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## **Spill Prevention, Control, and Countermeasure (SPCC) Rule Final Amendments For Farms**

On December 5, 2008, EPA amended the SPCC rule to tailor certain requirements for agricultural facilities, including farms (73 FR 74236). Additionally, these amendments complement the December 2006 amendments to the SPCC rule, which streamlined the requirements for most farms subject to SPCC requirements (71 FR 77266).

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### **What is a farm?**

In the December 2006 amendments to the SPCC rule, EPA defined 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.”

### **Is pesticide application equipment subject to SPCC?**

The final rule exempts all pesticide application equipment and related mix containers, regardless of ownership or where used, from SPCC requirements. Additionally, the capacity of these pesticide application equipment and related mix containers are not counted toward the facility’s oil storage capacity calculation.

*Pesticide application equipment* includes ground boom applicators, airblast sprayers, and specialty aircraft that are used to apply measured quantities of pesticides to crops and/or soil. *Related mix containers* are those used to mix pesticides with water and, as needed, adjuvant oils, just prior to loading into application equipment. The exemption does not include bulk containers storing pesticides mixed with adjuvant oil or crop oil.

Containers that are 55 U.S. gallons or greater in capacity that store oil prior to mixing with a pesticide, or containers used to store pesticides that contain oil, continue to be regulated under the SPCC rule.

### **How are farm nurse tanks regulated under the SPCC rule?**

Mobile refuelers are exempt from the sized secondary containment requirements of the SPCC rule. The final rule extends this exemption to non-transportation-related tank trucks, and also clarifies that the definition of mobile refueler includes a nurse tank. A nurse tank is a mobile/portable container used at farms to store and transport fuel or lubricating/hydraulic oils for transfers to or from farm equipment (such as tractors and combines) to other bulk storage containers (such as containers used to provide fuel to wellhead/relift pumps). A nurse tank, like other types of mobile refuelers and non-transportation related tanker trucks, is exempt from the sized secondary containment requirements, but is still subject to the general secondary containment requirements.

### **Does the loading rack provision apply to farms?**

Farms are exempt from the loading/unloading rack requirements because agricultural oil and fuel transfers at farms are generally not associated with loading/unloading racks. However, oil transfer areas, such as loading/unloading areas at farms are subject to the SPCC rule and require general secondary containment.

### **What other amendments might affect farms?**

Farms are likely to benefit from other amendments to the SPCC rule finalized in 2008, such as:

- Clarifications to the definition of facility;
- Option to allow a subset of qualified facilities (“Tier I qualified facilities”) to complete and self-certify the streamlined SPCC Plan template, instead of preparing a full self-certified SPCC Plan;
- Exemption of residential heating oil tanks at single-family residences;
- Amendments that streamline security and integrity testing requirements; and
- Amendments to the facility diagram requirements.

### What are the compliance dates for farms?

EPA is proposing to establish new compliance dates for farms that must prepare or amend and implement SPCC Plans. A separate compliance date is being proposed for farms that are qualified facilities. EPA is requesting comments on the proposed compliance dates from the public and regulated community by December 26, 2008.

#### Who is subject to the SPCC rule?

**The SPCC rule applies to owners or operators of non-transportation-related facilities that:**

- Drill, produce, store, process, refine, transfer, distribute, use, or consume oil or oil products; and
- Could reasonably be expected to discharge oil to U.S. navigable waters or adjoining shorelines.

**Facilities are subject to the rule if they meet at least one of the following capacity thresholds:**

- Aboveground oil storage capacity greater than 1,320 U.S. gallons, or completely buried oil storage capacity greater than 42,000 U.S. gallons.

**The following are exempt from the rule:**

- Containers with a storage capacity less than 55 U.S. gallons of oil;
- Permanently closed containers;
- Motive power containers;
- Wastewater treatment facilities;
- Hot-mix asphalt and hot-mix asphalt containers;
- Residential heating oil containers;
- Pesticide application equipment and related mix containers;
- Produced water containers and any associated piping and appurtenances downstream of the container that meet certain criteria;
- Completely buried storage tanks subject to all the technical requirements of the underground storage tank regulations;
- Intra-facility gathering lines subject to U.S. Department of Transportation’s pipeline regulations; and
- Underground oil storage tanks at nuclear power generation facilities.

#### For More Information

**Visit the EPA Office of Emergency Management Web site:**

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

**Comment on the proposed SPCC rule amendment and review docket documents:**

<http://www.regulations.gov>

Follow the online instructions to comment on Docket ID No. EPA-HQ-OPA-2008-0546

**Review the Oil Pollution Prevention regulation (40 CFR part 112):**

<http://www.gpoaccess.gov/cfr/>

**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

<http://www.epa.gov/superfund/resources/infocenter>

**To Report an Oil or Chemical Spill Call the National Response Center:**

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