



## Spill Prevention, Control, and Countermeasure (SPCC) Rule Amendment

### ***Option for Qualified Oil-Filled Operational Equipment***

In December 2006, EPA amended the SPCC rule to streamline some of the requirements for facilities with smaller oil storage capacity and specific types of equipment, including the requirements for secondary containment for oil-filled operational equipment. Secondary containment for oil-filled operational equipment may sometimes be impracticable because of design and safety considerations and site configuration. The revised rule provides an alternative to the general secondary containment requirements for qualified oil-filled operational equipment.

#### **What is oil-filled operational equipment?**

Oil-filled operational equipment is equipment that includes an oil storage container (or multiple containers and associated piping intrinsic to the operation of the equipment) in which the oil is present solely to support the function of the apparatus or the device. It is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process).

Some examples include, but are not limited to: hydraulic systems, lubricating systems (e.g., those for pumps, compressors, and other rotating equipment including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

#### **Are Generator Sets considered oil-filled operational equipment?**

No. Generator Sets (Gen Sets) are a combination of oil-filled operational equipment and a bulk storage container. Lubrication systems on Gen Sets may be oil-filled operational equipment, but bulk storage tanks providing fuel for the generator typically are not oil-filled operational equipment.

#### **What are the amended requirements for oil-filled operational equipment?**

Instead of providing secondary containment for qualified oil-filled operational equipment, an owner or operator may prepare an oil spill contingency plan and a written commitment of manpower, equipment, and materials to quickly control and remove discharged oil. He/she must also have an

inspection or monitoring program for the equipment to detect a failure and/or discharge. An individual impracticability determination for this equipment is not required.

#### **Am I required to use this option?**

No. This is an alternative way to comply with the SPCC requirements. An owner or operator can choose to comply with the general requirements to provide secondary containment for each piece of oil-filled operational equipment.

#### **What is the qualifying criterion?**

Equipment is eligible if the facility did not discharge from any oil-filled operational equipment (1) more than 1,000 U.S. gallons of oil in a single discharge to navigable waters, or (2) discharge more than 42 U.S. gallons of oil in each of two discharges to navigable waters, within any twelve-month period, in the three years prior to the SPCC Plan certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years. When determining the applicability of this criterion, the gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount of oil spilled.

Oil discharges that result from natural disasters, acts of war, or terrorism are not included in the eligibility determination.

#### **Do I automatically lose eligibility if the equipment has an oil discharge?**

No. Facilities that choose this alternative and later have a reportable oil discharge from qualified oil-filled operational equipment do not automatically lose eligibility. However, the spill reporting requirements would apply as well as the reporting

requirements in the SPCC rule. After receiving a report of an oil discharge, the EPA Regional Administrator may determine whether the facility must amend its SPCC Plan and have it certified by a Professional Engineer (PE). Facilities that are required to amend their SPCC Plan may lose their eligibility for this alternative, unless they can demonstrate that secondary containment is impracticable.

For more information on spill reporting, see the "Oil Discharge Reporting Requirements" Fact Sheet or refer to the SPCC rule and the Discharge of Oil regulation, 40 CFR part 110.

### **What is an oil spill contingency plan?**

An oil spill contingency plan is a detailed oil spill response and removal plan that addresses controlling, containing, and recovering an oil discharge in quantities that may be harmful to navigable waters or adjoining shorelines.

The elements of the oil spill contingency plan are outlined in 40 CFR 109.5, and include:

- Definition of the authorities, responsibilities, and duties of all entities involved in oil removal operations;
- Procedures for early detection and timely notification of an oil discharge;
- Assurance that full resource capability is known and can be committed following a discharge;
- Actions for after discovery and notification of a discharge;
- Procedures to facilitate recovery of damages and enforcement measures.

A contingency plan may be a stand-alone plan or included in an SPCC Plan.

### **What is included in the written commitment of resources?**

A written commitment of resources ensures that facilities are able to implement the oil spill contingency plan once a discharge has been detected. An owner/operator must provide a written commitment of manpower, equipment, and materials to quickly control and remove any quantity of oil discharged that may be harmful. The elements of the written commitment are also included in 40 CFR 109.5, and ensure that facilities are able to implement the contingency plan once a discharge has been detected.

### **What is required in an inspection or monitoring program?**

## **SPCC Rule Amendment Fact Sheet**

An owner or operator must be able to detect a discharge for a contingency plan to be effective. Owners/operators who use this alternative are required to develop an appropriate set of procedures for inspections or a monitoring program for qualified oil-filled operational equipment. A written description of the inspection or monitoring program must be included in the SPCC Plan. A record of inspections and tests, signed by the appropriate supervisor or inspector, must be kept with the SPCC Plan for three years.

### **Do these changes apply to oil-filled manufacturing equipment?**

No. The amendment does not change any requirements for oil-filled manufacturing equipment. Oil-filled manufacturing equipment remains subject to the SPCC requirements (including those for containment), but an owner/operator may determine that secondary containment is impracticable and comply with the alternative measures in section 112.7(d).

### **Can qualified facilities also use the alternative requirements for qualified oil-filled operational equipment?**

Yes. Facilities that meet the criteria for qualified facilities and qualified oil-filled operational equipment may benefit from both of the alternative approaches. Since an impracticability determination is not necessary for qualified oil-filled operational equipment, the owner/operator can self-certify the SPCC Plan and is not required to have a PE develop the alternative measures to secondary containment for qualified oil-filled operational equipment.

## **For More Information**

**Read the SPCC rule amendment**  
[www.epa.gov/oilspill](http://www.epa.gov/oilspill)

**Review the Oil Pollution Prevention regulation (40 CFR part 112)**  
<http://www.gpoaccess.gov/cfr/>

**Visit the EPA Office of Emergency Management Web site**  
[www.epa.gov/emergencies](http://www.epa.gov/emergencies)

**Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center**  
(800) 424-9346 or (703) 412-9810  
TDD (800) 553-7672 or (703) 412-3323  
[www.epa.gov/superfund/resources/infocenter](http://www.epa.gov/superfund/resources/infocenter)

### **To Report an Oil or Chemical Spill**

**Call the National Response Center**  
(800) 424-8802 or (202) 267-2675  
TDD (202) 267-4477