

# Regulatory Update

## Environmental Protection Agency SPCC Rule Date Extension

June 15, 2009

On Friday, June 12, as expected, the U.S. Environmental Protection Agency (EPA) extended the compliance date for the 2002 and 2006 Spill Prevention, Control and Countermeasures (SPCC) rule changes to November 10, 2010. This extension of compliance date is intended to allow affected facilities time to review and implement the multiple changes to the SPCC rules that have been promulgated over the last seven years.

### Current Compliance Dates for SPCC Rule Changes:

Rulemaking Date	Rule Changes	Compliance Date (as of June 12, 2009)
August 2002 <a href="#">View 2002 Rule Changes</a>	Major restructuring of SPCC Rule	November 10, 2010  <a href="#">View the extension of compliance</a>
December 2006  <a href="#">View 2006 Rule Changes</a>	Exemption of mobile refuelers from sized secondary containment requirement  Provides opportunity for certain small operators to self-certify their SPCC plan	November 10, 2010  <a href="#">View the extension of compliance</a>
December 2008  <a href="#">View 2008 Rule Changes</a>	New definitions of "facility" and of "loading/unloading racks"  Provision of a new streamlined approach for smaller facilities (template)  Amendment of the facility diagram requirement  Amendment of the integrity testing requirement	Effective Date:  January 10, 2009  Compliance Date:  November 10, 2010  (Assuming no further changes)

## **How Facilities Are Impacted By This Extension:**

- Facilities in operation before August 16, 2002
  - These facilities must maintain their current SPCC plans and amend the plans to be compliant with the 2002 and 2006 rule changes by November 10, 2010
  - Facilities that do not currently have SPCC plans are deemed out of compliance with the SPCC rules that were promulgated in the 1970s
- Facilities commencing operation after August 16, 2002, but before November 10, 2010
  - These facilities must prepare and implement SPCC plans that are in compliance with the 2002 and 2006 rule changes prior to November 10, 2010
- Facilities commencing operations after November 10, 2010
  - Must prepare and implement compliant SPCC plans prior to commencing operations

## **Further Possible Rule Changes:**

The EPA has also announced that it will continue its review of the December 2008 rule changes and may issue amendments to that rule change in November, 2009.

## **NATA's Position:**

The many different rule changes and compliance date changes that have occurred in the SPCC rules over the past seven year could create a situation where a facility believes it is in compliance but in fact is not. NATA recommends that facility operators review their SPCC plans as soon as possible to be sure they are fully compliant. NATA will notify its membership in the event of any further changes to the SPCC rules.

## **For more information, please contact:**

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