

112TH CONGRESS
1ST SESSION

H. R. 3158

To direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2011

Mr. CRAWFORD (for himself, Mr. LUCAS, Mr. RIBBLE, Mr. WALSH of Illinois, Mr. DENHAM, Mr. GRIFFIN of Arkansas, Mr. WOMACK, Mr. SMITH of Nebraska, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. WESTMORELAND, Mr. JOHNSON of Illinois, Mr. LATTA, Mr. COLE, Mr. CASSIDY, Mr. FLEISCHMANN, Mr. ROSS of Arkansas, Mr. BERG, Mr. FINCHER, Mr. CARTER, and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Farmers Undertake
5 Environmental Land Stewardship Act” or the “FUELS
6 Act”.

1 **SEC. 2. APPLICABILITY OF SPILL PREVENTION, CONTROL,**
2 **AND COUNTERMEASURE RULE.**

3 (a) IN GENERAL.—The Administrator, in imple-
4 menting the Spill Prevention, Control, and Counter-
5 measure rule with respect to any farm, shall—

6 (1) require certification of compliance with such
7 rule by—

8 (A) a professional engineer for a farm
9 with—

10 (i) an individual tank with a storage
11 capacity greater than 10,000 gallons;

12 (ii) an aggregate storage capacity
13 greater than or equal to 42,000 gallons; or

14 (iii) a history that includes a spill; or

15 (B) the owner or operator of the farm (via
16 self-certification) for a farm with—

17 (i) an aggregate storage capacity
18 greater than 10,000 gallons but less than
19 42,000 gallons; and

20 (ii) no history of spills; and

21 (2) exempt from all requirements of such rule
22 any farm—

23 (A) with an aggregate storage capacity of
24 less than or equal to 10,000 gallons; and

25 (B) no history of spills.

1 (b) CALCULATION OF AGGREGATE STORAGE CAPAC-
2 ITY.—For the purposes of subsection (a), the aggregate
3 storage capacity of a farm excludes all containers on sepa-
4 rate parcels that have a capacity that is less than 1,320
5 gallons.

6 **SEC. 3. DEFINITIONS.**

7 In this Act, the following terms apply:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) FARM.—The term “farm” has the meaning
12 given such term in section 112.2 of title 40, Code
13 of Federal Regulations.

14 (3) GALLON.—The term “gallon” refers to a
15 United States liquid gallon.

16 (4) SPILL PREVENTION, CONTROL, AND COUN-
17 TERMEASURE RULE.—The term “Spill Prevention,
18 Control, and Countermeasure rule” means the regu-
19 lation promulgated by the Environmental Protection
20 Agency under part 112 of title 40, Code of Federal
21 Regulations.

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