

# Crandall Compliance Alert

## EPA Extends by One Year the Compliance Date on Spill Prevention Rule for Certain Facilities

### This Issue

#### • SPCC Deadline Update

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The U.S. Environmental Protection Agency (EPA) is extending the compliance date by one year for certain facilities subject to recent amendments to the Spill Prevention Control and Countermeasure (SPCC) rule. The agency is also announcing that some facilities will not be eligible for the one year extension and will have to comply by the current date of November 10, 2010.

Last year, EPA amended the SPCC rule to strengthen certain provisions. Regulated facilities are required to amend and implement these changes as part of their overall SPCC plans. The purpose of the SPCC rule, which was finalized in 1973, is to establish requirements for facilities to prevent a discharge of oil into navigable waters or adjoining shorelines.

Types of facilities eligible for the one year extension:

Onshore oil production, farms, electric utility plants, petroleum refining and related industries, chemical manufacturing, food manufacturing, manufacturing facilities using and storing animal fats and vegetable oils, metal and other manufacturing, real estate rental and leasing, retail trade, contract construction, wholesale trade, other commercial, transportation, arts entertainment & recreation, other services (except public administration), petroleum bulk stations and terminals, education, hospitals & other health care, accommodation and food services, fuel oil dealers, gasoline stations, information finance and insurance, mining, warehousing and storage, religious organizations, military installations, and government facilities.

In summary, the rule would:

- Extend the date by which the owners or operators of certain facilities must prepare or amend and implement an SPCC plan by one year to November 10, 2011
- Delay the compliance date by which facilities must address milk and milk product containers that are constructed according to the current applicable 3-A sanitary standards, and subject to the current applicable grade "A" pasteurized milk ordinance (PMO) or a state dairy regulatory requirement equivalent to the current applicable PMO until one year after EPA finalizes a rule for these facilities.
- Maintain the current November 10, 2010 compliance date for drilling, production and workover facilities that are offshore or that have an offshore component, and for onshore facilities required to have and submit FRPs
- Reconcile the compliance dates for new production facilities

**These amendments do not remove the regulatory requirement for owners or operators of facilities in operation before August 16, 2002, to maintain and continue implementing an SPCC plan in accordance with the SPCC regulations then in effect.**