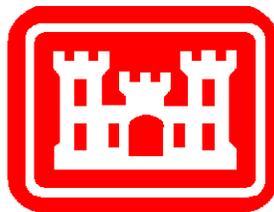


PUBLIC WORKS TECHNICAL BULLETIN PWTB 200-1-67
31 DECEMBER 2009

**UPDATE TO PWTB 200-1-38,
SPILL PREVENTION CONTROL AND
COUNTERMEASURE (SPCC) PLAN**



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FACILITIES ENGINEERING
ENVIRONMENTAL

SPILL PREVENTION CONTROL AND
COUNTERMEASURE (SPCC) PLAN

1. Purpose.

a. The purpose of this Public Works Technical Bulletin (PWTB) is to provide a review of the regulations concerning Spill Prevention Control and Countermeasure (SPCC) Plans and to provide basic information that can be used by installation personnel responsible to make decisions on how best to manage stored petroleum to prevent releases to the environment.

b. All PWTBs are available electronically (in Adobe® Acrobat® portable document format [PDF]) through the World Wide Web (WWW) at the U.S. Army Engineering and Support Center's Technical Information - Facility Design ("TechInfo") web page, which is accessible through URL:

http://www.wbdg.org/ccb/browse_cat.php?o=31&c=215

c. Applicability. This PWTB applies to all U.S. Army facilities that meet the minimum onsite petroleum storage volumes or processes outlined in 40 CFR 112.

2. References.

a. AR 200-1, Environmental Protection and Enhancement, effective 27 December 2007.

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b. PWTB 200-1-38, Guidelines for Complying with the Oil Pollution Prevention Regulation, Headquarters, U.S. Army Corps of Engineers (HQUSACE), 31 October 2006.

c. 40 CFR 112, Oil Pollution Prevention

3. Discussion.

a. AR 200-1, para 4-2(e)(4)(f) identifies the Army's program requirement to "Develop and implement a spill prevention, control, and countermeasures plan (SPCCP), as required." (Clean Water Act (CWA) Section 311(j), 40 CFR 112.3).

b. 40 CFR Part 112 establishes procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).

c. The most common reason for exemption from the requirements for an SPCC Plan is that the total of the combined buried storage capacity and aboveground storage capacity for oil and oil products do not meet minimum threshold capacities. In general, an installation is exempted from the requirement for an SPCC Plan if its total oil storage capacity is:

i. less than or equal to 42,000 gal of completely buried storage capacity, AND

ii. less than or equal to 1320 gal of aggregate aboveground storage capacity including only containers with a capacity of 55 gal or greater.

d. Appendix A to this PWTB outlines who is required to have an SPCC Plan and compliance dates.

e. Appendix B to this PWTB details SPCC Plan self-certification and amendment requirements.

f. Appendix C to this PWTB discusses the content requirements for a Self-certified SPCC Plan.

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g. Appendix D to this PWTB details SPCC Plan Professional Engineer (PE) certification and amendment requirements.

h. Appendix E to this PWTB discusses the content requirements for a PE-certified SPCC Plan.

i. Appendix F to this PWTB contains the regulatory definitions for terminology used in the SPCC requirements. (Underlined terms in the previous appendixes to this PWTB are defined in Appendix F.)

j. Appendix G highlights the guidance and interpretations issued by the U.S. Environmental Protection Agency (USEPA) in relation to the SPCC requirements.

k. Appendix H to this PWTB contains a list of acronyms used in this document.

4. Points of Contact. Headquarters, U.S. Army Corps of Engineers (HQUSACE) is the proponent for this document. The POC at HQUSACE is Mr. Malcolm E. McLeod, CEMP-CEP, 202-761-5696, or e-mail: Malcolm.E.Mcleod@hq02.usace.army.mil.

