EPA's SPCC Rule/Inspector Guidance and Inspection Process

MD-DC Utilities Association

2015 Environmental Conference Agenda

At the Hyatt Regency Chesapeake Bay, Cambridge

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Legal Disclaimer

This presentation is meant to provide an overview to EPA inspectors, owners and operators of facilities of regulated, and the general public on the implementation of the Spill Prevention, Control, and Countermeasure (SPCC) rule (40 CFR Part 112). This presentation seeks to promote nationally-consistent implementation of the SPCC rule. The statutory provisions and EPA regulations described in this presentation contain legally binding requirements. This presentation does not substitute for those provisions or regulations, nor is it a regulation itself. In the event of a conflict between the discussion in this presentation and any statute or regulation, this presentation is not controlling. This presentation does not impose legally binding requirements on EPA or the regulated community, and might not apply to a particular situation based upon the circumstances. The word "should" as used in this presentation is intended solely to recommend or suggest an action, and is not intended to be viewed as controlling. Examples in this presentation are provided as suggestions and illustrations only. While this presentation indicates possible approaches to assure effective implementation of the applicable statute and regulations, EPA retains the discretion to adopt approaches on a case-by-case basis that differ from this presentation where appropriate. Any decisions regarding compliance at a particular facility will be made based on the application of the statute and regulations. References or links to information cited throughout this presentation are subject to change. Rule provisions and internet addresses provided in this guidance are current as of September 2015. This presentation may be revised periodically without public notice.

Oil Regulations

- 40 CFR part 112 - Oil Pollution Prevention regulation
  - Specifies requirements for prevention of, preparedness for, and response to oil discharges
    - Spill Prevention, Control, and Countermeasure (SPCC)
  - Includes requirements for Facility Response Plans (FRPs)
- 40 CFR part 110 – Discharge of Oil (sheen rule)
  - Prohibition of oil discharge
  - Reporting requirements
  - Establishes harmful quantity

Compliance Date Amendments

- EPA extended the compliance dates for facilities to update (or for new facilities to prepare) and implement an SPCC Plan
  - Eight times, 2003-2011
  - Guidance summarizes each of these extensions.
- New production facilities have six months to develop and implement their SPCC Plan
- **All compliance dates are in the past.**
  - If the owner or operator of a facility does not have an SPCC Plan, must develop a Plan immediately.
  - Plan must comply with all amendments to the rule.

All other facilities starting operation...	Must...
On or before August 16, 2002	Maintain its existing SPCC Plan Amend and implement the amended SPCC Plan no later than November 10, 2011
After August 16, 2002 through November 10, 2011	Prepare and implement an SPCC Plan no later than November 10, 2011
After November 10, 2011 (excluding oil production facilities)	Prepare and implement an SPCC Plan before beginning operations
After November 10, 2011 (oil production facilities)	Prepare and implement an SPCC Plan within six months after beginning operations.

§112.3

SPCC Rule Applicability

The SPCC rule applies to a facility that meets the following criteria:

1. **Drills, produces, gathers, stores, processes, refines, transfers, distributes, uses**, or **consumes**
2. **oil** and **oil products**; and
3. Is **non-transportation-related** (i.e. facility is not exclusively covered by DOI or DOT); and
4. Can reasonably be expected to discharge oil in **quantities that may be harmful** into or upon the **navigable waters** of the U.S. or adjoining shorelines; and
5. Meets **capacity thresholds**
   - Aboveground storage > 1,320 gallons; or
   - Completely buried storage > 42,000 gallons

§112.1

Tier Options for Qualified Facilities Self-Certification

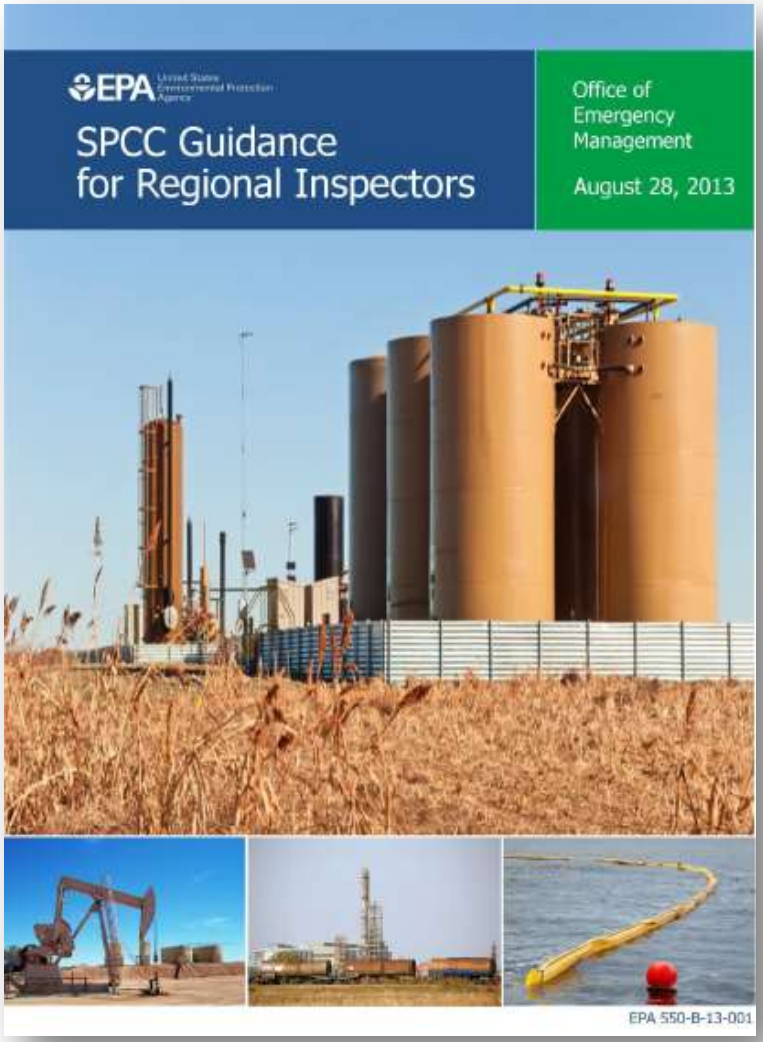
- Facilities must first qualify for this option
  - Clean spill History (back three years, 2-42 gallon or 1000)
  - 10,000 gallons or less of AST facility capacity
- Tier II
  - All qualified facilities are Tier II
  - Full SPCC with no PE certification of Plan (self cert)
  - EPA can request a PE Plan
- Tier I
  - Qualified facilities that have no AST larger than 5,000 gallons
  - Facilities can use the rule's Appendix G template
  - Reduced requirements (Tier II cant use the template)
- Self certification issues
  - State Law
  - The attestation for facilities

