

Spill Prevention, Control, and Countermeasure (SPCC) Rules Federal Versus NH: an overview for ski resorts

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Office of Environmental Stewardship
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Agenda

- **Who does SPCC apply to?**
- **What is covered as an “oil”?**
- **Differences between EPA and NH SPCC**
- **Where to get federal rule guidance**
- **Q & A session**



SPCC applies to facilities that:

- **1. Store “oil” in quantities that exceed 1,320 gal.**
 - Not just large and small tank farms, but
 - Paper mills, electrical utilities, schools, hospitals,
 - Bakeries (animal fats/vegetable oil industry), mills,
 - Airports, marinas, AND MAYBE YOU.
- **2. Where spill could reach a “water of the US.”**
 - Can not count man-made barriers (berms, etc.)
 - Goes by geographic location: distance & slope
 - Just ask yourself: Where does the rain run off to? So will the oil. Especially spills during a rainstorm.



Recent Enforcement Actions

- Mountain resort in VT had a spill from groomer refueling AST. Polluted local stream AND the resort's own drinking water for its condos.
- Four NH ski areas inspected in Sept 2005. None were in complete compliance.
- VT ski area inspected Feb 2007. Not in compliance. (CWA, EPCRA, RCRA)
- So far all those inspected leased land from the NFS. EPA starting with largest areas, and working our way down.



Fed revised rule compliance date:

- **Maintain pre-2002 rule Plans if you want, until:**
 - November 10, 2010 compliance date.
- **No Plan Now? Develop post-2002 rule Plan ASAP**
 - Proceed at your own risk of penalties.

(After 11-10-2010, new facilities must have a Plan on first day of operation.)



Fed SPCC Revisions Overview

- **Offer streamlined optional requirements thru:**
 - Qualified facilities (under 10,000 gal. w/ no spills)
 - Impracticability claims
 - Environmentally equivalent (EE) measures
- **Exempt motive power tanks, pesticide mix tanks.**
- **Reiterate regs for animal fats and vegetable oils.**
- **Provide a separate, indefinite compliance date extension for “farms.”**
- **Exempt private residences.**



Fed rule compared to NH Rule

"OiA"	Tanks	AST v UST	"Used" Oil
FEDERAL All heating oils All motor fuels All animal, vegetable, & mineral	AST storage > 1,320 gallons. Count containers 55-gallons and larger. UST storage > 42,000	AST: If any of tank is above surface, or tank in a "mound". All completely buried. UST Program: If more than 10% is below ground.	Any oil.
NH Not asphalt Not oil in transformers Not in hydraulic systems; elevators. "Bio-fuel" mixtures included.	Only for ASTs. USTs regulated separately, not part of SPCC	AST: "Not an UST, under Env-Wm 1401" UST if 10% or more of tank or piping is below ground.	Not animal fats or vegetable oils.



Fed rule compared to NH, cont.

■ Plan certification

- FED: PE registered in any state.
- NH: Must be a PE registered in NH.

■ Plan collection

- FED: Do not send in. Keep immediately available.
- NH: Send 'em to DES, PO Box 95, Concord.



Qualified Oil-Filled Operational Equipment

- An optional choice for equipment at all facilities:

If...	And...	Then...
the facility has oil-filled operational equipment;	the facility has not had a discharge from any oil-filled operational equipment in the ten years prior to the SPCC Plan certification date or since becoming subject to the SPCC requirements if the facility has been in operation for less than ten years;	instead of secondary containment, the facility may prepare an: - inspection and monitoring program to detect equipment failure and/or an oil discharge; and - oil spill contingency plan and a written commitment of manpower, equipment and materials. No impracticability determination needed.

Note: Oil filled operational equipment includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the devices. Oil-filled operational equipment is not considered a bulk storage container, and does not include manufacturing equipment (flow-through process).



Ski Area “Mobile Refuelers”

- **Vehicles with onboard bulk storage containers**
 - Transport fuel for transfer into up-slope equipment: groomers, snow gun air compressors, water pumps.
- **Subject to bulk storage requirements:**
 - No specifically sized secondary containment needed.
- **Fuel spills at ski areas:**
 - Especially during transfers; occasionally while stored.
- **Industry issues:**
 - Unique circumstances: Ever use spill kits on snow?
 - Security issues with public all over the facility.



Mobile Refuelers (*cont'd*)

- Exempt only from the specifically sized secondary containment requirements:
 - Refueler and transfers remain subject to general secondary containment requirements:
 - ◆ Passive or active containment measures:
 - Passive: Park and transfer only in areas designed with containment.
 - Active: Use spill kit or deploy heavy equipment *after* the spill.



“Motive Power” is exempt.

- **Onboard bulk storage containers holding fuel solely to power the movement of a motor vehicle; and/or**
 - Lubricating oil for the engine.
 - For example: groomers, intra-facility trucks, construction equipment.
- **Not exempt:**
 - Transfers to or from these containers at a “loading area”.
 - System(s) mounted on a vehicle for any purpose other than powering the vehicle itself, for example, a hydraulic reservoir for digging, grading, or other purpose.



Animal Fats and Vegetable Oils (AFVO)

- **Inserted in 2002 Rule to re-affirm that EPA always intended SPCC to regulate *all* oils.**
 - Notice and comment period provided.
- **AFVO not based on toxic characteristics of oil:**
 - Aquatic birds/mammals no longer float. Drown.
 - Lose insulation of feathers/fur. Die from hypothermia.
 - Can not fly/swim to escape predators. Killed.
- **AFVOs found at resort restaurants.**
 - Remember to inventory both new and waste oils.



Definition of “facility”

- A facility does not need to be contiguous as under RCRA
- Contiguous property can be parsed out into different “facilities,” each meeting the SPCC test, or not.
 - May want to distinguish different corporations ownership of condos, inns, golf courses, fun parks, from ski area itself.
 - Land rented to tenants for farming, logging, etc.
 - Distinguish by each area’s predominant means of income as a separate company. Use SIC code.



SPCC Guidance Manual

- Available at, www.epa.gov/emergencies/SPCC
- “SPCC Guidance Manual for Regional Inspectors”
 - Contains:
 - ◆ The regulations themselves.
 - ◆ The explanation of why and how regulated.
 - ◆ Model Plans.
 - Proposed Compliance Date Extension
 - ◆ Several extensions so far, stay tuned.

When in doubt, look it up.



Contacts

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Oil Program Webpage
www.epa.gov/emergencies/SPCC

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