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Appendix A
Who is Required To Have an SPCC Plan and
When Are They Required to Have It?*

1. A greater number of facilities were required to have an SPCC Plan before the 2002 revisions to 40 CFR 112 than are required to do so under the revised regulations. In both the 2002 and post-2002 regulations, the initial determination of whether a facility needed an SPCC Plan was whether the facility could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR 110, into or upon the navigable waters of the United States or adjoining shorelines. The following examples outline the differences between the regulations at their most basic levels.

a. Example 1: Before 2002, if a facility had a single aboveground storage tank (AST) that was 660 gal or greater and the facility met the discharge parameters, an SPCC Plan was required. Post-2002 the facility must have aggregate aboveground storage capacity of the facility of 1320 gal and meet the discharge parameters. Note: that the aboveground storage capacity only includes those containers and ASTs with a capacity of 55 gal or greater. Capacities of individual containers greater than 55 gal do not trigger the need for an SPCC Plan unless the sum of the individual containers is equal to or greater than 1320 gal.

b. Example 2: Before 2002, if a facility had underground storage tank (UST) storage of 42,000 gal or greater and the facility could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR 110, into or upon the navigable waters of the United States or adjoining shorelines, an SPCC Plan was required, regardless of whether the USTs were regulated under 40 CFR 280. Post 2002 the capacity of the following types of underground containers are not to be included in the storage capacity of 42,000 gal:

- i. USTs, piping, containment systems and ancillary equipment regulated under 40 CFR 280 or all of the technical requirements of a State UST program approved under 40 CFR 281,
- ii. An underground container that is permanently closed,
- iii. A motive power container that is underground.

* Underlined terms in the appendixes to this PWTB are defined in Appendix F.

2. Who Is Required to Have an SPCC Plan?

a. Owners or operators of a non-transportation-related onshore or offshore facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which, due to its location, could reasonably be expected to discharge oil in harmful quantities, as described in 40 CFR 110, into or upon the navigable waters of the United States or adjoining shorelines, OR into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act) that has oil in:

i. Any aboveground container;

ii. Any completely buried tank;

iii. Any container that is used for standby storage, for seasonal storage, or for temporary storage, or that is not otherwise permanently closed;

iv. Any bunkered tank or partially buried tank, or any container in a vault, each of which is considered an aboveground storage container.

3. What is a Non-Transportation Related Facility? Non-transportation related facilities may include (along with all of their equipment), but are not limited to:

a. Fixed onshore and offshore oil well drilling facilities;

b. Mobile onshore and offshore oil well drilling platforms;

c. Fixed onshore and offshore oil production structures, platforms, derricks, and rigs (including separators and storage facilities);

d. Mobile onshore and offshore oil production facilities (including separators and storage facilities);

e. Oil refining or storage facilities;

f. Industrial, commercial, agricultural, or public facilities using or storing oil;

- g. Certain waste treatment facilities;
- h. Loading racks, transfer hoses, loading arms and other equipment appurtenant to a non-transportation related facility;
- i. Highway vehicles and railroad cars used to transport oil exclusively within the confines of a non-transportation related facility; and
- j. Pipeline systems used to transport oil exclusively within the confines of a non-transportation related facility.

4. What Types of Oil Are Covered by 40 CFR 112? This regulation encompasses oil of any kind or in any form. This includes, but is not limited to:

- a. Petroleum;
- b. Fuel oil;
- c. Sludge;
- d. Oil refuse;
- e. Oil mixed with wastes other than dredged spoil;
- f. Fats, oils or greases of an animal (fish, or marine mammal origin);
- g. Vegetable oils, including oils from seeds, nuts, fruits, or kernels;
- h. Other oils and greases including synthetic oils and mineral oils.

5. Determination of Whether a Facility Could Reasonably Discharge Oil Into or Upon Navigable Waters or Adjoining Shorelines. (This determination does not include consideration of man-made features such as dikes, equipment, or other structures that may hinder, contain, or prevent an oil discharge.) This determination is based on the facility's location, including:

- a. Its proximity to streams, ponds and ditches (perennial or intermittent), storm or sanitary sewers, wetlands, mudflats, sandflats, or other navigable waters;
- b. Distance to navigable waters;

- c. Volume of material stored onsite;
- d. Worse case weather conditions;
- e. Drainage patterns;
- f. Land contours; and
- g. Soil conditions.

