

Water Resources Reform and Development Act of 2014

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The recently enacted [Water Resources Reform and Development Act of 2014](#) established a new mandate to the U.S. EPA: change how EPA enforces the federal Spill Prevention, Control and Countermeasure (SPCC) rule against the nation's farms. Following several years of conflict between EPA and the agricultural community, Congress intervened with a plan to reduce the SPCC rule's impact on agriculture. The new law clarifies which farms must have certified SPCC plans that address fuel storage and spill response practices; the law also directs EPA to study and adjust the exemption levels within the next three years.

Which farms must comply with the SPCC rule?

Here is an explanation of how the new law affects SPCC rule requirements for farms. Note that the exemption level could change after EPA conducts its required study, explained below.

1. Farms that must have a professionally certified SPCC plan

Farms in this category must have an SPCC plan that is certified by a professional engineer. This category includes farms that have any of the following:

- An individual aboveground tank with storage capacity over 10,000 gallons;
- An aggregate aboveground storage capacity of 20,000 gallons or more;
- A "reportable oil discharge history."

2. Farms that can self-certify their SPCC plans

Farms with moderate fuel storage and no history of reportable discharges must have an SPCC plan, but the owner or operator of the farm can self-certify the plan. Farms in this category include those that:

- Have an aggregate aboveground storage capacity of 6,001 to 20,000 gallons
- And do not have a "reportable oil discharge history."

3. Farms that are exempt from SPCC compliance

The EPA may not require compliance with the SPCC rule for any farm that:

- Has an aggregate aboveground storage capacity of less than 6,000 gallons.

Changes to aggregate capacity calculations will affect SPCC's reach

The new law also changes which fuel storage containers a farm must include when calculating its aggregate fuel storage capacity. This change could significantly impact whether a farm falls into the exempt, self-certified or professionally certified plan category. Previously, the SPCC rule required a farm to include any storage container of 50 gallons or more in its aggregate capacity calculation. Under the new law, a farm may now *exclude* these fuel storage containers from its calculation of capacity:

1. All containers on separate parcels that have a capacity of 1,000 gallons or less;
2. All containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

EPA must study discharge risks

The SPCC compliance requirements could change after the EPA completes the mandated study. The law requires EPA to consult with the Secretary of Agriculture to conduct a study within the next year to determine the amount that is appropriate for an SPCC rule exemption, based on whether there is significant risk of an oil discharge to water. Within 18 months of completing the study, the EPA may adjust the SPCC exemption level to not more than 6,000 gallons and not less than 2,500 gallons. This provision gives EPA an opportunity to lower the exemption beneath the current 6,000 gallon minimum if the agency can prove that there is significant risk of oil discharges on farms with fuel storage capacity between 2,500 and 6,000 aggregate gallons.

What is the SPCC rule compliance date for farms?

Surprisingly, the new law does not remove the uncertainty surrounding the deadline for a farm to comply with the SPCC rule. Maneuverings by Congress prevented EPA from enforcing the original May 13, 2013 compliance deadline until September 24, 2013. After that date, a letter from several members of Congress advised the EPA Administrator not to enforce the rule at all until Congress enacted new legislation that would exempt most farms from the rule. With the new law in place, will the EPA now enforce SPCC plan requirements against a farm? If so, then a farm that is subject to the rule could face penalties for non-compliance if it has an oil discharge and does not have its SPCC plan in place. Given that possibility, farms that fall under the new SPCC requirements should act quickly to develop their SPCC plans.

SPCC definitions

A few definitions from the SPCC rule, unchanged by the recent legislation, are helpful to understanding the rule's application.

- *Farm* means a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold or normally would have produced and sold \$1,000 or more of agricultural products during a year.
- *Oil* means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.
- *Reportable oil discharge history* means either a single oil discharge over 1,000 gallons or two oil discharges that each exceeded 42 gallons and that occurred within any 12-month period in the 3 years prior to the farm's required SPCC certification date.

For more on the SPCC rule, see the [EPA's SPCC page](#).

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Tags: [SPCC farm rule](#), [SPCC plan](#), [farm fuel spill plans](#)

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Oil Spill Prevention, Control and Countermeasure

Program: Information for Farmers

This fact sheet will help you, as a farmer, understand your obligations under the Oil Spill Prevention, Control and Countermeasure (SPCC) program.

What is SPCC?

The goal of the SPCC program is to prevent oil spills into U.S. waters and along shorelines next to them. Oil spills can hurt people and damage the environment. A key element of this program asks farmers and other facilities to prepare an oil spill prevention plan, called an ***SPCC Plan***. These Plans can help farmers prevent oil spills that might damage water resources needed for farming operations.

What does SPCC consider a farm?

Under SPCC, a farm is a facility that:

- Is on a tract of land that produces crops or raises animals, including fish, and
- Produced and sold, or normally would produce and sell, \$1,000 or more in agricultural products during a year.

Does SPCC apply to my farm?

SPCC applies to a farm that:

- Stores, transfers or uses oil or oil products (diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil, or animal fat).
- Stores more than **6,000 U.S. gallons** of oil in aboveground containers

TIPS:

- ~ *Count only containers of oil that have a storage capacity of **1,000 or more U.S. gallons**.*
- ~ *Adjacent or non-adjacent parcels, either leased or owned, may be considered separate facilities for SPCC purposes.*
- ~ *Containers on separate parcels (that the farmer identifies as separate facilities based on their operation) do not need to be added together to determine whether you have 6,000 gallons of oil.*

If SPCC applies to my farm, what should I do?

