



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

Information for Farms about the October 2007 proposed amendments to the SPCC Rule

EPA proposed amendments to the SPCC rule to increase clarity and tailor certain requirements as they apply to farms in an effort to increase compliance. The public now has the opportunity to comment on these proposed changes during a 60-day comment period, following publication of the proposed rule in the Federal Register.

What is a “farm” for purposes of 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.”

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

- store, transfer, use, or consume oil or oil products (for example, gasoline, heating oil, off-road diesel, on-road diesel, lubrication/hydraulic oils, animal fats and vegetable oils) above applicable thresholds (listed below), and
- could reasonably be expected to discharge oil to waters of the US.

The applicable capacity thresholds for facilities subject to the SPCC rule are:

- aboveground oil storage capacity* greater than 1,320 gallons, or
- completely buried oil storage capacity* greater than 42,000 gallons.

*counting only containers with a capacity of 55 gallons or greater

I have a farm with oil above the threshold quantity. What should I do?

Maintain your existing Plan. Amend and implement the Plan when EPA promulgates a rule specific for farms and specifies a compliance date for farms.

Farm owners and operators should pay special attention to the following proposed revisions to the SPCC rule:

EPA is proposing to exempt:

- pesticide application equipment and related mix containers used at farms; and
- heating oil containers at single-family residences (such as farm residences).

EPA is also proposing the following amendments to the SPCC rule:

- exclude farms from the “loading/unloading rack” requirements; and
- streamline requirements and allow the use of an SPCC Plan template for a subset of qualified facilities, known as “Tier 1” qualified facilities (i.e., with no individual oil storage container with a capacity greater than 5,000 U.S. gallons up to an aggregate container capacity of 10,000 gallons).

Additionally, all SPCC-regulated facilities, including farms, would be potentially affected by the proposed amendments to provide:

- clarity on the general secondary containment requirements;
- flexibility in the security requirements;
- flexibility in the use of industry standards to comply with the integrity testing requirements;
- additional flexibility in meeting the facility diagram requirements;
- clarification on the definition of “facility” associated with describing a facility’s boundaries;

Finally, EPA is clarifying in the preamble to the proposed amendments that farm nurse tanks are considered mobile refuelers under the SPCC rule amendments finalized in December 2006 and therefore exempt from the specifically sized secondary containment requirements for bulk storage containers. For additional information on the proposed rule amendments, please visit:

www.epa.gov/emergencies.

Please submit your comments on the proposed amendments at www.regulations.gov. If you have specific questions about the proposed amendments, please contact our helpline at 1-800-424-9346.

For More Information

Read the proposed SPCC rule amendment

<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-2007-0584

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

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

Visit the EPA Office of Emergency Management Web site

<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

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