# SUMMARY OF
# Critical Regulations

Stormwater Management Regulations
(National Pollutant Discharge Elimination System or "NPDES")
**40 CFR 122.26**

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Spill Prevention, Control, and Countermeasures Rule (SPCC)
**40 CFR 112**
**Updated**

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EPA Container Storage Regulation
**40 CFR 264.175**

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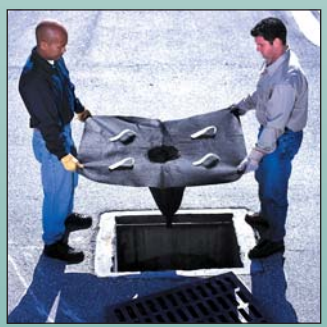
ADA Accessibility Guidelines for Buildings and Facilities
**(ADAAG)**



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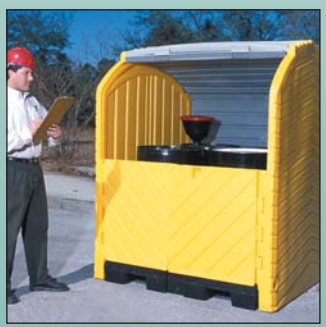

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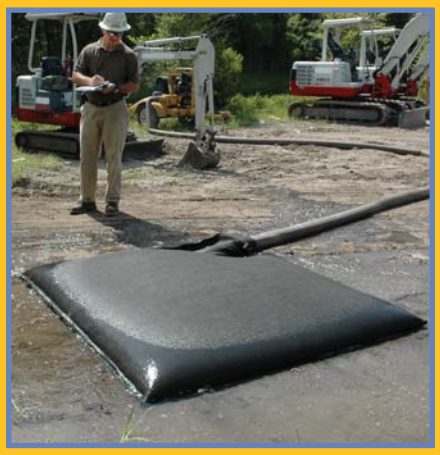

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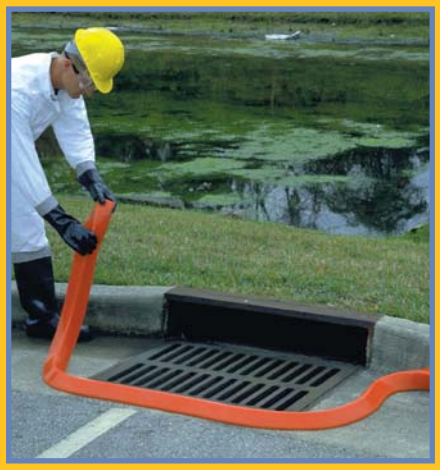

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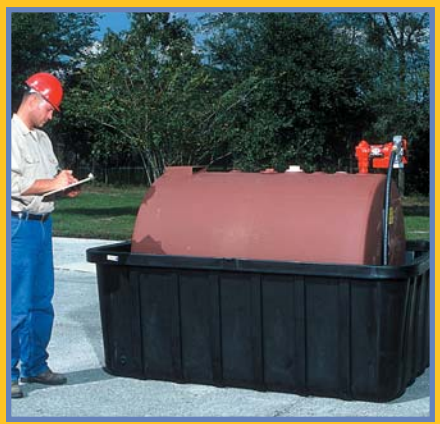

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# Stormwater Management Regulations

## A. SUMMARY:

- The National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources and non-point sources that discharge pollutants into waters of the United States.
- These regulations are a key component of EPA's Clean Water Act.
- The overriding goal is to protect the quality of U.S. waterways by reducing the discharge of sediment, oil and chemicals into storm drains, surface water and groundwater.

## B. WHO MUST COMPLY?

**Three (3) main categories must comply with the NPDES Regulations:**

1. **Industrial Sites** — a diverse range of 450 Standard Industrial Classification Codes (SIC) are regulated.
   Visit **www.Stormwater-Products.com/regs** for a detailed listing.
2. **Construction Activities** — Phase II of the regulations went into effect in March 2003 and requires that construction sites on one (1) acre or more (commercial or residential) must comply.
3. **Municipalities** — Phase II requires that all municipalities with a population of 10,000 or more must comply. Regulated properties include city-owned facilities (i.e. maintenance yards, water treatment plants, refuse dumps, city parks, parking garages, marinas, etc.) and city-supervised construction activities (i.e. road work, water main repairs, landscape development and maintenance, etc.)

