

**EPA OIL SPILL PREVENTION REGULATIONS
AFFECTING COTTON PRODUCTION AND GINNING
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Abstract

EPA regulates discharges of oil of any kind (oil could include diesel, gasoline, hydraulic fluid, oil, spent oil, etc.) under the Spill Prevention, Control and Countermeasure rule requirements (SPCC plans; 40 CFR 112—Oil Pollution Prevention) of the Clean Water Act. Originally issued in 1973, these rules are designed to prevent spills from facilities that store (transfer, distribute, or consume) oil and oil products, and which due to their location, could reasonably be expected to discharge oil in harmful quantities (40 CFR 110.3) into or upon navigable waters. It covers non-transportation-related onshore or offshore facilities, like farms, gins, and cottonseed oil mills, that store oil (1320 gallons or greater) in above-ground storage vessels that could discharge oil into or upon navigable waters of the United States or adjoining shorelines. A 55 gal drum or greater is considered a “storage tank” and any aggregated combination of tanks at a facility that is greater than 1320 gal could be covered. Outside/exterior bulk storage is EPA’s main concern. EPA wants tanks to be built to some standard (e.g., NFPA 30) and makes a distinction between field constructed/erected tanks and shop build tanks. EPA revised the SPCC rule 7/17/02 (67 FR 47041). Recently the farm community has been concerned that they are covered by these regulations. Covered farms and gins could have to have SPCC plans approved by a PE, add to oil tanks, add costly fencing, lighting, and other control requirements. However, cotton farms and gins, in areas where spills could not occur to streams, drainage ditches or wetlands that could get to navigable waters, are probably not covered. In addition, if a spill in a gin is contained inside the gin building on a concrete floor or very close to the gin and no oil goes down a drain that leads to a water system gins may not be covered. Operational equipment may not be covered. Some of the issues being considered (e.g., secondary containment, small facility alternatives plans to requiring a PE) that could affect the application of the SPCC rules to farms and gins and information on cotton growing/ginning states and SPCC plans are discussed.

Introduction

The Clean Water Act (CWA) of 1972 is the principal federal statute protecting navigable waters and adjoining shorelines from pollution. Since its enactment, the CWA has formed the foundation for regulations detailing specific requirements for pollution prevention and response measures. Sections 311 and 501 of the CWA addresses pollution from oil and hazardous substance releases, providing EPA and the U.S. Coast Guard with the authority to establish a program for preventing, preparing for, and responding to oil spills that occur in navigable waters of the United States.

EPA regulates discharges of oil of any kind (vegetable oil/animal fat are regulated the same as petroleum oil; oil could include diesel, gasoline, hydraulic fluid, oil, spent oil, etc.) under the Spill Prevention, Control and Countermeasure rule requirements (SPCC plans; 40 CFR 112—Oil Pollution Prevention) of the Clean Water Act. This part establishes methods and equipment (e.g., containment, testing, and fail safe engineering) and other requirements for equipment to prevent discharges of oil from non-transportation-related onshore and offshore facilities into or upon navigable waters of the United States or adjoining shorelines. It is to ensure effective response to the discharge of oil and to ensure that proactive measures are used in response to an oil discharge. Originally promulgated in 1973 (first effective on 1/10/74), these rules are designed to prevent spills from **facilities** that store (transfer, distribute, or consume) oil and oil products, and which due to their location, could reasonably be expected to discharge oil in **harmful quantities** (40 CFR 110.3) into or upon **navigable waters** (Section 502 of the CWA; 40 CFR 110.1; and 40 CFR 112.1) (See **Appendix 1. Definitions**). (Dikes, equipment, and other manmade structures are not considered as reasons that oil would not be expected to reach waters of the U.S.)

