



CRUM & FORSTER®

A FAIRFAX COMPANY

RISK ENGINEERING



UNDERSTAND THE FEDERAL SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE

The Environmental Protection Agency's Spill Prevention, Control, and Countermeasure (SPCC) rule helps facilities prevent a discharge of oil into navigable waters or adjoining shorelines. The rule - found in Section 311(j)(1)(C) of Clean Water Act - is a major part of the U.S. Environmental Protection Agency's oil spill prevention program. It can be found at 40 C.F.R. 112. The SPCC Rule burdens certain facilities with developing and implementing an oil spill prevention and control program.

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Understand the Federal SPCC Rule

Risk Management

C&F RISK ENGINEERS UNDERSTAND YOUR BUSINESS

Since 1822, Crum & Forster has successfully anticipated what's next. Our insurance policy is our promise to help you - the policyholder - in the event of a loss. It gives you a future benefit that you can count on. But C&F offers something more. Our Risk Engineers can help your operation right now.

Before you ever encounter a claim, our Risk Engineers can meet you and identify actual and potential loss sources. We'll conduct a thorough study of your company that includes exposures, hazards and accident trends. Together we'll review your current loss prevention efforts, physical location, loss information and other business records to pinpoint fundamental loss causes. Then we'll create an action plan with practical recommendations to strengthen existing safety programs. We can maintain an ongoing review of it to evaluate progress and effectiveness. We can even conduct a legal exposure review of your company's agreements. Everything we do is aimed at putting into place an effective loss control strategy that works consistently over time to lower your operation's risk of loss.

Our highly specialized Risk Engineers are strategically located throughout the country and have the experience, training and professionalism to provide risk management solutions to meet your business needs and contribute to your success. They have on average more than 20 years industry experience, many with roles dedicated to safety and training. And we invest not only in our insureds, but in the industry. We are members of and participate in many state associations and regularly present at industry conventions and events. These connections and experience are invaluable, and are key in assisting you in developing and deploying a modern, up-to-date safety and training program.

Our solutions are both innovative and established. Whether it's Accident Event Recorders (AERs) to help identify vehicle accident causes and tailor safety training, digital tracking systems, or online video training to assure OSHA compliance, we bring you the latest technology. Matched with the experience of our Risk Engineers, your operation benefits from the engineering awareness built over a lifetime and cutting edge safety science.

What types of oil are covered by the SPCC Rule?

Oil of any type and in any form is covered, 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.

What kinds of facilities are covered?

A facility is covered by the SPCC rule if it has an aggregate aboveground oil storage capacity greater than 1,320 U.S. gallons or a completely buried storage capacity greater than 42,000 U.S. gallons and there is a reasonable expectation of an oil discharge into or upon navigable waters of the U.S. or adjoining shorelines. A facility that stores, processes, refines, uses or consumes oil and is non-transportation-related is potentially subject to the SPCC rule. Operations that intend to move oil from one location to another, i.e. transportation-related operations, are not included. Here are some examples of covered facilities and operations:

- Onshore and offshore oil well drilling facilities
- Onshore and offshore oil production facilities (including separators and storage facilities)
- Oil refining or storage facilities
- Industrial, commercial, agricultural, or public facilities using or storing oil
- Certain waste treatment facilities
- Loading racks, transfer hoses, loading arms, and other equipment
- Vehicles (e.g. tank trucks) and railroad cars used to transport oil exclusively within the confines of a facility
- Pipeline systems used to transport oil exclusively within the confines of a facility

How do I calculate oil storage capacity?

Oil storage capacity should be calculated by using the shell capacity of the container (maximum volume) and not the actual amount of product stored in the container (operational volume). Count only containers with storage capacity equal to or greater than 55 U.S. gallons. Simply add up the container oil storage capacities and compare your total facility capacity to the SPCC threshold:

- A total aboveground oil storage capacity greater than 1,320 U.S. gallons; or
- A completely buried oil storage capacity greater than 42,000 U.S. gallons.