Inspector Guidance

- EPA issued Version 2.0 of the SPCC guidance on August 28, 2013

- This presentation focuses on the *substantive* changes since the previous version.

This presentation is not intended to serve as training on the entire SPCC rule, but rather focuses on the ***new or revised content and structure of the Guidance****.*



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Chapter 1: Introduction

Contents of Chapter 1

1. SPCC Background (Purpose and Scope/Statutory Framework)
2. Regulatory History
   - Initial Promulgation & Early Amendments
   - SPCC Taskforce, GAO Recommendations
   - 1991, 1993, and 1997 Proposals
   - 2002 Amendments
   - Additional Amendments to Streamline the Rule
   - Compliance Date Amendments

Sections described in this presentation are shown in green

Contents of Chapter 1 (continued)

3. Revised Rule Provisions
   - Rule Organization
   - Summary of Major 2002 Provisions
   - Summary of 2006 Revisions
   - Summary of 2008 Revisions
   - Summary of Navigable Waters Ruling
   - Summary of 2009 Amendments
   - Effective Date
   - Milk and Milk Products Container Exemption
4. Using this Guidance

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Chapter 2: SPCC Rule Applicability

Contents of Chapter 2

1. Introduction
2. Definition of Oil
3. Activities Involving Oil
4. Facilities
5. “Non-transportation-related” – EPA/DOT Jurisdiction
6. Reasonable Expectation of Discharge to Navigable Waters in Quantities That May Be Harmful
7. Storage Capacity Thresholds

Sections described in this presentation are shown in green

Contents of Chapter 2 (continued)

8. Exemptions to the Requirements of the SPCC Rule
9. Determination of Applicability by the Regional Administrator
10. SPCC Applicability for Different Types of Containers
11. Determination of Applicability of Facility Response Plans
12. Role of the EPA Inspector

2.10 SPCC Applicability for Different Types of Containers

- This section of the guidance describes how the rule applies to specific types of containers.
- Updated and expanded for completeness and to include additional exemptions resulting from recent rule amendments, notably:
  - 2.10.2 Double-walled or vaulted tanks
  - 2.10.4 Oil-filled operational equipment
  - 2.10.6 Oil-powered generators
  - 2.10.7 Bulk storage containers at tank battery, separation and treating areas

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Chapter 3: Environmental Equivalence

Contents of Chapter 3

1. Introduction
2. Substantive Requirements Subject to the Environmental Equivalence Provision
3. Policy Issues Addressed by Environmental Equivalence
4. Review of Environmental Equivalence

Sections described in this presentation are shown in green

3.1 Introduction to Environmental Equivalence

- The environmental equivalence provision allows for deviations from specific requirements of the SPCC rule
  - Alternative measures provide equivalent environmental protection.
- Expertise of a trained professional is important in making site-specific equivalence determinations.
  - Owners or operators of qualified facilities who choose to self-certify their SPCC Plans in lieu of PE-certification cannot take advantage of the flexibility allowed by the environmental equivalence provision, unless the alternative methods have been reviewed and certified in writing by a PE.

§112.7(a)(2)

§112.6(b)(3)(i)

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Chapter 4: Secondary Containment and Impracticability

Contents of Chapter 4

1. Introduction
2. General Secondary Containment Requirements
3. Specific (Sized) Secondary Containment Requirements
4. Issues Related to Secondary Containment Requirements
5. Overview of the Impracticability Determination Provision
6. Required Measures when Secondary Containment is Impracticable
7. Selected Issues Related to Secondary Containment and Impracticability Determinations
8. Alternative Measures in lieu of Secondary Containment at Oil Production Facilities

Sections described in this presentation are shown in green

4.2 General Secondary Containment Requirements

- All areas and equipment with the potential for a discharge are subject to the general secondary containment provision, §112.7(c).
- Sized secondary containment also fulfills the general secondary containment requirements.
- Expanded discussion of considerations for determining the **most likely discharge quantity**, including:
  - the **typical failure mode** (e.g., overfill, fracture in container wall, etc.);
  - resulting oil flow rate;
  - facility personnel response time; and
  - duration of the discharge.

