



# **Spill Prevention, Control, and Countermeasure (SPCC) and Facility Response Plan (FRP) Regulations**

Mark Wejrowski  
SPCC/FRP Inspector  
U.S. EPA, Region III  
Oil & Prevention Enforcement Section



## Oil Regulations – CWA § 311

- 40 C.F.R. Part 110 – Discharge of Oil (sheen rule)
  - Prohibition of oil discharge
  - Reporting requirements
  - Establishes harmful quantity
- 40 C.F.R Part 112 - Oil Pollution Prevention Regulation
  - Specifies requirements for the prevention of, preparedness for, and response to oil discharges
    - Spill Prevention, Control, and Countermeasure (SPCC)
  - Includes requirements for Facility Response Plans (FRPs)





## SPCC Rule Applicability

- The SPCC rule applies to a facility that meets the following criteria:
  - Drills, produces, gathers, stores, processes, refines, transfers, distributes, uses or consumes oil
  - Is non-transportation related
  - Can reasonably be expected to discharge oil in quantities that may be harmful into navigable waters or adjoining shorelines
  - Meets capacity thresholds
    - Aboveground storage > 1,320 gallons; or
    - Completely buried storage > 42,000 gallons

<b>Petroleum Based Oils</b>	<b>Non Petroleum Oils</b>	<b>Oil Containing Products</b>
Gasoline	Animal-based	Oil-based paints
Diesel Fuel	Vegetable	Oil-based thinners
Motor (used / new)	Biofuels	Oil-based inks
Heating	Seed	Petroleum-based parts
Jet / Aviation fuels	Nut	Roofing tar
Hydraulic fluid	Fruit & Kernel	U.S. Environmental Protection Agency



## SPCC Requirement Overview

- Prepare and implement an SPCC Plan
- Professional Engineer Certification
- Personnel Training
- Tank Inspection and Testing
- Recordkeeping
- Secondary Containment
- Security Requirements

U.S. Environmental Protection Agency





## Oil Pollution Act (OPA) of 1990

- Established following the 1989 Exxon Valdez oil spill
- Created a fund for federal oil spill cleanups (Oil Spill Liability Trust Fund)
- Required EPA and USCG to develop Area Contingency Plans
- Set new response requirements for certain facilities



<https://www.lieffcabraser.com/environment/exxon-valdez/>



## Facility Response Plans

- Facilities that could reasonably be expected to cause "substantial harm" to the environment by discharging oil into or on navigable waters are required to prepare and submit Facility Response Plans (FRPs).



## Facility Response Plan (FRP) Applicability

- A non-transportation related onshore facility is required to prepare and implement an FRP as outlined in 40 C.F.R. 112.20 if:
  - The facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 U.S. gallons, OR
  - The facility has a total oil storage capacity of at least 1 million U.S. gallons, AND at least one of the following is true:
    - The facility does not have secondary containment sufficiently large to contain the capacity of the largest aboveground tank plus sufficient freeboard for precipitation.
    - The facility is located at a distance such that a discharge could cause injury to fish and wildlife and sensitive environments.
    - The facility is located such that a discharge would shut down a public drinking water intake.
    - The facility has had a reportable discharge greater than or equal to 10,000 U.S. gallons in the past 5 years.



## FRP Key Elements

- Identify a qualified individual to implement removal actions and require immediate communication between that person and the appropriate federal authorities and responders;
- Identify and ensure availability of resources to remove a worst-case discharge;
- Describe and implement training, testing, unannounced drills, and response actions at the facility;
- Be updated periodically and submitted to EPA.



FRP  
Plan

9



## Field Inspection

- Main Areas:
  - Storage Containers & Foundations
  - Oil-Filled Equipment
  - Piping
  - Secondary Containment
  - Loading/Unloading Racks
  - Dike Drainage
  - Security





## Documentation

- SPCC Plan
- Integrity testing records
- Personnel training records
- Visual inspection records
- Dike drainage records



- FRP
- Equipment inspection
- OSRO contract(s) (*if applicable*)
- Drill/Exercise records



U.S. Environmental Protection Agency



U.S. Environmental Protection Agency





## Government Initiated Unannounced Exercise (GIUE)

- Demonstrate a facility's ability to respond to a small discharge (2,100 gallons to water)
  - Notifications
    - EPA/USCG (National Response Center)
    - State
  - Containment
    - Equipment available within one hour
  - Recovery
    - Equipment available within two hours





## Coordination with States and USCG

- State counterparts notified of each inspection and invited to attend
- Provide support to USCG-led GIUEs
- Available for inspection/planning support



## Oil Program Contacts

Mark Wejrowski  
SPCC/FRP Inspector  
wejrowski.mark@epa.gov  
(215) 814-3241

Rachel Simkins  
SPCC/FRP Inspector  
simkins.rachel@epa.gov  
(215) 814-3277

Arlín Galarza-Hernández  
SPCC/FRP Coordinator (Acting Section Chief)  
galarza-hernandez.arlin@epa.gov  
(215) 814-3223

<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>