

August 10, 2004

Honorable Thomas P. Dunne
Acting Assistant Administrator for the Office
of Solid Waste and Emergency Response
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Adoption of an Interim Final Rule Addressing Small Facility Compliance
with the Spill Prevention, Control and Countermeasure (SPCC) Standards

Dear Mr. Dunne:

On behalf of their members, the undersigned groups urge EPA to issue, as soon as practicable, an interim final rule implementing an alternative compliance strategy for small facilities subject to the SPCC standards. Notably, EPA first announced publicly its intention to develop an alternative SPCC compliance strategy for small facilities at the March 31, 2004, SPCC Stakeholder meeting, and subsequently stated that it is “considering additional measures to ease the compliance burden of smaller facilities.” 69 Fed. Reg. 38297 (June 28, 2004).

We commend EPA for issuing an 18-month extension of the deadlines by which regulated facilities must amend their SPCC plans to comply with the July 2002 SPCC rule, and by which those amendments must be implemented. An interim final rule easing the compliance burden of small facilities will afford flexibility to tens of thousands of facilities and help to ensure their compliance with not only the substantive environmentally protective requirements found in the 2002 Rule, but also with all applicable substantive SPCC standards.

Among other things, the interim final rule should indicate specifically which facilities are eligible for the alternate compliance strategy, preferably detailing a tiered structure based on a facility’s total regulated storage capacity. It also should detail the nature and extent of EPA’s alternative compliance options, including when written SPCC plans are unnecessary and when written plans need not be certified by professional engineers. We support the position set forth by the Chief Counsel for Advocacy in his letter to you dated June 6, 2004.

We are committed to working with EPA to maximize the extent to which our members protect the nation’s surface waters against oil spills or leaks. To this end, we look forward to the swift issuance of an interim final rule detailing a small facility alternative compliance strategy. Should you have any questions regarding this matter, please contact Doug Greenhaus at (703) 821-7040 or dgreenhaus@nada.org.

Sincerely,

Agricultural Retailers Association
American Trucking Associations
Automotive Oil Change Association
Copper and Brass Fabricators Council, Inc.
Independent Lubricant Manufacturers Association
IPC – The Association Connecting Electronics Industries
National Association of Fleet Administrators
National Automobile Dealers Association
NFIB Legal Foundation
Synthetic Organic Chemical Manufacturers Association

cc. R. Craig Matthiessen, Oil Program Office, OSWER, EPA
Kevin Bromberg, Office of Advocacy, U.S. Small Business Administration