

Potentially massive expansion of EPA's Spill Prevention Control and Countermeasure Program

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Partner [Wayne D'Angelo](#) and special counsel [Joe Green](#) co-authored the *Westlaw Journal* article "Potentially Massive Expansion of EPA's Spill Prevention, Control and Countermeasure Program." In a groundbreaking settlement recently announced, the U.S. Environmental Protection Agency agreed to initiate rulemaking to greatly expand the Spill Prevention, Control and Countermeasure program beyond oil to address other hazardous substances. Responding to a lawsuit filed in July by several environmental groups, the settlement establishes an aggressive schedule for the EPA to issue the regulations under Section 311(j)(1) of the Clean Water Act. Wayne and Joe provided background on the Clean Water Act and the environmental groups' lawsuit. They also note that the pending rulemaking warrants the attention and involvement of a wide variety of potentially impacted stakeholders. The rulemaking will have to address the scope of "hazardous substances" covered, the storage capacity threshold for a facility to be included, and the specific elements that a "hazardous substance SPCC" plan must include.