§112.7(c)

Guidance document change reflecting other information added

Specific (Sized) Secondary Containment Requirements

- Areas where certain types of containers, activities, or equipment are located may be subject to additional, more stringent, containment requirements
- Sized to largest tank or tanker compartment with freeboard for a rain event
- EPA does not specify a freeboard requirement
  - 110% rule of thumb and 25 year 24 hour storm event
- Sufficiently impervious
- Specific minimum size requirement for secondary containment for the following areas:
  - Loading/unloading racks (no freeboard requirements) per 112.7
  - Bulk storage containers
  - Mobile or portable bulk storage containers

4.4 Issues Related to Secondary Containment Requirements

Sections that have been updated:

- 4.4.1 Passive vs. Active Measures
- 4.4.3 Facility Drainage (Onshore Facilities)
- 4.4.4 Man-made Structures
- 4.4.5 Double-walled or Vaulted Tanks or Containers

4.5 Overview of Impracticability Determination

- Expertise of a trained professional is important in making site-specific impracticability determinations.
- Owners or operators of qualified facilities who self-certify their SPCC Plans cannot take advantage of the impracticability provision,
  - unless such determinations are reviewed and certified in writing by a PE

§112.7(d)

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Chapter 5: Oil/Water Separators

Contents of Chapter 5

1. Introduction
2. Overview of Provisions Applicable to OWS
3. OWS Used for Wastewater Treatment
4. OWS Used to Meet SPCC Secondary Containment Requirements
5. OWS Used in Oil Production
6. OWS Used in Oil Recovery or Recycling Facilities
7. Documentation Requirements and Role of EPA Inspector

Sections with changes described in this presentation are shown in green

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Chapter 6: Facility Diagram and Description

Contents of Chapter 6

1. Introduction
2. General Facility Description
3. Notification Requirements
4. Preparing a Facility Diagram
5. Facility Diagram Examples
6. Review of a Facility Diagram

Sections described in this presentation are shown in green

6.2 General Facility Description
6.3 Notification Requirements

Chapter was expanded to include facility description requirements (new section):

- 6.2.1 Oil Types and Container Capacities
- 6.2.2 Discharge Prevention Methods
- 6.2.3 Drainage Controls
- 6.2.4 Countermeasures
- 6.2.5 Disposal Methods
- 6.2.6 Contact List

Chapter also includes new section on information needed when reporting a discharge to navigable waters.

§112.7(a)(3)

§112.7(a)(4)

Guidance document change reflecting other information added

6.4.3 Requirements for a Facility Diagram

The following items are <u>required</u> by §112.7(a)(3):

- Aboveground storage tanks;
- Underground storage tanks. This includes those that are subject to the SPCC rule or those that are exempt;
- Storage area(s) where mobile or portable containers are located;
- Transfer stations such as oil transfer areas including loading/unloading racks and loading/unloading areas;
- Oil-filled equipment such as hydraulic operating systems or manufacturing equipment;
- Oil-filled electrical transformers, circuit breakers, or other equipment;

[continued…]

§112.7(a)(3)

6.4.3 Requirements for a Facility Diagram (continued)

- Connecting piping;
- Oil pits or ponds (at production facilities);
- Production facility stock tanks, separation equipment and produced water containers;
- Any other bulk storage or oil-filled operational equipment at a production facility; and
- Flowlines and intra-facility gathering lines at a production facility (including exempt intra-facility gathering lines).

Note that the streamlined requirements for Tier I qualified facilities exclude the requirement for a facility diagram.

§112.7(a)(3)

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Chapter 7: Inspection, Evaluation, and Testing

Contents of Chapter 7

1. Introduction
2. Inspection, Evaluation, and Testing under the SPCC Rule
3. Role of Industry Standards and Recommended Practices in Meeting SPCC Requirements
4. Baselining
5. Specific Circumstances, including environmentally equivalent measures (such as a hybrid inspection program)
6. Documentation Requirements and Role of the EPA Inspector
7. Summary of Industry Standards and Regulations

Sections described in this presentation are shown in green

7.2.1 Summary of Inspection, Evaluation, and Integrity Testing Requirements

- The owner/operator of a qualified facility who self-certifies the SPCC Plan must attest that:
  - The SPCC Plan has been prepared in accordance with **accepted and sound industry practices and standards**;
  - **Procedures for inspections and tests have been established** for the facility in accordance with industry inspection and testing standards or recommended practices; and
  - The Plan will be implemented.
- Qualified facilities must develop and implement a spill prevention program in accordance with good engineering practices:
  - Following regulatory guidance/industry recommended practices,
  - Consulting with tank testing professionals, and
  - Implementing standard design and operation protocols.

§112.6(b)(1)

7.2.2 Regularly Scheduled Integrity Testing and Inspection of Aboveground Bulk Storage Containers

- The SPCC rule has two distinct inspection requirements for bulk storage containers:
  - Test or inspect **each** container for integrity on a regular schedule and whenever material repairs are made; and
  - Frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas.
    - This visual inspection is intended to be a routine walk-around and includes the container's supports and foundations.

§§112.8(c)(6), 112.12(c)(6)

7.2.2 Regularly Scheduled Integrity Tests or Inspections

- Integrity testing:
  - Determines whether the tank is suitable for continued use until the next formal inspection.
  - Helps plan for routine maintenance and any associated repairs.
- The frequency and type of testing and inspections, and qualifications for personnel performing tests and inspections, must be determined in accordance with applicable industry standards.
  - Frequent external visual inspections can often be completed by trained facility personnel.
  - Regular integrity tests or inspections may involve hiring specialized personnel (as specified by industry standard).

