

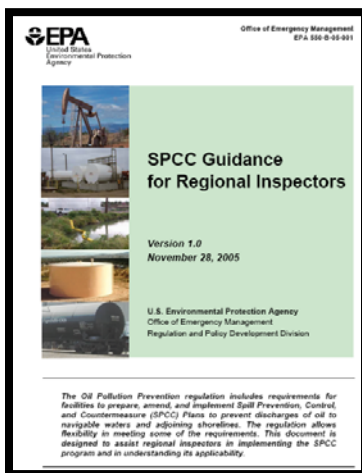
Key Points to Remember when Preparing Environmental Plans

by Norman Wei
Environmental Management and Training LLC.

Many companies hire consultant to prepare environmental plans for them. These plans often include Spill Prevention Control and Countermeasure (SPCC) plan, storm water pollution prevention plan (SWPPP), or RCRA Contingency Plans. The consultants always write up a beautiful and thick report and give it to their clients who then put the plan on the bookshelf and forget all about it until an inspector shows up asking for it.

Does that sound familiar?

If your consultant prepares a SPCC plan for you, make sure your senior management signs off on the SPCC certifying that it understands the resources required to implement the plan and it is prepared to commit such resources. It is a legal requirement that there is written “management approval at a level of authority to commit the necessary resources to fully implement the Plan”. Without such approval by way of a signature from management, the plan is “invalid” and the facility could be cited and possibly fined by US EPA. Note that enforcement of SPCC is a federal responsibility and is carried by EPA Regional Inspectors.



The requirements of SPCC under the Clean Water Act consist of preparing a plan and implementing it. An EPA inspector will always look for evidence of implementation. If your SPCC plan calls for monthly inspection, the inspector would expect to see a completed monthly inspection checklist as evidence of your implementation of the plan.

Here is a quote from EPA’s SPCC Guidance for Regional Inspectors (dated November 28, 2005): “In summary, the EPA inspector should verify that the owner or operator has inspection

reports that document the implementation of the testing, evaluation, or inspection criteria set forth in the Plan.” You can download a copy of EPA’s SPCC Inspection Guide at <http://www.epa.gov/oilspill/guidance.htm>.

It is also a legal requirement that plant personnel be trained on the SPCC plan in order for them to implement it. If your consultant includes in the plan a training schedule, the inspector would want to see a signed

attendee's list at a training session as evidence that you have actually implemented the plan.

If there is personnel change since you last prepared your plan, you will need to revise the document to reflect that if the change materially affects your plan. For example, if you have a new plant manager, you need to change you SPCC plan to reflect that.

Here are some practical tips and key point to remember on preparing environmental plans:

1. If at all possible, try to prepare your environmental plans yourself. This is the best way to ensure you and your staff have ownership of the plans. There are numerous guidance documents on EPA's website on how to prepare SPCC plans, SWPPP and RCRA contingency plans. These are the same documents your consultants use to prepare your plan.
2. If you must use outside consultant to prepare your plans for you, do not allow the consultant to prepare the plans in total isolation without any input from you or your staff. At a minimum, make sure the consultant meets with whoever is going to be implementing the plan. That is the only way your plant personnel will have ownership of the plan. Without such ownership, nothing will happen and the plan will most likely not be implemented as written. Remember: we don't wash our rental cars because we don't own them.
3. Remember that you no longer need a Professional Engineer's certification in a SPCC plan if you do not have more than 10,000 gallons of oil on site. You can now do self certification under a new SPCC rule.
4. Make sure that you are comfortable with the inspection and training schedules that your consultant puts in the plan. Why? Because you are going to be the one implementing it – not your consultant.
5. Do not be overly ambitious in your plan. Only commit to what you can deliver. Words are cheap – it is easy to talk about what you plan to do because they are just words on a piece of paper. You want to make sure you can actually deliver it. The inspector will want to see if you keep your promise.
6. Start putting a training program together as soon as your plan is written up. Set a schedule to do the training and make sure you document all your training efforts.
7. As soon as you finish writing the plan, you must think about implementing it. Many people think that their work is done once a plan has been written by their consultants. In fact, their work has just started. Most of these plans – especially the SPCC and SWPPP – are made up of two parts: plan preparation and implementation of the plan. The only way you can demonstrate that

you are actually implementing your plan is to show the EPA inspector copies of completed inspection checklists and training records.

The main point to remember about most the environmental plans is that they are **performance-based**. In other words, after you have prepared the plans, you are expected to perform!

About the Author: Norman S. Wei is the founder and principal of Environmental Management and Training, LLC., an environmental consulting and training firm based in Union, Washington. He offers regulatory seminars and consulting services throughout the country. He can be reached by email at norman@proactenv.com. His company website is www.proactenv.com. His phone number is 1-877-EPA-LAWS.