The definition of a “*facility*” includes any mobile or fixed equipment (See Appendix 1. Definitions). The definitions of “*harmful quantities*” and “*navigable waters*” are very broad (See Appendix 1. Definitions). **Harmful quantities** include an amount that can cause a film or “**sheen**” (See Appendix 1. Definitions) upon, or discoloration of the surface of the water or adjoining shorelines. **Navigable waters** (See Appendix 1. Definitions; 40 CFR 110.1 and 40 CFR 112.1) include all waters that are currently used, were used in the past, or may be susceptible to use in interstate commerce, including all waters that are subject to the ebb and flow of the tide. The SPCC rule covers non-transportation-related onshore or offshore facilities,

like farms and cottonseed oil mills, that store oil (≥ 1320 gallons) in above-ground storage vessels. (Underground storage tanks are now exempt if regulated under the federal UST rules.). A 55 gal drum or greater is considered a container/"storage tank" and any aggregate above ground storage (any container), i.e., combination of containers/tanks, at a facility that is ≥ 1320 gal could be covered. Outside/exterior bulk storage is EPA's main concern. EPA wants tanks to be built to some standard (e.g., NFPA 30) and makes a distinction between field constructed/erected tanks and shop build tanks.

EPA revised the SPCC rule 7/17/02 (67 FR 47041). The new rule makes it clear that the rule is mandatory (e.g., in the rule "should" be contained is replaced with "must" be contained); includes new subparts outlining the requirements for various classes of oil; revises the applicability of the regulation; amends the requirements for completing SPCC Plans, including requiring a registered professional engineer to put together the plan; requires annual training of "oil handling personnel"; recordkeeping now requires a written description of past compliance; and, makes other modifications. The spill reporting requirements in the new rule are: any spill ≥ 1000 gal; any two spills in any consecutive 12-month period of 42 gal or >; any spill that is retained within secondary containment is not reportable. By a strict interpretation of the federal rule to be reportable, the discharge ("spill event") has to be able to reach navigable waters or could because of another event (e.g., a rain event), even if it is contained. States may require notification and reporting even if federal EPA does not, e.g., smaller spill amounts, measures to clean up the spill, and to show the spill did not get to ground water. If spills are not cleaned up they could make the land a hazardous waste site. So even if the oil spill is not reportable, there should be some best management practices in place.

Under a final rule published April 17, 2003 (68 FR 18890), covered facilities will have an additional 18 months to comply with spill prevention and response plan requirements. Facilities will now have until 8/17/04 (instead of 4/17/03) to amend their SPCC plans and must implement the plans no later than 2/18/05 (instead of 8/18/03).

Spill Prevention Plans and Agriculture

Recently the farm community has been concerned that they are covered by these regulations. Farms and gins could have to have SPCC plans (See **Appendix 2. SPCC Plan Requirements**) approved by a professional engineer (PE), add containment to oil tanks, add costly fencing, lighting, and other control requirements. Some of the issues being considered that could affect the application of the SPCC rules to farms and gins:

- The Small Business Administration (SBA) is working to get model plans and a PE certification exclusion alternative for small facilities. The small facility alternate plan (refer to as "SPCC light" by EPA) would have a threshold for PE requirement exclusion if storage is less than 5000-10,000 pounds. (Facilities with < 10,000 gal of storage capacity account for < 0.2% of the total volume of oil spilled. A 55 gallon drum is considered a storage tank so this figure may not include all 55 gallon tanks.) PE plan certification is intended to promote compliance, but it does not guarantee compliance. The cost of PE certified plans is expensive for small facilities, many of whom are small businesses. Promoting compliance can be achieved more cost effectively using time-honored collaborative outreach efforts.
The following *small facility alternatives* developed by the Small Business Administration, Office of Advocacy (Kevin Bromberg, communication 12/29/03) sets up a tiered structure for "*small facility alternative to professional engineer certification*" based on a facility's total regulated storage that would promote cost-effective compliance with the SPCC rule's substantive provisions:
 - **Tier I: 1321 to 5,000 Gallon Facilities**- Facilities in this range need not develop (and periodically update) written plans, but must implement compliance with all applicable substantive provisions of the rule. Collaborative EPA/regulated industry outreach efforts will enhance compliance.
 - **Tier II: 5001 to 10,000 Gallon Facilities**- Facilities in this range must have written SPCC plans, but these plans need not be PE certified. Collaborative EPA/regulated industry efforts will result in model "best practices" plans designed to be easily tailored to individual small facilities in industry sectors having a significant number of substantially similar small facilities. Plans will include a simple facility diagram and will be reviewed and amended, as necessary, every five years. Facilities must implement compliance consistent with their plans.
 - **Tier III: 10,001 Gallon and Above Facilities**- Facilities in this range must have and implement PE certified plans.
- USDA, NRCS or other industry groups may develop model plans that agricultural facilities could use so a PE is not needed.
- EPA needs to clarify if operational equipment is a storage container -- this is important for gins. How secondary containment is defined will affect whether operational equipment in the gin containing oil will require a plan. The SBA thinks operational equipment should not be included in the definition of bulk storage containers. EPA is planning to address bulk storage and operational equipment separately in their new guidance. Operational equipment probably will just have to meet the general provisions [40 CFR 112(7)(c)].
- Also an interpretation is needed for how far one needs to be from navigable water to prevent a spill from reaching navigable waters, and how a spill needs to be contained. A clarification of secondary containment is needed – e.g., a concrete floor without a drain to the water system could be sufficient. If the spill in a gin is contained inside the gin