6. Location Exemption From SPCC Plan Requirements. Facilities, equipment, or operations not subject to the jurisdiction of the USEPA, are:

a. Onshore or offshore facilities, that, due to their location, could not reasonably be expected to have a discharge. This determination is based solely on consideration of the geographical and location aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, drainage, etc.) and excludes consideration of manmade features such as dikes, equipment or other structures, which may serve to restrain, hinder, contain, or otherwise prevent a discharge.

b. Equipment, or operation of a vessel or transportation-related onshore or offshore facility subject to the authority and control of the U.S. Department of Transportation (DOT), as defined in the memorandum of understanding (MOU) between the Secretary of Transportation and the Administrator of the USEPA, dated 24 November 1971.

c. Equipment, or operation of a vessel or onshore or offshore facility subject to the authority and control of the U.S. DOT or the U.S. Department of Interior (DOI), as defined in the MOU between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of the USEPA, dated 8 November 1993.

7. Quantity of Petroleum, Oil, and Lubricants (POL) Onsite Exemption. An SPCC Plan is NOT required if the facility, although otherwise subject to the jurisdiction of the USEPA, meets BOTH of the following requirements:

a. The completely buried storage capacity of the facility is 42,000 gal or less of oil. (The capacity of USTs, piping, containment systems and ancillary equipment is regulated under 40 CFR 280 or all of the technical requirements of a State UST program approved under 40 CFR 281.)

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b. The aggregate aboveground storage capacity of the facility is 1320 gal or less of oil. (Only containers of 55 gal or greater are included in the total amount of oil stored aboveground.)

8. Note that the aggregate aboveground storage capacity and the completely buried storage capacity of a facility excludes the capacity of a container that is permanently closed, and the capacity of a motive power container.

9. Minerals Management Service Exemption. Any offshore oil drilling, production, or workover facility that is subject to the notices and regulations of the Minerals Management Service, as specified in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of the USEPA, dated 8 November 1993 is not required to produce an SPCC Plan.

Appendix B
SPCC Plan Self-Certification and Amendment

The 2002 revisions to 40 CFR 112 gave regulated facilities the right, if they met all required parameters, to self-certify SPCC Plans instead of requiring every SPCC Plan be certified by a PE. If the parameters for self-certification are not met, PE certification is still a requirement. Also, the specific elements that the PE certifies are now defined in more detail than in the pre-2002 revisions.

1. A facility that is qualified to self-certify its SPCC Plan is one that:

a. Has an aggregate aboveground storage capacity of 10,000 gal or less; AND

b. Meets the following:

i. The facility has had no single discharge (other than discharges that are the result of natural disasters, acts of war, or terrorism) exceeding 1000 U.S. gal, OR

ii. The facility had no two discharges (other than discharges that are the result of natural disasters, acts of war, or terrorism) where each discharge exceeded 42 U.S. gal within any 12 mo period in the 3 yr before the SPCC Plan self-certification date, OR

iii. Since becoming subject to 40 CFR 112.1, the facility has been in operation for less than 3 yr.

If the facility increases its' aboveground storage capacity to greater than 10,000 gal and/or does not meet the parameters concerning discharges, PE certification will be required.

2. Note that, in relation to self-certification, "discharge(s)" are the discharge of oil and oil product in quantities that may be harmful, as described in 40 CFR 110, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).

3. When self-certifying the SPCC Plan, the facility is certifying that:

a. The preparer of the Plan is familiar with the contents of 40 CFR 112.

b. The preparer has visited and examined the facility;

c. The Plan has been prepared in accordance with accepted and sound industry practices and standards, and with the requirements of 40 CFR 112;

d. Procedures for required inspections and testing have been established;

e. The Plan is being fully implemented;

f. The facility meets the qualification criteria for self-certification

g. With certain exceptions, the Plan does not deviate from any requirement of 40 CFR 112

h. The Plan and individual(s) responsible for implementing the Plan have the full approval of management, and the facility owner or operator has committed the necessary resources to fully implement the Plan.

