The SPCC Rule and Recent Amendments

Presentation for National Agronomic Environmental Health & Safety School, August 2011

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Presentation Overview

- SPCC Rule Applicability and Basics
- Compliance Date Extension
- Additional Information

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What is the SPCC Rule?

- Spill Prevention, Control, and Countermeasure rule
- Part of the Oil Pollution Prevention regulation (40 CFR part 112)
  - Includes requirements for Facility Response Plans (FRPs) for certain facilities which pose a greater threat to waterways and the environment
- Purpose – To develop plans designed to prevent oil discharges from reaching the navigable waters of the U.S. and adjoining shorelines

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Examples of Non-Transportation-Related Facilities

What are the SPCC criteria?

You must have an SPCC Plan if:

- Facility stores > 1,320 gallons of oil in aggregate above-ground storage or has 42,000 gallons of completely buried oil storage capacity; and
- Facility has a "reasonable expectation of an oil discharge" to waterway or adjoining shoreline.

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SPCC Applicability

- Owner/operator makes the initial decision on applicability of SPCC regulations to the facility
  - Does the facility meet the applicability criteria (volumes of oil, expectation to spill to waterway)?
- No requirement to submit SPCC Plan to EPA for approval
- EPA does not formally "approve" or disapprove of SPCC Plan
- Plan is required upon inspection during regular workday

SPCC Applicability

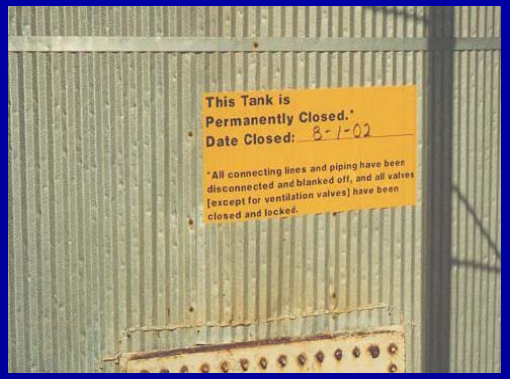
Counted

55-gallons or greater

Not Counted

5-gallon container

30-gallon drum



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Definitions - Oil

- Oil, as defined in Section 311 (a)(1) of the CWA, can be of any kind or in any form including, but not limited to
  - Petroleum and non-petroleum based oils
  - Crude Oil
  - Refined Products
  - Animal Fats, and
  - Vegetable oils

Other Examples of Oil

- Gasoline
- Off-road and on-road diesel fuel
- Hydraulic oil
- Lubrication oil
- Crop oil
- Vegetable oils from crops
- Adjuvant oil
- Milk*

* Milk and Milk product containers are now exempt from the SPCC capacity calculations and rule requirements

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Navigable Waterways of the U.S. and Adjoining Shorelines

- Applicability of the SPCC rule is predicated on a reasonable threat of discharge of oil to "navigable waters of the U.S. and adjoining shorelines"
- What are navigable waters of the U.S.?
  - Surface waterways – streams, creeks, rivers, lakes
  - Wetlands adjacent to a navigable waterway
    - Nexus important
  - Can be intermittent streams. Best determination if flowing at least seasonally (3 months or more), depending on several factors (see Rapanos Guidance) http://www.epa.gov/owow_keep/wetlands/guidance/CWAwaters.html
  - Defined flow pathway to truly navigable waters of the U.S. good start in determination – don't assume
- EPA has issued draft issue guidance (for comment) on navigable waters of the U.S and adjoining shorelines.

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Navigable Waters of the U.S. and Adjoining Shorelines Discussion

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What is a "Reasonable Expectation of an Oil Discharge"?

- Initial determination by the owner/operator based on geographical and location aspects of the farm
- You may consider proximity to water, land contour, drainage
- Exclude manmade features, such as secondary containment dikes around tanks and impoundments, in determination
- Good idea to document determination
  - Particularly if you conclude you are not subject to the rule
  - Not a rule requirement
- See Section 2.4 of SPCC guidance document

http://www.epa.gov/emergencies/docs/oil/spcc/guidance/2_Applicability.pdf

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Facility

Facility- any mobile or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used, as described in Appendix A to this part. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.

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What the definition means…

- According to EPA guidance, the extent of a "facility" depends on site-specific circumstances:
  - Ownership, management, and operation of the buildings, structures, equipment, installations, pipes, or pipelines on the site;
  - Similarity in functions, operational characteristics, and types of activities occurring at the site;
  - Adjacency; or
  - Shared drainage pathways (e.g., same receiving water bodies).

