

Clarifying Aspects of EPA's Spill Prevention Control and Countermeasure Rule and Impacts on Farmers and Ranchers

By U.S. Environmental Protection Agency Region 7 Administrator Karl Brooks

The goal of SPCC is to prevent oil spills into waters of the United States and adjoining shorelines. These plans can help farmers prevent oil spills, which can damage water resources needed for farming operations.

We recognize that many farmers and ranchers continue to have questions about whether they will be affected and what they can do to be in compliance.

If your farm began operations after August 16, 2002 you must prepare and implement an SPCC plan which meets all of the SPCC requirements no later than May 10, 2013. If your farm was in operation before August 16, 2002, and you do not already have a plan, you need to prepare a plan that meets all of the SPCC requirements and implement the plan as soon as possible.

You may be asking, "Does this SPCC Rule impact my farm?" If you do not store more than 1,320 gallons of oil or oil products on your farm in aboveground containers, or 42,000 gallons of oil or oil products in completely buried containers, you are not subject to the SPCC rules.

Our rule considers the storage at a facility on a tract of land. For most farms in the Midwest, there are multiple tracts of land. Facilities "farms" which potentially are subject to SPCC requirements can be subdivided by property, parcel, and lease. If the individual areas (property, parcel, lease) don't exceed the threshold requirements, the individual areas are not subject to SPCC regulation.

We have heard that farmers are concerned that we will force compliance by not allowing local CO-OPs to deliver fuel unless the farm has an SPCC plan in place. EPA has no idea where farmers purchase their fuel and cannot enforce in that way. However, a typical enforcement would probably follow a spill, if we discovered the facility did not have an SPCC plan in place or the plan was not being followed.

Can I self-certify my own plan? If your farm has a total oil storage capacity greater than 1,320 and less than 10,000 gallons in aboveground containers, and the farm has a good spill history (as described in the SPCC rule), you may prepare and self-certify your own plan. (However, if you decide to use certain alternate measures allowed by the federal SPCC Rule, you will need a professional engineer.)

If your farm has storage capacity of more than 10,000 gallons, or has had an oil spill you may need to prepare an SPCC plan certified by a professional engineer.

If you are eligible to self-certify your plan, and no aboveground container at your farm is greater than 5,000 gallons in capacity, then you may use the plan template that is available to download from EPA's website at: <http://www.epa.gov/oem/content/spcc/tier1temp.htm>

Currently, EPA is prevented from enforcing the SPCC rule on farms due to modifications in the program within the continuing resolution authorizing funding for government operations until September 30, 2013.

EPA Region 7 has not conducted inspections of farms for purposes of this rule. To avoid confusion and get solid answers to any questions you might have, I strongly encourage you to contact EPA with any questions related to the SPCC rule. The EPA Region 7 contact is Mark Aaron who can be reached at 913.551.7205 or aaron.mark@epa.gov, EPA Region 7, 11201 Renner Blvd., Lenexa, Kansas 66219.

You can also click on the following link for further information.

<http://www.epa.gov/emergencies/content/spcc/index.htm>

For additional information concerning cleanup requirements for oil contamination and spills in Region 7, which consists of Iowa, Kansas, Missouri and Nebraska contact:

Iowa Department of Natural Resources Emergency Response (515) 281-8694

Missouri Department of Natural Resources Emergency Response (573) 634-2436

Kansas Department of Health and Environment Emergency Response (785) 296-1679

Nebraska Department of Environmental Quality (402) 471-2186

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