

Environmental Protection Agency (EPA)
Oil Pollution Act (OPA)
Proposed Rule Stage
3400. • REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURES (SPCC) RULE
Priority: Other Significant

Legal Authority: 33 USC 1321 "CWA sec 311(j)(1)(C)"

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: The Environmental Protection Agency issued a "Notice Concerning Certain Issues Pertaining to the July 2002 Spill Prevention, Control, and Countermeasure (SPCC) Rule" to publish clarifications developed by the Agency during the course of settlement proceedings regarding the SPCC regulation. These clarifications to the SPCC regulation were the result of legal challenges to certain aspects of the July 17, 2002 final regulation.

EPA is issuing a proposed rule to extend by one year the compliance deadline for regulated facilities to amend (or in some cases, prepare) and implement their SPCC Plans. This extension will provide sufficient time for the regulated community to undertake the actions necessary to update (or prepare) their plans in accordance with recent clarifications EPA has made to certain provision of the SPCC regulations. The extension also avoids a potentially overwhelming number of individual extension requests. EPA will also issue a proposed rule extending by an additional two years the compliance deadline for certain groups of the regulated community. EPA is considering additional measures to ease the compliance burden of smaller facilities, and for oil-filled and motive power equipment.

EPA is considering a proposal to amend 40 CFR Part 112, which includes the SPCC rule promulgated under the authority of the Clean Water Act. The proposal may also include advanced notices of proposed rulemaking on secondary containment for small electrical equipment and on secondary containment requirements for loading racks. Part 112 includes requirements for SPCC Plans, and for Facility Response Plans (FRPs). The proposed rule includes changes stemming from the litigation over the SPCC rule, as well as other changes, that have not been fully defined. These may include potential differentiation of requirements for non-petroleum oils, and policy statements associated with the July

2002 SPCC final rule. Among these are the following possible areas: 1) Applicability of the rule to motive power; 2) Secondary containment and consideration of costs; 3) Wastewater and the applicability of the rule to oil-water separators; 4) Loading/unloading areas vs. rack; 5) Wastewater exemption at production facilities; 6) Applicability of the rule to mobile/portable containers; 7) Applicability of the rule to various forms of piping; 8) Scope and definition of operational equipment vs. process vessels; 9) Distinction between the various secondary containment requirements; and 10) Integrity testing for small bulk containers. Specific decisions on the scope of the rulemaking will follow analysis of flexibility available under the July 2002 rule to support pending policy clarifications.

Timetable:

Action	Date	FR Cite
Notice of Settlement Terms	05/25/04	69 FR 29728
1 yr Compliance Extension NPRM	06/00/04	
2 year Compliance Extension Proposal	07/00/04	
1 yr Compliance Extension Final	08/00/04	
2 Year Compliance Extension Final	04/00/05	
NPRM	To Be Determined	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 2634.2. Split from RIN 2050-AC62.

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RIN: 2050-AG16

3401. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES
Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9605 "CERCLA 105"

CFR Citation: 40 CFR 300.425

Legal Deadline: None

Abstract: This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
Final 20	03/06/98	63 FR 11332
NPRM 24	03/06/98	63 FR 11340
Final 21	07/28/98	63 FR 40182
NPRM 25	07/28/98	63 FR 40247
Final Tex-Tin	09/18/98	63 FR 49855
Final 22	09/29/98	63 FR 51848
NPRM 26	09/29/98	63 FR 51882
Final 23	01/19/99	64 FR 2942
NPRM 27	01/19/99	64 FR 2950
NPRM Midnight Mine	02/16/99	64 FR 7564
NPRM 28	04/23/99	64 FR 19968
Final 24	05/10/99	64 FR 24949
NPRM Alameda	05/10/99	64 FR 24990
Final 25	07/22/99	64 FR 39878
NPRM 29	07/22/99	64 FR 39886
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
Final 26	02/04/00	65 FR 5435
NPRM 31	02/04/00	65 FR 5468
Final 28	05/11/00	65 FR 30482
NPRM 32	05/11/00	65 FR 30489
Final 29	07/27/00	65 FR 46096
NPRM 33	07/27/00	65 FR 46131
NPRM	08/24/00	65 FR 51567
Alabama/Malone		
Final 30	12/01/00	65 FR 75179
NPRM 34	12/01/00	65 FR 75215
NPRM 35	01/11/01	66 FR 2380
Final 31	06/14/01	66 FR 32235
NPRM 36	06/14/01	66 FR 32287
Final 32	09/13/01	66 FR 47583
NPRM 37	09/13/01	66 FR 47612
NPRM Libby/Omaha	02/26/02	67 FR 8836
Final adds 19 sites	09/05/02	67 FR 56757
NPRM 38	09/05/02	67 FR 56794
Final Action-	10/24/02	67 FR 65315
Final Action-	04/30/03	68 FR 23077
NPRM-	04/30/03	68 FR 23094
Final 35 (adds 12 sites)	09/29/03	68 FR 55875
NPRM	05/00/05	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN 3439.

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