



## Legislative & Regulatory Action Center

# REGULATORY ALERT

May 16, 2007 5:30PM

---

### EPA FINALIZES NEW SPCC COMPLIANCE DEADLINE

---

**THE ISSUE:** The U.S. Environmental Protection Agency (EPA) has finalized its fifth extension to the deadline for implementation of revised plans in accordance with the July 2002 revisions to the Spill Prevention, Control and Countermeasure (SPCC) regulations. NEFI supported the proposed extension earlier in the year in written comments to the EPA. No further extensions are expected.

The EPA felt that the extension was necessary in order to give the industry adequate time to fully understand and comply with the new requirements, especially considering the modifications made in December of 2006 allowing for regulatory relief for small bulk facilities, mobile refueling vehicles and motive power containers. Additionally, the EPA is planning additional modifications to the rule later in 2007, but these changes are not expected to have any impact on petroleum marketing storage facilities.

**NEW COMPLIANCE DATE:** The final rule extends the SPCC deadline **from** October 1, 2007 **to July 1, 2009** and gives bulk plant owners and operators approximately 22 more months to come into compliance.

**COMPLIANCE:** A professional engineer must prepare SPCC plan revisions after conducting an on-site inspection of bulk plant facilities.

#### **SELF CERTIFICATION FOR "QUALIFIED" SMALL STORAGE FACILITIES**

Owners and operators of "qualified" small bulk storage facilities may prepare and certify SPCC plans without the involvement of a professional engineer, provided:

1. The facility has 10,000 U.S. gallons or less in aggregate aboveground storage capacity, *and*
2. The facility has not had: (a) a single discharge of oil into navigable waters exceeding 1,000 U.S. gallons; *OR* (b) two discharges of oil into navigable waters each exceeding 42 U.S. gallons within any twelve month period; for the three years prior to the SPCC plan certification date.

**Note:** If the facility did have a qualified discharge, an SPCC plan will be required

**A NOTE REGARDING PARKED TRUCKS:** Unregistered/out-of-transit tanker trucks used to store fuel will count towards the aggregate above ground storage trigger for SPCC compliance, which is 1,650 U.S. gallons. The storage capacity of one such tanker truck alone is often enough to require compliance with SPCC regulations. However, most petroleum marketers that fall into this category are eligible for self certification (see the entry immediately above).

**BOTTOM LINE:** Petroleum marketers should begin compliance efforts ASAP, if they have not already done so. Contract with a certified professional engineer who has expertise in SPCC plans **now** while they are still available. Apply for all the necessary construction permits with state and local agencies well in advance of July 1, 2009. Line up construction companies (if necessary) to implement plan revisions once the SPCC plan is complete. Plan early to avoid the inevitable rush as the deadline approaches.

#### **The New England Fuel Institute Legislative & Regulatory Action Center**

20 Summer Street, Watertown, MA 02472  
Tel: (617) 924-1000 Fax: (617) 924-1022  
Email: [jimcollura@nefi.com](mailto:jimcollura@nefi.com)  
Web: [www.nefi.com](http://www.nefi.com)

*Contact NEFI for a list of  
qualified member engineering  
companies and consultants!*

###