building or very close and no oil goes down a drain that leads to the water system then gins may not be covered. EPA will address this in their guidance and spills inside a building probably will be addressed with “common sense”.

EPA is required to issue a clarification guidance by the end of Feb. 2004 that could be published in the Federal Register as part of a settlement with API and others. EPA will address about 10 issues (4 of which are required by the settlement) to make it clear what is required of the regulated community as well as listing other issues that need clarification with a plan of how these will be addressed at a later date. (EPA says there will not be increased requirements but there could be some relief.) EPA wants to avoid additional rulemaking to address these issues. Secondary containment, loading and unloading, integrity testing, enforcement discretion, outreach strategies, mixture/*de minimis* oil content to be oil (as low as 10% not excluded), and agency action are some of the issues to be addressed in the Feb. '04 clarification guidance. EPA also plans to issue a compliance guide for industry as “outreach” to help with compliance.

Outside/exterior bulk storage is EPA's main concern. EPA wants tanks to be built to some standard and makes a distinction between field constructed/erected tanks and shop build tanks. NFPA 30 is the acceptable standard for tanks and storage of petroleum oil. This has directions on how a tank should be constructed and integrity maintained. The tank needs to be on a concrete slab and elevated above the ground to prevent water corrosion. API 650 and 653 are association developed guidelines (for tank construction and integrity testing) that could be useful for the ginning industry to follow in developing their own industry guidelines if gins require SPCC plans.

Cotton Growing and Ginning States and SPCC Plans

In 2003 National Cotton Council Member Services Representatives queried cotton producers regarding their knowledge of SPCC Plans. Also Louisiana Cotton Producers Association surveyed some of its membership to determine what their growers knew about SPCC Plans. Similar information was collected from other parts of the Cottonbelt. Responses from other areas were similar to those in Louisiana. Responses ranged from little or no knowledge of SPCC Plans to areas where most growers appeared to be aware that SPCC Plans were expected to be a part of their farming operation.

Louisiana growers returning surveys had farming operations ranging in size from a few hundred acres to growers who farmed tens of thousands of acres. Most of the Louisiana growers acknowledged that they were familiar with SPCC Plans and all but two of the growers who farmed more than 1000 acres were aware of SPCC Plans. The smaller growers who returned the survey, those farming between 600 and 1000 acres, indicated that on farm storage of diesel and other fuel oils alone approached or exceeded the 1320 gallon threshold for SPCC Plans. Close to half of all growers returning the survey responded that they have SPCC Plans in place. Several of the growers with SPCC Plans in place, indicated they have storage facilities that are close to named waterways.

Also noteworthy is the large number of movable tanks reportedly used by Louisiana and other growers. Mobile equipment is considered a facility under the broad definition of “facility” (See Appendix 1. Definitions). These portables include both nurse tanks for internal combustion engines and fuel tanks for irrigation wells that are dispersed across the farms. The dispersal of storage tanks across Cottonbelt farms coincides with recent trends where an increased reliance on irrigation is coupled with the increased reliance on diesel powered irrigation motors.

California cotton producers with large diesel storage have SPCC plans for stationary tanks only. There are few, if any, cotton producers in California close to major waterways. But California is enforcing SPCC plan requirements and even canals and drainage ditches that eventually connect to major waterways are included. There are no exceptions to this known.

