



May 2006

# KU Resources, Inc.

ADDRESSING ENVIRONMENTAL AND REGULATORY ISSUES

## Key Issues

- SPCC Update
- Applicability
- New Features
- Innovative Approach

## Spill Prevention Control and Countermeasures Plan Regulations

### SPCC Rule Deadline Update

On Friday, February 17, 2006, the U.S. EPA issued a Final Rule extending the compliance date for the new SPCC Rule (40 CFR Part 112). For applicable oil storage facilities, **SPCC Plans must be updated and put into effect by October 31, 2007**. Many believe this will be the final extension of the July 2002 SPCC Rule.

### Applicability

In general, SPCC Plan requirements have and will continue to apply to your non-transportation related facility or business if:

- The aggregate aboveground oil storage capacity is 1,320 gallons or greater; and
- The facility is located so that a discharge of oil in quantities that may be harmful to surface water or adjoining shorelines may occur.

### New Features

New significant features to the July 2002 SPCC Rule for on-shore non-transportation related facilities include:

- Establishes a minimum storage capacity of 55 gallons to be used for counting the oil storage capacity;
- Eliminates completely buried storage tanks from the SPCC Rule, if already covered by an Underground Storage Tank program;
- Clarifies that the applicable term "facility" may be as small as an individual tank or as large as a multi-function industrial complex;
- The period of review for SPCC Plans was increased to once every 5 years and requires review documentation;
- Clarifies that a P.E. must certify only "technical" amendments to the SPCC Plan;
- Allows differing formats of the SPCC Plan, but requires a regulatory cross-reference if a different format is utilized;
- Specifically allows deviation from many of the SPCC Rule requirements, provided an explanation is included and an alternative approach provides equivalent environmental protection; and
- Requires tank integrity testing.

### Innovative Approach

KU Resources has developed innovative approaches to developing SPCC Plans that include:

- Standardized templates to minimize the cost of plan development, based on our experience developing SPCC Plans;
- Use of experienced environmental scientists or technicians, in most cases as agent for the P.E. for facility visits and examination, to minimize the cost of plan development and certification;
- A regulatory cross-reference section to help ensure and enhance demonstrating compliance with the regulatory requirements; and
- Integrated contingency plan approach for facilities that have more than SPCC Plan emergency or contingency plan requirements, to eliminate the redundancy of the many regulatory programs and provide a single plan and consistent approach to emergency planning, employee training, and response.

KU Resources provides environmental management consulting services to industry. We continuously track new and updated regulatory programs and apply innovative approaches for compliance on behalf of our clients. Please call us for further information or visit our website at [www.kuresources.com](http://www.kuresources.com).