



[THE ENVIRONMENTAL ELEMENT]

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Countdown to SPCC inspection

Region 6 of the Environmental Protection Agency (EPA) inspects hundreds of Texas and Louisiana facilities per year under the federal oil spill prevention and response regulation known as the Spill Prevention, Control, and Countermeasures Rule (SPCC; Chapter 40 of the Code of Federal Regulations, Part 112).

EPA is currently focusing on small operators, most of whom have no experience with regulatory inspections. Furthermore, EPA has streamlined its SPCC enforcement process, and financial penalties are easy to incur.

If you are a small industrial or commercial operator who has just been informed of an upcoming EPA inspection, what steps can you take to prepare both your facility and your documentation for scrutiny by this agency? The following punch list supplies step-by-step instructions on how to tackle compliance with most of the major SPCC provisions.

1. Read the documents titled "Acknowledgement and Record of SPCC Site Inspection" and "Spill Prevention, Control and Countermeasures Inspection Findings, Alleged Violations, and

Proposed Penalty Form." These EPA checklists were included within the certified mail package that you received as notice of your inspection.

2. Get an SPCC plan if you do not already have one. If you are one of the thousands of operators who has never heard of the SPCC rule, do not assume that there is nothing you can do to prepare for your inspection. Hire a consultant with experience in mediating EPA inspections; EPA gives little advance notice of an inspection, so you simply may not have time to learn the rule on your own. It is better to pay for SPCC plan preparation than it is to pay a penalty for not having a plan, and then pay for preparation. Some operators doubt that EPA will consider a last-minute compliance effort to be legitimate. However, while after-the-fact compliance is never optimal, it is important to show that, once you became aware of a compliance deficiency, you corrected it.

3. If you already have an SPCC plan, compare it to the EPA checklists. Does your plan reflect the detail you see in those checklists? Is your plan consistent with the format and content of the SPCC rule, which

was revised in July 2002? If you are in doubt, ask the professional engineer (PE) who certified your plan, ask the EPA, or find an experienced consultant.

4. Do your housekeeping. Clean any oil residue from storage and handling areas. Replace or service any worn components (e.g., hoses, gaskets). Provide padlocks for fill ports and dispensers, and check that traffic warning signs are posted at oil transfer areas. Remove any foreign materials from secondary containment, and chain or lock containment drain valves when not in use. Repair any cracks, settling or excess vegetation found in secondary containment structures. Concrete containment built without expansion joints is particularly prone to cracking; use sealants to restore structural integrity.

5. Inventory your paperwork. The SPCC rule requires recordkeeping for inspections, training and activities that could affect your oil storage system. While some operators maintain those records on forms within their SPCC plan, many opt to keep other business records (such as purchase receipts or operator logs) as evidence of compliance. Sort your records and arrange for delivery

of any that are stored at another location, such as a corporate office.

6. Document all legitimate compliance efforts. If written inspection records are missing (due to either loss or oversight), do a round of inspections prior to EPA's arrival, and write up the results. If employee training on the SPCC rule is not current, complete and document as much training as time will allow. If you have shop-built steel tanks greater than 30,000 gallons in volume and which have one or more concealed ends or sides, obtain bids to integrity-test any that are more than 10 years old. Once again, your goal is substantial compliance, even though you may not have time to satisfy every provision of the SPCC rule prior to your inspection.

By taking aggressive action to comply with as many SPCC provisions as possible, an operator can minimize or eliminate SPCC inspection penalties.

For more information, please call Alison Steele Mandadi, P.G. (asteale@sscienvironmental.com) or Helen I. Hodges (hhodges@sscienvironmental.com) at (800) 324-7724 or visit www.sscienvironmental.com. □

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