§§112.8(c)(6), 112.12(c)(6)

7.2.2 Frequent Inspections - Visual

- Rule requires frequent inspections of the outside of the container for signs of deterioration, discharges, or accumulations of oil inside diked areas.
  - Intended to be a routine walk-around and include the container's supports and foundations.
  - The scope and frequency of the inspection is determined by industry standards or according to a site-specific inspection program developed and certified by the Plan preparer.
  - EPA expects the visual inspection to occur on an ongoing routine basis, to be conducted by qualified personnel, and to follow industry standards.

§§112.8(c)(6), 112.12(c)(6)

7.5.2 Environmental Equivalence Deviation from Integrity Testing and Inspection Requirements

- In December 2008, EPA amended the rule to provide flexibility in complying with the bulk storage container integrity testing requirements.
- The integrity testing requirements are subject to the environmental equivalence provision
  - Given the increased flexibility, **there may be few, if any, instances where a PE would determine that a deviation is appropriate**.
- Examples provided in guidance of situations where a hybrid inspection program is developed:
  - Hybrid Inspection Program Rather than an Applicable Industry Standard
  - Hybrid Inspection Program that Deviates from a Portion of an Industry Standard
  - Hybrid Inspection Program where there is No Applicable Industry Standard
  - AFVO Bulk Storage Containers

§§112.8(c)(6), 112.12(c)(6)

§112.7(a)(2)

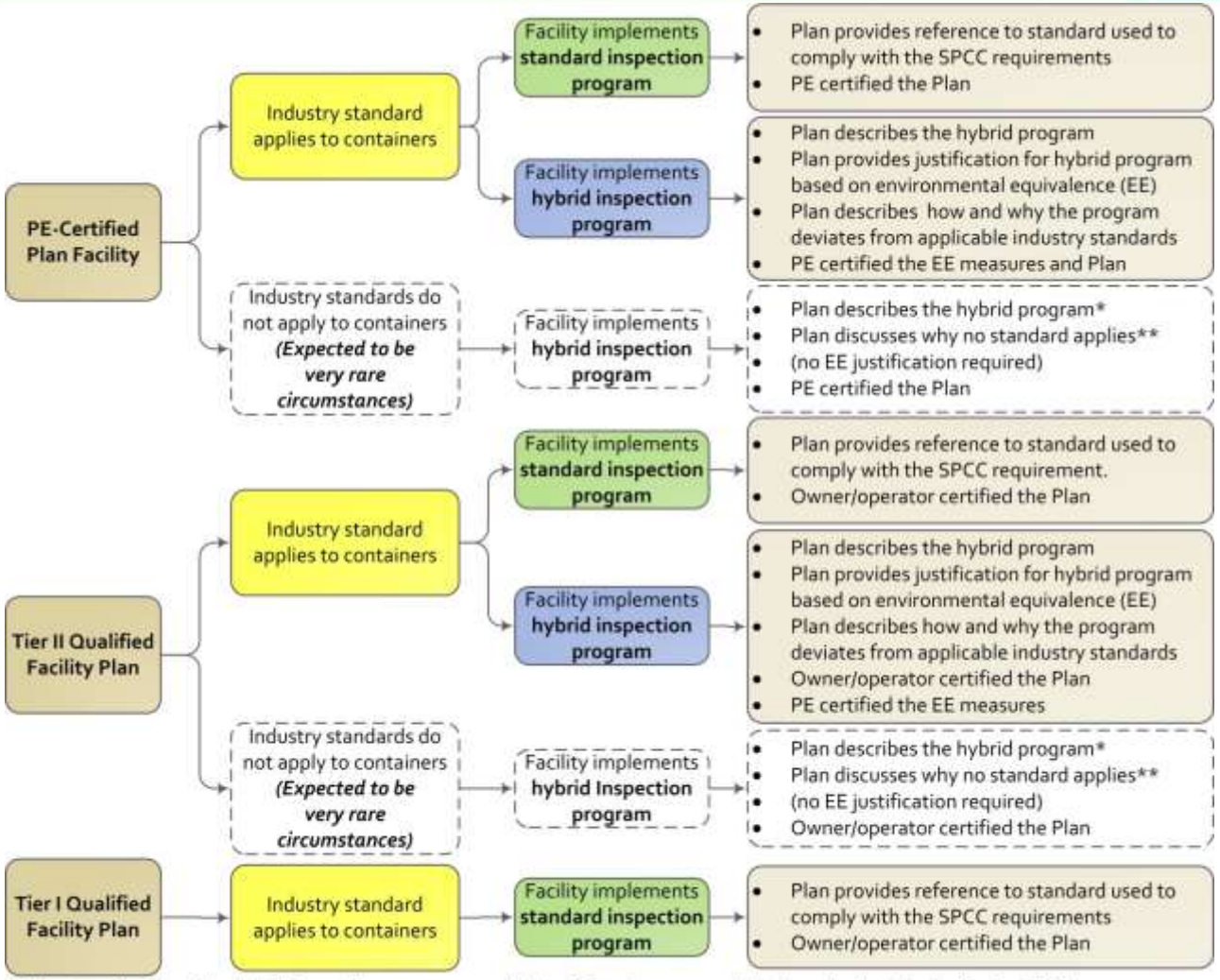
7.5.3 Suggested Minimum Elements for a PE-Developed Site-Specific Integrity Testing Program

