

THE NRG REPORT

Storm Water Permitting Services Industrial Facilities

Under the National Pollution Discharge Elimination System (NPDES) certain facilities are required to implement controls to prevent pollutants from being washed by storm water into water bodies. Regulated facilities include some municipal storm water systems, some construction projects, and 11 categories of industrial facilities. Applicability for industrial facilities is determined by SIC code or the type of industrial activity.

Industrial materials and activities protected by a storm resistant shelter are excluded, as long as the facility submits a form certifying the "no exposure" condition.

Facilities not excluded from permitting must obtain a storm water permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) for spill response, spill prevention, training, and recordkeeping. Many facilities requiring SWPPPs also require SPCC Plans (see featured article). If done properly, the regulations allow for SWPPPs, SPCC Plans, and Hazardous Material Management Plans to be incorporated into a single document. Combining these plans into a single user friendly document streamlines planning and makes the environmental policies at the facility more manageable. A well constructed plan is more likely to be implemented, resulting in fewer spills, and reduced cleanup costs.

EPA FURTHER EXTENDS DEADLINES FOR COMPLIANCE WITH REVISED SPCC REGULATIONS



The EPA has extended, by an additional 18 months, certain upcoming compliance dates for the July 2002 amendments to the Spill Prevention, Control, and Countermeasures (SPCC) Rule. This extension follows a previous 18-month extension. The extension was required due to litigation of the amendments. A partial settlement of this litigation has been agreed upon. Norfolk is in contact with EPA and oil industry trade organizations to ensure that we have the latest information regarding this litigation. The new proposed compliance dates are February 17, 2006, to amend an existing SPCC Plan, and August 18, 2006, to implement the plan.

What facilities need SPCC Plans?

As defined in the amended rules, any facilities with aboveground storage capacity of oil which exceeds 1,320 gallons in aggregate need an SPCC Plan. Containers that hold less than 55 gallons are excluded from the total. Facilities with underground storage capacity greater than 42,000 gallons in aggregate may also require an SPCC Plan.

Transportation related facilities and facilities with no reasonable expectation to discharge oil to the navigable waters of the United States are exempt. Norfolk suggests contacting Jon Kitchen at our Plymouth office (508-747-7900) if you need help with deciding if your facility is exempt.

Does the proposed extension mean that I don't need to have my existing SPCC Plan reviewed and amended until February 17, 2006?

No. You must continue to revise and update your plan in accordance with the applicable regulations. If your plan was prepared prior to July 2002, you must review your plan every 3 years. If your plan was prepared after July 2002 and was written in accordance with the amended regulations, you must review your plan every 5 years. In summary, take a look at your plan, if the most recent revision date is prior to August 2001 or if your facility has undergone changes since the last revision you may be out of compliance. *(Continued on Page 2)*



How can I revise my plan if the rules are in dispute?

If your plan is due to be reviewed, we believe it makes sense for most facilities to come into compliance with the amended regulations. The portions of the amended regulations under litigation do not significantly impact all facilities. Furthermore, clarifications made by EPA prior to, and as part of, the partial settlement allow for many additional facilities to prepare compliance plans.

Why review and revise my plan now?

If your plan requires review now, but compliance with the amended regulations is not required until 2006, why wait? If you wait you will remain out of compliance until you prepare your revised plan. If you review your plan, but do not come into compliance with the amended regulation, you will have to go through the time and expense of revising your plan all over again in 2006! **Why pay twice?** Norfolk is confident that the vast majority of our clients can review and revise their plans now. In fact, if litigation results in changes to your plan prior to the August 2005 deadline, Norfolk will edit your plan free of charge.

At a minimum it makes sense to start thinking about how you will change your SPCC and what you will need to do to come into compliance.

How can Norfolk make this process easier?

Two of the most important changes in the amended regulations are that the maximum interval for periodic reviews has been extended from 3 years to 5 years and that administrative amendment to your SPCC Plan can be made without a professional engineer certification.

As a result of these changes, Norfolk has been overhauling many of our client's existing plans to make them more user-friendly. If an SPCC Plan is well constructed, the facility may not need the services of a professional engineer for many years.



Norfolk Ram Group is a full-service environmental and civil engineering consulting firm specializing in environmental compliance, permitting, assessment, design/build remediation, and civil engineering.

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