

Oil and Fuel

Spill Prevention, Control, and Countermeasure Program

2013 Extension

For farms that **began operations after Aug. 16, 2002**, the deadline to write and implement a Spill Prevention, Control, and Countermeasure (SPCC) plan has been extended to May 10, 2013.

Farms in **operation on or before Aug. 16, 2002**, are expected to have a plan in place **now**. Farmers must update their existing SPCC plan by the new May 10, 2013, deadline. **This assumes that a plan is in place.**

Goal

The goal of the SPCC program is the prevention of oil spills into navigable waters of the United States and adjoining shorelines. By **May 10, 2013**, certain farms and other facilities must have an SPCC plan to prevent oil spills and a plan for cleanup and mitigation following a spill. If a farm or facility meets the definition of this regulation, it must have a plan.

Who must comply

Farms are considered "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." (Environmental Protection Agency Federal Register/Vol.73, No. 235/Friday, Dec. 5, 2008)

A farm is included if:

- **Oil or oil products** such as gasoline, lube oil, diesel fuel, hydraulic oil, crop oil, vegetable oil or animal fats are transferred, used or consumed **and**
- More than **1,320 U.S. gallons** is stored in aboveground containers or more than **42,000 U.S. gallons**

is stored in completely buried containers **and**

- **Oil reasonably could be expected to discharge to waters of the U.S.** or adjoining shorelines, such as interstate waters, intrastate lakes, rivers and streams. The nature and flow properties of oil when combined with a rain event must be considered.

NOTE:

- Only containers that are 55 U.S. gallons and larger should be included in the total.
- Additional parcels of land, either owned or leased, may be considered separate facilities for SPCC purposes and, as determined by the operator, need separate plans.

What is the next step if I have more than 1,320 U.S. gallons of oil or fuel storage at my farm or facility?

To choose the appropriate plan, you need to determine the total capacity of oil and oil products stored at your facility. The size of tanks and the total capacity determines the type of plan you will need. **If you fall within Tier I or Tier II, you may qualify to self-certify.**

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Tier I

- ✓ 10,000 U.S. gallons or less (total capacity)
- ✓ No container more than 5,000 U.S. gallons (55 to 5,000 OK)
- ✓ In the three-year period prior to self-certification, has not had
 - One spill of more than 1,000 gallons or
 - Two spills, each exceeding 42 U.S. gallons, within any 12-month period

A Tier I template is available online at www.epa.gov/osweroe1/content/spcc/tier1temp.htm to self-certify.

Tier II

- ✓ 10,000 U.S. gallons or less (total capacity)
- ✓ Can have containers 5,001 to 10,000 U.S. gallons
- ✓ In the three-year period prior to self-certification, has not had
 - One spill of more than 1,000 U.S. gallons or
 - Two spills, each exceeding 42 U.S. gallons, within any 12-month period
- ✓ Can use environmental equivalents or site-specific techniques that provide an equal level of environmental protection.* A professional engineer must verify that these alternative methods are in accordance with good engineering practices.

Use Tier I as a guideline, making sure to follow all additional sections of Electronic Code of Federal Regulations 112.6(b). These regulations are available at <http://tiny.cc/67yj3>.

* Environmental Equivalents can be found at www.epa.gov/oem/docs/oil/spcc/guidance/3_EnvironmentalEquivalence.pdf.

Tier III

- ✓ 10,001 gallons or more (total capacity)

A Tier III plan must be prepared and certified by a professional engineer.

Information you need to prepare a plan

- A diagram of oil container storage for 55 U.S. gallons and greater, including the container's size, contents and location
- The procedures to be used to prevent oil spills, including overfill prevention such as an established procedure to fill containers or measures such as an audible vent or alarm, and a schedule of inspections of above-ground pipes and containers
- The measures installed to prevent oil from reaching water, such as dikes constructed of earth or other approved materials, remote impoundments for bulk storage containers or double-walled tanks
- The measures to be used to contain and clean up an oil spill, including a list of emergency contacts and first responders

Failure to comply

When a plan is required, failure to produce a plan if the farm is inspected by the EPA may result in a fine.

Additional information

The SPCC rule and templates are available at www.epa.gov/emergencies/spcc

Compliance date extension information is available at www.epa.gov/oem/content/spcc/spcc_extfarms.htm

NDSU Extension SPCC information is available at www.ndsu.edu/waterquality

For more information on this and other topics, see: www.ag.ndsu.edu

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400-11-10; 800-12-10; 1M-1-11; 600-12-11