



Oil Storage Regulation: Are You Compliant?

In 1973, as an amendment to the previous year's Clean Water Act, the Oil Pollution Prevention Regulation was added to the Code of Federal Regulations, setting forth requirements for the "prevention of, preparedness for, and response to" oil discharges at specific non-transportation-related facilities. The regulation requires these facilities to develop and implement Spill Prevention, Control, and Countermeasure (SPCC) plans using established procedures, methods, and equipment requirements in order to prevent oil from reaching navigable waters and adjoining shorelines (Volume 40, Code of Federal Regulations [CFR]; Part 112).

What types of oil are covered?

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 oil, including oil from seeds, nuts, fruits, or kernels; synthetic and mineral greases or oils.

Who is required to comply with the SPCC rule?

A facility must comply with the SPCC rule if it has a total above-ground storage capacity greater than 1,320 U.S. gallons, or an underground storage capacity of more than 42,000 U.S. gallons, and there is a "reasonable expectation" of an oil discharge into navigable waters of the United States or their adjoining shorelines. Any facility that stores, processes, refines, uses, or consumes oil and is non-transportation-related (i.e. not intended to move oil from one location to another) is potentially subject to the SPCC rule:

- Onshore and offshore oil well drilling facilities
- Onshore and offshore oil production facilities (including storage and separators)
- Oil refining or storage facilities
- Industrial, commercial, agricultural, or public facilities that use or store oil
- Waste treatment facilities

Additionally, facilities that house certain types of equipment (for which storage of oil is necessary) may also be required to comply, including:

- Vehicles/tank trucks and railroad cars used to transport oil exclusively within the confines of a facility
- Loading racks, transfer hoses, loading arms, and/or other heavy equipment
- Pipeline systems used to transport oil exclusively within the confines of a facility

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How do I calculate my oil storage capacity?

To determine whether the SPCC rule applies to you, add together all oil storage units within your facility that have a total storage capacity equal to or greater than 55 U.S. gallons each. When calculating, be sure to use the capacity of each container, not the actual amount of oil stored within the container. Count only containers with storage capacity equal to or greater than 55 U.S. gallons. Compare your total with the SPCC threshold:

- Is your total above-ground oil storage capacity greater than 1,320 U.S. gallons?
- Is your total underground oil storage capacity greater than 42,000 U.S. gallons?

If your answer is “yes”, then the SPCC rule applies to your facility, and if your facility could reasonably discharge oil into navigable waters, you must comply.

How do I determine if my facility could discharge oil into a waterway?

You can determine whether your facility must comply by considering the geography and location of your facility in proximity to nearby navigable waters, such as streams, creeks, rivers, and other waterways. Additionally, you should determine if ditches, gullies, storm sewers or other drainage systems may transport oil spills to nearby waterways. Keep in mind that you may not take into account any manmade features that are designed to restrict the flow of oil, such as dikes, filters, or other equipment. You must assume that these features are not present when making your determination. If you consider all applicable factors and determine that oil from your facility could possibly flow to a waterway, then SPCC rule compliance is mandatory.

For more information on the SPCC rule, visit the Environmental Protection Agency’s website at www.epa.gov, or contact Ed Bantel at (602) 368-6618 or ebantel@berkeleyrisk.com.

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