



VIA EDOCKET

December 14, 2007

US Environmental Protection Agency
Mailcode: 2822T
Attention Docket ID No. EPA-HQ-OPA-2007-0584
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**RE: Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC)
Rule Requirements – Amendments; Proposed Rule: SOCMA Comments**

Dear Document Control Officer:

The Synthetic Organic Chemical Manufacturers Association (SOCMA) is pleased to offer the following comments concerning the newly proposed amendments to the Spill Prevention, Control and Countermeasures (SPCC) requirements (hereinafter referred to as the “Proposed Rule”).¹

SOCMA is the leading trade association representing the batch and custom chemical manufacturing industry. SOCMA’s nearly 300 member companies make the products and refine the raw materials that make our standard of living possible. From pharmaceuticals to cosmetics, soaps to plastics and all manner of industrial and construction products, SOCMA members make materials that save lives, make our food supply safe and abundant, and enable the manufacture of literally thousands of other products. Over 70% of SOCMA’s active members are small businesses.

ChemStewards[®] is SOCMA’s flagship environmental, health, safety and security (EHS&S) continuous performance improvement program. It was created from industry’s commitment to reducing the environmental footprint left by member’s facilities. Industry created ChemStewards to meet the unique needs of the batch, custom, and specialty chemical industry. As a mandatory requirement for SOCMA members engaged in the manufacturing or handling of synthetic and organic chemicals, ChemStewards is helping participants reach for superior EHS&S performance.

¹ 72 Fed. Reg. 58378 (October 15, 2007).

SOCMA HISTORY WITH SPCC

SOCMA has been very interested in various SPCC agency proceedings in recent years. For example, in February 2006, SOCMA submitted comments to the Agency on the SPCC Guidance for Regional Inspectors and submitted comments on proposed SPCC amendments reducing regulatory burdens for certain facilities. SOCMA has supported streamlining and reducing the administrative burdens on this program, including in connection with requirements with respect to small facilities. Most recently, in January 2007, SOCMA provided comments supporting EPA's proposed extension of the compliance deadline for SPCC plans.

Introductory Comments

SOCMA generally supports the proposed changes to the regulations and the stated goal of EPA of providing greater clarity, burden reduction, and in the case of small facilities, streamlined requirements for those subject to this rule. In addition, SOCMA submits the following comments with respect to specific proposed changes:

Revisions to the Facility Diagram Requirement

SOCMA believes that the proposed clarification to Section 112.7(a) (3) that the facility diagram is only required to include fixed containers is a practical approach to documenting the number and contents of mobile and portable containers.

Proposed Definition for the Term "Loading/Unloading Rack"

SOCMA supports the new modification to consistently use the term "loading/unloading rack" under Section 112.2. The prior use of the word "area" in some cases rather than "rack" was confusing and introduced ambiguity to this provision. (For example, loading stations for a single tank are not loading racks, although they are areas in which loading and unloading of materials occur.)

Proposed Streamlining of SPCC Requirements for Tier I and Tier II Qualified Facilities

SOCMA generally supports the proposed streamlining of the SPCC requirements for Tier I and Tier II Qualified Facilities, which alleviates significant and unnecessary regulatory burdens by reducing requirements for facilities that store small quantities of oil and pose little spill risk. In particular, SOCMA supports exempting "Tier II Qualified Facility" from requirements for certification by a Professional Engineer and permitting a self-certified SPCC Plan. This proposal will reduce the cost burden of the SPCC requirements on small facilities.

Proposed Flexibility in Complying with the Bulk Storage Container Integrity Testing Requirements

SOCMA also supports allowing all facilities to have the benefit of streamlined integrity testing requirements already available to certain qualified facilities. By permitting reliance on industry inspection standards, EPA permits the environmental objectives to be met without unnecessary and burdensome procedures for obtaining environmental equivalence determinations in circumstances where standard procedures make a great deal of sense. The proposal that states that periodic visual inspection only by the owner/operator can be sufficient (for portable containers provided with secondary containment) will be particularly helpful to SOCMA members.

Secondary Containment

EPA has specifically requested comment on whether additional examples of secondary containment should be included in the regulation. Secondary containment is an important tool for a facility in developing and implementing an SPCC plan. It is also a cost-sensitive item. Further examples on the elements that can comprise an acceptable system would be helpful. For example, under what types of circumstances would surface impoundments, on their own, or in connection with other elements such as oil/water separators or certain aspects of water treatment constitute appropriate secondary containment.

Transportation-Related Railroad Tankers, Tankers Truck and Similar Mobile Containers

SOCMA supports exempting from the coverage of the SPCC regulations transportation-related containers that are subject to regulation under the Department of Transportation (DOT) regulations. Being subject to two programs that overlap in coverage always presents difficult issues for facilities that are trying to be in compliance with inconsistent or different requirements attempting to meet the same objective. The result is generally a higher cost burden and a strain on resources disproportionate to what is needed to address the underlying objectives. In this circumstance, the DOT regulations address concern regarding spills which should be sufficient. The requirements related to loading racks would of course continue to apply in a case where these transportation-related cars, trucks and similar containers are involved.

Conclusion

SOCMA generally supports the proposed changes and believes that they will provide clarity, reduce uncertainty and will reduce costly regulatory burdens, particularly for our small members, without compromising the environmental benefits of the rules. SOCMA continues to encourage EPA to provide fact-specific guidance, including by updating the inspector's guidance



and by proposing further amendments to the SPCC rules in order to assist the regulated community in its goal of full compliance. Similarly, SOCMA encourages EPA to move forward expeditiously in clarifying two areas of great interest to SOCMA, the definitions of “oil” and “waters of the United States” and in connection with that effort to consider any appropriate clarifications or amendments to the areas covered by the SPCC program, including in these proposed regulations, as the same may be affected by those definitions. In advance, thank you for your consideration of our comments. Please do not hesitate to contact us should you have any questions or need additional information.

Please contact Daniel Moss at 202-721-4143 or mossd@socma.org if you have any questions about our comments, or would like additional information.

Sincerely,

Daniel Moss
Manager, Government Relations