Southeast. Most gins in the Southeast have gas and diesel storage tanks that exceed 1320 gals. Very few if any ginners and growers have SPCC Plans. The states in the SE do not appear to be set up to enforce SPCC and generally have not allocated resources.

Gins report state agency's' interpretations and enforcement policies vary. In Texas, for example, some gins and growers are under the impression that they are not required to submit plans. Some other states (mainly Western states with little access to navigable water) also match the Texas stance. Most gins in California with outside diesel and/or gasoline storage have submitted SPCC plans and the California Cotton Ginners Association provided SPCC plan training in 1993. Some gins in Louisiana and Georgia have submitted plans. Therefore, it is safe to infer that enforcement of SPCC regulations currently varies widely from state to state.

Summary. Responses from other areas were similar to those in Louisiana. These responses ranged from little or no knowledge of SPCC Plans to areas where most growers appeared to recognize that SPCC Plans were expected to be a part of their farming operation. Growers in areas where spills could occur to drainage ditches or wetlands that could get to navigable waters or near streams were more knowledgeable of the requirement for SPCC plans for oil storage. Growers from some of the

more arid areas indicated little knowledge of SPCC Plans. Farms of 500 acres or more, if they have diesel motors for irrigation usually have tanks over 1320 gal. Some tanks are mobile sometimes and dispersed across the farming operation.

Recommendations

- Evaluate your situation.
- It is always helpful for cotton producers and ginners to talk with their fuel/oil product supplier who should be aware of how SPCC rules are being applied in that region or state and whether a plan is necessary for your operation.
- Any oil storage tanks should be on a pad and raised to prevent corrosion that would affect the integrity of the tank. Tanks should also be built according to NFPA 30 or similar specifications.
- In many states all spill may be required to be reported, including amount, measures used to clean up and information that the spill did not get to ground water. Since if oil spills are not cleaned up they could make the land a hazardous waste site, even if the spill is not reportable, there should be some best management practices in place.

Appendix 1. Definitions

Harmful Quantities

EPA has determined that discharges of oil in “quantities that may be harmful” include those that:

- Violate applicable water quality standards;
- Cause a film or "sheen" upon, or discoloration of the surface of the water or adjoining shorelines; or
- Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

“Navigable water means the waters of the United States, including the territorial seas. The term includes:

- (a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate commerce, including all waters that are subject to the ebb and flow of the tide;*
- (b) Interstate waters, including interstate wetlands;*
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) That are or could be used by interstate or foreign travelers for recreational or other purposes;*
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;*
 - (3) That are used or could be used for industrial purposes by industries in interstate commerce;**
- (d) All impoundments of waters otherwise defined as navigable waters under this section;*
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this section, including wetlands; and*
- (f) Wetlands adjacent to waters identified in paragraphs (a) through (e) of this section: Provided, That waste treatment systems (other than cooling ponds meeting criteria of this paragraph) are not waters of the United States;*

Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.” (40 CFR 110.1, Definitions)

On 1/15/03, EPA issued an advanced notice of proposed rulemaking (ANPR; 68 FR 1991) and guidance (Appendix A, “Joint Memorandum”, 68 FR 1995) to clarify the definition of U.S. waters subject to the CWA. This was prompted by the 2001 Supreme Court decision in the *Solid Waste Agency of Northern Cook County v. Corps of Engineers* (SWANCC) ruling that jurisdiction of the CWA could not be extended to non-navigable, isolated wetlands based on the presence of migratory birds [“Migratory Bird Rule”, 33 CFR 328.3(a)(i)-(iii)]. On Dec 17, 2003, the EPA and the Army Corps issued a guidance decision that they would not issue a new rule on federal regulatory jurisdiction over isolated wetlands that would further clarify the definition of navigable waters beyond the guidance issued on 1/15/03. So further follow up to the ANPR is not necessary.