4. Amendments to the SPCC Plan are required when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for discharge of oil in quantities that may be harmful, as described in 40 CFR 110, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act). An amendment must be prepared within 6 mo, and implemented as soon as possible, but not later than 6 mo following preparation of the amendment.

a. Any technical amendments to the Plan must be self-certified when there is a change in the facility design, construction, operation, or maintenance that affects the potential for a discharge of oil.

b. In the 2002 amendments to 40 CFR 112, more detailed descriptions were included as to what a "discharge" includes. Additionally, guidance was provided in the 2002 revisions as to what types of activities or events that might require an amendment of the SPCC Plan. This guidance was developed in response to questions from regulated facilities before 2002 for additional information on when an amendment was necessary. Examples of changes that may require amendment of the SPCC Plan include, but are not limited to:

- i. Commissioning or decommissioning containers;
- ii. Replacement, reconstruction, or movement of containers;
- iii. Reconstruction, replacement, or installation of piping systems;
- iv. Construction or demolition that might alter secondary containment structures;
- v. Changes of product or service; or
- vi. Revision of standard operation or maintenance procedures at a facility.

5. Self-certification is not allowed when the facility is choosing to implement alternative measures. Alternative measures must be certified by a PE.

6. Review and evaluation of SPCC Plans must be done at least once 5 yr and include a statement documenting that the review has occurred and what actions will be taken as a result of the review.

7. The SPCC Plan will be amended within 6 mo of the review to include more effective prevention and control technology if:

a. Such technology has been field-proven at the time of the review, and

b. Such technology will significantly reduce the likelihood of a discharge of oil in quantities that may be harmful, as described in 40 CFR 110, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging

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to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).

8. The completion of the review and evaluation of the SPCC must be documented and there must be a signed statement as to whether the Plan will be amended. The signed statement can be at the beginning or end of the Plan or in a log or an appendix to the Plan. The following words are acceptable for the statement:

"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."

Appendix C
Self-Certified SPCC Plan Contents

1. A self-certified SPCC Plan must have the same contents as a PE-certified SPCC Plan except as it does not need to include the following:

a. Alternate methods that provide environmental equivalence unless each alternate method has been reviewed and certified in writing by a PE.

b. Any determinations that secondary containment is impracticable and provisions instead of secondary containment unless each such determination and alternative provision has been reviewed and certified in writing by a PE.

2. The discussion of security in the self-certified SPCC Plans must include one of the following:

a. It must comply with the content as required in PE-certified SPCC Plans, or

b. It must describe how the facility will 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.

3. The discussion of bulk storage container inspections in the self-certified SPCC Plan must include one of the following:

a. Testing of each aboveground container for integrity on a regular schedule and whenever repairs are made, or

b. Testing/inspection of each aboveground container for integrity on a regular schedule and whenever material repairs are made.

4. Note that the facility with a self-certified SPCC Plan must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections that take into account container size, configuration, and design (such as containers that are: shop built, skid-mounted,

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elevated, equipped with a liner, double walled, or partially buried.

5. Note that the examples of these integrity tests include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing.

6. Note that the owner/operator of a facility with a self-certified SPCC must keep comparison records and must also inspect the container's supports and foundations. Additionally, the outside of the container should be inspected frequently for signs of deterioration, discharges, or accumulation of oil inside diked areas.

Appendix D
SPCC Plan PE-Certification and Amendment

1. In relation to a PE-certified SPCC Plan, the PE is attesting that:

- a. The PE is familiar with the requirements 40 CFR 112;
- b. The PE or the PE's agent has visited and examined the facility;
- c. The Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of 40 CFR 112;
- d. Procedures for required inspections and testing have been established; and
- e. The Plan is adequate for the facility.

2. Amendments to the SPCC Plan are required when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for discharge of oil in quantities that may be harmful, as described in 40 CFR 110, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act). An amendment must be prepared within 6 mo, and implemented as soon as possible, but not later than 6 mo following preparation of the amendment.