- Also referred to as a hybrid inspection program
- Should include:
  - An evaluation of the principal elements that would cause a tank to fail
  - How the inspection program addresses finding such conditions, or prevents such conditions from continuing to the point of failure
- Guidance provides a list of elements of a hybrid inspection program for:
  - Shop-built tanks
  - Field-erected tanks

Guidance document change reflecting other information added

7.6.2 Evaluating Inspection, Evaluation and Testing Programs

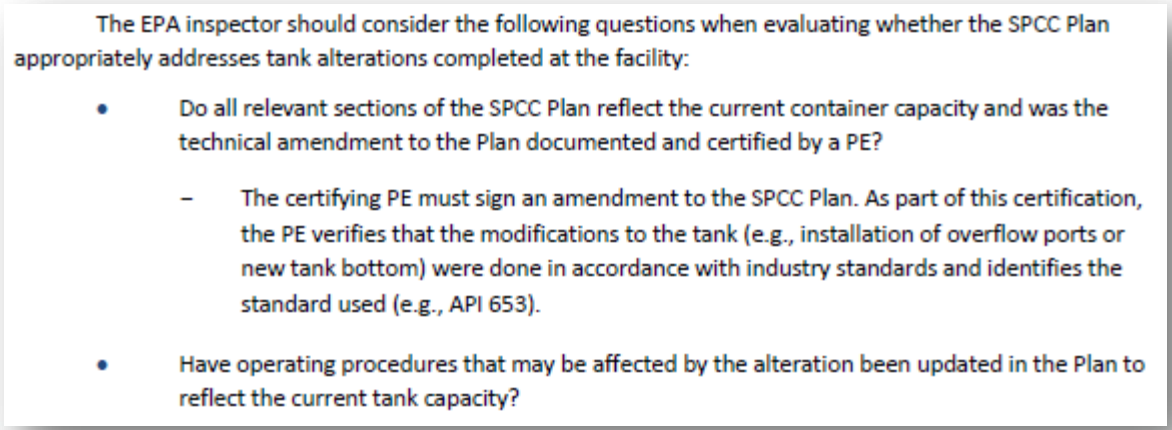
Figure 7-5. Summary of integrity testing and inspection program documentation for bulk storage containers, by type of SPCC Plan and standard applicability case



** Plan describes how the hybrid inspection program meets the minimal recommended elements described in Section 7.5.3.*
*** EPA Inspector should review carefully to confirm that industry standards do not apply*

7.6.1 Evaluating Tank Re-rating Alternatives

- Tank re-rating (described in section 2.7.3) may have a significant impact on secondary containment capacity, compliance with SPCC rule requirements, and FRP applicability. The EPA inspector must carefully review these alterations.
- The guidance provides **specific questions** that an inspector should consider, to review:
  - Relevant SPCC requirements and Plan documentation
  - Use of relevant industry standards
  - Records
  - Field observations



The EPA inspector should consider the following questions when evaluating whether the SPCC Plan appropriately addresses tank alterations completed at the facility:

- Do all relevant sections of the SPCC Plan reflect the current container capacity and was the technical amendment to the Plan documented and certified by a PE?
  - The certifying PE must sign an amendment to the SPCC Plan. As part of this certification, the PE verifies that the modifications to the tank (e.g., installation of overflow ports or new tank bottom) were done in accordance with industry standards and identifies the standard used (e.g., API 653).
- Have operating procedures that may be affected by the alteration been updated in the Plan to reflect the current tank capacity?

Regional Over view of the Inspection Process

Triggering Events Initiating Inspections

Referrals (State or Local)

Spills

Multi-Media Inspections

Facility Incident

Targeted Outreach with Compliance Monitoring

Routine Compliance Monitoring

- Yep…you have won the inspection lottery

And your friendly EPA inspector shows up at your door…

Inspection Process

General Categories of Inspections

- Routine compliance (part of planned inspection program)
- “For cause” in response to suspected spill or violation
- Case development support or follow-up
- Multi-media and technical assistance

Inspection Notice Types

- **Unannounced Inspections**
  - Knock Knock! Who's there? EPA. EPA Who?
  - EPA Inspectors are authorized to enter any facility during normal business hours
  - Legal basis for entry under 40 CFR part 112 is Clean Water Act (Sections 308 and 311[m])
  - May be longer due to onsite Plan review
- **Announced Inspections**
  - May request of SPCC Plan in advance
  - Facilitates coordination and cooperation
  - Allows for applicable records to be available for review at time of inspection

