



ASSOCIATION CONNECTING
ELECTRONICS INDUSTRIES®

Government Relations
1333 H Street, N.W., 11th Floor, West Tower, Washington, DC 20005
Tel. 202.962.0460 Fax 202.962.0464
www.ipc.org

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EPA Docket Center
1301 Constitution Avenue, NW
EPA West, Suite B-102
Washington, D.C. 20460
Attn: Docket ID No. OPA-2004-0008

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 with oil-filled and process equipment.

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.

IPC believes that oil contained in process and electrical equipment should not be counted towards the 1,320 gallon threshold established under the July 2002 amended Spill Prevention, Control, and Countermeasure (SPCC) regulation because of the relatively low risk of release to the environment associated with such equipment. Furthermore, EPA places an unnecessary burden on facilities for such a low spill risk by mandating that oil-filled process equipment, particularly electrical equipment, be covered by SPCC

requirements, including the preparation of a SPCC plan and establishment of secondary containment.

IPC member facilities, along with the many other manufacturing facilities in the U.S., have oil-filled process and/or operational equipment containing oil in quantities greater than 55 gallons. Accounting for the oil contained in process and/or operational equipment, and then developing and implementing SPCC plans for such equipment is overly burdensome since spills from this equipment pose little risk to human health and the environment. Nearly all process and/or operational equipment are located in buildings containing concrete floors and a drainage system to catch and treat any spill, which limits any potential release of oil to the environment. Further, facility employees work in close proximity to this equipment. Personnel would readily observe and quickly respond to any leaks. Therefore, IPC recommends that EPA amend the 2002 SPCC regulations and/or provide guidance that such equipment should not be considered in a facility's SPCC threshold determination or plan.

If this process/operational equipment must be counted toward threshold determination and subjected to SPCC requirements, IPC believes that EPA must provide a more accurate definition of what constitutes operational equipment and process equipment for the purposes of regulatory compliance. IPC agrees with the U.S. Small Business Administration (SBA) that EPA must provide an explicit definition for operational and process equipment and supports their recommendation of defining "Manufacturing Process Systems/Operational Equipment" as "tanks, operational equipment, coolant systems, and conveyances (including piping or other structures) that are part of an industrial or manufacturing process and not exclusively used for the passive storage of oil." IPC further agrees with SBA that EPA should explicitly exclude "manufacturing process systems/operational equipment" from the definition of "bulk storage container."

IPC is particularly concerned about EPA's inclusion of oil-filled electrical equipment in SPCC threshold determination and regulation. Electrical equipment, especially transformers and switchgear equipment that contain oil in quantities greater than 55 gallons, is usually owned by the local electric utility company, not the manufacturing facility. Further, the manufacturing facility does not typically have direct access to such equipment. Without ownership or access it would be infeasible for a facility to install containment equipment. IPC believes that the SPCC regulation should not include requirements for electrical equipment a facility does not own or maintain.

There are also serious occupational health and safety concerns with requiring facility personnel to respond to oil-filled electrical equipment spills. A facility employee responding to an incident, assuming they have direct access, could receive an electric shock or be electrocuted without proper equipment and training. IPC believes that only trained electric utility personnel should respond to oil-filled electric equipment incidents.

Furthermore, the low level of spill risk associated with electrical equipment is disproportionate to the significant SPCC regulatory burden imposed on covered facilities. IPC supports the many comments from the electric utility industry discussing the low risk

of spills associated with such equipment. The history of oil spills associated with electrical equipment affirms this position. Comments from the American Petroleum Institute points out that published data shows the rate of oil discharge reaching navigable waters from electrical equipment is less than one one-hundredth of one percent. Since the loss of dielectric fluid leads to failure of equipment and interruption in electrical power, the equipment is inherently self-monitoring. One could expect prompt response and clean-up of any potential spills. Further, electrical substations are surrounded by a gravel bed that would significantly restrict the flow of any oil spill.

Given the lack of direct access and safety considerations associated with oil-filled electrical equipment, EPA cannot expect facilities to meet the SPCC requirements for this equipment. Furthermore, EPA must take into account the low risk of spills associated with oil-filled electrical equipment. IPC recommends that EPA amend the 2002 SPCC regulations and/or provide guidance that such electrical equipment should not be considered in a facility's SPCC threshold determination or plan.

IPC supports EPA's efforts to reduce burden associated with oil-filled process and electrical equipment as it pertains to the SPCC program. IPC urges EPA to make amendments to the regulations and/or provide guidance to the regulated community as soon as possible. IPC believes EPA should extend the SPCC compliance deadlines 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