

SPCC/APSA



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Question:

How many of you have a SPCC Plan?



Overview

- ▶ **SPCC Rule vs. APSA**
 - What & Who
 - Oil vs. Petroleum
 - Applicability
 - Exemptions
 - Requirements
- ▶ **SPCC Plan**
- ▶ **Implementation**



What Is It? Who Enforces it?



▶ SPCC Rule

- Spill Prevention Control and Countermeasure (SPCC) rule
- 40 CFR part 112
- Fed EPA



▶ APSA

- AB 1130 (Liard)
- Aboveground Petroleum Storage Act
- H&SC 25270
- CUPA

What Is Oil?

SPCC Rule



▶ Oil

- “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 degraded spoil and oily mixtures”

APSA



▶ Petroleum

- Crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit and 14.7 per square inch absolute pressure

What Is EPA Oil?

- Gasoline
- Diesel
- Lube oils
- Aviation gasoline
- Jet fuel
- Naptha
- Mineral oils
- Mineral spirits
- Oil mixed with wastes
- Oil refuse
- Denatured ethanol
- Synthetic oils

This also includes:
Non-petroleum oils,
animal fats, oils, greases
and vegetable oils (AFVO).



What Is APSA Oil?

- Gasoline
- Lube oils
- Aviation fuels
- Fuel oils
- Naptha
- Solvents
- Spirits
- Petroleum-based lube oils
- Petroleum distillates
- Automotive and other petroleum-based engine fuels
- Biodiesel mixed with any amount of petroleum

This **DOES NOT** include:
Non-petroleum oils, animal fats,
and vegetable oils.



Who Is Applicable?



SPCC Rule

- ▶ *Not* transportation related
- ▶ *Reasonable chance* of a **discharge** to waters of the U.S. or adjoining shorelines, and
- ▶ Oil capacity exceeds:
 - Aboveground 1,320 gallons
 - Underground 42,000 gallons



APSA

- ▶ Owner/operator of tank facility
 - An aggregate storage capacity of **1,320 gallons or more of petroleum, or**
 - An aggregate storage capacity of **less than 1,320 gallons of petroleum and one or more TIUGAs**

How Is Capacity Determined?

- ▶ Total on-site oil storage
 - Storage capacity is defined as the **shell or rated design capacity** of the container
 - Not operational capacity
 - In containers with mixtures, **total container capacity** is to be used, not oil percentage*

Under the SPCC Rule ONLY containers
≥55 gallon counted in total oil capacity



SPCC Rule Applicability

▶ Qualified Facility

- Total aboveground oil storage capacity of 10,000 gallons or less, and
- In the past 3 years has not had:
 - A single discharge of 1,000 gallons of oil OR
 - Two discharges of 42 gallons of oil within one year



SPCC Rule Applicability

▶ Qualified Facility

◦ Tier I

- The facility has no individual aboveground oil containers greater than 5,000 gallons
 - Complete and self certify Plan template in lieu of a full PE-certified Plan or other self-certified SPCC Plan
 - The Tier I template covers Appendix G to 40 CFR part 112 and is linked here: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/tier-i-qualified-facility-spcc-plan-template>



SPCC Rule Applicability

▶ Qualified Facility

◦ Tier II

- The facility has at least one individual aboveground oil container greater than 5,000 gallons
- Prepare a self-certified Plan in accordance with all applicable requirements of §112.7 and subparts B or C of the rule, in lieu of a PE-certified Plan.
- The Tier II template from Office of the State Fire Marshal (OSFM) is linked here:

https://osfm.fire.ca.gov/media/10516/calfire-osfm_tierii_spcc_plantemplate_09-2018-accessible.pdf



SPCC Rule Exemptions

- ▶ Water Resources Reform and Development Act (WRRDA) – *effective June 10, 2014*
 - A farm:
 - An aggregate aboveground storage capacity less than 2,500 gallons *or*
 - An aggregate aboveground storage capacity greater than 2,500 gallons and less than 6,000 gallons *and*
 - No reportable discharge history

Definition of Farm:

“A facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year”



APSA SPCC Plan Exemptions

- ▶ Facilities conditionally exempt:
 - Farm (non-WRRDA)
 - Nursery
 - Logging site
 - Construction site
- ▶ Conditions:
 - Storage tank(s) does not exceed 20,000-gallons
 - Cumulative storage capacity does not exceed 100,000 gallons



APSA SPCC Plan Exemptions

- ▶ To maintain conditional exemption:
 - Conduct daily visual inspections
 - Allow CUPA to conduct periodic inspections
 - Install secondary containment if the CUPA determines to be necessary



APSA SPCC Plan Exemptions

- ▶ SB 612 - *effective June 1, 2016*
 - Water Resources Reform and Development Act (WRRDA)
 - A farm:
 - An aggregate aboveground storage capacity less than 2,500 gallons *or*
 - An aggregate aboveground storage capacity greater than 2,500 gallons and less than 6,000* gallons *and*
 - No reportable discharge history

*This threshold may be adjusted by EPA, following a study to determine the appropriate exemption.