Facility Diagrams and Definition of Facility

- For farms, very helpful to show diagram of separate leased and owned parcels.
- Different owners could be identified.
- Can be used to clarify responsibilities of tank ownership and operation.
- Separate facilities could be identified by tax map identifier, tract number or field number.

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Farm

The definition of a farm was promulgated in the December 2006 rule amendments because, at the time, EPA delayed the compliance date for farms until additional amendments to the rule were promulgated.

Additional amendments were promulgated in 2008 and farms now have the same compliance dates as other facilities.

Farm - 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.

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What the definition means…

- A farm is a type of facility
- ***Note:*** You may be subject to the SPCC rule because you meet the definition of a facility; you must determine oil storage capacity and reasonable expectation of an oil discharge like any other facility

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Key SPCC Requirements

- Prepare Plan in accordance with Good Engineering Practices
- Full approval of management to implement Plan – and sign off
- Follow sequence of Section 112.7, or use a cross-reference section

SPCC Key Requirements

- SPCC regulations requires preparation and implementation of a written Plan to address:
  - Operating procedures for routine handling of products to prevent a discharge of oil
  - Discharge or drainage control measures to prevent a discharge of oil
  - Countermeasures to contain, clean up, and mitigate an oil spill
  - Methods of disposal of recovered materials
  - Contact list and phone numbers of company, contract response personnel, and National Response Center

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Key SPCC Requirements

- For farms with >10,000 gallons of oil, Plans are required to be certified by a Professional Engineer (PE)
- For farms with > 1,320 up to 10,000 gallons of oil, can opt to self-certify SPCC Plans
  - Details to follow (Qualified Facilities)
  - This is optional alternative to PE certification
  - Two tiers of certification

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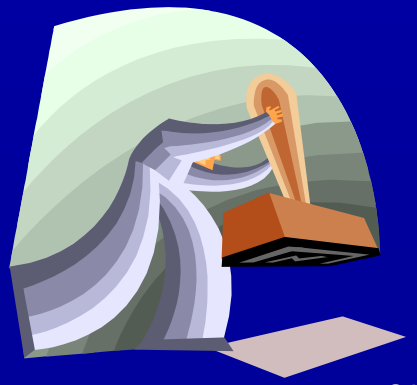
Professional Engineer (PE)

- Certified by a licensed PE
  - Licensed in state or state with reciprocity
  - PE familiar with 40 CFR Part 112
  - PE or agent visited facility
  - In accordance with good engineering practices
    - Consider applicable industry standards
    - In compliance with regulations
  - Inspection and testing procedures are established
  - Plan is adequate for facility



Training

- Train oil-handling personnel
  - Operation/maintenance of prevention equipment
  - Discharge procedure protocols
  - Applicable pollution control laws, rules, and regulations
  - General facility operations
  - Contents of the facility SPCC Plan
- Designate person accountable for discharge prevention and who reports to facility management
- Schedule/conduct at least one briefing/year:
  - Known discharges and failures, malfunctioning components, new precautionary measures

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General Secondary Containment

- Provide appropriate secondary containment and/or diversionary structures or equipment to prevent a discharge (from tanks, drums, totes, piping, transfer areas, etc.) to “navigable waters of the U.S. and adjoining shorelines”
- The entire system (walls and floor) must be capable of containing oil so that a discharge from containment will not occur until cleanup occurs
- §112.7(c)

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General Secondary Containment

- One of the following preventive systems or its equivalent should be used as a minimum for onshore facilities:
  - Dikes, berms or retaining walls sufficiently impervious to contain spilled oil
  - Curbing or drip pans
  - Sumps and collection systems
  - Culverting, gutters or other drainage systems
  - Weirs, booms or other barriers
  - Spill diversion ponds
  - Retention ponds
  - Sorbent materials

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Secondary Containment
Active Measures

- Can use active measures as secondary containment
- Active measures are those that require deployment or a specific action by an operator
  - These may be deployed either before an activity involving the handling of oil starts, or in reaction to a discharge
- Must be implemented in time to prevent the spilled oil from reaching surface waters

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Active Measures

- May be appropriate for discharges that occur during manned activities if they:
  - Can contain the volume and rate of oil
  - Is properly constructed
  - Is deployed in a timely manner

- Examples include:
  - Using spill kits in the event of a discharge
  - Placing a properly designed storm drain cover over a drain prior to a transfer of oil to a container

