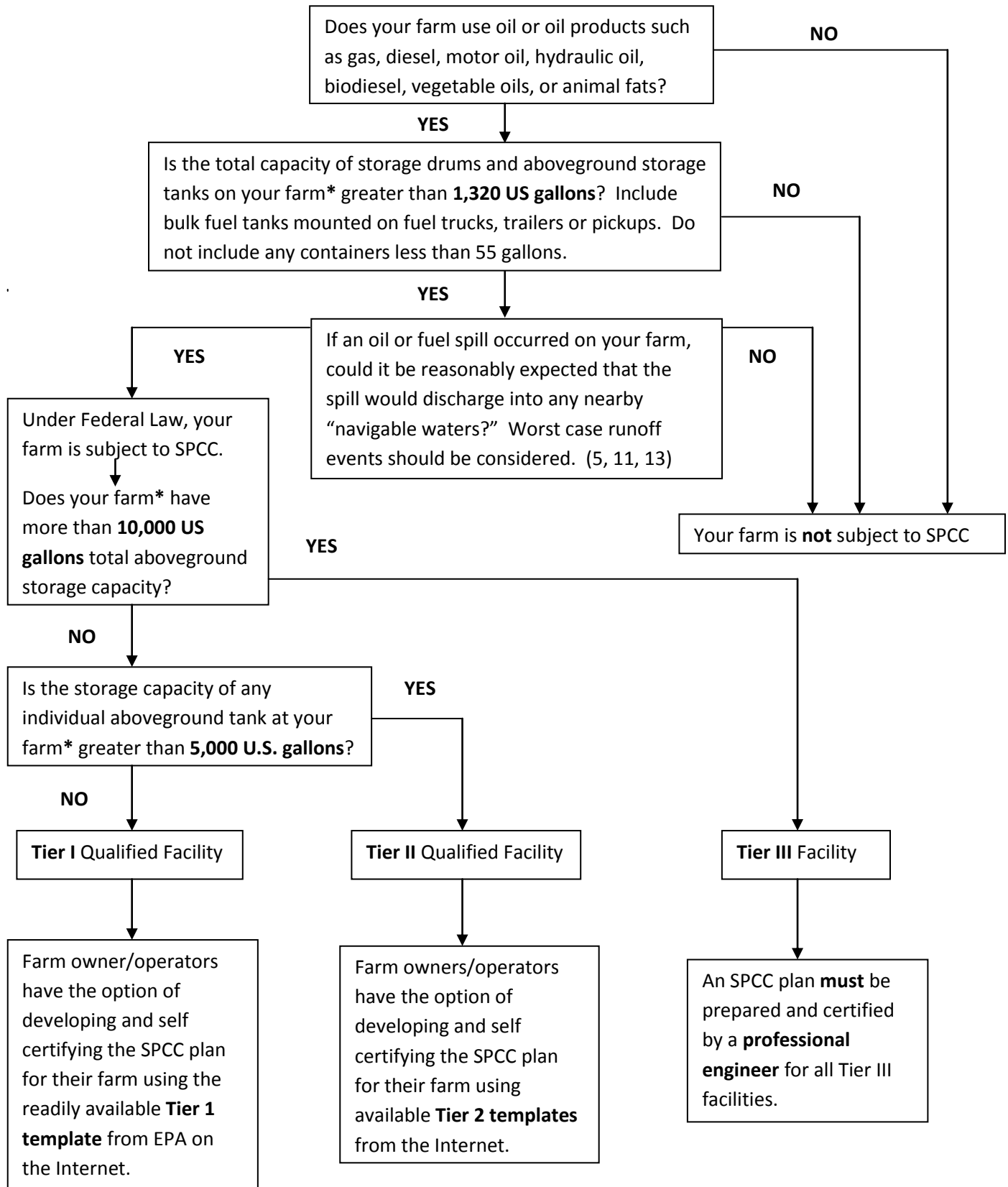


Flowchart for Spill Prevention, Control and Countermeasure (SPCC) for Aboveground Storage Tanks Used for Agriculture (website references # 1, 2, 3, 10, 12) Lincoln County CD, 01/17/2012



*If a farm owner/operator has more than one farm location, with the farm locations or the owned and/or leased parcels having multiple farm identification numbers, then the owner/operator will need to calculate the total storage capacity of each fuel and oil storage location used to service the locations/parcels covered by each separate farm ID number. (1)

Spill Prevention, Control and Countermeasure (SPCC)

(For more information, the numbers in parenthesis refer to websites that were used as references for SPCC and are included on the last page of this document. Some additional websites for reference are included in the text below.)

