Suggested Procedure for Development of a Spill Prevention Control and Countermeasure Plan

API BULLETIN D16
FIFTH EDITION, APRIL 2011

AMERICAN PETROLEUM INSTITUTE

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Suggested revisions are invited and should be submitted to the Director of Regulatory and Scientific Affairs, API, 1220 L Street, NW, Washington, DC 20005.

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INTRODUCTION

The Federal Water Pollution Control Act Amendments of 1972 required the Administrator of the Environmental Protection Agency (EPA), with other federal, state, and interstate agencies, to enter into programs designed to prevent, reduce, or eliminate pollution of the navigable waters of the United States. On December 11, 1973, the EPA published the first Spill Prevention, Control and Countermeasure (SPCC) Plan regulation in *Title 40, Code of Federal Regulations, Part 112 (40 CFR Part 112).* The purpose of this rulemaking was to establish procedures, methods, and equipment to prevent and contain discharges of oil from non-transportation-related onshore and offshore facilities; thus preventing pollution of navigable waters of the United States. The rule became effective January 10, 1974, and has been revised several times over the past thirty-six years.

In 2002, EPA finalized changes proposed from 1991 to 1997. API and other litigants subsequently filed suit over certain provisions. In March 2004, most of the issues raised in the litigation SPCC-related suits were settled. This revision includes results of the litigation in which API was involved (Exhibit A – Settlement Agreements). On June 19, 2009, EPA published in the *Federal Register* an SPCC compliance date extension for all existing facilities until **November 10, 2010**. Facilities must amend or prepare, and implement SPCC Plans by the compliance date in accordance with revisions to the SPCC rule promulgated since 2002. The latest SPCC amendments and definition of "navigable waters" were promulgated on December 2006 (71 FR 77266, December 26, 2006), December 2008 (73 FR 74236, December 5, 2008), November 2009 (74 FR 58784, November 13, 2009) and November 2008 (73 FR 71941, November 26, 2008), respectively. For more information, on EPA SPCC guidance, visit EPA Website (www.epa.gov/oilspill).

This is the fifth revision of the American Petroleum Institute's (API's) Bulletin D-16. Its sole purpose is to assist the petroleum industry in understanding the SPCC regulation and to offer guidance for developing SPCC Plans wherever they are needed. Included is a template for developing SPCC Plans (i.e., onshore excluding production; onshore oil production, oil drilling or workover; or offshore oil drilling, production or workover) in accordance with the regulation and guidance, along with instruction and clarification for completing each section of the template.

The development of this Bulletin was commissioned by API and performed by O'Brien's Response Management Inc. (planning@obriensrm.com).