The SPCC program requires you to prepare and implement an SPCC Plan. If you already have a plan, maintain it. If you do not have a Plan, prepare and implement one. For many farmers, a Professional Engineer (PE) must certify their Plan. However, you may be able to self-certify your Plan (see boxed information)

Self-Certify Your SPCC Plan	Plan Certified by PE
Farm has total oil storage between 6,001 and 20,000 gallons in aboveground containers	Farm has total oil storage capacity of more than 20,000 gallons
Farm has good spill history (described in SPCC Rule)	Farms has had an oil spill
	You use alternate measures allowed by SPCC rule

TIP: If you can self-certify your Plan, and have no aboveground container with more than a 10,000 gallon capacity, you can use the Plan template. Just download it from the U.S. Environmental Protection Agency (EPA) website at: <http://www.epa.gov/oem/content/spcc/>

When should I prepare and implement a plan?

According to the federal regulations (76 FR 64245), you must have your compliance plan in place by **Sept 14, 2013**

NO HASSLE SPCC PLAN PROVIDER
1529 Westwood Ave, WENATCHEE WA
CALL KEN MATTSON 877-400-5230
<http://www.spccompliant.com/>

What information will I need to prepare my farm's SPCC Plan?

To prepare your farm's SPCC Plan, you will need:

- A list of the oil containers, by parcel, at the farm (including contents and location of each container).
- A brief description of the procedures you will use to prevent oil spills. (For example, steps you use to reduce the possibility of a fuel spill when you transfer fuel from a storage tank to your farm vehicles).
- A brief description of the measures you installed to prevent oil from reaching water (see next section).
- A brief description of the measures you will use to contain and clean up an oil spill to water.
- A list of emergency contacts and first responders.

What spill prevention measures should I implement and include in my SPCC Plan?

You should include the following measures in your SPCC Plan:

- Use containers suitable for the oil stored. (For example, use a container designed for flammable liquids to store gasoline.)
- Identify contractors or other local personnel who can help you clean up an oil spill.
- Provide overflow prevention for your oil storage containers. You could use a high-level alarm or audible vent, or establish a process for filling containers.
- Provide effective sized secondary containment for bulk storage containers (such as a dike or a remote holding area). The containment must be able to hold the full capacity of the container plus possible rainfall. You can construct a dike using earth or concrete, or you can use a double-walled tank.
- Provide effective general secondary containment to address the most likely times when you could have a spill. For example, discuss areas where you transfer oil to and from containers or areas used by mobile refuelers (such as fuel nurse tanks mounted on trucks or trailers). For example, you may use sorbent materials, drip pans or curbing for these areas.
- Periodically inspect and test pipes and containers. You should visually inspect aboveground pipes and aboveground containers using industry standards. When you install or repair buried pipes, you must leak-test them. We recommend that you keep a written record of your inspections.

How and when do I maintain my SPCC Plan?

Revise and update your SPCC Plan when you make changes to the farm. For instance, you should change your Plan if you add new storage containers (e.g. tanks) that are 1,000 gallons or larger. Also revise it if you purchase or lease parcels with containers that are 1,000 gallons or larger. You must review your Plan every five years to make sure it includes any changes in oil storage at your farm.

What should I do if I have an oil spill?

If you have an oil spill, you should:

- Activate your SPCC Plan procedures to prevent the oil spill from reaching a creek or river.
- Implement spill cleanup and mitigation procedures outlined in your Plan.
- Notify the National Response Center (NRC) at 800-424-8802 if you have an oil discharge to waters or shorelines.
- You must notify your EPA Regional office in writing if in a 12-month period you have:
 - o Two different oil spills of more than 42 gallons each that spill into water, or
 - o A spill of more than 1,000 gallons to water in a single spill event.

For More Information

Read the SPCC rule and additional information at:

<http://www.epa.gov/emergencies/spcc>

Call the EPA Ag Compliance Assistance Center: 888-663-2155 or contact the Center at:

<http://www.epa.gov/agriculture/agctr.html>

Call or send an e-mail to Michael Sibley at EPA Region 10 Seattle Office: 206-553-1886 or Sibley.Michael@epa.gov

Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center at: 800-424-9346 or

Extent of Noncompliance	Storage Capacity of the Facility in gallons			
	Less than 42,000	42,001 to 200,000	200,001 to 1 million	More than 1 million*
Minor Noncompliance:	\$500 to \$3,000	\$2,000 to \$6,000	\$5,000 to \$12,000	\$8,000 to \$20,000
Moderate Noncompliance:	\$3,000 to \$8,000	\$6,000 to \$15,000	\$12,000 to \$25,000	\$20,000 to \$50,000
Major Noncompliance:	\$8,000 to \$20,000	\$15,000 to \$30,000	\$25,000 to \$60,000	Not less than \$50,000

\$\$ PER DAY

SPCC VIOLATIONS

Minor noncompliance: Failure to review plan after three years; failure to amend plan after minor facility change; failure to have amendment certified.

Moderate noncompliance: Plan not available during the normal 8-hour work day; inadequate or incomplete plan; inadequate or incomplete implementation of plan (but neither a complete lack of secondary containment, nor grossly inadequate secondary containment); no plan, but adequate secondary containment; implementation of applicable state plan that does not reference SPCC or meet all SPCC requirements; failure to amend or implement amended plan after spill or any major facility change; failure to submit required information after a spill; failure to certify plan.

Major noncompliance: No SPCC plan and no secondary containment; failure to implement SPCC plan; inadequate or incomplete plan implementation resulting in (1) grossly inadequate or no secondary containment or (2) hazardous site conditions.