

An Alternative to Secondary Containment with Your Oil-Based Ink Storage



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Do you store oil-based inks and manage them as part of your facility's Spill Prevention, Control and Countermeasures (SPCC) Plan? If you do, an impracticability determination is an alternative approach that you can use to comply with the SPCC Rule if you have oil sources without secondary containment already in place. The high viscosity of oil-based inks can provide an opportunity for an alternative means of complying with the secondary containment requirements of the SPCC Rule. An impracticability determination can be an appropriate option for oil-based ink you store in single-walled containers at your print facilities.

Tying Oil-Based Ink Storage to the SPCC Rule

If you store oil-based ink at your facility in containers equal to or greater than 55-gallons, you must include these oil sources in your facility's SPCC Plan. Oftentimes, ink is stored in single-walled containers, which means you need to address how the containers are complying with the secondary containment requirements of the SPCC Rule.

With larger containers, traditional secondary containment measures such as concrete containment dikes likely remain as the most appropriate way to comply with secondary containment requirements.

Facilities are often moving smaller, more portable containers of ink to multiple locations during their operational lifespan – oftentimes a staging area and then a location on the floor where the ink is used.

Learning More about Impracticability Determinations

The SPCC Rule provides two opportunities for facilities to take an alternative approach to obtaining compliance – impracticability determinations and environmental equivalence. However, it is important to understand that for secondary containment, the only alternative path allowed by the SPCC Rule is impracticability determinations. Environmental equivalence allows deviation for most other technical elements of the SPCC Rule, but may not be implemented for the secondary containment requirement.

When considering the high viscosity of ink and the cost of providing secondary containment for smaller ink containers, you may ask your Professional Engineer if they have considered evaluating and writing an impracticability determination into your plan rather than you having to pay hefty costs associated with adding concrete containment structures or portable containment

units to your facility to comply with the secondary containment requirement.

Impracticability determinations, when pursued for your facility's SPCC Plan, must indicate why the secondary measures are impracticable and how the alternative measures are implemented.

Placing an Impracticability Determination in your SPCC Plan

If secondary containment is deemed impracticable, you must clearly state in your SPCC Plan why such secondary containment is impracticable.

After the statement of impracticability for a particular oil source, it is critical that the Professional Engineer has done sufficient due diligence to provide sound reasoning on why the secondary containment was deemed impractical. I recommend listing at least two to three clear reasons on why secondary containment isn't feasible. Cost may be one factor in an impracticability determination, but it can't be the only determining factor.

Upon explaining the reasoning, you must then demonstrate how your facility meets the following additional requirements:

- Implement an inspection and monitoring program
- Develop an oil spill contingency plan per 40 CFR 109.5
- Provide a written commitment of resources to control and remove any oil that would be discharged

These additional requirements may already be part of your existing SPCC Plan, so the Professional Engineer will need to clearly connect the appropriate dots when writing an impracticability determination, and add the elements not already covered by your facility's SPCC Plan.

Ask your Professional Engineer if you have a situation that warrants a look for the potential of pursuing an impracticability determination.

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