SENATE BILL 612

- ▶ SB 612 - *effective June 1, 2016*
 - Water Resources Reform and Development Act (WRRDA)
 - Self-certified SPCC Plan if the farm has:
 - An aggregate aboveground storage capacity greater than 6,000* gallons but less than 20,000 gallons;
 - No individual tank with a capacity greater than 10,000 gallons; and
 - No reportable discharge history.
 - Engineer-certified SPCC Plan if farm has:
 - Aggregate facility capacity exceeding 100,000 gallons



*This threshold may be adjusted by EPA, following a study to determine the appropriate exemption.

APSA SPCC Plan Exemptions

- ▶ Facilities conditionally exempt:
 - Farm
- ▶ Conditions:
 - Storage tank(s) does not exceed 20,000–gallons
 - Cumulative storage capacity does not exceed 100,000 gallons
- ▶ To maintain conditional exemption:
 - Conduct daily visual inspections
 - Allow CUPA to conduct periodic inspections
 - Install secondary containment if the CUPA determines to be necessary



How Is WRRDA Capacity Determined?

- ▶ Calculate your *aggregate aboveground oil storage capacity*.
 - **DO NOT** count:
 - Separate parcels containers of 1,000 gallons capacity or less;
 - Heating oil containers solely used at a single-family residence;
 - Pesticide application equipment or related mix containers;
 - Milk and milk product containers and associated piping and appurtenance;
 - Completely buried oil tanks and associated piping and equipment;
 - Containers holding animal feed ingredients



SPCC Rule Requirements

- ▶ Requires facilities to develop and implement a SPCC Plan:
 - Procedures to diminish the potential for oil to **Spill**
 - **Prevent** oil discharges through containment
 - **Control** measures to keep oil discharges from impacting shorelines and waters of the U.S.
 - **Countermeasures** to contain, clean-up, and mitigate any discharge (spill response measures)



SPCC Rule Requirements

▶ SPCC Plan

- Applies to designated oil storage facilities that have the potential to discharge oil to navigable water of the United States and adjoining shorelines.
- A facility-specific document focused on oil pollution from facilities in order to protect the integrity of waterways.



SPCC Rule Requirements

- ▶ You'll need to include the following information in your SPCC Plan:
 - ***Oil containers*** at the facility including the **contents, capacity, and location** of each container;
 - ***Procedures*** that you will use to prevent oil spills;
 - ***Measures*** you installed to prevent oil from reaching water;
 - ***Measures*** you will use to contain and cleanup an oil spill; and
 - **Emergency contacts and first responders.**



SPCC Rule Requirements

- ▶ You'll need to include the following information in your SPCC Plan:
 - Use **containers suitable for the oil stored**;
 - Identify **contractors or other local personnel** who can help you clean up an oil spill;
 - Provide **overflow prevention** for your oil storage containers;
 - Provide **effective, sized secondary containment** for bulk storage containers;
 - Provide effective, **general secondary containment**; and
 - **Periodically inspect and test** pipes and containers. pipes when they are installed or repaired.
 - Keep a written record of your inspections.



SPCC Rule Requirements

▶ Oil spill/release

- National Response Center (NRC)
- “Sheen Rule”
 - Discharges a harmful quantity of oil to U.S. navigable waters, quantity of oil to U.S. navigable waters, adjoining shorelines, or the contiguous zone adjoining shorelines, or the contiguous zone
 - Harmful quantity of discharged oil
 - Violates state water quality standards
 - Causes a film or sheen on the water’s surface
 - Leaves sludge or emulsion beneath the surface.
 - Not based on amount of oil discharged, but instead on the presence of a sheen, sludge, or emulsion



SPCC Rule Requirements

▶ Oil spill/release

- Report to the EPA Regional Administrator (RA) when there is a discharge of:
 - More than 1,000 U.S. gallons of oil in a single discharge to navigable waters or adjoining shorelines
 - More than 42 U.S. gallons of oil in each of two discharges to navigable waters or adjoining shorelines within a 12-month period
 - An owner/operator must report the discharge(s) to the EPA Regional Administrator within 60 days



