
NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

Policy

| Spill Prevention Control and Counter Measures Plans | | | |
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| NUMBER: BP-1709-2 | | REV. NO.: | ORIGINAL BOARD APPROVAL: 09/13/2017 |
| | | | LATEST COMMITTEE REVIEW: 05/13/2020 |
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| CATEGORY(IES) | <input type="checkbox"/> Surveying | <input checked="" type="checkbox"/> Engineering | <input type="checkbox"/> Other |
| | <input type="checkbox"/> Unlicensed | <input type="checkbox"/> Seal | |
| ORIGINATION: | <input type="checkbox"/> Surveying Committee | <input checked="" type="checkbox"/> Engineering Committee | <input type="checkbox"/> Other |

(Restatement of Policy letter by the Board on March 1, 2010)

The Board confirms the previously issued interpretation that the preparation of a Spill Prevention Control and Counter Measure Plan (SPCC plan) requires engineering education, training or experience to successfully complete and to protect the public and is therefore within the practice of engineering within N.C.G.S. 89C-3(6).

Industry personnel cannot prepare an SPCC plan for their facility without a P.E. Whereas there is an exemption in N.C.G.S. 89C-25(7) that allows for internal engineering activities of industrial companies to be performed by employees who are not licensed, the exemption language ends with a requirement that engineering work “where the safety of the public is directly involved shall be under the responsible charge of a licensed professional engineer.” An SPCC plan is considered to directly involve the public safety. The replacement N.C.G.S. 89C-25(7a) in 2015 did not change the quoted language.

In 2015, the Board reconfirmed the 2010 policy letter with respect to SPCC plans and determined that no changes were needed. This was after consideration of the EPA’s 2011 fact sheet and the referenced rule changes that were made to provide a more streamlined approach and to allow owners to self-certify.