The definitions have been challenged again by cases such as *U.S. v. Deaton* (4th cir.) and *U.S. v. Rapanoc* (6th cir.) where hydrology is the means of determination of jurisdiction. When water can be traced hydrologically from any source (e.g., a ditch) to a navigable waterway, then that source is considered a jurisdictional waterway of the United States. Other cases such as *U.S. v. Needham* (5th cir.) refute the cases in the 4th and 6th circuits. This makes a Supreme Court case once again likely to resolve the rulings of the various circuit courts in interpreting the definition of “navigable waters”.

How is Oil Defined?

Section 311(a)(1) of the Clean Water Act defines "oil" as "oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil." EPA interprets this definition to include crude oil, petroleum and petroleum-refined products, as well as non-petroleum oils such as vegetable oils and animal fats.

How is the Term "Facility" Defined?

"Facility" is defined as any mobile or fixed, onshore or offshore building, structure, installation, equipment, pipe, or pipeline used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, or waste treatment in which oil is used. The boundaries of a facility may depend on several site-specific factors, such as the ownership or operation of buildings, structures, and equipment on the same site and the types of activity at the site.

What do "Applicable Water Quality Standards" Refer To?

Under the Discharge of Oil regulations, the term "applicable water quality standards" means the state water quality standards adopted by the state and approved or promulgated by EPA under section 303 of the Clean Water Act.

What is a "Sheen"?

A "sheen" refers to an iridescent appearance on the surface of water.

Appendix 2. SPCC Plan Requirements

The SPCC rule (40 CFR 112), which is the cornerstone of EPA's strategy to prevent oil spills from reaching our nation's waters, requires that facilities that store oil in quantities of 1320 gallons or greater in above ground storage vessels develop and implement SPCC Plans. Non-transportation-related facilities included all fixed facilities, including support equipment, but excluding certain pipelines, railroad tank cars en route, transport trucks en route, and equipment associated with the transfer of bulk oil to or from water transportation vessels. The term also includes mobile or portable facilities, such as drilling or workover rigs, production facilities, and portable fueling facilities while in a fixed, operating mode).

Unlike oil spill contingency plans ("spill response") that typically address spill cleanup measures after a spill has occurred, SPCC plans ensure that facilities put in place containment and other countermeasures ("spill prevention") that would prevent oil spills that could reach navigable waters. Under EPA's Oil Pollution Prevention regulation, facilities must detail and implement spill prevention and control measures in their SPCC Plans. A spill contingency plan is required as part of the SPCC Plan if a facility is unable to provide secondary containment (e.g., berms surrounding the oil storage tank).

Required Elements of Spill Prevention Control and Countermeasures Plans

Each SPCC plan, while unique to the facility it covers, must include certain elements. The SPCC Plan must include a demonstration of management's approval and must be certified by a licensed professional engineer. Facilities must implement the Plan, including carrying out the spill prevention and control measures established for the type of facility or operations, such as measures for containing a spill (e.g., berms). In the event that a facility cannot implement containment measures, the facility must demonstrate that secondary containment is impracticable; conduct periodic integrity and leak testing of bulk containers and associated valves and piping; develop and incorporate a strong spill contingency plan into the SPCC Plan; and provide a written commitment of manpower, equipment, and materials required to quickly remove any quantity of oil discharged that may be harmful. In addition, facility owners or operators must conduct employee training on the contents of the SPCC Plan. The SPCC Plan must be prepared in accordance with good engineering practices and be approved by a person with the authority to commit the resources necessary to implement the SPCC Plan. The SPCC Plan should clearly address the following three areas:

- Operating procedures that prevent oil spills;
- Control measures installed to prevent a spill from reaching navigable waters; and
- Countermeasures to contain, clean up, and mitigate the effects of an oil spill that reaches navigable waters.

Each SPCC Plan must be unique to the facility. Development of a unique SPCC Plan requires detailed knowledge of the facility and the potential effects of any oil spill. Each SPCC plan, while unique to the facility it covers, must include certain standard elements to ensure compliance with the regulations.

Among other items, an SPCC Plan must include the following information:

- A description of the physical layout and a facility diagram.
- Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a discharge.
- A prediction of the direction, rate of flow, and total quantity of oil that could be discharged where experience indicates a potential for equipment failure.