3. In the 2002 amendments to 40 CFR 112 more detailed descriptions were included as to what a "discharge" includes. Additionally, guidance was provided in the 2002 revisions as to what types of activities or events that might require an amendment of the SPCC Plan. This guidance was developed in response to questions from regulated facilities before 2002 for additional information on when an amendment was necessary. Under the 2002 amendments, examples of changes that may require amendment of the SPCC Plan include, but are not limited to:

- a. Commissioning or decommissioning containers;

- b. Replacement, reconstruction, or movement of containers;
 - c. Reconstruction, replacement, or installation of piping systems;
 - d. Construction or demolition that might alter secondary containment structures;
 - e. Changes of product or service; or
 - f. Revision of standard operation or maintenance procedures at a facility.
4. Review of SPCC Plans must be done every 3 yr and include a statement documenting the review has occurred and what actions will be taken as a result of the review.
5. The SPCC will be amended within 6 mo of the review to include more effective prevention and control technology if:
- a. Such technology has been field-proven at the time of the review, and
 - b. Such technology will significantly reduce the likelihood of a discharge of oil in quantities that may be harmful, as described in 40 CFR 110, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).
6. The completion of the review and evaluation, of the SPCC must be documented and there must be a signed statement as to whether the Plan will be amended. The signed statement can be at the beginning or end of the Plan or in a log or an appendix to the Plan. The following words acceptable for the statement, "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."
7. Amendments must be certified by a PE.

Appendix E
PE-Certified SPCC Plan Contents

1. The 2002 revisions of 40 CFR 112 resulted in additions to the content requirements for PE-certified SPCC Plans. The items in the following contents list that are marked with an asterisk (*) were also required in the pre-2002 version of 40 CFR 112:

a. The SPCC Plan must be prepared in accordance with good engineering practices;*

b. The SPCC Plan must have the full approval of management at a level with authority to commit the necessary resources;*

c. If the SPCC plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, these items must be discussed in separate paragraphs, and the details of installation and operational start-up shall be explained separately;*

d. The SPCC Plan must include a discussion of the facility's conformance with the requirements listed in 40 CFR 112;*

e. The SPCC Plan must include the physical layout of the facility and include a facility diagram that marks the location and contents of each container, including:

i. The SPCC Plan must include descriptions and locations of completely buried tanks that are otherwise exempted because they are regulated under 40 CFR 280

ii. The SPCC Plan must include descriptions and locations of all transfer stations and connecting pipes.

f. The SPCC Plan must identify the type of oil in each container and its storage capacity;

g. The SPCC Plan must describe discharge prevention measures including procedures for routine handling of products (loading, unloading, and facility transfers, etc.);*

h. The SPCC Plan must describe discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge;*

i. The SPCC Plan must specify countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor);*

j. The SPCC Plan must specify methods of disposal of recovered materials in accordance with applicable legal requirements; and*

k. The SPCC Plan must include a contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with whom the facility has an agreement for response, and all appropriate Federal, state, and local agencies who must be contacted in case of a discharge.

l. Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge), the SPCC Plan must include a prediction of the direction, rate of flow, and total quantity of oil that could be discharged from the facility as a result of each type of major equipment failure.*

m. The SPCC Plan must include details on the operation, management, design, and integrity testing of oil-filled operational equipment and their containment systems.

n. In cases where it is determined that the installation of structures or equipment to prevent discharged oil from reaching the navigable waters is not practicable from any onshore or offshore facility, the SPCC Plan must:

i. Clearly demonstrate such impracticability*

ii. Explain the need to conduct both periodic integrity testing of bulk storage containers and periodic integrity and leak testing of the valves and piping.

o. The SPCC Plan must include details on written procedures and records of the inspections;*

p. The SPCC Plan must include training requirements and spill prevention procedures, including information on the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution control laws, rules and regulations; *

q. The SPCC Plan must include information on security in the SPCC Plan must include details on fencing, lighting, locked areas, locked valves and other equipment;*

r. The SPCC Plan must include information on facility tank car and tank truck loading/unloading racks must include design, operational practices, and structural components to prevent and/or handle discharges;

s. The SPCC Plan must include a complete discussion of conformance with the applicable requirements and other effective discharge;*

t. The SPCC Plan must specify prevention and containment procedures listed in 40 CFR 112 or any applicable more stringent State rules, regulations, and guidelines.

