

September 17, 2004

~CSRMA ALERT~

REVISED SPCC RULE WILL IMPACT MOST POTW'S

A CSRMA member in the San Francisco Bay Area was recently inspected by the EPA and Bay Area Regional Water Quality Control Board as part of an inspection program to ensure that POTWs are in compliance with a number of requirements including pretreatment programs, laboratory procedures and operational practices.

One of the items requested during the inspection was a Spill Prevention, Control, and Countermeasure Plan (SPCC). The District had not implemented an SPCC because it was their understanding, like most POTW's, that wastewater treatment facilities are exempt from this ruling as stated in 40 CFR Part 112.1(d)(6) – see <http://www.epa.gov/oilspill/spccrule.htm>.

According to the inspector, the exemption of wastewater facilities from the requirement to implement an SPCC Plan does not pertain to a POTW as a whole. As defined at 40 CFR Part 112.2, a facility can be as small as a piece of equipment or as large as a military base. Using this definition EPA has determined that the term "wastewater treatment facility" refers to single unit processes and not the entire property (facility) of the POTW. As an example, a clarifier (facility) used to remove oil from the surface of the water would be exempt from the requirement to implement an SPCC Plan. However, an above ground storage tank (facility) would not be exempt from the requirement to implement an SPCC. According to the inspector, this is an EPA determination and NOT a local Regional Water Quality Control Board determination.

The following EPA website details the differences between the old SPCC rule and the revised SPCC rule:
<http://www.epa.gov/oilspill/spcccros.htm>.

Accompanying this CSRMA Alert is a document prepared by Veolia Water that summarizes the SPCC Rule in lay terms and provides a flowchart which will guide you through determining if the SPCC Rule affects your Agency and the steps to compliance if it does.

**PLEASE BEAR IN MIND THAT YOU MUST LOOK AT EACH AGENCY FACILITY (POTW, PUMP STATIONS, ETC)
IN MAKING THE DETERMINATION OF WHETHER THE SPCC RULE APPLIES TO YOUR AGENCY!**

**For More Information, please contact David Patzer, CSRMA Risk Control Advisor at
707.373.9709 or losscontrol@sbcglobal.net**

The EPA's Oil Pollution Prevention regulations (40 CFR 112) are intended to prevent oil discharges from certain aboveground and underground storage tanks from reaching navigable waters of the United States or adjoining shorelines. The regulations also provide a framework to ensure effective responses in the event of discharges of oil. The applicability of the regulations is limited to only the storage and use of oil (*such as bulk storage of petroleum products, lubricating oil from equipment, fuel oil for generators, etc.*). Facilities that meet the applicability criteria of the regulations are required to prepare and maintain SPCC Plans.

A facility is not regulated if it meets the criteria of any of the six (6) available exemptions. VVNA projects will only need to focus on three (3) of these exemptions - capacity thresholds, minimum container size and the waste water treatment facility (WWTF) exemption¹. There is a misconception about the WWTF exemption, so please review the footnote below carefully.

Each facility must evaluate their total aggregate storage of oil. 'Total Aggregate Storage' is determined by adding the capabilities of all oil storage containers of 55 gallons or more (*e.g. drums, totes, storage tanks, owned transformers, etc.*). The full storage capacities must be used in the calculation – regardless of whether the tanks/containers are partially filled. If a facility's total oil storage capacity is less than or equal to (\leq) the threshold volumes, the regulations do not apply to the facility. The threshold capacities are:

- ◆ Completely buried oil storage capacity of \leq 42,000 gallons; and/or
- ◆ Total aggregate aboveground oil storage capacity of \leq 1,320 gallons (*containers, 55 gallons do NOT count towards total*).

Following are some examples, showing how to determine total aggregate storage and evaluate whether a SPCC plan is required:

