

Electric Service Requirements Manual White Paper for **INTERNAL** and **EXTERNAL** use

Subject: Spill Prevention, Control, and Countermeasures

Federal regulation (SPCC Rule) 40 CFR §112 states that the “owner and operator” are responsible for developing and certifying a spill prevention, control, and countermeasure (SPCC) plan for facilities that meet the criteria. Because the Power Company is considered the owner and operator of the equipment, and the customer considered the owner of the property, both the customer and the Power Company are responsible for preparing and maintaining separate SPCC plans. If a facility is suspected of meeting the criteria of 40 CFR, §112, the Power Company’s Environmental Services Department should be contacted and included in the initial design discussions.

Background

An SPCC plan is a written document that describes the measures one has taken, and will take, to prevent, contain and clean up oil spills. SPCC plans are required by Rule 40 CFR §112, which is implemented by the U.S. Environmental Protection Agency (<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>). A licensed professional engineer must review and certify an SPCC plan for it to satisfy the requirements of 40 CFR § 112.

Before a facility is subject to the SPCC Rule, it must meet three criteria:

- 1) The facility is non-transportation-related
- 2) The aggregate volume for aboveground storage capacity is greater than 1,320 gallons, or a completely buried storage capacity is greater than 42,000 gallons
- 3) There is a reasonable expectation of discharge into, or upon, navigable waters of the United States or adjoining shorelines

For SPCC applicability, only containers of 55 gallons or greater need be considered toward a facility's oil storage capacity (67 [Federal Register] FR 47042, 47066; July 17, 2002). The 55-gallon minimum capacity also applies to oil-filled operating, manufacturing, or electrical equipment, such as transformers, circuit breakers, capacitors, generators, and electrical switches. Therefore, when determining if a facility meets the oil storage capacity threshold, an owner or operator must only consider oil-filled operating equipment that can contain 55 gallons or more of oil (40 CFR §112.1(d)(2)(ii)).

The term “oil” means oil of any kind, in any form, including, but not limited to: petroleum; fuel oil; sludge; oil refuse; oil mixed with wastes other than dredged spoil; fats, oils or greases of animal, fish, or marine mammal origin; vegetable oils, including oil from seeds, nuts, fruits, or kernels; and other oils and greases, including synthetic oils and mineral oils.

The location of the facility must be considered in relation to streams, ponds and ditches (perennial or intermittent), storm or sanitary sewers, wetlands, mudflats, sandflats, or other navigable waters. The distance to navigable waters, volume of material stored, worst-case weather conditions, drainage patterns, land contours, soil conditions, etc., must also be taken into account.

A “facility” is described as any mobile or fixed, onshore or offshore building, structure, installation, equipment, pipe or pipeline. The boundaries of a facility depend on several site-specific factors including, but not limited to, the ownership or operation of buildings, structures, and equipment on the same site, and the types of activity at the site.

The owner/operator has discretion in identifying which contiguous or noncontiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines make up the facility. An SPCC plan is required for each facility area, room or section. If oil-filled equipment is sufficiently separated from other oil-filled equipment, such that, in the event of an oil spill, neither would affect the other, the two can be considered separate facilities.