2. Unless the facility has submitted a Facility Response Plan (FRP), the PE-certified SPCC Plan must provide information and detail procedures to enable a person reporting a discharge to relate information on the exact address or location and phone number of the facility; the date and time of the discharge, the type of material discharged; estimates of the total quantity discharged; estimates of the quantity discharged; the source of the discharge; a description of all affected media; the cause of the discharge; any damages or injuries caused by the discharge; actions being used to stop, remove, and mitigate the effects of the discharge; whether an evacuation may be needed; and, the names of individuals and/or organizations who have also been contacted.

a. Portions of the PE-certified SPCC Plan must be organized in a manner that describes the procedures to be used when a discharge occurs so that SPCC Plan is readily usable in an emergency and appropriate supporting materials are included in appendixes.

3. If the facility has submitted an FRP,* in relation to practicability, the SPCC Plan must include:

a. An oil spill contingency plan following the provisions of 40 CFR 109.

b. A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

4. The owner or operator of a facility with oil-filled operational equipment that meets the following parameters (which do not include oil discharges that are the result of natural disasters, acts of war or terrorism) may choose to implement for this qualified oil-filled operational equipment alternative requirements instead of general secondary containment requirements:

a. The facility has had no single discharge from any oil-filled operational equipment exceeding 1000 U.S. gal, or

b. The facility has no two discharges from any oil-filled operational equipment each exceeding 42 U.S. gal within any 12 mo period in the 3 yr before the SPCC Plan certification date, or since being required to have an SPCC Plan,

c. The facility has been in operation for less than 3 yr.

Appendix F
SPCC Plan Regulatory Definitions and Associated
Underground Storage Tank Definitions

1. The definitions of the following terms have not changed:
 - Animal Fat
 - Complex
 - Fish and Wildlife Sensitive Environments
 - Non-petroleum Oil
 - Non-Transportation-Related Onshore and Offshore Facilities
 - Petroleum Oil
 - Transportation-Related Onshore and Offshore Facilities
 - Vegetable Oil
 - Vessel
 - Worst Case Discharge for an Onshore Non-Transportation-Related Facility.

2. The definitions of the following terms have been deleted in the revision of 40 CFR 112:
 - Oil Production Facility (Onshore)
 - Spill Event.

3. The definitions of the following terms have been added in the revision of 40 CFR 112:

Alteration.

Any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

Breakout Tank.

A container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by the pipeline.

Bulk Storage Container.

Any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil before use, while being used, or before further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.

Bunkered Tank.

A container constructed or placed in the ground by cutting the earth and re-covering the container in a manner that breaks the surrounding natural grade, or that lies above grade, and is covered with earth, sand, gravel, asphalt, or other material. A bunkered tank is considered an aboveground storage container for purposes of 40 CFR 112.

Completely Buried Tank.

Any container completely below grade and covered with earth, sand, gravel, asphalt, or other material. Containers in vaults, bunkered tanks, or partially buried tanks are considered aboveground storage containers for purposes of 40 CFR 112.

Contiguous Zone.

The zone established by the United States under Article 24 of the Convention of the Territorial Sea and Contiguous Zone, that is contiguous to the territorial sea and that extends 9 miles seaward from the outer limit of the territorial area.

Facility.

Any mobile or fixed, onshore or offshore building, 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 waste treatment, or in which oil is used. 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 the types of activity at the site.

Mobile Refueler.

A bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Motive Power Container.

Any onboard bulk storage container used primarily to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment. An onboard bulk storage container used to store or transfer oil for further distribution is not a motive power container. The definition of motive power container does not include oil drilling or workover equipment, including rigs.

Oil-filled Operational Equipment.

Equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (e.g., those for pumps, compressors, and other rotating equipment, including switches, and other systems containing oil solely to enable the operation of the device.

Partially Buried Tank.

A storage container that is partially inserted or constructed in the ground, but not entirely below grade, and not completely covered with earth, sand, gravel, asphalt, or other material. A partially buried tank is considered an aboveground storage container for purposes of 40 CFR 112.

Permanently Closed.

Any container or facility for which:

1. All liquid and sludge has been removed from each container and connecting line; and

2. All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Production Facility.

All structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil, or associated storage or measurement, and located in a single geographical oil or gas field operated by a single operator.

Repair.

Any work necessary to maintain or restore a container to a condition suitable for safe operation, other than that necessary for ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Storage Capacity of a Container.

The shell capacity of the container.

Wetlands.

Those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

4. The definitions of the following terms have been revised in the revision of 40 CFR 112 (differences are bolded):

Discharge

(40 CFR 112, 2001) This includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping. For purposes of 40 CFR 112, the term discharge shall not include any discharge of oil that is authorized by a permit issued pursuant to section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or sections 402 or 405 of the Federal Water Pollution Control Act (FWPCA, aka, the "Clean Water Act") Amendments of 1972 (86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.).

(40 CFR 112, Current) This includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or **dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems.** For purposes of 40 CFR 112, the term discharge shall not include any discharge of oil that is authorized by a permit issued under section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).

Injury.

(40 CFR 112, 2001) A measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil, or exposure to a product of reactions resulting from a discharge **of oil.**

(40 CFR 112, Current) A measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge, or exposure to a product of reactions resulting from a discharge.

Maximum Extent Practicable.

(40 CFR 112, 2001) The limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It **considers** the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in 40 CFR 112.20 or in a specific plan approved by the Regional Administrator.

(40 CFR 112, Current) **Within** the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It **includes** the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in 40 CFR 112.20 or in a specific plan approved by the Regional Administrator.

Navigable Waters of the United States.

(40 CFR 112, 2001) "Navigable Waters," as defined in section 502(7) of the FWPCA, include:

1. All navigable waters of the United States, as defined in judicial decisions before passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters;
2. Interstate waters;
3. Intrastate lakes, rivers, and streams that are used by interstate travelers for recreational or other purposes; and
4. Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding Clean Water Act jurisdiction remains with the USEPA.

(40 CFR 112, Current) **The waters of the United States, including the territorial seas. The term includes:**

1. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce, including any such waters:
 - a. That are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or,
 - c. That are or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States;
5. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands)

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds, which also meet the criteria of this definition) are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the USEPA.

Offshore Facility.

(40 CFR 112, 2001) Any facility of any kind located in, on, or under any of the navigable waters of the United States, which is not a transportation-related facility.

(40 CFR 112, Current) Any facility of any kind (**other than a vessel or public vessel**) located in, on, or under any of the navigable waters of the United States, **and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters.**

Oil.

(40 CFR 112, 2001) 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.

(40 CFR 112, Current) Oil of any kind or in any form, including, but not limited to: **fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.**

Onshore Facility.

(40 CFR 112, 2001) Any facility of any kind located in, on, or under any land within the United States, other than submerged lands, **which is not a transportation-related facility.**

(40 CFR 112, Current) Any facility of any kind located in, on, or under any land within the United States, other than submerged lands.

5. The definitions from the UST regulations in 40 CFR 280 that pertain to the SPCC regulations are the following:

Deferred UST.

USTs that are exempt from meeting the requirements in 40 CFR 280 except those concerning release response and corrective action for UST systems containing petroleum or hazardous substances in 40 CFR 280.60 through 280.67. These tanks include (40 CFR 280.10(c)):

1. Wastewater treatment tank systems
2. Any UST system containing radioactive material that are regulated under the Atomic Energy Act of 1954
3. Any UST system that is a part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50, Appendix A
4. Airport hydrant fuel distribution systems
5. UST systems with field-constructed tanks.

Excluded UST.