SPCC is defined by Title 40 (Protection of the Environment), Part 112 (Oil Pollution Prevention) in the Code of Federal Regulations. (website reference # 9)

What is the issue for agriculture? Why do farmers need to address SPCC? (website references # 2, 12)

Under federal law, any farm that is subject to the requirements of SPCC as defined by the accompanying flowchart must develop and implement a spill prevention, control and countermeasure plan. If a farm is required to have an SPCC plan but the farm owner/operator fails to develop and implement an SPCC plan, the farm could be fined if inspected by EPA.

What is a farm as defined by SPCC? (website references #2, 12)

A farm is considered to be “a facility on a tract of land devoted the production of crops or raising 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).

What is the deadline for a farm to develop and implement an SPCC plan? (website references # 1, 12)

1. For farms that began operations after August 16, 2002, the deadline to develop and implement an SPCC plan has been extended to **May 10, 2013**.
2. For farms that have been in operation on or before August 16, 2002, they are already expected to have an SPCC plan developed and implemented **now**. Assuming that the SPCC plan is already in place, these farms must update their existing SPCC plans by the **May 10, 2013** deadline.

Can a farm owner or operator develop and self certify the SPCC plan for their farm? (website references # 1, 2, 3, 4)

Yes, if the storage facility meets the requirements of a Tier I or a Tier II Qualified Facility, as defined by the accompanying flowchart, **and** by the following additional requirements:

1. Tier I and Tier II eligible facilities must a good spill history, meaning that in the 3 year period prior to the date of SPCC plan certification, the facility did NOT have:
 - a. A single discharge of oil or fuel to navigable waters or adjoining shorelines exceeding **1,000 gallons**; or
 - b. Two discharges of oil or fuel to navigable waters or adjoining shorelines each exceeding **42 gallons** within any 12 month period.

The above described discharges do not apply to discharges caused by natural disasters, acts of war or terrorism.

2. If a farm owner or operator of a Tier I or Tier II Qualified Facility chooses to deviate from any of the SPCC requirements, such as providing environmentally equivalent alternatives or using a contingency plan instead of secondary containment, then a Professional Engineer (PE) must certify that these alternative methods are in accordance with good engineering practices. (website reference # 8)

Where can templates be obtained for farm owners or operators to develop their own SPCC plan?

1. A Tier I Qualified Facility template along with secondary containment calculations are available from EPA online at: www.epa.gov/osweroe1/content/spcc/tier1temp.htm An example completed Tier I plan is available from EPA online at: http://www.epa.gov/osweroe1/docs/oil/spcc/sample_plan.pdf
2. A Tier II plan includes the components of a Tier I plan along with the additional requirements found in section 112.6(b) of 40 CFR, Part 112. There are multiple examples of Tier II templates that can be found by searching the Internet. One example of Tier II Qualified Facility SPCC plan is available from Stanislaus County and the California CUPA Forum online at: <http://www.stancounty.com/ER/pdf/apsa-tier-2-plan-template.pdf>
3. Environment equivalent alternatives are available online from EPA at: www.epa.gov/oem/docs/oil/spcc/guidance/3_EnvironmentalEquivalence.pdf

What components are required for an SPCC plan? (website references # 2, 12)

1. A list of aboveground storage tanks on the farm that includes the contents and locations of each tank.
2. A brief description of procedures that will be used to prevent and oil or fuel spills.
3. A brief description of the measures that will be used to prevent oil or fuel from reaching nearby bodies of water.
4. A brief description of the measures that will be used to contain and cleanup from an oil or fuel spill that has discharged to water.
5. A list of emergency contacts and first responders.
6. A facility diagram is helpful but not required for Tier I plans. A facility diagram is required for Tier II plans.

What spill prevention measures should be included and implemented in an SPCC plan? (website references # 2, 14))

1. Use storage tanks that are suitable for the oil or fuel stored.
2. Identify contractors or other local personnel who can help clean up an oil or fuel spill.
3. Provide overfill preventions for oil or fuel storage tanks.
4. Provide effective and adequate sized **secondary containment** for aboveground bulk storage tanks, such as berms or dikes constructed of compacted earth or concrete. "Secondary Containment and Impracticability Determinations" contains several sample calculations for the berm size needed to provide secondary containment for a given storage tank size and for estimated precipitation. (website reference # 7) Double walled tanks may be used without berms if other requirements are followed. (website reference # 6)
5. Provide effective secondary containment to address the most likely discharge from the transferring of oil to and from bulk storage containers and from mobile storage tanks. Examples include drip pans and absorbent materials.
6. Periodically inspect and test storage tanks and pipes. (website references # 15, 16)

What are the other requirements for using double wall storage tanks without secondary containment berms?