SPCC Rule Requirements

- ▶ **Prepare an SPCC Plan**
 - 40 CFR 112
- ▶ **Implement SPCC Plan**
 - Conduct periodic inspections including integrity inspections
 - Report spills
- ▶ **Update SPCC Plan**



ASPA Requirements

- ▶ H&SC 25270
- ▶ CUPA inspections
 - 10,000 gallons or more of petroleum
 - Once every 3 years
- ▶ Review of SPCC Plan
 - *All* tank facilities with aggregate petroleum capacity of 1,320 gallons or more



ASPA Requirements

- ▶ Owner/operator
 - File a tank facility statement with the CUPA (H&SC 25270.6(a))
 - Annually, on or before January 1st
 - A complete business plan MAY satisfy this requirement
 - Pay a fee to the CUPA (H&SC 25270.6(b))



ASPA Requirements

- ▶ Oil spill/release
 - SPCC Rule Requirements
 - Petroleum spill/release
 - *ANY* amount of a significant release/threatened release of a hazardous material
 - Local and State Agencies
 - California Governor's Office of Emergency Services (Cal OES)
 - CUPA
 - California Regional Water Quality Control Board (Regional Board)
 - Fire department



ASPA Requirements

- ▶ Prepare a SPCC Plan
- ▶ **File a tank facility statement/annual certification of the business plan**
- ▶ **Submit required annual fee**
- ▶ Implement SPCC Plan
- ▶ Update SPCC Plan
- ▶ **Comply with other APSA requirements**
 - H&SC 25270



SPCC Plan

- ▶ Need one? Get one!
 - Be site specific
 - Cover the regulations (California & Federal)
- ▶ Have one? Implement it!
 - Documentation
 - Amendments & 5-year review
 - Training
 - Inspections



Do You Have A SPCC Plan?

- ▶ Keep it site specific
 - Oil types
 - Oil storage locations
 - Use maximum inventory



Do You Have A SPCC Plan?

- ▶ Cover the applicable regulations
 - State (California)
 - Health and Safety Code, Division 20, Chapter 6.67
 - Federal
 - Code of Federal Regulations, Title 40, Part 112



Is Your Plan Being Implemented?

▶ SPCC Plan Amendments

- Required within 6 months of a change:
 - **Administrative** – personnel name change, response company changed
 - **Technical** – improved spill and discharge prevention measures, change in discharge potential, changed tanks, removed tanks, added tanks, equipment install, etc.
- 5–Year Review

*“The only thing that is constant is change”
– Greek Philosopher*



Is Your Plan Being Implemented?

▶ Training Forms

- Annual Review Discharge Prevention Briefings
- Training provided to personnel working around or with oil



Is Your Plan Being Implemented?

- ▶ Inspection Forms

- SPCC Template, Engineer, Industry Standards

- ▶ Industry Standards

- At least monthly inspections
- Keep with SPCC Plan for 36 Months



Q&A:

Q: Does any percentage of petroleum oil content in a mixture (no matter how small) bring the mixture into APSA regulation as 'petroleum'?

A: Yes



Q&A:

Q: What is a storage tank (APSA)?

A: An “aboveground tank” or “storage tank” means a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground.



Q&A:

Q: What is storage capacity (APSA)?

A: Storage capacity is the shell or design capacity of the aboveground tank.



Q&A:

Q: How often must the owner or operator of an applicable tank Facility (APSA) perform visual inspections of their ASTs?

A: The owner or operator of an applicable tank facility that is required to perform periodic inspections of storage tanks containing petroleum.

The owner or operator of an exempt tank facility is required to conduct a daily visual inspection of any storage tank storing petroleum.



Q&A:

Q: If an AST is “empty”, is the AST still required to be included in the SPCC Plan?

A: Yes, unless they are closed in a specific manner.



Q&A:

Q: Can a facility use an SPCC Plan template?

A: Yes, as long as the Plan contains the required 40 CFR 112 elements, is facility – specific and is prepared in accordance with good engineering practice, any format or template may be used.



Q&A:

Q: Who reviews the SPCC Plan and how often is the SPCC Plan reviewed?

A: The owner or operator is required to review the SPCC Plan at least once every 5 years. Reviews must be documented.



Q&A:

Q: What is the federal SPCC rule definition of “permanently closed”?

A: “Permanently closed”, as defined in 40 CFR 112.2, refers to containers 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.



Q&A:

Q: When must an SPCC Plan be amended by the facility operator?

A: The owner or operator is required to amend the Plan within 6 months following a facility change that materially affects the facility's potential for discharge.

Technical amendments may need to be certified by a licensed Professional Engineer (CFR 40 112.3(a)).



Thanks for your attention!

