



Spill Prevention, Control, and Countermeasure (SPCC) Plans

Overview

Recently, there has been a great deal of news and questions regarding Spill Prevention, Control, and Countermeasure (SPCC) plans. This article intends to answer a number of questions that you, as NHADA members, may have and will help clarify this multifaceted and often confusing piece of environmental regulation.

The resurgence of SPCC discussions and questions is due to recent federal amendments to the rule. Interestingly, this time the Environmental Protection Agency (EPA) actually loosened certain requirements, estimating that the revisions would result in approximately a 40 percent reduction in regulatory burden.

To better understand the issue, this article briefly reviews SPCC plans and breaks down the key elements that affect dealerships.

History and Purpose

SPCC plan regulations are part of a larger rule known as the Oil Pollution Prevention regulation, which took effect in January 1974. The regulation received its authority under the Federal Water Pollution Control Act, more commonly known as the Clean Water Act.

The purpose of the rule is:

“to prevent discharge of oil into navigable waters of the United States or adjoining shorelines,” rather than relying solely on response and cleanup after a spill occurs.

The regulation also requires facilities to have proactive measures in place to respond effectively to oil discharges.

Two important points to note regarding SPCC regulations:

- Oil refers to any petroleum-based product
- Navigable waters is a broadly defined term under federal law

The SPCC regulation requires facilities that meet certain oil storage thresholds to have a written plan in place, along with specific equipment and training procedures.

Federal SPCC requirements are found in 40 CFR Part 112, while relevant New Hampshire rules can be found in Env-Wm 1402.30.

An SPCC plan is typically a complex document that requires:

- Detailed site evaluation



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- Spill prevention and response procedures
- Certification by a licensed Professional Engineer

For many NHADA members, the most common triggers requiring an SPCC plan include:

- A reasonable expectation that a release could enter navigable waters of the United States, or
- An aggregate aboveground storage capacity greater than 1,320 gallons of petroleum-based products

Examples of petroleum-based products include gasoline, oil (both used and new), automatic transmission fluid (ATF), and diesel fuel.

Key Changes to the Federal Rule

Several amendments to the federal SPCC regulation may affect dealerships. The most relevant changes include:

- Removal of the requirement for an SPCC plan solely based on a tank larger than 660 gallons (however, see the section below regarding New Hampshire rules)
- Containers smaller than 55 gallons are not counted toward total storage capacity
- SPCC plans must now be reviewed every 5 years instead of every 3 years
- Completely buried tanks that are subject to underground storage tank regulations are exempt from SPCC requirements
- Spill reporting requirements: information must be submitted to the EPA if a facility experiences:
 1. A single spill greater than 1,000 gallons, or
 2. Two spills greater than 42 gallons each within a 12-month period
- Training requirements now apply only to employees who handle oil, with required annual training topics

Compliance Timeline

The revised SPCC regulation became effective August 16, 2002. However, in April 2003 the EPA extended the original compliance deadline by 18 months.

As a result:

- Updated SPCC plans must be prepared by August 17, 2004
- Implementation of those plans must occur by February 18, 2005

During this interim period, it is important to note:



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- Facilities that already have SPCC plans should continue maintaining their existing plans until updated versions are completed.
- Facilities required to have an SPCC plan but currently lacking one are out of compliance with federal law.

New Hampshire-Specific Rules

As mentioned in last month's article, environmental regulations in New Hampshire must be at least as stringent as federal standards. In many cases, New Hampshire adopts rules that are even more stringent.

This situation provides a clear example.

New Hampshire has its own set of rules governing Aboveground Storage Tanks (ASTs), found in Env-Wm 1402. **Under these rules:**

- Any tank greater than 660 gallons must be registered with the State
- These tanks must also have an SPCC plan

Although the federal rule removed the 660-gallon trigger for SPCC requirements, New Hampshire's stricter rule still applies.

What Dealerships Should Do Next

Each facility should maintain a clear inventory of:

- All tanks on site
- The total petroleum storage capacity
- The proximity of tanks to navigable waters or drainage paths

Facilities should ensure that any tank greater than 660 gallons is properly registered with the State.

By reviewing these factors alongside SPCC requirements, each member should determine whether the regulation applies to their facility and take the appropriate steps to update or implement an SPCC plan if required.

ENVIRONMENTAL Fact Sheet



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Spill Prevention, Control and Countermeasure Plan (SPCC Plan) Requirements for Regulated Aboveground Storage Tanks (ASTs)

The owner of an Aboveground Storage Facility (AST) facility that is subject to the New Hampshire Code of Administrative Rules, Chapter Env-Or 300 may be required to prepare and implement a Spill Prevention, Control and Countermeasure Plan (SPCC Plan) to establish release prevention measures and effective response procedures for releases from their AST system(s). The New Hampshire Department of Environmental Services (NHDES) Oil Compliance Section (OCS) has created a flow chart on the following page to navigate the rules and codes that apply to SPCC Plans and what requirements need to be met.

An SPCC Plan is not required at facilities with a storage capacity of 1,320 gallons or less if all the criteria in Env-Or 306.02(f) are met which include:

1. The facility meets all applicable equipment standards specified in Env-Or 305.
2. The facility is in compliance with Env-Wq 401.04 relative to storage of regulated substances.
3. The facility is not used for fueling water craft.

The SPCC Plan must be reviewed every five years as well as when any modifications at the facility occur (e.g. addition or subtraction of tanks, change in contents, etc.). If a modification occurs, the owner must submit to NHDES either an updated New Hampshire Professional Engineer (PE) stamped certification page or self-certification signature page based on the type of Facility (see subsequent flow chart). If no changes have occurred over five years, the owner should send NHDES a signed document stating that the SPCC Plan has been reviewed and no changes or amendments are needed.

References:

- [Chapter Env-Or 300](#) (effective 02/07/2014) = Aboveground Petroleum Storage Facilities (NH Code of Administrative Rules).
- [Chapter Env-Wq 401](#) (effective 05/19/2015) = Required Best Management Practices for Groundwater Protection (NH Code of Administrative Rules).
- [NH RSA 146-A](#) = Oil Discharge or Spillage in Surface Water or Groundwater.
- [40 Code of Federal Regulations \(CFR\) Part 112](#) = Oil Pollution Prevention.

Spill Prevention, Control and Countermeasure Plan Flow Chart