## C. WHAT ACTIONS ARE NECESSARY FOR COMPLIANCE?

- A Stormwater Pollution Prevention Plan (SWPPP) must be filed with the state or regional EPA to receive a stormwater permit.
- The Stormwater Plan requires the use of "Best Management Practices" (BMPs) to control stormwater runoff during construction activity or as part of a long-term maintenance plan.
- BMPs that are specified in the Plan must reduce the discharge of pollutants to the maximum extent practicable (MEP), protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act.

STORMWATER B·M·P BEST MANAGEMENT PRACTICE

**Visit http://www.epa.gov/NPDES for more information on Stormwater Regulations.**

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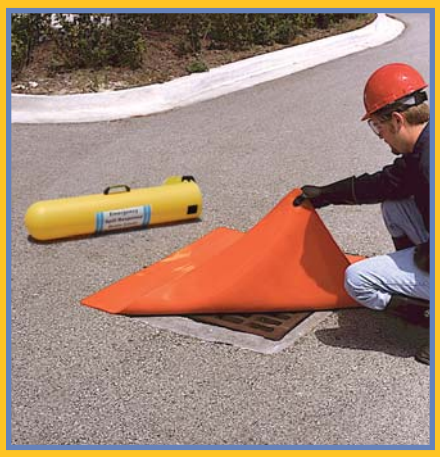

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# Spill Prevention, Control and Countermeasures Rule

## A. BACKGROUND:

- Under authority of The Federal Water Pollution Control Act (as amended by The Clean Water Act) the SPCC rule took effect on January 10, 1974. Its purpose is to prevent oil and oil-related materials from reaching navigable waters and adjoining shorelines. Parts of the original rule were unclear (i.e., container size was not specified) and compliance was expensive for small business due to the need to obtain certification by a Professional Engineer (PE). As a result, the original rule was revised in July 2002. Various extensions have taken place since then that address special cases. (See section F below).

## B. SUMMARY:

- Facilities subject to the rule must prepare and implement a plan to prevent any discharge of "oil" into or upon navigable waters of the U.S. (including groundwater that leads to surface water) or adjoining shorelines. This written plan is called an SPCC Plan.
- Unlike oil spill contingency plans that address spill cleanup measures after a spill has occurred, SPCC Plans ensure that facilities put in place containment and other countermeasures that would prevent oil spills that could reach navigable waters.
- The SPCC Plan must address: (a) operating procedures the facility implements to prevent oil spills; (b) control measures installed to prevent oil from entering navigable waters (i.e. secondary containment); (c) countermeasures to contain, clean up and mitigate the effects of oil spills.

## C. REGULATED MATERIALS:

- Animal oils, fats and greases (including oils from fish or marine mammals), asphalt, aviation gasoline, bunker fuel, crude oil, cutting oil/machine coolants, dielectric fluid, diesel fuel, heating oil, gasoline, greases, hydraulic oil, jet fuel, lubricating oil, mineral spirits, motor oil, naptha, natural gas condensate, oil refuse, oily wastes (other than oil mixed with dredged soil), stoddard solvent, synthetic oils, tall oil, turpentine, residual fuels, used oil, vegetable oils (including oils from nuts, seeds, fruits and kernels).

## D. WHAT FACILITIES ARE REGULATED?

- Facilities with combined (indoor and outdoor), above-ground **oil storage capacity** (not actual gallons on site) dedicated to any of the regulated materials **greater than 1,320 gallons** or a completely buried storage capacity greater than 42,000 gallons must comply.

- To calculate oil storage "capacity", **all containers with a capacity of 55 gallons or more are included.**
- Overall, the Rule applies to owners or operators of facilities that drill, produce, gather, store, use, process, refine, transfer, distribute or consume oil or oil products.

## E. WHAT ACTIONS ARE NECESSARY FOR COMPLIANCE?

- All qualifying drums and tanks must have secondary containment and be included in the written Plan. **Facilities with above-ground oil storage capacity of 10,000 gallons or less are permitted to self-certify their Plan (no PE required) if they meet certain criteria related to spill history.** Secondary containment is also required for loading and unloading areas for tanker trucks and railcars. Secondary containment must be equal to the largest vessel. In the case of a railcar, the containment area must provide a means to divert a significant spill to a retention pond, oil/water separator, etc.
- The Plan must include a facility diagram, and must mark the location and contents of each container. Secondary containment must be constructed so that any discharge from a primary containment system (i.e. drum, tank or pipe) will not escape before cleanup occurs.