- A description of containment and/or diversionary structures or equipment to prevent discharged oil from reaching navigable waters. (For on-shore facilities, one of the following must be used at a minimum: dikes, berms, or retaining walls; curbing; culverting, gutters, or other drainage systems; weirs, booms, or other barriers; spill diversion ponds; retention ponds; sorbent materials.) Where appropriate, a demonstration that containment and/or diversionary structures or equipment are not practical; periodic integrity and leak testing of bulk containers and associated valves and piping; oil spill contingency plan; and a written commitment of manpower, equipment, and materials to quickly control and remove spilled oil.
- A complete discussion of the spill prevention and control measures applicable to the facility and/or its operations.

Spill Prevention and Control Measures

Under EPA's oil spill prevention regulations, a facility's SPCC Plan must discuss how the facility conforms with the oil spill prevention and containment procedures established for that type of facility or operation. All SPCC plans must comply with a set of general requirements under 40 CFR 112.7, including:

- Facility Diagram -- 40 CFR 112.7(a)(3)
- Trajectory Analysis -- 40 CFR 112.7(b)
- Secondary Containment -- 40 CFR 112.7(c)
- Contingency Plans -- 40 CFR 112.7(d)
- Inspection, Tests, and Records -- 40 CFR 112.7(e)
- Personnel Training and Discharge Prevention Procedures -- 40 CFR 112.7(f)
- Security (excluding production facilities) -- 40 CFR 112.7(g)
- Facility Tank Car and Tank Truck Loading/Unloading Racks (excluding offshore facilities) -- 40 CFR 112.7(h)
- Field-constructed Aboveground Containers - Brittle Fracture Evaluation -- 40 CFR 112.7(i)

In addition to general requirements, the SPCC regulations provide spill prevention and control measures specific to the different types of oil facilities or operations, including:

- Facility Transfer Operations, Pumping, and Facility Process (excluding production facilities) -- 40 CFR 112.8(d)
- Onshore Bulk Storage Containers (excluding production facilities) -- 40 CFR 112.8(e)

To ensure that facilities comply with the spill prevention regulations, EPA periodically conducts on-site facility inspections. Facilities are now required to submit certain information after having two or more discharges (over 42 gallons) in any 12-month period or a single discharge of more than 1,000 gallons.

A copy of the entire SPCC Plan must be maintained at the facility if the facility is normally attended for at least four hours per day. Otherwise, it must be kept at the nearest field office. The SPCC Plan must be available to EPA for on-site review and inspection during normal working hours.

Professional Engineer Review and Certification

EPA's SPCC rules require covered facilities to have Professional Engineers (PEs) review and certify SPCC Plans and to re-certify any existing plans by August 17, 2004. Six months later (2/17/05) construction needs to be completed. Certifying PEs must:

- (1) Assert familiarity with the Part 112 SPCC requirements;
- (2) Personally visit and examine facilities or send agents as substitutes;
- (3) Prepare SPCC plans in accordance with good engineering practices, taking into account applicable industry standards and the Part 112 requirements;
- (4) Establish procedures for required inspections and testing; and
- (5) Ensure suitability of the plans for facilities.

Appendix 3. Other EPA regulatory Programs Potentially Impacting Small Facilities

Underground Storage Tanks (UST): <http://www.epa.gov/swerust1/>

The UST rules contain numerous requirements and performance standards, yet there is no requirement for a certified written plans covering spill/leak prevention, control and countermeasure. EPA's website links to numerous informative sites addressing UST standards and policy guidance; several are geared toward small facility/business compliance.

Used Oil Management Program: <http://www.epa.gov/epaoswer/hazwaste/usedoil/index.htm>

The Used Oil rules generator storage requirements in 40 CFR '279.22(b) are extremely simple to understand and do not depend on a certified written plan. EPA's used oil website references numerous publications compliance assistance resources.

Hazardous Wastes: <http://www.epa.gov/epaoswer/hazwaste/sqg/sqghand.htm>

The hazardous waste generator regulations rely on a tiered approach to help encourage small facility compliance. The storage requirements for the three tiers are simple to understand and do not require a certified written plan. EPA's website lists, among other things, a guide entitled *Managing Your Hazardous Waste: A Guide for Small Businesses*, and a series entitled *RCRA In Focus*, which provides sector-by-sector small facility/business compliance assistance.