



NATIONAL ISSUES

ACTION ALERT

2011 Kentucky Farm Bureau Agricultural Contact Team (FBACT)

Spill Prevention Control and Countermeasures Rule Implementation

October 11, 2011

INFORMATIONAL ALERT:

ISSUE: In 2009, the U.S. Environmental Protection Agency (EPA) finalized amendments to the Spill Prevention, Control and Countermeasures (SPCC) rule. However, compliance implementation of the rule was extended through November 10, 2011 at which time farms and businesses meeting the minimum storage requirements must have in place a SPCC plan for their operation. Under this rule, SPCC applies to a farm that stores, transfers, uses or consumes oil or oil products, such as diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil or animal fat; and, stores more than 1,320 gallons in aboveground containers, or more than 42,000 gallons in completely buried containers; and, could reasonably be expected to discharge oil to waters of the U.S. such as interstate waters, intrastate lakes, rivers and streams.

IMPACT: Farms with above-ground oil storage capacity of more than 1,320 gallons are required to develop and implement a SPCC plan to be in compliance. Farms with more than 1,320 gallons, but less than 10,000 gallons of oil storage capacity are eligible to self-certify SPCC plans. However, farms with greater than 10,000 gallons of storage capacity are required to have plans prepared and certified by a professional engineer (PE).

To determine if SPCC applies to your farm, count all oil storage containment with the capacity of 55 gallons or more. Containers less than 55 gallons do not need to be counted. However, this applies to potential storage, not just the amount of oil actually stored on the farm. For example, a 1,500 gallon oil/fuel storage tank that may only contain 750 gallons of fuel must still be counted as 1,500 gallons of oil storage under this rule. Portable oil/fuel containers 55 gallons or larger must also be counted. Adjacent or non-adjacent parcels, either leased or owned, may be considered separate facilities for SPCC purposes. Containers on separate parcels (that are identified as separate facilities based on how they are operated) do not need to be added together in determining whether the 1,320 gallon threshold is met.

Plans do not have to be filed with EPA, but must be maintained by the owner or operator of the facility at the location. Plans must be reviewed every five years to make sure the plan includes any changes in oil storage at the farm.

In case of a spill, owner/operators must activate SPCC plan procedures to prevent the oil spill from reaching a creek or river and implement spill cleanup procedures as outlined in the plan. If oil is discharged into waters the National Response Center (NRC) must be notified by calling (800) 424-8802. In the case of an oil spill, EPA and first responders will request a copy of the SPCC plan for that facility.

What information is needed to prepare an SPCC plan?

- A list of the oil containers at the farm by parcel. (including the contents and location of each container)
- A brief description of the procedures that you will use to prevent oil spills. (For example, steps you use to transfer fuel from a storage tank to your farm vehicles that reduce the possibility of a fuel spill.)
- A brief description of the measures installed to prevent oil from reaching water.
- A brief description of the measures that will be used to contain and cleanup an oil spill to water.
- A list of emergency contacts and first responders.

What spill prevention measures should be implemented and included in a SPCC plan?

- Use containers suitable for the oil stored. (For example, use a container designed for flammable liquids to store gasoline.)
- Identify contractors or other local personnel who can help you clean up an oil spill.
- Provide overfill prevention for oil storage containers.
- Provide effective secondary containment for bulk storage containers such as a dike. The containment must be able to hold the full capacity of the container plus possible rainfall and can be constructed of earth or concrete. A double-walled tank may also suffice.
- Periodically inspect and test pipes and containers and keep a written record of your inspections.

ACTION: Owner/operators of farms eligible to self-certify SPCC plans can utilize an editable template to meet rule requirements. The template, along with other supporting materials is available on kyfb.com under the Action Alerts tab, or by visiting the [EPA SPCC](http://EPA SPCC website) website.

For more information contact: L. Joe Cain, Director, National Affairs and Political Education
9201 Bunsen Parkway • Louisville, KY 40220 • Phone: 502-495-7738 • Fax: 502-495-5114
Email: joe.cain@kyfb.com • Web site: kyfb.com