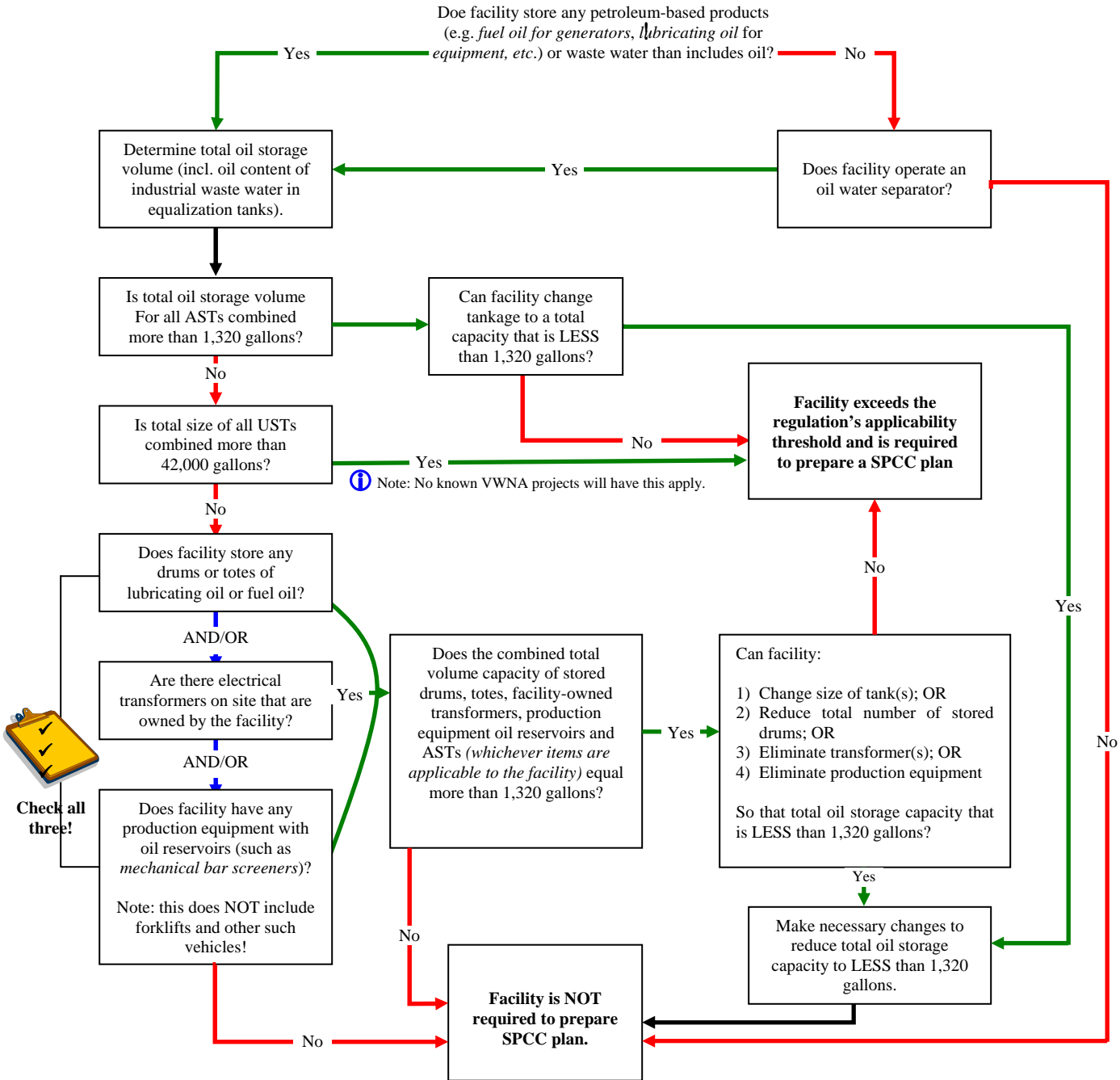
- ◆ A facility has one (1) 240 gallon aboveground storage tank (AST) that contains diesel fuel for an emergency generator, not facility-owned electrical transformers and not storage of lubricating oils in drums or totes (\leq 55 gallons). The total aggregate storage is less than 1,320 gallons, so a SPCC plan is **NOT** required.
- ◆ A facility has one (1) 2,000 gallon fuel oil AST for an emergency generator, no facility-owned electrical transformers and not storage of oil in drums or totes. The total aggregate storage is greater than 1,320 gallons. Unless the facility can change out the current AST for one that has a total capacity of 1,300 gallons or less, a SPCC Plan **IS** required.
- ◆ A facility has one (1) 1,000 gallon fuel oil AST, one (1) 5,000 gallon bioxide AST, three (3) 55 gallon drums of engine and/or hydraulic oil. The bioxide is not included in the total aggregate storage calculation – it is not oil. The facility's total aggregate oil storage is less than 1,320 gallons, and an SPCC plan is **NOT** REQUIRED.
- ◆ A municipally-owned facility, operated by VVNA, has one (1) 1,200 gallon fuel oil AST, two (2) 55 gallon oil drums and three (3) electrical transformers that the municipality owns (each holds 150 gallons of oil). Since the municipality owns the assets (including the transformers), the total aggregate storage is greater than 1,320 gallons, so an SPCC plan **IS** required.

¹ - 40 CFR 112.1(d)(6). Some components of WWTFs do not meet the exemption and remain subject to the regulations (e.g. oil/water separators, hydraulic equipment, slop tanks, fuel storage for emergency generators, etc.). The exemption applies only to those parts of preliminary -, primary- and secondary treatment processes that do not specifically include any "storage or other use: of lio (e.g. aeration basins, clarifiers, trickling filters, digesters, etc).