How do I determine if my facility could reasonably discharge oil into or upon navigable waters or adjoining shorelines?

You can determine this by considering the geography and location of your facility relative to nearby navigable waters (such as streams, creeks and other waterways). You should determine if ditches, gullies, storm sewers or other drainage systems may transport an oil spill to nearby streams. Estimate the volume of oil that could be spilled in an incident and how that oil might drain or flow from your facility and the soil conditions or geographic features that might affect the flow toward waterways. You may also consider whether precipitation runoff could transport oil into navigable waters or adjoining shorelines. You may not take into account manmade features, such as dikes, equipment, or other structures that might prevent, contain, hinder, or restrain the flow of oil. Assume these manmade features are not present when making your determination. If you consider the applicable factors described above and determine a spill can reasonably flow to a waterway, then you must comply with the SPCC rule.

What do covered facilities have to do?

A facility that meets the criteria described above must comply with the SPCC rule by preventing oil spills and developing and implementing an SPCC Plan. Steps that a facility owner/operator can take to prevent oil spills include:

- Using containers suitable for the oil stored. For example, use a container designed for flammable liquids to store gasoline.
- Providing overfill prevention for your oil storage containers. You could use a high-level alarm or audible vent.
- Providing sized secondary containment for bulk storage containers, such as a dike or a remote impoundment. The containment must hold the full capacity of the container plus possible rainfall. The dike may be constructed of earth or concrete. A double-walled tank may also suffice.
- Providing general secondary containment to catch the most likely oil spill where you transfer oil to and from containers and for mobile refuelers and tanker trucks. For example, you may use sorbent materials, drip pans or curbing for these areas.
- Periodically inspecting and testing pipes and containers. You need to visually inspect aboveground pipes and oil containers according to industry standards; buried pipes need to be leak tested when they are installed or repaired. Include a written record of inspections in the plan.

How do I prepare and implement an SPCC Plan?

The owner or operator of the facility must develop and implement an SPCC Plan that describes oil handling operations, spill prevention practices, discharge or drainage controls, and the personnel, equipment and resources at the facility that are used to prevent oil spills from reaching navigable waters or adjoining shorelines. Although each SPCC Plan is unique to the facility, there are certain elements that must be described in every Plan including:

- Operating procedures at the facility to prevent oil spills.
- Control measures (such as secondary containment) installed to prevent oil spills from entering navigable waters or adjoining shorelines.
- Countermeasures to contain, cleanup, and mitigate the effects of an oil spill that has impacted navigable waters or adjoining shorelines.

What are some other important elements of an SPCC Plan?

- Facility diagram and description of the facility
- Oil discharge predictions
- Appropriate secondary containment or diversionary structures
- Facility drainage
- Site security
- Facility inspections
- Requirements for bulk storage containers including inspections, overfill, and integrity testing requirements
- Transfer procedures and equipment (including piping)
- Requirements for qualified oil-filled operational equipment
- Loading/unloading rack requirements and procedures for tank cars and tank trucks
- Brittle fracture evaluations for aboveground field constructed containers
- Personnel training and oil discharge prevention briefings
- Recordkeeping requirements
- Five-year Plan review
- Management approval
- Plan certification by a Professional Engineer (PE) or in certain cases by a facility owner / operator

Who can certify the SPCC Plan?

Preparation of the SPCC Plan is the responsibility of the facility owner or operator, who may also be eligible to self-certify the SPCC Plan if the facility meets the following eligibility criteria for a qualified facility:

1. Total aboveground oil storage capacity of 10,000 U.S. gallons or less, and
2. In the 3 years prior to the date the SPCC Plan is certified, the facility has had no single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons, or no two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period.

If the facility does not meet the above criteria, the SPCC Plan must be certified by a licensed Professional Engineer (PE). By certifying the SPCC Plan, the PE confirms that:

1. He is familiar with the requirements of the rule;
2. He or an agent has visited and examined the facility;
3. The SPCC Plan has been prepared in accordance with good engineering practices, including consideration of applicable industry standards, and with the requirements of the rule;
4. Procedures for required inspections and testing have been established; and
5. The SPCC Plan is adequate for the facility.

