



January 10, 2006

Mr. Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Docket ID No. EPA – HQ - OPA – 2005 - 0003: Comments on Proposed Extension to October 31, 2007 of the Compliance Date for SPCC Rule

Dear Administrator Johnson:

The American Meat Institute (AMI) appreciates the opportunity to submit these comments pertaining to the proposed extension of the date of compliance in the Amendments to the Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Plan (SPCC) Requirements proposed by the Environmental Protection Agency (EPA or the agency) on December 12, 2005 (70 *Fed. Reg.* 73518). In a separate document we will present our comments on EPA's accompanying rule (70 *Fed. Reg.* 73524), which sets out in Subpart C proposed amendments to requirements for "facilities with animal fats and oils and greases, and fish and marine mammal oils; and for oils of vegetable origin, including oils from seeds, nuts, fruits, and kernels" ("*Animal Fats and Vegetable Oils*" or "*AF/VO*"), as well as in Subpart B, proposed SPCC amendments for "facilities with petroleum and non-petroleum oils other than AF/VO." Our industry commonly refers to these as oils and greases of "non-mineral" and "mineral" origin, respectively.

AMI is the nation's oldest and largest trade association representing packers and further processors of beef, pork, lamb, veal, turkey, and processed meat products. Its member companies routinely utilize heating oil in boilers; collect animal fat and grease for shipment to rendering facilities; and utilize food-grade AF/VO for frying/cooking, and to lubricate bearings, equipment, chains, and gearboxes in their facilities. As such, the proposed amendments to the SPCC rule are of utmost importance to AMI.

EPA's proposal to extend the date of compliance with the 2002 SPCC rule for all qualified facilities until October 31, 2007, is adequate only if EPA finalizes its proposed amendments and resolves in a timely manner and other important issues relative to the differentiation of AF/VO from the SPCC requirements for petroleum oils and non-petroleum oils other than AF/VO. AMI urges that all meat and poultry processing facilities be granted an extension from the 2002 amendments until all issues unique to the production and use of AF/VO are resolved. An adequate resolution would include:

- Regulations and guidance that appropriately distinguish AF/VO from other oils (petroleum and non-petroleum oils other than AF/VO), and reflect the significant differences in the substances themselves and the facilities handling these materials;
- Clarification that SPCC requirements should not apply to AF/VO that is solid at room temperature;
- A reasonable maximum threshold of AF/VO storage below which meat and poultry processing facilities would not be required to file an SPCC plan and/or comply with other inappropriate SPCC provisions (e.g., full fencing, locking, and guarding entrances);
- Visual inspection instead of integrity testing of indoor and outdoor storage tanks containing non-corrosive AF/VO;
- No secondary containment requirement for mobile tanks (e.g., railroad tank cars, tanker trucks) containing AF/VO; and
- Self-certification, instead of Professional Engineer certification, of SPCC plans, prepared in accordance with 40 CFR Part 112, by all meat and poultry packing and processing facilities.

AMI will continue to work toward creating a rule that is practical and meaningful to our industry. AMI is an active member of the Food Industry Environmental Council (FIEC), and supports FIEC's comments and efforts to create a "common sense" regulatory approach/guidance that appropriately distinguishes between AF/VO and other oils, reflecting the significant differences in the substances themselves and the facilities handling these materials.

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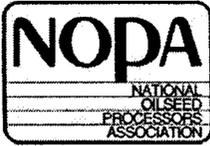
Many AMI members also have subsidiaries that produce animals for the meat and poultry processing industry. As such, we support the concerns expressed in comments by the Coalition on the Spill Prevention, Control and Countermeasure Rule, which includes organizations representing livestock operations, farmers, ranchers, farmer cooperatives and related agribusinesses.

AMI appreciates the opportunity to provide these comments and would be pleased to discuss these matters with you further at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dopp", with a long horizontal flourish extending to the right.

