

Summary of Major Changes to the Spill Prevention Control and Countermeasure Rule

The EPA issued a final rule amending the Oil Pollution Prevention regulation promulgated under the authority of the Federal Water Pollution Control Act (Clean Water Act) on July 17, 2002. This rule addresses requirements for Spill Prevention Control and Countermeasure Plans (SPCC) and some provisions may also affect Facility Response Plans (FRP). The new SPCC rule became effective August 16, 2002. The SPCC rule can be found in Title 40 of the Code of Federal Regulations (CFR), [Part 112 \(Oil Pollution Prevention\)](#). This summary includes only the major changes to the current SPCC rules. Please refer to the Code of Federal Regulations for a complete listing of the revisions.

The revised SPCC rule:

- Clarifies that users of oil are also subject to the rule. The SPCC rule applies to owners or operators of facilities that drill, produce, gather, store, use, process, refine, transfer, distribute, or consume oil and oil products. The changes to the rule clarify applicability to owners or operators that use oil. The changes also allow for tracking the scope of the rule to conform with the expanded jurisdiction of the amended Clean Water Act. The broadened range includes waters of the contiguous zone and waters connected with activity under the Outer Continental Shelf Lands Act or Deepwater Port Act, as well as waters affecting certain natural resources of the United States.
- Exempts completely buried storage tanks, as well as connected underground piping, underground ancillary equipment, and containment systems, when such tanks are subject to all of the technical requirements of the UST regulations ([40 CFR Parts 280 or 281](#)). These are no longer required to comply with SPCC provisions, except for the facility diagram as required by section [112.7\(a\)\(3\)](#).
- Exempts facilities, or portions of certain facilities, which are used exclusively for wastewater treatment unless used to meet [part 112](#) requirements. This exemption does not apply to production, recycling, or recovery of oil.
- Exempts containers with a storage capacity of less than 55 gallons of oil from all SPCC requirements.
- Establishes an aboveground storage capacity threshold of greater than 1,320 gallons and removes the 660 gallon threshold. The revised rule raises the threshold for aboveground storage capacity by eliminating the provision that triggers the requirement to prepare and implement an SPCC Plan if any single container has a capacity greater than 660 gallons. Only containers with a capacity of 55 gallons or greater are counted in the calculation of aboveground storage capacity. The revised rule clarifies that permanently closed containers do not count in the calculation. The threshold continues to apply to storage capacity contained in operating equipment as well as to storage capacity in containers.
- Revises the trigger for submitting information on spills at SPCC regulated facilities to EPA. Facilities are now required to submit SPCC plans after having 2 discharges in any 12-month period. The revised rule clarifies the threshold for reporting two discharges from a “reportable” quantity under the Clean Water Act, to a threshold of more than 42 gallons, or 1 barrel, in each of those discharges.
- Allows deviations from most of the rule’s substantive requirements (with the exception of secondary containment requirements) provided that an explanation of the reasons for nonconformance with the requirement is submitted, and equivalent environmental protection with an alternate measure is provided. If the Regional Administrator determines that the alternate measure does not provide equivalent protection, he may require that the Plan be amended.
- Provides for a flexible plan format, but requires a cross-reference showing that all regulatory requirements are met. The revised rule allows differing formats for the Plan, other than the one format now specified. These other formats include State plans, Integrated Contingency Plans and any other formats acceptable to the Regional Administrator. If another format is used, its provisions must cross-reference the requirement listed in the SPCC rule. The alternate format must include all applicable SPCC requirements, or be supplemented to include all applicable SPCC requirements.