## F. EPA HAS ISSUED COMPLIANCE DATE EXTENSIONS — WHAT DOES THAT MEAN?

- EPA has caused a great deal of confusion related to its various extensions. Soon after the 2002 rule changes were published, concerns expressed by industry focused on four (4) problem areas:

  1. Qualified, oil-filled operational equipment
  2. Motive power containers (e.g. vehicle fuel tanks)
  3. Mobile refuelers
  4. Animal fats & vegetable oils at onshore & offshore oil production, drilling facilities

**The most recent extension date (currently July 1, 2009) applies only to the four (4) special cases listed above. The July 1, 2009 date is not an extension date for general compliance with SPCC.**

## G. WHO MUST COMPLY AND WHEN?

- Compliance dates for facilities (other than farms) are as follows:

  **A facility starting operation on or before August 16, 2002 MUST**
  Maintain its existing Plan; must amend and implement the Plan no later than July 1, 2009. Facilities in this group that do not currently have an SPCC Plan are out of compliance and are subject to regulatory action.

  **A facility starting operation after August 16, 2002 through July 1, 2009 MUST**
  Prepare and implement a Plan no later than July 1, 2009.

  **A facility starting operation after July 1, 2009 MUST**
  Prepare and implement a Plan before beginning operations.

## H. OTHER SPCC-RELATED ITEMS

- An SPCC inspector is **not** required to provide advance notice of a facility inspection.
- Facility owners or operators regulated by SPCC must designate a person who is accountable for discharge prevention and who reports directly to management.
- In general, "transfers" of oils are regulated by SPCC; "transportation" of oil is not regulated.

SPCC
•COMPLIANT•

**Visit http://www.epa.gov/oilspill/spcc.htm to review the SPCC Regulation in its entirety.**

# EPA Container Storage Regulation

## A. SUMMARY:

- The regulation addresses containers (primarily tanks and drums) that contain free liquids that are considered to be hazardous.
- Secondary containment units are required that underlay the containers and are free of cracks or gaps; they must be "sufficiently impervious to contain leaks, spills and accumulated precipitation".
- The base of the containment unit must be sloped or designed to drain and remove liquids that result from leaks, spills or precipitation, unless the containers are elevated or otherwise protected from contact with accumulated liquids.
- The containment unit must have sufficient capacity to contain 10% of the total volume of all containers in the grouping, OR the volume of the single largest container in the grouping, whichever is greater.

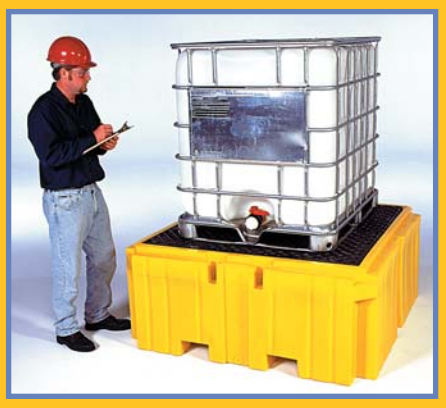
## B. WHO MUST COMPLY?

- The federal EPA regulations require Treatment, Storage and Disposal (TSD) facilities to comply with these standards and recommend that any company that stores containers of oil and hazardous wastes follow the regulations as well.
- Many state and local levels enforce these regulations on a wide range of facilities and industries that store hazardous materials and/or wastes in drums and tanks. In many cases, containers stored both indoors and outdoors are covered by the regulation.

## C. WHAT ACTIONS ARE NECESSARY FOR COMPLIANCE?

- Each facility should survey its entire site, both indoors and outdoors. An onsite environmental manager or environmental consultant is typically qualified to perform the survey.
- All containers used to store hazardous liquids should be reviewed to determine if sufficient containment measures have been taken.
- A containment system that has been designed to meet the criteria outlined in 40 CFR 264.175 should be purchased or constructed for all containers that are not in compliance.