Mark Dopp
General Counsel and
Senior Vice President, Regulatory Affairs



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February 10, 2006

Via Electronic Mail

EPA Docket Center (EPA/DC)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Attn: Docket ID No. EPA-HQ-OPA-2005-0001

Re: Comments on EPA's December 12, 2005, Proposal to Amend the Agency's Spill Prevention, Control, and Countermeasure (SPCC) Plan Requirements (70 Fed. Reg. 73523)

Dear Sir or Madam:

I am writing on behalf of the five organizations identified below to provide comments on the above referenced EPA proposal to amend the Agency's Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements:

- The Corn Refiners Association (CRA) is the national trade association representing companies that produce sweeteners, starches, feeds, oil and bioproducts from our country's most abundant agricultural resource using the corn wet milling process.
- The Institute of Shortening and Edible Oils (ISEO) is a trade association representing the interests of edible fat and oil refiners in the U.S. The 19 members of ISEO refine approximately 21 billion pounds of edible fats and oils annually which are used in baking and frying fats (shortening), salad and cooking oils, margarines, confections and as ingredients in various other food products.
- The National Cotton Council (NCC) is the central organization of the U.S. cotton industry, representing producers, ginners, oilseed crushers, merchants, cooperatives, warehousemen and textile manufacturers, concentrated in 17 cotton-producing states, stretching from the Carolinas to California. The annual business revenue generated by cotton and its products in the U.S. economy is estimated to be in excess of \$120 billion. The cottonseed segment of NCC represents about 40 businesses that annually handle about 8 million tons of cottonseed (for crushing and direct feed), employ over 1,000 workers, and generate an estimated \$1.5 billion in annual revenue from cottonseed and cottonseed products.
- The National Cottonseed Products Association (NCPA) was established in 1897 and is the national trade group for the U.S. cottonseed processing industry. In addition to representing 100% of the U.S. cottonseed crushing industry, association members also includes refiners, which process cottonseed oil into semi-finished and finished products, dealers and brokers who market cottonseed and cottonseed products, and commercial laboratories that provide grading, quality control, referee and other services. NCPA member firms handle approximately 4 million tons of seed, employing an estimated 1,000 workers and generating an estimated \$1 billion in revenue.

- The National Oilseed Processors Association (NOPA) is a national trade association comprised of 13 companies with plants engaged in the production of vegetable meals and oils from oilseeds, including soybeans. NOPA's 13 member companies process more than 1.4 billion bushels of oilseeds annually at 66 plants located throughout the country.

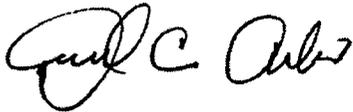
EPA proposes to amend the SPCC Plan requirements to, among other things, provide flexibility in the area of integrity testing for "qualified facilities" (Section 112.3(g)(3)(iv) ("Bulk Storage Container Inspections")). We applaud the Agency for the action it is proposing to take in this regard. However, we believe the proposal is still deficient in regards to what it sets forth relative to such inspections, in that none of the sections of the Rule that address bulk storage container inspections, including sections 112.3(g)(3)(iv), 112.8(c)(6) and 112.12(c)(6), mention two key factors that need to be considered in the development of any integrity testing plan.

The two factors in question – the characteristics of products being stored and handled at a facility, and other site-specific factors - are both included in Section 7.5.15, "Suggested Minimum Requirements for a PE-Developed Site-Specific Integrity Testing Program (Hybrid Testing Program)," of EPA's recently issued "SPCC Guidance for Regional Inspectors" (Version 1.0, November 28, 2005). In this Guidance EPA correctly states that the frequency and type of testing/inspections appropriate for a particular tank should consider not only the "... equipment type and condition ...," but also the "... characteristics of products stored and handled at the facility, and other site-specific factors." The three sections of the Rule in question make no mention of either of these factors, referring only to "... container size, configuration, and design ...".

In consideration of the above, all three sections of the Rule that address bulk storage container inspections - sections 112.3(g)(3)(iv), 112.8(c)(6) and 112.12(c)(6) – should be revised to incorporate "the characteristics of products being stored and handled at a facility" and "other site-specific factors." Doing so will not only address a deficiency of the Rule as it relates to such inspections, but serve to harmonize the Rule with the Guidance that EPA has issued.

Thank you for the opportunity to comment on the proposed SPCC Rule. Please contact me if you have any questions.

Sincerely,



David C. Ailor, P.E.
Vice President of Regulatory Affairs

cc: Jennifer Snyder, Corn Refiners Association
Robert Reeves, Institute of Shortening and Edible Oils
Phil Wakelyn, National Cotton Council
Ben Morgan, National Cottonseed Products Association