Can I ask for an extension of time to prepare and implement an SPCC Plan?

Yes. If you are unable to prepare or amend and fully implement your SPCC Plan by the compliance date due to either non-availability of qualified personnel, or delays in construction or equipment delivery beyond the control of the owner or operator, then you may request an extension from your EPA Regional Administrator ("RA"). Submit a written request for an extension to your RA. Your request must include:

- A full explanation of the cause for any such delay and the specific aspects of the SPCC Plan affected by the delay;
- A full discussion of actions being taken or contemplated to minimize or mitigate such delay; and
- A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment, or other preventive measures.

Do I need to submit the SPCC Plan to EPA?

No. SPCC Plans should be maintained at any facility normally attended at least four hours per day or at the nearest field office if the facility is not so staffed. Submit your Plan to EPA only when requested.

What should I do if there is a spill?

If your facility discharges oil to navigable waters or adjoining shorelines, you are required to follow certain federal reporting requirements. Any person in charge of an onshore or offshore facility must notify the National Response Center (NRC) immediately after he or she has knowledge of the discharge. Oil discharges that reach navigable waters must be reported to the NRC at 1-800-424-8802 or 1-202-426-2675. The NRC is the federal government's centralized reporting center, which is staffed 24 hours per day by U.S. Coast Guard personnel. It's a common misunderstanding that by reporting to the NRC, you have met state and local reporting requirements. The report to the NRC only satisfies your federal reporting requirements under the Clean Water Act. Additional state and local reporting requirements may apply.

If one of your tanks, facilities or a vehicle in your fleet has an accident with a spill and requires emergency clean up, our Crum & Forster Spill Program can help you. Just dial 1-855-9CF-SPILL. Crum & Forster can dispatch clean-up contractors to the scene, expedite various governmental release reports, and assist with coordination of spill cleanup activities.

The C&F Spill Reporting Program is linked to a database containing more than 3,000 qualified contractors from which C&F customers can select. Listings of nearly 30,000 federal, state, provincial and local jurisdictions requiring incident reports after pollution events are continuously updated in another database.

In most cases it makes sense to call 911 in the event of an oil spill, particularly in the case of flammable or combustible oil spills. Any owner or operator of a facility regulated by the SPCC rule must also report the discharge to EPA when:

- More than 1,000 U.S. gallons of oil is discharged to navigable waters or adjoining shorelines in a single event; or
- More than 42 U.S. gallons of oil in each of two discharges to navigable waters or adjoining shorelines occurs within any twelve-month period.

Please note that 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. EPA considers the entire volume of the discharge to be oil for the purposes of its reporting requirements.

After the NRC has been notified, the owner/operator must provide the following information to the RA:

- The name and location of the facility
- The owner/operator name
- The maximum storage/handling capacity of the facility and normal daily throughput
- A description of corrective actions and countermeasures taken, including descriptions of equipment repairs and replacements
- A description of the facility, including maps, flow diagrams, and topographical maps, as necessary
- A description of the cause of the discharge to navigable waters, including a failure analysis
- A description of additional preventive measures taken or planned to take to minimize discharge reoccurrence

The RA may require additional information. You must also send a copy of this information to the agency or agencies in charge of oil pollution control activities in the state in which the SPCC-regulated facility is located.

If I need more information, where should I look?

You can contact the Crum & Forster Risk Engineering Team for Loss Prevention Services at: www.cfins.com/risk-engineering/

The SPCC Guidance for Regional Inspectors, which has more detailed guidance on specific SPCC provisions, is available at: www.epa.gov/emergencies/content/spcc/spcc_guidance.htm

The federal Office of Emergency Management has useful information at its website. It can be reached at: <https://www.epa.gov/emergency-response>

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