**Find 40 CFR 264.175 and other important regulations at**
**http://www.gpo.gov/**



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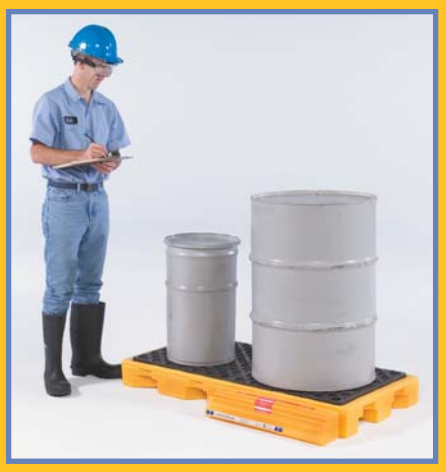

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# ADA Accessibility Guidelines for Buildings and Facilities (ADAAG)

## A. SUMMARY:

- Detectable warnings are required at any intersection or "hazardous vehicular area". These areas are defined as follows:
  - a walk that crosses or adjoins a vehicular way and,
  - with walking surfaces not separated by curbs, railings, or other elements between the pedestrian areas and vehicular areas.
- Detectable warnings are also required at the edges of reflecting pools if not protected by railings, walls or curbs.
- Future requirements will include hazardous areas and stairways.

## B. WHO MUST COMPLY?

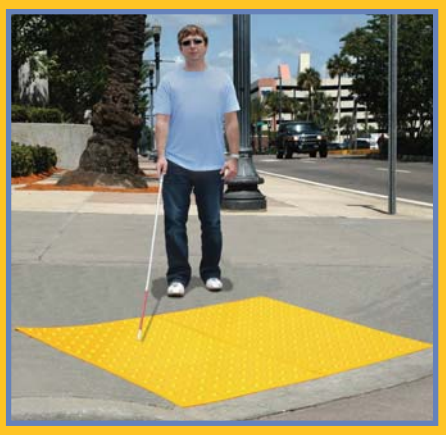
- Any property owner or municipality that has an area as described above. Sidewalks, crosswalks and other walking surfaces that were installed before July 26, 2001 are not subject to the requirements.

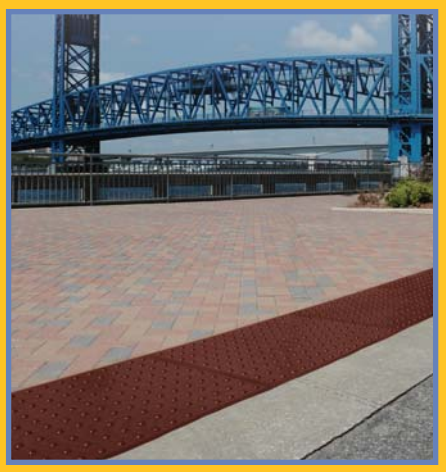
## C. WHAT ACTIONS ARE NECESSARY FOR COMPLIANCE?

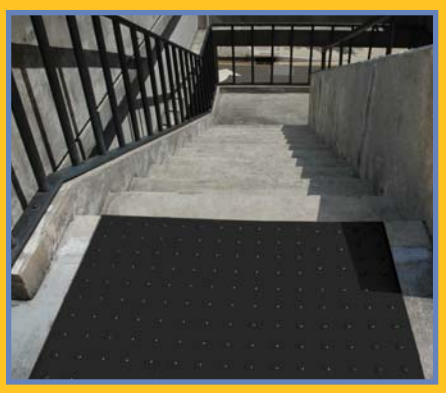
- Detectable warnings that are installed must meet the following requirements.
  - They shall consist of raised truncated domes with a diameter of nominal 0.9 in (23 mm), a height of nominal 0.2 in (5 mm) and a center-to-center spacing of nominal 2.35 in (60 mm).
  - They shall contrast visually with adjoining surfaces, either light-on-dark, or dark-on-light. The material used to provide contrast should contrast by at least 70%.*
  - The material used to provide contrast shall be an integral part of the walking surface.
  - Detectable warnings used on interior surfaces shall differ from adjoining walking surfaces in resiliency or sound-on-cane contact.

*Contrast in percent is determined by: **Contrast = [(B1 - B2)/B1] x 100**

where B1 = light reflectance value (LRV) of the lighter area and B2 = light reflectance value (LRV) of the darker area. Note that in any application both white and black are never absolute; thus, B1 never equals 100 and B2 is always greater than 0.







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