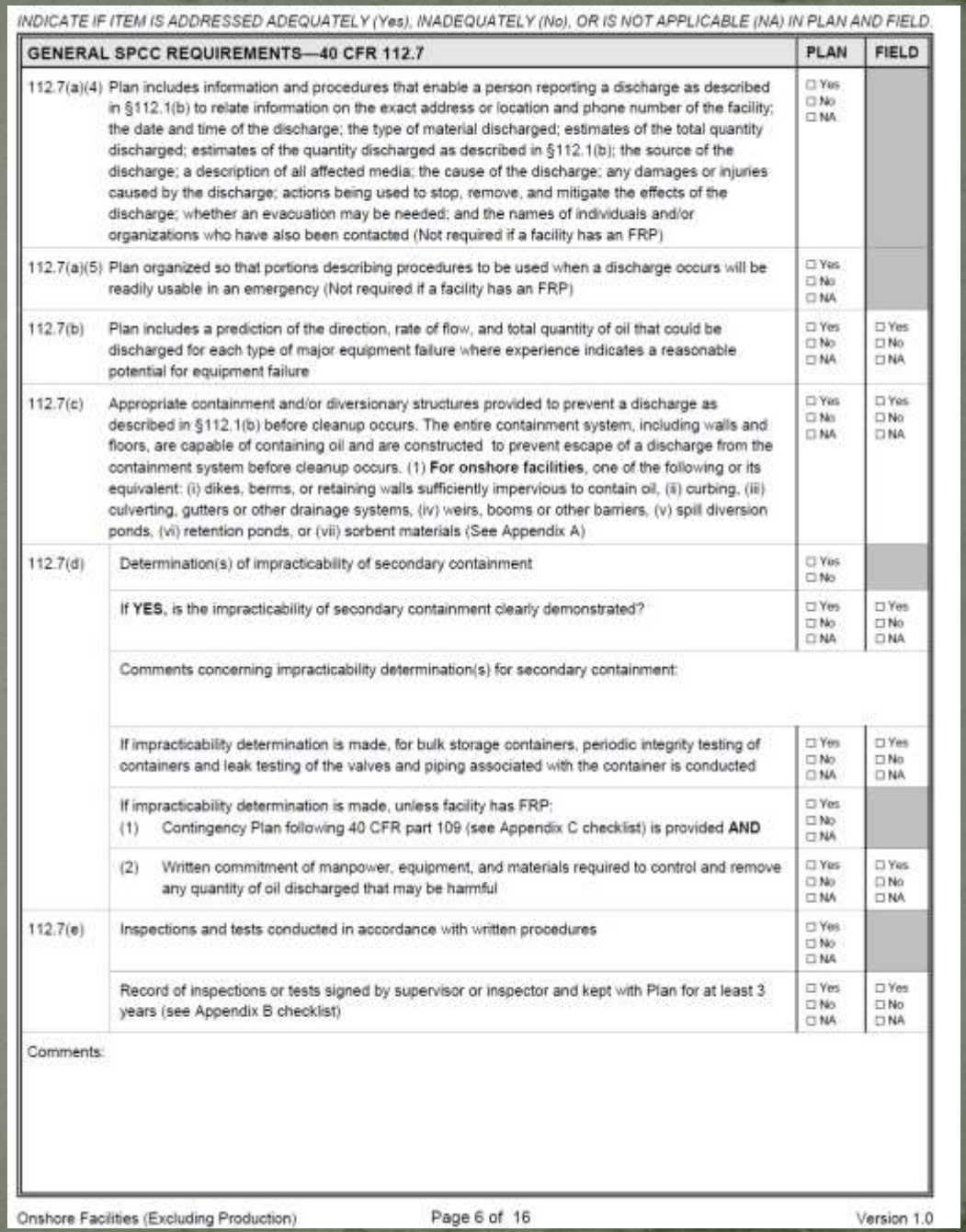
What to expect during a SPCC Inspection Overview

- Opening conference
- Discussion of facility operations and site specific SPCC elements
- Use of detailed SPCC checklist
- Review of Plan onsite
- Records review
- Facility walk-through
- Closing conference
- Follow-up
- In certain cases, enforcement

Plan Review and Inspection Checklist

New version are now available

www.epa.gov/oilspill



INDICATE IF ITEM IS ADDRESSED ADEQUATELY (Yes), INADEQUATELY (No), OR IS NOT APPLICABLE (NA) IN PLAN AND FIELD.

GENERAL SPCC REQUIREMENTS—40 CFR 112.7		PLAN	FIELD
112.7(a)(4)	Plan includes information and procedures that enable a person reporting a discharge as described in §112.1(b) 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 as described in §112.1(b); 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 (Not required if a facility has an FRP)	☐ Yes ☐ No ☐ NA	
112.7(a)(5)	Plan organized so that portions describing procedures to be used when a discharge occurs will be readily usable in an emergency (Not required if a facility has an FRP)	☐ Yes ☐ No ☐ NA	
112.7(b)	Plan includes a prediction of the direction, rate of flow, and total quantity of oil that could be discharged for each type of major equipment failure where experience indicates a reasonable potential for equipment failure	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
112.7(c)	Appropriate containment and/or diversionary structures provided to prevent a discharge as described in §112.1(b) before cleanup occurs. The entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs. (1) **For onshore facilities**, one of the following or its equivalent: (i) dikes, berms, or retaining walls sufficiently impervious to contain oil, (ii) curbing, (iii) culverting, gutters or other drainage systems, (iv) weirs, booms or other barriers, (v) spill diversion ponds, (vi) retention ponds, or (vii) sorbent materials (See Appendix A)	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
112.7(d)	Determination(s) of impracticability of secondary containment	☐ Yes ☐ No	
	If **YES**, is the impracticability of secondary containment clearly demonstrated?	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	Comments concerning impracticability determination(s) for secondary containment:		
	If impracticability determination is made, for bulk storage containers, periodic integrity testing of containers and leak testing of the valves and piping associated with the container is conducted	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	If impracticability determination is made, unless facility has FRP: (1) Contingency Plan following 40 CFR part 109 (see Appendix C checklist) is provided **AND**	☐ Yes ☐ No ☐ NA	
	(2) Written commitment of manpower, equipment, and materials required to control and remove any quantity of oil discharged that may be harmful	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
112.7(e)	Inspections and tests conducted in accordance with written procedures	☐ Yes ☐ No ☐ NA	
	Record of inspections or tests signed by supervisor or inspector and kept with Plan for at least 3 years (see Appendix B checklist)	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
Comments:			

