



# Spill Prevention, Control, and Countermeasure (SPCC) Rule Amendments

## Information for Farms about the December 2006 revisions to SPCC Requirements

In December 2006, EPA amended the SPCC rule to streamline some of its requirements. As part of the Oil Pollution Prevention regulation, the SPCC rule outlines requirements for prevention of, preparedness for, and response to oil discharges. Regulated facilities, including some farms, must develop and implement SPCC Plans that establish procedures and equipment requirements to help prevent oil discharges from reaching waters of the United States or adjoining shorelines.

### What is a “farm” for purposes of the SPCC rule?

In the SPCC rule, EPA defines a farm as “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.”

### What farms are subject to the SPCC rule?

The SPCC rule applies to owners or operators of farms that:

- Store, transfer, use, or consume oil or oil products, and
- Could reasonably be expected to discharge oil to waters of the United States or adjoining shorelines. Farms that meet these criteria are subject to the SPCC rule if they meet at least one of the following capacity thresholds:
  - Aboveground oil storage capacity greater than 1,320 gallons, or
  - Completely buried oil storage capacity greater than 42,000 gallons.

The following are exempt from the SPCC rule:

- Completely buried storage tanks subject to all the technical requirements of the underground storage tank regulations
- Containers with a storage capacity less than 55 gallons of oil
- Wastewater treatment facilities
- Permanently closed containers
- Motive power containers (e.g., automotive or truck fuel tanks)

### What are the compliance dates for farms?

In December 2006, EPA extended the compliance dates for preparing or amending, and implementing SPCC Plans for farms until the Agency promulgates a rule specifically addressing how farms should be regulated under the SPCC rule. During the extension, EPA will determine how to better tailor and streamline the SPCC rule for farms.

<b>A farm starting operation...</b>	<b>Must...</b>
On or before August 16, 2002*	Maintain its existing SPCC Plan based on the SPCC requirements prior to the new 2002 amendments Amend and implement the SPCC Plan when EPA promulgates a rule specific for farms and specifies a compliance date for farms
After August 16, 2002*	Prepare and implement an SPCC Plan when EPA promulgates a rule specific for farms and specifies a compliance date for farms

\* August 16 2002 is the date that the amended SPCC rule became effective.

## What changes did EPA finalize in December 2006?

The newly revised SPCC rule modifies requirements for farms with smaller oil storage capacity (these farms are included in new category of “qualified facilities”) and specific types of oil-filled operating equipment (e.g., hydraulic systems, lubricating systems, gearboxes, transformers) that may be found on farms.

<b>Alternative for farms that store or handle 10,000 gallons or less of oil</b>		
<i>If a farm...</i>	<i>And the farm...</i>	<i>Then the owner/operator of a farm...</i>
Has 10,000 gallons or less in aggregate aboveground oil storage capacity	Meets the oil discharge history criteria described below*	<ul style="list-style-type: none"> <li>▪ May prepare a self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer (PE)</li> <li>▪ May meet tailored facility security and tank integrity inspection requirements without PE certification</li> <li>▪ May prepare a Plan that includes environmentally equivalent** measures or impracticability determinations*** as long as a PE certifies those specific sections</li> </ul>
<b>Alternative for oil-filled operational equipment</b>		
<i>If a farm...</i>	<i>And the equipment...</i>	<i>Then the owner/operator of a farm...</i>
Has oil-filled operational equipment (e.g., hydraulic systems, lubricating systems, gearboxes, transformers)	Meets the oil discharge history criteria described below *	<ul style="list-style-type: none"> <li>▪ May implement an inspection and monitoring program, develop an oil spill contingency plan, and provide a written commitment of resources to control and remove oil discharged, for qualified equipment in lieu of secondary containment for the oil-filled operational equipment</li> <li>▪ Does not need to make an impracticability determination*** for each piece of equipment</li> </ul>

\* To use these alternatives, a facility (or its oil-filled operational equipment) must meet requirements for its reportable discharge history. The facility must not have had (1) a single discharge of oil to navigable waters (waters of the United States) exceeding 1,000 U.S. gallons or (2) two discharges of oil to navigable waters each exceeding 42 U.S. gallons within any twelve-month period, in the three years prior to the SPCC Plan certification date, or since becoming subject to the SPCC rule if operating for less than three years. Eligibility for the oil-filled operational equipment alternative is determined by the discharge history from the equipment, not the entire facility.

\*\* An environmentally equivalent measure is a protective action that provides equal protection to the environment as the measure that is specified in the SPCC rule.

\*\*\* An impracticability determination is allowed when a facility is incapable of installing secondary containment by any reasonable method because of space and geographical limitations, local zoning ordinances, fire codes, safety, or other good engineering practice reasons. In these instances, specified alternative measures to prevent and contain oil discharges are required.

### **EPA also finalized other changes in December 2006:**

- Motive power containers (e.g., automotive or truck fuel tanks) are exempt from the SPCC rule.
- Mobile refuelers are exempt from specific sized secondary containment requirements for bulk containers (i.e., containment large enough to contain the capacity of the largest compartment or container along with enough room to contain precipitation).
- Certain inapplicable requirements for animal fats and vegetable oils were removed.

### **For More Information**

**Read the SPCC rule amendment**  
[www.epa.gov/oilspill](http://www.epa.gov/oilspill)

**Review the Oil Pollution Prevention regulation (40 CFR part 112)**  
<http://www.gpoaccess.gov/cfr/>

**Visit the EPA Office of Emergency Management Web site**  
[www.epa.gov/emergencies](http://www.epa.gov/emergencies)

**Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center**  
 (800) 424-9346 or (703) 412-9810  
 TDD (800) 553-7672 or (703) 412-3323  
[www.epa.gov/superfund/resources/infocenter](http://www.epa.gov/superfund/resources/infocenter)

### **To Report an Oil or Chemical Spill**

**Call the National Response Center**  
 (800) 424-8802 or (202) 267-2675  
 TDD (202) 267-4477