



Petroleum Transportation & Storage Association

COMPLIANCE BULLETIN

December 5, 2005

EPA PROPOSES EXTENSION OF SPCC COMPLIANCE DEADLINES AND LIMITED REGULATORY RELIEF FOR SMALL TANKS

ISSUE: The U.S. EPA proposed two new Spill Prevention Control and Countermeasure (SPCC) rules this week. The first proposed rule would extend the compliance deadlines for SPCC plan revision and implementation by more than a year. The second proposed rule would provide limited compliance relief for small bulk tanks with a capacity of 10,000 gallons or less.

1. PROPOSED NEW COMPLIANCE DATE: OCTOBER 31, 2007

The EPA is proposing to combine and change the date by which bulk plant operators must revise SPCC plans (02/17/06) and the date by which revised plans must be implemented (08/18/06) to **October 31, 2007**. This proposal would give bulk plant operators an additional 18 months time to come into compliance.

2. PROPOSED REGULATORY RELIEF FOR SMALL BULK TANKS: 10,000 GALLONS OR LESS;

The EPA is also proposing three regulatory relief provisions for certain "qualified" tanks that the agency defines as having a capacity of 10,000 gallons or less with no reportable spill history for the previous 10 years (or the date they became operable if less than 10 years).

- 1. Self Certification of SPCC Plans** - The first proposal would allow owners of qualified tanks to self certify SPCC plans rather than hiring a professional engineer to do so as now required under current SPCC requirements.
- 2. Alternative Tank Integrity Testing** - The second proposal would allow owners of qualified tanks to determine the frequency, method and qualified person to conduct tank integrity assessments. The proposal requires that industry standards be used to guide the owners testing guidelines.
- 3. Relaxed Security Requirements** - The third proposal would provide flexibility to owners of qualified tanks regarding bulk plant security. Under this proposal, security fences and lighting would not be required if tank valves, pumping stations and loading racks are locked or otherwise secured to prevent vandalism.

BOTTOM LINE: There is no doubt that the EPA will adopt its proposed compliance deadline extension. The proposed rule is simply a formality the agency must follow. Bulk plant operators should now focus on 10/31/07 as the new SPCC compliance date. However, the regulatory relief proposals for small tanks is subject to change as the agency develops its final rule. While the regulatory relief proposal for small tanks would save bulk plant owners compliance costs associated with security measures and hiring a professional engineer and tank testers, the agency did not go far enough to exempt small tanks from SPCC requirements. PTSA will address these concerns in comments on the proposed changes.

GOT QUESTIONS? Contact Mark S. Morgan at PTSA (202) 364-6767 or

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