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Specific Secondary Containment Requirements

- Specific minimum size requirement for secondary containment for:
  - Bulk storage containers
  - Mobile or portable bulk storage containers*
- The secondary containment must be sized to contain the largest single oil compartment or container plus "sufficient freeboard" to contain precipitation

* Certain mobile portable containers (tanker trucks and nurse tanks) are only required to have general secondary containment

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Specific Secondary Containment

- For Bulk Storage containers, sized containment could be an earthen berm, concrete dike or earthen remote impoundment
  - See Chapter 4 of SPCC Guidance Document (Figures 4-5 and 4-6)
    - http://www.epa.gov/emergencies/docs/oil/spcc/guidance/4_SecondaryContainment_Impracticability.pdf
  - Sample Calculation Worksheets are also available on the EPA Website (for Qualified Facilities)

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Bulk Storage Container Requirements

- No container should be used for the storage of oil unless its oil and construction are compatible with the oil stored and the conditions of storage, such as pressure and temperature, etc.
- For bulk storage tank installations, provide secondary containment for the entire capacity of the largest single container with sufficient freeboard for precipitation

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Bulk Storage Containers

- Overfill Protection. Provide at least one of the following devices:
  - High liquid level alarms
  - High liquid level pump cutoff
  - Direct audible or code signal communication between container gauger and pumping station
  - Fast-response system for determining liquid level of each bulk storage container, with person present to monitor
  - Regularly test liquid level sensing devices (follow manufacturers specifications)

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Inadequate Containment and Overfill Protection

Loading/Unloading Areas

- If there is not a loading rack, but a loading area then 112.7(c) general containment is required (no specific size volume required)
- You determine amount most likely to be spilled, then provide secondary containment for that volume

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SPCC Exemptions/Clarifications Related to Farms

- Exempted pesticide application equipment and related mix containers
- Exempted heating oil containers at single-family residences
- Exempted motive power containers
- Exempted milk or milk product containers
- Clarified that farm nurse tanks are mobile refuelers

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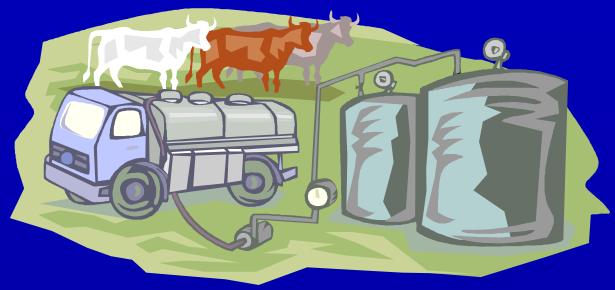
Milk and Milk Product Container Exemption

- All milk and milk product containers, associated piping and appurtenances are exempt from the SPCC rule
  - Excluded from facility oil storage capacity calculation when determining SPCC applicability
  - Exemption also includes all milk handling and transfer activities
  - Milk product examples include cheese, yogurt and ice cream



Immediately report milk and other oil spills to navigable waters or adjoining shorelines to the National Response Center (NRC) at 800-424-8802 or 202-426-2675

- Does not impact the potential liability of milk spills

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Farm Nurse Tanks Preamble Clarification

- Nurse tanks are mobile/portable containers used at farms to store and transport fuel for transfers to or from farm equipment and to other bulk storage containers
- The definition of “mobile refueler” includes nurse tanks, as well as non-road licensed refueling equipment that are used to refuel farm equipment in the fields
- Nurse tanks are excluded from sized secondary containment
- Must meet general secondary containment requirements at §112.7(c)- design for "most likely" spill (e.g. spill kits may be adequate)
- Identify the “home base” in Plan

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Inspections, Tests, and Records

- Conduct inspections and tests in accordance with written procedures developed by the facility or by the engineer who certifies the facility Plan
- Keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years

Summary of Inspection Requirements

- Drums and totes (portable containers): Periodic visual inspections, as long as sized secondary containment provided; typically monthly, can be weekly, etc.
- Tanks: Periodic visual inspections by the owner/operator plus formal inspections based on the industry integrity testing standard that is used. Visual inspections are typically performed monthly, can be weekly, etc.
- Piping: Periodic visual inspections by the owner/operator, typically monthly, can be weekly, etc.
- Fuel transfer areas: Visual inspections by the owner/operator during transfers, typically monthly, can be weekly, etc.

