

Spill, Prevention, Control, and Countermeasure Plans

The federal Clean Water Act requires facilities that store any kind of oil in certain volumes to prepare and implement Spill Prevention, Control and Countermeasure (SPCC) Plans to prevent the discharge of oil from a facility into navigable waters or adjoining shorelines. SPCC Plans require that your facility have adequate containment, such as berms and dikes around oil tanks to protect the soil and water in the event of a spill [40 CFR 112.1].

A SPCC Plan is a federal requirement, administered by the U.S. Environmental Protection Agency (EPA).

Does Your Marina Require a SPCC Plan?

Your facility needs to develop a SPCC plan if it does any of the following:

- Stores oil above ground in any size tank(s) with a total aggregate volume over 1,320 gallons (containers of less than 55 gallons and/or permanently closed storage tanks are exempt from the total); **or**
- Stores oil below ground in any size tank(s) with at total aggregate volume of 42,000 gallons (except for tanks that are compliant with the state requirement for USTs, see page 51)

AND

- Could reasonably be expected to discharge oil to a “navigable water of the United States” or “adjoining shorelines” considering a possible worst-case scenario. (This criterion applies to just about every marina in the state, since a facility cannot take into consideration any man-made impediments to the flow of oil.)

NOTE: “Oil” is defined in Section 311(a)(1) of the Clean Water Act as “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 dredged spoil.” EPA interprets this definition to include crude oil, petroleum and petroleum-refined products, as well as non-petroleum oils such as vegetable and animal oils.

NOTE: “Navigable waters” are broadly defined under the Clean Water Act and the Oil Pollution Act to include all waters that are used in interstate or foreign commerce, all interstate waters including wetlands, and all intrastate waters including wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. Essentially, the term navigable waters refers to any natural surface water in the United States.

- A determination that an SPCC Plan is not necessary for a facility must be made by a registered Professional Engineer, not facility management.

What is an SPCC Plan?

An SPCC Plan outlines a facility's oil containment systems and procedures to prevent an oil spill. It also outlines oil spill response and clean up protocols. Each SPCC Plan is site specific, but must address the following:

- Operating procedures that prevent oil spills;
- Control measures installed to prevent a spill from reaching the environment; and
- Countermeasures to contain, clean up, and mitigate the effects of an oil spill that reaches the environment.

Who Writes an SPCC Plan?

The facility can prepare the plan, but the plan must be certified by a Registered Professional Engineer.

Is There a Particular Form or Format for the SPCC Plan?

EPA does not expect any two plans to look alike. However, at a minimum, all plans must include:

- Facility layout and drainage patterns
- List of all oil storage tanks and areas
- Quantities of oil that could be released, with predicted path of flow and flow rate
- Procedures for receiving oil from supplier, transfer of oil within the facility, end point uses of the oil, waste oil disposal
- Effects of a spill at the facility, fire hazards, employee evacuation, customer/neighbor considerations, press relations
- Capacity of required secondary containment devices. If it is not practicable to install secondary containment (i.e., a fuel dock), the owner/operator must explain why and provide a strong spill contingency plan, describing commitment to manpower, equipment, and materials to control and remove any harmful quantity of oil discharged.
- Clean-up procedures, use of in-house staff versus contractors
- Notification list. Name(s) and phone numbers of in-house management, remote management, fire and police, municipal, state and federal agencies requiring notification
- Facility security for prevention of internal sabotage, external vandalism
- Employee training for spill prevention, oil handling, and spill clean-up. Only oil handling personnel must be trained in operation and maintenance of equipment to prevent oil discharge. Discharge prevention briefings for oil handling personnel must occur at least once a year.
- OSHA considerations

Where Should the SPCC Plan be Located?

REQUIRED: A copy of the SPCC plan must be maintained at any facility manned at least 4 hours per day. For remote locations, the SPCC plan should be filed at the nearest field office. A copy does not have to be filed with EPA or any other agency, unless it is a condition of a permit or license held by the facility. However, the SPCC plan must be available during normal business hours for review by an EPA inspector. EPA requires that facilities submit a copy of the SPCC

plan to EPA Region 1 if a single spill of greater than 1,000 gallons occurs, **or** if two discharges of 42 gallons or more occurs within one year.

All employees must be made aware of the SPCC plan

HIGHLY RECOMMENDED: Copies should be made for posting in plain view at oil storage locations.

Does an SPCC Plan Need to be Reviewed and/or Updated?

- The plan has to be reviewed at least once every five years. You must keep records of these reviews. An example of such documentation is “I have completed review and evaluation of the SPCC plan for (name of facility) on (date), and will/will not amend the plan as a result (signature).”
- The plan must be amended when there are changes in facility design, construction, operation or maintenance which materially affect the facility’s potential for the discharge of oil; or there are two or more spills in 12 months, or one spill of 1,000 gallons.
- Only technical changes to the SPCC plan must be certified by a Registered Professional Engineer. Non-technical amendments include personnel or contact information changes.

Who Cares if My Facility Does Not Have a Plan?

- Company management. Having measures in place to prevent spills is cost effective, since spill cleanup can be costly. However, when a plan is in place, spill cleanup can be more efficient, more effective and less costly than if there is no course of action.
- The U.S. EPA. The penalty of failure to have a SPCC Plan can be up to \$27,500 per day of violation, up to a maximum of \$137,500, if an administrative action is filed. The EPA performs random, unannounced inspections of facilities suspected of needing a SPCC Plan.

If There Is a Spill, What Could You be Held Responsible for?

- Removing the material from public property. Cleaning of highways, waterways, storm drains, bridge abutments, etc.
- Removing the material from private property, such as boat hulls and parking lots.
- Paying for natural resources damages (lost parking receipts at public beaches; lost revenues from fishing licenses; replacing killed fish, shellfish and waterfowl).
- Paying for lost livelihood wages of fisherman and shell fisherman, devaluation of property for sale. Private suits.
- Civil penalty for spilling into a water of the U.S.
- Criminal penalty if you fail to notify the federal authorities. State agencies and contractors have no responsibility to notify for you.

For questions about the federal SPCC program, call Donald Grant, Oil Spill-SPCC Enforcement Coordinator for EPA-Region One at (617) 918-1768.