NOTICE OF SPCC INSPECTION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

Date: 10/01/13	Lead Inspector (Print Name & Sign): Inspector Jack *Inspector Jack*	Inspection Number: 13
Additional Inspectors: Inspector Jane		

Facility Name: Hill Top	Facility Address: 123 Crown Lane, Hilltop, KS	Facility Type: Bulk Storage
Facility Phone: 555-555-5555	Facility Email: hilltop@email.com	Facility Fax: 555-555-5555

The purpose of the inspection process is to determine compliance with Section 311 of the Clean Water Act (the "Act"), 33 U.S.C. § 1321, and the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112 (the "Regulations"). The scope of the inspection and plan review process may include, but is not limited to, reviewing and obtaining copies of documents and records; interviewing facility personnel; a physical inspection of the facility (including process areas); taking photographs or video; collecting samples; and other activities necessary to determine compliance with the Act and the Regulations.

Please review this Notice of SPCC Inspection ("Notice") carefully. Please be advised that this Notice and any attached document(s) may not set forth all deficiencies with the Act and/or Regulations, and that an in-depth review of this Notice and any other relevant information may identify deficiencies not yet identified herein. Also note that the deficiencies noted are preliminary observations only, and this Notice is not a final determination of compliance or noncompliance.

Please be advised that any noncompliance with the Act and/or Regulations may constitute a violation under the Act for which penalties or other relief may be sought. Penalties may be assessed upon subsequent findings by a court of law or the Administrator that the facility has violated the Act and/or the Regulations. The United States Environmental Protection Agency ("EPA") reserves its right to initiate an enforcement action under the Act and any other applicable law, and to seek penalties and other appropriate relief for any violation of the Act, the Regulations, or other applicable laws. This Notice and other relevant information will be reviewed by appropriate EPA personnel to determine if any deficiencies identified in such review constitute violations of the Act and/or the Regulations, and whether an enforcement action is appropriate. EPA will provide written correspondence describing any deficiencies identified during the subsequent inspection review process.

If deficiencies with the Act and/or Regulations were identified during the inspection and communicated to you during the closing conference, you are urged to correct such deficiencies as soon as possible. EPA requests you submit all information, as soon as possible, evidencing your correction of the deficiencies to:

[Contact]
U.S. Environmental Protection Agency
[Address]

If it is not feasible to correct the deficiencies within 30 days (**NOTE TO REGIONS: MAY NOT BE MORE THAN 30 DAYS**) of the date of the inspection, immediately submit a detailed explanation and schedule indicating by when the noted deficiencies will be corrected. If you believe that your facility is not required to have an SPCC Plan, or is in compliance with the SPCC regulatory requirements, you may submit an explanation, supported by documentation, as to why the facility is not subject to the SPCC provisions of the Oil Pollution Prevention regulations at 40 C.F.R. Part 112 or meets its requirements within 30 days (**NOTE TO REGIONS: MAY NOT BE MORE THAN 30 DAYS**) of the date of the inspection.

Confidential Business Information

For the information submitted to EPA, you may be entitled to claim it as Confidential Business Information (CBI) pursuant to the regulations set forth in 40 C.F.R. Part 2. If EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2 Subpart B. Unless CBI is claimed, EPA may make the information available to the public without further notice to you.

Acknowledgement of Inspection

Signature of Facility Representative:

Title of Facility Representative:

Inspection Trends

Where are we inspecting?

- High Risk facilities
  - Refineries, terminals, and bulk oil storage
- Production operations on and offshore
- Animal Fat and Vegetable Oil (AFVO) facilities
- Alternative fuels facilities (Biodiesel)
- Facilities that have discharged oil into waters of the US

Common SPCC Plan Violations

- Inadequate cross reference
- Inadequate facility diagrams
  (facility and diagram don't match, missing piping and loading areas)
- Plans not addressing spill trajectory requirement
- Inadequate discharge notification form
  (quantity of discharged **to water** and media impacted)
- Missing 112.7(a) elements (the mini response plan)

Other Common SPCC Plan Violations (cont.)

- Inadequate contingency plan (40 CFR Part 109)
- Lack of contingency plan when required
- Notification section incomplete (or dated)
- Inadequate flowline maintenance program (production only)
- Generic/non-specific information
- Plan just repeats the rule requirements and not specific to implementation at the facility
- Missing information (leads to questions)
- Still seeing PE plans using the pre 2002 rule format
- No Plan!

