discharges

1,000 gallons or more of oil in a single spill event, (2) a facility discharges oil in harmful quantities as defined in 40 CFR 110 into any waters of the United States in two spill events, reportable under section 311(b)(s) of the Federal Water Pollution Control Act; occurring within any twelve month period. If either conditions applies, the owner or operator of such facility is required to submit their SPCC Plan to the EPA within 60 days for review.

Question - Are SPCC Plans required for hazardous substances or hazardous wastes?

Answer - SPCC Plans are required for facilities that store or transport 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 soil.

The SPCC regulation, as written does not apply to hazardous substances or hazardous waste. Some RCRA permits may require secondary containment for hazardous wastes on a facility specific basis. Although secondary containment is not required by regulation for hazardous substances, EPA recommends that facility owners strongly consider it as a means of reducing environmental damage and liability resulting from an accidental release.

Question - Is a facility required to develop a SPCC Plan if a spill from the facility is not able to reach any navigable waters of the United States?

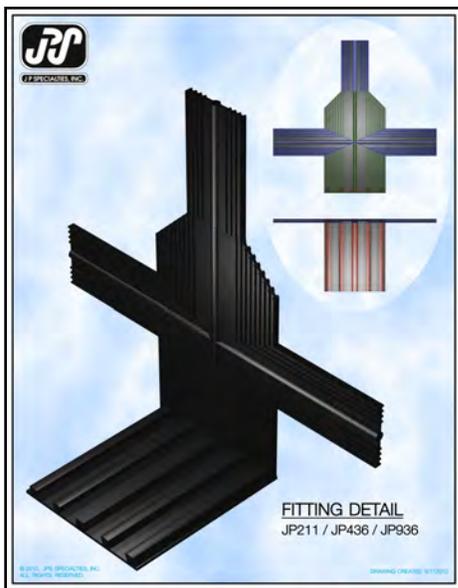
Answer - A SPCC Plan is required for any facility which, due to it's location, could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR Part 110, into or upon the waters of the United States. The determination to develop a SPCC Plan is the responsibility of the owners or operators of the required facilities.

Question - Are federally-owner facilities subject to SPCC requirements?

Answer - Federally-owned and operated facilities are required to develop a SPCC Plan for any federal facility that meets the applicability requirements.

Question - Do the SPCC regulations spell out design requirements for diking, curbing, etc.?

Answer - The SPCC regulations requires diked areas for storage tanks to be sufficiently impervious to contain any spilled oil. All bulk storage tank installations should be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. Containment curbs and pits are sometimes used as secondary containments but they may not always be appropriate for some facilities.



and ponds connected to the tributary system in a river basin.

Question - Is one spillage of oil into a municipal storm sewer a violation?

Answer - If oil reaches "navigable water" a violation has occurred and penalties may result. The facility spilling the oil must also have an SPCC Plan implemented. A properly engineered plan and implemented would prevent a spill from occurring.

Question - What penalties are assessed?

Answer - The Regional Administrator to assess a civil penalty

Question - What authorities do states have under the SPCC regulation?

Answer - The SPCC Program is a federally mandated program. Executive Order 11735 (August 3, 1973) delegated the authority of the President to promulgate prevention regulations for vessels or transportation, and to EPA (The Regional Administrators) for prevention for transportation related and non-transportation related facilities. States may perform SPCC inspection at the request of EPA; however, the overall review process of the inspection is the responsibility of the EPA. This review process will be handled within the Regional EPA office.

Question - If a tank is taken out of service, what measures must a facility take in order to be exempt from SPCC regulations?

Answer - Any tank taken out of service must have all pipes and fittings sealed off and tanks should be filled with an inert material, such as sand or concrete in order to be exempt from the SPCC regulations.

Question - Are tanks-within-a-tank satisfactory to meet the secondary containment requirement for SPCC?

Answer - Tanks-within-a-tank may provide adequate secondary containment; however, the valving must be designed so that accidental release from the inner tank (from such occurrences as an inadvertent valve opening or a failure) are completely contained within the outer tank.

Question - Must each tank in a tank battery have secondary containment?

Answer - A dike for tank battery is required to contain only the largest single tank within the tank battery plus sufficient freeboard to allow for precipitation. The dike should be

sufficiently impervious to contain any spilled oil from the tank battery.

Question - Should above ground tank and underground tanks be subject to inspection?

Answer - All above ground tanks should be subject to periodic integrity testing, taking into account tank design and using such techniques as hydrostatic testing, visual inspection or a system of non-destructive shell thickness testing. Tank supports and foundations should be included in these inspections.

Buried storage tanks represent a potential for undetected spills. A new buried installation should be protected from corrosion by coatings. Buried tanks should be at least be subject to regular pressure testing. To qualify as buried storage, a tank must be

“A SPCC Plan is required for any facility which, due to it's location, could reasonably be expected to discharge oil in harmful quantities”

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completely buried in the earth. Tanks which are in an underground basement or vault do not qualify for underground

storage. The reason is that buried tanks usually have some inherent protection by the containment action of the surrounding earth.

Question - Are transformers covered under SPCC compliance?

Answer - Electrical transformers and similar equipment are covered by the SPCC regulation provided that they contain sufficient quantities of oil, and due to location, can reasonably be expected to spill their oil into navigable waters or adjoining shorelines.

Question - If the drainage from a facility discharge into a sewer system is this facility required to have a SPCC Plan?

Answer - If the sewer is a storm sewer or combined sewer, the spill could reasonably be expected to reach navigable waters and thus the plan would be required. If the flow from the sewer is entirely treated in a sewage treatment plant then an

engineering assessment should be made by the owner or operator as to whether or not the treatment system could handle the possible volume of oil without exceeding the permitted amount in the plant discharge without causing a harmful discharge. If the system could not handle the oil, then a SPCC Plan would be required. Violations of other sections of the Federal Water Pollution Control Act or other laws may be involved in a spill to a municipal sewer system.

Question - What other regulation or standards may be applicable for oil storage facilities?

Answer - UST (Underground Storage Tank), NFPA (National Fire Prevention Association) and State Fire Marshals.

If you have additional Questions about the SPCC Regulation, please contact the United States Environmental Protection Agency at (214)855-0711.

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