These are USTs that are not required to meet the requirements found in 40 CFR 280 and include (40 CFR 280.10(b))

1. Any UST system holding hazardous wastes listed under Subtitle C of the Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances
2. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the CWA
3. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment
4. Any UST system whose capacity is 110 gal or less
5. Any UST system that contains a de minimis concentration of a regulated substance

6. Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

Underground Storage Tank (UST).

Any one or a combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. This term does not include any (40 CFR 280.12):

1. Farm or residential tank of 1100 gal or less capacity used for storing motor fuel for noncommercial purposes
2. Tank used for storing heating oil for consumptive use on the premises where stored
3. Septic tanks
4. Pipeline facility (including gathering lines) that are regulated by other acts
5. Surface impoundment, pit, pond, or lagoon
6. Stormwater or waste water collection system
7. Flow-through process tank
8. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations
9. Storage tank situated in an underground area if the storage tank is situated upon or above the surface of the floor such as basements or tunnels
10. Tanks holding 110 gal or less
11. Emergency spill and overfill tanks.

Note that the definition of UST does not include any pipes connected to any tank described in para (1) through (9) of this definition.

Appendix G
SPCC Guidance and Interpretations from the USEPA

1. PE Certification. PE certification in no way relieves the owner or operator of a facility of his duty to prepare and fully implement an SPCC Plan in accordance with the requirements of 40 CFR 112.

2. Natural Gas. Dry gas production facilities are not subject to the SPCC Rule. Wet gas production facilities are subject to the SPCC Rule.

3. Oil/Water Separator. The intended use of an oil/water separator is what determines whether the separator is subject to the SPCC Rule.

a. If the oil/water separator is used in wastewater treatment, it is exempt from the SPCC requirements and does not count toward facility storage capacity. Examples of oil/water separator that may be considered wastewater treatment and eligible for exemption include:

i. Oil/water separator at a wastewater treatment facility;

ii. Oil/water separators at an active groundwater remediation site;

iii. Grease traps that intercept and congeal oil and grease from liquid waste; and

iv. Oil/water separators in landfill leachate collection systems.

b. If an oil/water separator is used as part of a secondary containment system and is not intended for oil storage or use, and the separator does not require secondary containment, then the separator does not count toward facility storage capacity. However, Oil/water separators are required to meet the design requirements for secondary containment when they are serving as secondary containment.

4. Secondary Containment. The Settlement Agreement between the USEPA and the joint plaintiffs of the API and Marathon Oil dated 29 March 2004 stipulates that secondary containment may not be considered impracticable solely because a contingency plan is cheaper.

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5. Synthetic Oils. The SPCC rule applies to synthetic oils including those used as heat transfer fluids, engine fluids, hydraulic and transmission fluids, metalworking fluids, dielectric fluids, compressor lubricants, and turbine lubricants.

Appendix H **Acronyms and Abbreviations**

| Term | Spellout |
|-------------|--|
| API | American Petroleum Institute Recommended Practices |
| AST | aboveground storage tank |
| CEERD | U.S. Army Corps of Engineers, Engineer Research and Development Center |
| CFR | Code of the Federal Regulations |
| CWA | Clean Water Act |
| DA | Department of the Army |
| DC | District of Columbia |
| DOI | Department of Interior |
| DOT | Department of Transportation |
| USEPA | Environmental Protection Agency |
| FRP | Facility Response Plan |
| FWPCA | Federal Water Pollution Control Act |
| HQUSACE | Headquarters, U.S. Army Corps of Engineers |
| MOU | memorandum of understanding |
| PDF | Portable Document Format |
| PE | professional engineer |
| POC | point of contact |
| POL | Petroleum, Oil, and Lubricants |
| PWTB | Public Works Technical Bulletin |
| SPCC | Spill Prevention, Control and Countermeasure |
| SPCCP | Spill Prevention, Control, and Countermeasures Plan |
| URL | Universal Resource Locator |
| USEPA | U.S. Environmental Protection Agency |
| UST | underground storage tank |
| WWW | World Wide Web |

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