Common Implementation Violations

- No secondary containment for the loading rack or loading area
- Inadequate or inappropriate pipe support
- Tank overfill protection not present, not functional or not inspected
- No inspection records
- No integrity testing program or schedule for implementation
- Improper application of visual only inspection regime

Common Implementation Violations

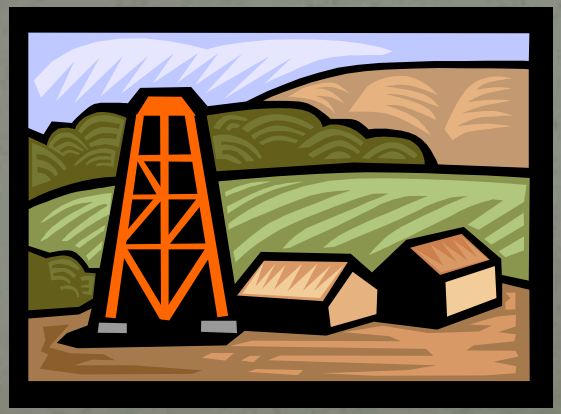
- Active containment methods cannot be implemented as described in Plan
- Double walled tank non-compliance issues including not inspecting interstice
- Actual drainage at the facility does not support the containment strategies in the Plan
- Post certification modifications, alterations or construction impacts implementation
- Containment and inspection of mobile portable container not implemented
- Using building for containment does not account for actual drainage conditions

Typical Violations

No SPCC Plan

Common Violation

- Commonly found at facilities that did not know that they were regulated
  - Small facilities
  - Farms
  - Construction sites
  - Smaller storage facilities



HEY…EPA that is not an oil in my equipment - AFVO transformer fluids or Biodiesel Emergency Generators

No PE Certification

Common Violation

- PE certifies that the facility's equipment, design, construction, and maintenance procedures used to implement the Plan are in accordance with good engineering practices.
- PE certification must be completed in accordance with law of the state in which the PE is working
- Generally certification includes:
  - Name
  - Registration number and State
  - Date of certification
  - PE seal affixed to Plan

No Records

Common Violation

- Owner/operator does not have records of inspections or tests
- Common to hear that they do inspections, but not write them down
- No Integrity testing records/program

Common Secondary Containment Violations:

Non-Production Facilities

No containment for oil storage tanks

Common Violation

No containment

Common Violation

Grossly inadequate containment

Common Violation

Don’t forget smaller containers

No general containment for non loading rack transfer areas

Common Violation


P6543

Failures in Secondary Containment

Failures in Secondary Containment

Containment Design

Lack of Containment and Tank Inspection/Integrity Program

Flaws in Using a Building as a Containment Structure

Lack of Containment and Maintenance of Shop Built AST

Lack of Containment for Bulk Containers…Including Drums

Maintenance of Containment

Addressing the General Containment Requirements for Transfer or Loading Areas

Common Violation

Proper maintenance and inspection of containment structures

Drainage of Dike
No Valve (used a rod)

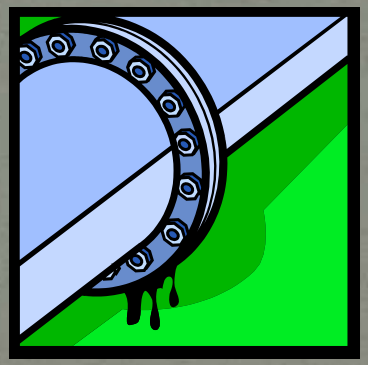
No sized containment for loading rack transfer areas

Common Violation

Addressing container in buildings and the require secondary containment

Failure Analysis

- Where experience indicates reasonable potential for equipment failure
  - Tank loading or unloading equipment
  - Tank overflow, rupture, or leakage
  - Any other equipment known to be a source of a discharge
- Predict for each type:
  - Direction
  - Rate of flow
  - Total quantity of oil which could be discharged



§112.7(b)

Integrity Testing Issues

- Facilities are still not putting together an integrity testing program required by 112.8(b)(6) or a schedule for implementation
- Issues on the Generation side
- Only have one #2 oil tank

Properly Addressing Mobile Refuelers Regulated Under the SPCC Program

Mobile Refuelers

Mobile Refuelers

Properly Addressing Mobile Refuelers Regulated Under the SPCC Program

Mobile Refuelers

- Mobile refueler being used as a stationary tank fails and was located upstream from a fish hatchery. The spill impacted the nursery

Mobile Refuelers

No or inoperative overfill device or no transfer procedure
No inspection of device

Common Violation

Buried piping installed after August 16, 2002 NOT Protectively wrapped and cathodically protected; or Satisfy the corrosion protection provisions for piping in 40 CFR parts 280 or 281 (state program)

Gen-Set Bulk Fuel tanks are not Properly Addressed in SPCC Plan and no Sized Containment or Integrity Program

Not addressing discharges (spill) from a bulk container and taking corrective action

Spill Clean up and Correcting the Problem that Caused the Spill

Oil Leaking from Tanks

Piping and Valve Issues

Maintenance and Housekeeping

Keys to SPCC Compliance

- Make sure SPCC Plan is compliant, up to date and implemented in the field
- Make sure you are familiar with your SPCC Plan prior to a spill or facility incident
- Make sure facility is implementing the SPCC Plan as drafted by the PE
- Documenting implementation by keeping records
- If violations are found during an inspection, follow up immediately!
- Use the closing conference to work with EPA to return you facility to compliance

Questions

- **Superfund, TRI, EPCRA, RMP & Oil Information Center**
- The Superfund, TRI, EPCRA, RMP & Oil Information Center (also referred to as "the Call Center") is a publicly accessible service that provides up-to-date information on several EPA programs.
- 800-424-9346 or TDD 800-553-7672
  703-412-9810 or TDD 703-412-3323 in the Washington, DC area
  Hours of Operation:
  Monday - Friday: 10:00 AM - 5:00 PM Eastern Time
  Closed Federal Holidays
- Mark Howard howard.markw@epa.gov
- Patty Gioffre gioffre.patricia@epa.gov

Questions for Mark?