



ASSOCIATION CONNECTING
ELECTRONICS INDUSTRIES®

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EPA Docket Center
1301 Constitution Avenue, NW
EPA West, Suite B-102
Washington, DC 20460
Attn: Docket ID No. OPA-2004-0007

RE: Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities; Notice of Data Availability (NODA) and request for comments

IPC - Association Connecting Electronic Industries - is pleased to submit the following comments in response to the Environmental Protection Agency's (EPA's) above referenced Notice of Data Availability (NODA) on whether alternate regulatory requirements are appropriate for facilities that handle oil below a certain threshold amount ("certain facilities").

IPC is the national trade association for the electronic interconnection industry, and represents more than 2,200 member companies. IPC members manufacture printed circuit boards and electronic assemblies, which are used in a variety of electronic devices including computers, cell phones, pacemakers, and sophisticated missile defense systems. The industry is vital to the U.S. economy, employing more than 350,000 people and exceeding \$44 billion in sales. Although IPC members include electronic giants, such as Intel, Hewlett Packard, and IBM, sixty percent of IPC members meet the Small Business Administration's definition of "small business." The typical IPC member has 100 employees and has a profit margin of less than four percent.

EPA's one-size-fits-all approach to the Spill Prevention, Control and Countermeasure (SPCC) requirements, particularly the Professional Engineer (PE) certification and site visit requirements, pose an unnecessary and significant burden on certain facilities, usually small facilities, which store small amounts of oil. These certain facilities pose a low risk of oil spill but are still subjected to costly SPCC requirements.

Certain facilities with small oil capacity have a minimal risk of oil spill because of the low volumes they store and use. EPA's analyses of their 1995 Survey of Oil Storage Facilities found that facilities with larger storage capacity are likely to have a greater number of oil spills, larger volumes of oil spilled and greater cleanup costs. Conversely, facilities with minimal storage capacity are likely to have fewer spills, smaller amounts of oil spilled and less cleanup costs. The Small Business Administration, Office of Advocacy's (SBA's) analysis of EPA's 1995 survey data showed that facilities with less than 10,000 gallons of storage capacity accounted for less than .2% of the total volume of oil spilled. IPC believes that certain facilities with small storage capacity should be granted regulatory burden reductions since they pose low spill risks.

EPA's blanket requirement that all covered facilities have a PE certified plan and site visit not only fails to account for small facilities low level of risk, it also places a disproportionate cost burden on them. SBA's analyses showed that "small businesses incur compliance costs that are roughly equal to those paid by large businesses even though they present a lower oil spill risk." IPC is concerned that EPA's blanket PE requirement unjustly places certain facilities with low oil storage capacity at a competitive disadvantage to larger facilities.

IPC supports SBA's recommendation that EPA alleviate the regulatory burden for certain facilities that store small amounts of oil and pose a low spill risk. SBA's three-tiered regulatory approach would offer substantial burden reduction to these certain facilities while also ensuring protection against potential spills. The three-tiered structure is outlined as follows:

Tier 1: 1,321 to 5,000 gallons – no written plan or Professional Engineer (PE) certification required, but the facility must implement compliance with all applicable substantive provisions of the rule.

Tier 2: 5,001 to 10,000 gallons – written plans required, but no PE certification requirements. Collaborative EPA/industry "best practices" model plans tailored to sectors having significant number of similar facilities.

Tier 3: 10,001 gallons and above facilities – facility must have and implement written PE certified plans.

This volume-based approach would reduce the regulatory impact on certain facilities handling small amounts of oil while still providing suitable environmental protections. In fact, it provides incentive for facilities to reduce unnecessary oil storage. This tiered approach would also help to balance the playing field between small and larger facilities by reducing the costly burden of PE certification and site visitation on smaller facilities.

IPC supports EPA's efforts to reduce the SPCC burden associated with certain facilities, typically small facilities, handling oil below certain thresholds. The volume-based three-tier recommendation is a sound approach to environmental protection from oil spills while also providing burden reduction to certain low risk facilities handling smaller oil

volumes. IPC urges EPA to make amendments to the regulations and/or provide guidance to the regulated community as soon as possible. IPC believes that EPA should extend the SPCC compliance dates by at least 12 additional months to ensure sufficient time for EPA to review and respond to the comments provided under this NODA. A compliance deadline extension would also provide regulated facilities adequate time to review and comply with any final changes to the rule or guidance.

IPC appreciates the opportunity to submit these comments. Should you have any questions, feel free to contact me by email at SBreehey@ipc.org or by phone at (202) 962-0460.

Sincerely,

Sonya Walter Breehey
Environmental, Health, and Safety Project Manager