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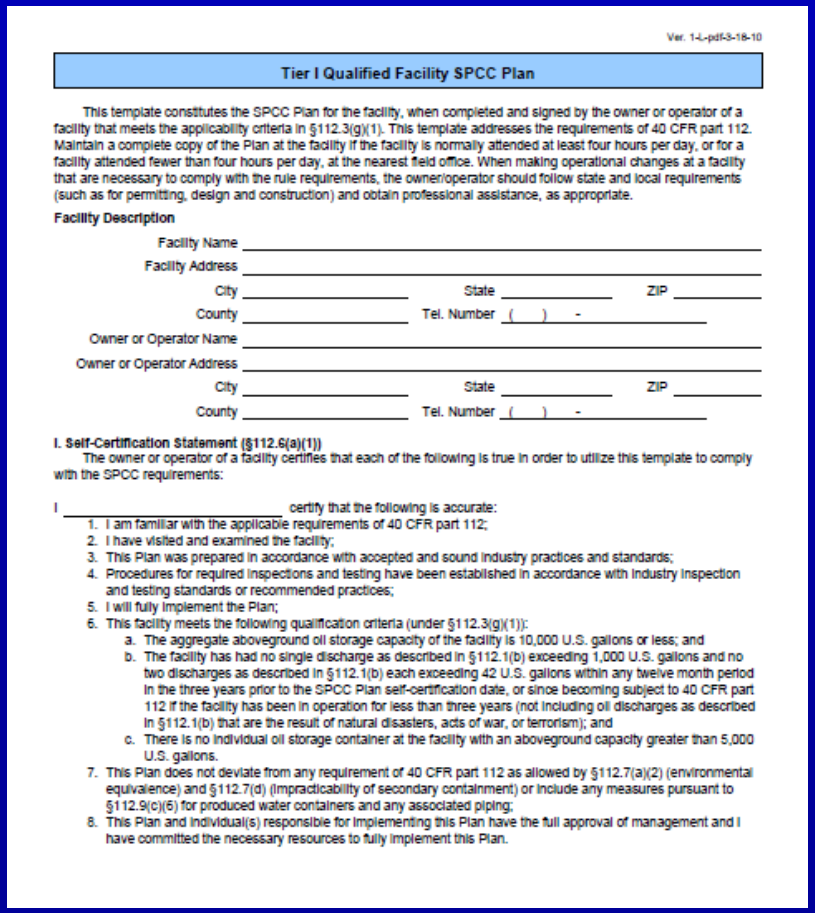
Summary: Qualified Facilities Applicability

If the facility total aboveground oil storage capacity is 10,000 gallons or less		
And...	And the facility has...	Then the facility is a:
Within three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, the facility has not discharged oil to navigable waters of the U.S. and adjoining shorelines in: • A single discharge exceeding 1,000 gallons, or • Two discharges each exceeding 42 gallons within any 12-month period.	No individual aboveground oil containers greater than 5,000 gallons;	Tier I Qualified Facility: Complete and self-certify Plan template (Appendix G of SPCC rule) instead of a full PE-certified Plan or other self-certified SPCC Plan.
	Any individual aboveground oil container greater than 5,000 gallons;	Tier II Qualified Facility: Prepare a self-certified Plan in accordance with all applicable requirements of §112.7 and subparts B or C of the rule, in lieu of a PE-certified Plan.

Tier I Template

See this link for blank and sample template

http://www.epa.gov/osweroe1/content/spcc/tier1temp.htm



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Tier I Qualified Facility SPCC Plan

This template constitutes the SPCC Plan for the facility, when completed and signed by the owner or operator of a facility that meets the applicability criteria in §112.3(g)(1). This template addresses the requirements of 40 CFR part 112. Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or for a facility attended fewer than four hours per day, at the nearest field office. When making operational changes at a facility that are necessary to comply with the rule requirements, the owner/operator should follow state and local requirements (such as for permitting, design and construction) and obtain professional assistance, as appropriate.