The flow chart is included with this document (*see Table 1. – SPCC Determinations Flow Chart*) to assist VWNA Operating Services facilities to determine if they are required to have an SPCC Plan under federal regulations (*or if the clients is required, and needs to be informed that VWNA can assist them*). A summary of SPCC Plan requirements is also included (*see Table 2 – SPCC Plan Overview*). Facilities that are regulated by the Oil Pollution Prevention regulations must meet the following SPCC plan deadlines:

	Facilities in Operation On or Before 8/13/2002	Facilities in Operation After 8/16/2002
Maintain current SPCC Plan and amend it to ensure compliance with new requirements by	February 17, 2006	n/a
Prepare initial SPCC Plan by.....	n/a	August 18, 2006
Implement SPCC Plan by.....	August 18, 2006	August 18, 2006

Table 1. SPCC DETERMINATION FLOW CHART



'Total Aggregate Storage' is determined by adding the capacities of all oil storage containers of 55 gallons or more (e.g. drums, totes, storage tanks, oil reservoirs of non-vehicular production equipment, facility-owned electrical transformers, etc.). the full storage capacities must be included in the total oil storage volume calculation – regardless of whether tanks/containers are partially or completely filled. For calculations involving equalization tanks that contain industrial waste water with oil, contact your EHS&S representative.

Table 2. – SPCC PLAN OVERVIEW

Requirements	Comments
Facility Description & Diagram	<p>Describe the physical layout of the facility and have a facility diagram, which must include the location and contents of each container, all transfer stations and connecting pipes. The plan must also address:</p> <ul style="list-style-type: none"> ◆ Type of oil in each container and its storage capacity; ◆ Discharge prevention measures; ◆ Discharge or drainage controls (e.g. secondary containment); ◆ Countermeasures for discharge discovery, response and cleanup; ◆ Methods of disposal of recovered materials; and ◆ Emergency contact list and phone numbers (<i>specified in 112.7(a)(3)(vi)</i>).
Reporting	<ul style="list-style-type: none"> ◆ If facility is not required to have a Facility Response Plan (<i>note: most VWNA facilities are not required; check with your EHS & S contact</i>), the plan and its supporting material (included in appendices) must be organized to be readily useable in an emergency: ◆ Plan must include procedures and information to enable a person reporting a discharge to relate: a) exact address/location and phone number of facility; b) specific information about discharge (e.g. date, time, material, amount, source, cause, etc.); and c) names of individuals and organizations that have also been contacted.
Spill Containment	<ul style="list-style-type: none"> ◆ The plan must include a prediction of direction, rate of flow and total quantity of oil which could be discharges as a result of each type of major equipment failure. ◆ Appropriate containment and/or diversionary structures or equipment to prevent such predicted discharges must be in place [<i>acceptable prevention systems identified in 112.7(c)(1)</i>].
Tank Truck Racks	<ul style="list-style-type: none"> ◆ If facility has a tank car and/or tank truck loading/unloading rack, comply with 112.7(h).
Self-Inspections, Testing & Recordkeeping	<ul style="list-style-type: none"> ◆ Inspections and tests must be conducted in accordance with written procedures developed for the facility and certified by the Professional Engineer (PE) who authorizes the plan (records must be kept for three years). ◆ Test each aboveground container for integrity on a regular schedule and whenever you make material repairs.
Training	<ul style="list-style-type: none"> ◆ Must designate a person who is accountable for discharge prevention (must report to management). ◆ “Oil-handling personnel” at the facility must receive training (to include: operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws/rules/regulations; general facility operations; and contents of the SPCC plan). ◆ Facility must conduct annual discharge prevention briefings with oil-handling personnel, to assure adequate understanding of the SPCC plan for the facility and meet the requirements of 112.7(f).
Facility Security	<ul style="list-style-type: none"> ◆ Ensure compliance with the security measures specified in 112.7(g) (<i>e.g. fencing, lighting, etc.</i>).
Engineer Certification	<p>A licensed Professional Engineer (PE) must review and certify the plan. Certification attests that the PE: 1) is familiar with the requirements of the Oil Pollution Prevention regulations; 2) that the PE or an agent for the PE has visited and examined the facility; 3) that the plan has been prepared in accordance with good engineering practice & in consideration of the regulations; 4) that procedures for the required inspections and testing have been established; and 5) that the plan is adequate for the facility.</p>
Plan Review & Amendment	<ul style="list-style-type: none"> ◆ Amend the SPCC plan within six (6) months of a change in the facility design, construction, operation and/or maintenance that materially affects the potential for an oil discharge. ◆ Complete a review and evaluation of the SPCC plan every five (5) years (from the date of last review for facilities in operation before August 16, 2002). The review must be documented and kept with the plan.

The facility may deviate from requirements – but must provide an explanation for non-conformance and a description of equivalent environmental protection. Administrative changes do not need to be certified by a PE. Please contact your VWNA EHS & S representative if you have questions regarding this SPCC summary.