



LISA S. BEAL
DIRECTOR, ENVIRONMENT AND CONSTRUCTION POLICY

March 5, 2009

Docket No. EPA-HQ-OPA-2007-0584
Environmental Protection Agency, Mail Code 2822T
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Submission of Comments; Docket No. EPA-HQ-OPA-2007-0584

To Whom it May Concern:

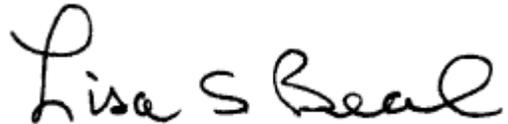
The Spill Prevention Control and Countermeasures (SPCC) rule was promulgated on December 11, 1973 (*38 FR 34164*). A final rule amending the SPCC rule, formerly known as the Oil Prevention Pollution (OPP) rule (40 CFR part 112) was issued effective August 16, 2002 (*67 FR 47042*). Certain aspects of the rule were legally challenged and the issues resolved. The United States Environmental Protection Agency ("EPA") subsequently issued clarifications to several aspects of the revised rule on May 25, 2004 (*69 FR 29728*) and in a separate action in the Federal Register on November 26, 2008 (*73 FR 71941*). Additionally, the rule was vacated back the EPA due to litigation of the July 17, 2002 revision to the definition of "navigable waters" (*American Petroleum Institute vs. Johnson, 571 F. Supp. 2d 165 {D.D.C. 2008}*).

Other concerns were raised regarding the ability to implement certain aspects of the July 2002 SPCC rule. As a result, the EPA proposed amendments to the SPCC rule in December 2005 and finalized them on December 26, 2006 (*71 FR 77266*). A document entitled "Guidance for Regional Inspectors" was issued in December 2005. Extension dates for preparing or amending and implementing revised SPCC Plans were issued May 16, 2007 (*72 FR 27443*). The EPA stated, "EPA expects that this extension will provide the regulated community time to review and understand any revised material presented in the SPCC Guidance for Regional Inspectors." On October 15, 2007 (*72 FR 58378*), additional changes to the rule were proposed and on November 26, 2008 (*73 FR 72016*), the EPA proposed new dates again, in order for the regulated community to prepare or amend and implement their SPCC Plans. Then on December 5, 2008, the final rule was again published in the Federal Register (*73 FR 74235*). At present, the EPA has delayed the effective date of the final rule by 60 days and is requesting public comment on the entire final rule again.

With all of the aforementioned amendments and changes, the regulated community is placed in a race against time to comply, assuming the current 2009 implementation dates are not extended. The amendments have significantly altered many elements of the 2002 SPCC rule, which will require fiscal planning and other business related resource allocations. Granted, the

amendments have afforded increased clarity to the regulated community. However, the protracted timeline and the uncertainty of the outcome, relative to the final amendments warrant extension of the implementation dates, in our opinion. Therefore, we respectfully request the EPA's careful consideration in extending the current 2009 implementation dates at least one year.

Sincerely,

A handwritten signature in black ink that reads "Lisa S Beal". The signature is written in a cursive, flowing style.

Lisa S. Beal
Director, Environment and Construction Policy
Interstate Natural Gas Association of America