



SUMMARY OF CRITICAL REGULATIONS



EPA Container Storage Regulation 40 CFR 264.175
Stormwater Management Regulations 40 CFR 122.26
Spill Prevention, Control, & Countermeasures Rule 40 CFR 112
ADA Accessibility Guidelines for Buildings & Facilities (ADAAG)
Regulation Checklist

EPA Container Storage Regulation 40 CFR 264.175

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 recom-

mend 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.

Stormwater Management Regulations 40 CFR 122.26

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.spillcontainment.com/SIC 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.

ADA Accessibility Guidelines for Buildings & Facilities (ADAAG)

A. SUMMARY:

- Detectable warnings are required at an 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).
 - 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.

Spill Prevention, Control, & Countermeasures Rule (SPCC)

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, naphtha, 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. 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 November 20, 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 November 20, 2009 MUST** prepare and implement a Plan no later than November 20, 2009.
 - **A facility starting operation after November 20, 2009 MUST** prepare and implement a Plan before beginning operations.

G. 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.



Regulation Checklist

OUTSIDE AREAS

	Product Recommendations	Regulations
<input type="checkbox"/> Are drums and totes properly stored outside per federal spill containment and stormwater regulations?	Hard Tops	EPA, NPDES, SPCC
<input type="checkbox"/> Are outside drains protected from trash, debris and hydrocarbons per the federal stormwater guidelines?	Drain Guards	NPDES/TMDL
<input type="checkbox"/> Are drain covers (Drain Seals) and Spill Berms available where hazardous fluids are stored for quick deployment to cover drains from spills to prevent costly fines?	Drain Seals and Spill Berms	NPDES, SPCC
<input type="checkbox"/> Are you transferring fluids via rail car in your plant or facility?	Track Pans	SPCC, EPA Stormwater Regs
<input type="checkbox"/> Do you have tanker trucks or other equipment and tanks that need containment for compliance?	Containment Berms	SPCC, EPA
<input type="checkbox"/> Are smoking receptacles provided at entrances and break areas?	Smoke Stops	OSHA Fact Sheet No. 93-41 Fire Prevention, NRPES
<input type="checkbox"/> Are bollards and posts protected from the elements? (Reduce maintenance costs from painting while maintaining high-visibility)	Post Protectors	Good Practice

MAINTENANCE AREAS

	Product Recommendations	Regulations
<input type="checkbox"/> Are utility cords covered and protected to prevent trip hazards as well as protecting the cords from contraction causing wire issues and potential fires?	Sidewinders	OSHA
<input type="checkbox"/> Are there practices in place to capture ceiling drips and leaks from ruining expensive equipment and for preventing wet/slip conditions in the workplace?	Drip Diverters	Good Practice
<input type="checkbox"/> Are smaller containers in and around facilities properly stored with containment for leaks and spills?	Utility Trays	Good Practice

INSIDE AREAS

	Product Recommendations	Regulations
<input type="checkbox"/> Are you properly storing drums of hazardous liquids that require secondary containment on Spill Pallets?	Spill Pallets	EPA, SPCC
<input type="checkbox"/> Do you have requirements or initiatives to use products that are "green" or made with recycled content?	Economy 2/4 Drum Spill Pallets	EPA, SPCC
<input type="checkbox"/> Are you trying to store 55 Gallon drums on small spill decks without the proper containment capacity for compliance? Here are the only stand alone Spill Decks on the market.	Spill Deck Bladder Systems	EPA, SPCC
<input type="checkbox"/> Are you storing multiple drums in one area of your plant? The only way to make the decks compliant is to connect the decks with bulkhead fittings to route the fluids amongst the connected decks, not just by attaching.	Modular Spill Decks	EPA, SPCC
<input type="checkbox"/> Are you storing IBC totes in your plant without proper spill containment? Totes are typically 275 Gallons or 330 Gallons. IBC Spill Pallet Plus offers 360 gallons of containment to meet SPCC Regulations.	IBC Spill Pallet Plus	EPA, SPCC
<input type="checkbox"/> If you are storing multiple IBC Totes in your facility that require spill containment for hazardous fluids?	Modular IBC Spill Pallets	EPA, SPCC
<input type="checkbox"/> Are you providing multiple overpacks/salvage drums on-site for leaking drums and/or for cleaning up soiled sorbents in the event of a spill clean up?	Overpack Plus	UN, DOT Salvage Drum Ratings
<input type="checkbox"/> Are you storing used batteries and concerned about leaking battery acids?	Containment Trays	EPA Container Storage Regs
<input type="checkbox"/> Are you storing drums up on racking in your warehouse or facility?	Rack Sump	SPCC
<input type="checkbox"/> Adding funnels and accessories to all drums on Spill Pallets decreases the likelihood of spilling fluids on the facility floor or working area.	Burp Free and Bung Access Funnels	Good Practice
<input type="checkbox"/> You can encapsulate spills on facility floors with Spill Berms to reduce the area in which spill clean up occurs. Also the ability to block of facility drains from spills.	Spill Berms and Drain Seals	Good Practice
<input type="checkbox"/> Do you have fleet trucks or field truck maintenance teams?	Pop Up Pools	Good Practice



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