EPA memorandum OSWER 9360.8-38 notes that shop built double walled tanks satisfy the secondary containment requirements of SPCC. However, the owners/operators of double walled tanks must inspect the inner wall and interstitial spaces of a shop built, double wall above ground storage tank and must conduct this integrity testing and inspection in accordance with industry standards. (website reference # 6) One industry standard currently available is "SP001-00, Standard for Inspection of In-Service Shop-Fabricated Aboveground Tanks for Storage of Combustible and Flammable Liquids." (website references # 14, 15) In addition, owners/operators of double walled tanks must still provide spill prevention and containment measures for transferring oil or fuel to the double walled tanks from highway vehicles, along with any piping or other equipment connected to the double walled tanks.

Other Considerations for SPCC Plans

1. Farm owners/operators have the option to hire a Professional Engineer to develop a Tier 1 or Tier II plan.
2. Completely buried underground storage tanks with greater than 42,000 U.S. gallons storage capacity are also subject to SPCC, but underground storage tank capacity is not considered for the Tier 1 and Tier II Qualified Facility criteria. (3)
3. It is the rated storage capacity of the storage tank that is considered, and not the amount of oil or fuel contained within the storage tank at any one time.
4. In 2008, the definition of "**navigable waters**" for SPCC was changed back to the original and narrower 1973 definitions as the result of a court case filed against EPA. For SPCC, navigable waters now include: a) All navigable waters of the United States as defined before the passage of the 1972 amendments to the Clean Water Act, and tributaries of such waters; b) Interstate waters; c) Intrastate lakes, rivers, and streams that are utilized by interstate travelers for recreation or other purposes, and d) Intrastate lakes, rivers and streams from which fish or shellfish are taken and sold in interstate commerce. (website references # 5, 11)
5. EPA has given further guidance in determining whether or not there is a reasonable expectation of an oil or fuel discharge reaching water for SPCC. Some of those factors include: a) Whether or not a discharge has reached navigable waters or adjacent shorelines in the past; b) Whether a facility is adjacent to navigable waters; c) Whether a unique geological or geographic feature that would facilitate the transport of a discharge to navigable waters; d) Whether a facility is near a watercourse and intervening natural drainage, and; e) Whether precipitation runoff could transport a discharge into navigable waters. (website references # 11, 13)

Other Online References and Resources

EPA Websites

1. SPCC for Agriculture
http://www.epa.gov/osweroe1/content/spcc/spcc_ag.htm
2. Oil Spill Prevention, Control, and Countermeasure (SPCC) Program: Information for Farmers
<http://www.epa.gov/osweroe1/docs/oil/spcc/spccfarms.pdf>
3. Qualified Facilities Applicability
http://www.epa.gov/osweroe1/docs/oil/spcc/qualified_facilities_guidance.pdf
4. Streamlined Requirements for Tier I and II Qualified Facilities
http://www.epa.gov/osweroe1/docs/oil/spcc/qualified_facilities_requirements.pdf
5. Revisions to the Regulatory Definition of “Navigable Waters”
http://www.epa.gov/oem/docs/oil/spcc/SPCCFactsheet_Navigable_Waters_Nov08.pdf
6. EPA Memorandum OSWER 9360.8-38
<http://www.epa.gov/oem/docs/oil/spcc/containment.pdf>
7. Secondary Containment and Impracticability Determinations
http://www.epa.gov/oem/docs/oil/spcc/guidance/4_SecondaryContainment_Impracticability.pdf
8. Environmental Equivalence
http://www.epa.gov/oem/docs/oil/spcc/guidance/3_EnvironmentalEquivalence.pdf

Other Websites

9. Electronic Code of Federal Regulations
<http://ecfr.gpoaccess.gov/>
10. Mariposa County, California – Aboveground Petroleum Storage Act (just for the state of California)
<http://www.mariposacounty.org/index.aspx?NID=989>
11. ‘Navigable Waters’ Definition Revised for Purposes of EPA’s Oil Spill Program
<http://newsletters.agc.org/environment/2009/02/03/%E2%80%98navigable-waters%E2%80%99-definition-revised-for-purposes-of-epa%E2%80%99s-oil-spill-program/>
12. NDSU WQ-1486: Oil and Fuel Spill Prevention, Control, and Countermeasure Program – 2013 Extension
<http://www.ag.ndsu.edu/pubs/h2oqual/watgrnd/wq1486.pdf>
13. One Resource Environmental – Navigable Water webpage
<http://farmspcc.com/navigable-water.php>
14. Purdue Extension PPP 73 – Aboveground Storage Tanks (Note: This is a large file, 35.7 MB, with lots of photos)
<http://www.ppp.purdue.edu/Pubs/PPP-73.pdf>
15. Steel Tank Institute/Steel Plate Fabricators Association – shop fabricated tanks webpage
<http://www.steeltank.com/Products/ShopFabricatedTanks/tabid/110/Default.aspx>
16. Steel Tank Institute/Steel Plate Fabricators Association – Publications Index webpage
<http://www.steeltank.com/Publications/PublicationsIndex/tabid/108/Default.aspx>