Facility Description

Facility Name _____

Facility Address _____

City _____ State _____ ZIP _____

County _____ Tel. Number ( ) -

Owner or Operator Name _____

Owner or Operator Address _____

City _____ State _____ ZIP _____

County _____ Tel. Number ( ) -

I. Self-Certification Statement (§112.6(a)(1))

The owner or operator of a facility certifies that each of the following is true in order to utilize this template to comply with the SPCC requirements:

I _____ certify that the following is accurate:

1. I am familiar with the applicable requirements of 40 CFR part 112;
2. I have visited and examined the facility;
3. This Plan was prepared in accordance with accepted and sound industry practices and standards;
4. Procedures for required inspections and testing have been established in accordance with industry inspection and testing standards or recommended practices;
5. I will fully implement the Plan;
6. This facility meets the following qualification criteria (under §112.3(g)(1)):
   a. The aggregate aboveground oil storage capacity of the facility is 10,000 U.S. gallons or less; and
   b. The facility has had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons and no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years (not including oil discharges as described in §112.1(b) that are the result of natural disasters, acts of war, or terrorism); and
   c. There is no individual oil storage container at the facility with an aboveground capacity greater than 5,000 U.S. gallons.
7. This Plan does not deviate from any requirement of 40 CFR part 112 as allowed by §112.7(a)(2) (environmental equivalence) and §112.7(d) (impracticability of secondary containment) or include any measures pursuant to §112.9(c)(6) for produced water containers and any associated piping;
8. This Plan and individual(s) responsible for implementing this Plan have the full approval of management and I have committed the necessary resources to fully implement this Plan.

Plan Requirements for Farms with ≥10,000 gallons of oil

- SPCC Plan must be certified by a Professional Engineer (PE)
- State PE licensing boards typically require PE's to have expertise in area of practice in order to "stamp" plans and construction documents
- Plan must include PE attestation
- PE's should not use Tier I template to complete SPCC Plan
  - Plan must follow rule requirements in 40 CFR parts 112.7 and 112.8.

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SPCC Rule Compliance Dates

- On October 7, 2010, EPA extended the compliance date to most facilities for November 10, 2011
- This compliance date extension applies to most farms.

Current Compliance Dates for Non FRP and Offshore Facilities

A facility starting operation…	Must…
On or before August 16, 2002	• Maintain existing SPCC Plan • Amend and implement the SPCC Plan no later than November 10, 2011.
After August 16, 2002 through November 10, 2011	• Prepare and implement the SPCC Plan no later than November 10, 2011.
After November 10, 2011	• Prepare and implement an SPCC Plan before beginning operations.

Additional Information

Outreach Tools

- SPCC farm factsheet and blank Tier I template on EPA's oil website:
  - http://www.epa.gov/emergencies/content/spcc/index.htm
- General SPCC Blue Book on website also
- Example Tier I template for farms
- SPCC Green Book (in the works)
- Agricultural website for SPCC
  - Train the trainer materials
- Containment calculations
- **HOTLINE**: Superfund, TRI, EPCRA, RMP, and Oil Information Center (800) 424-9346

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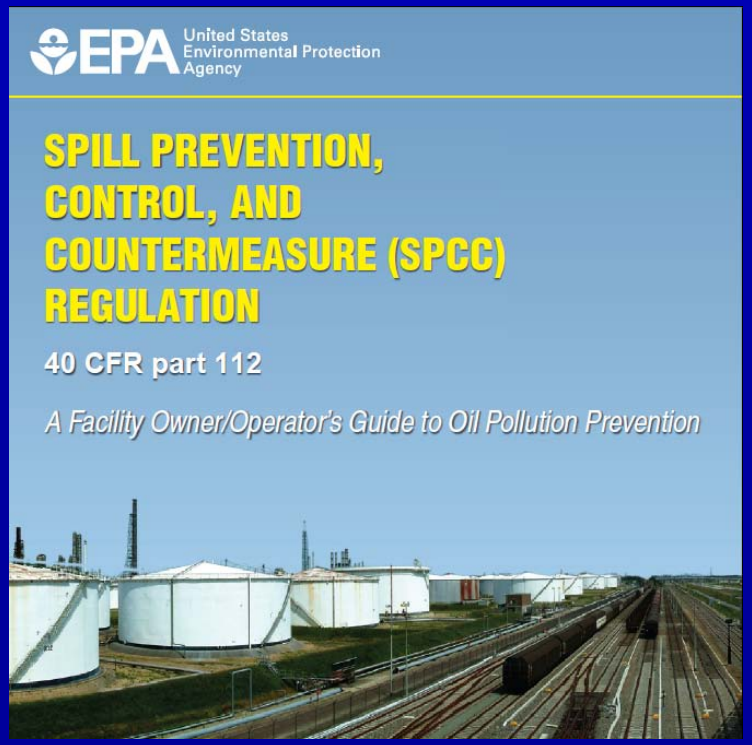
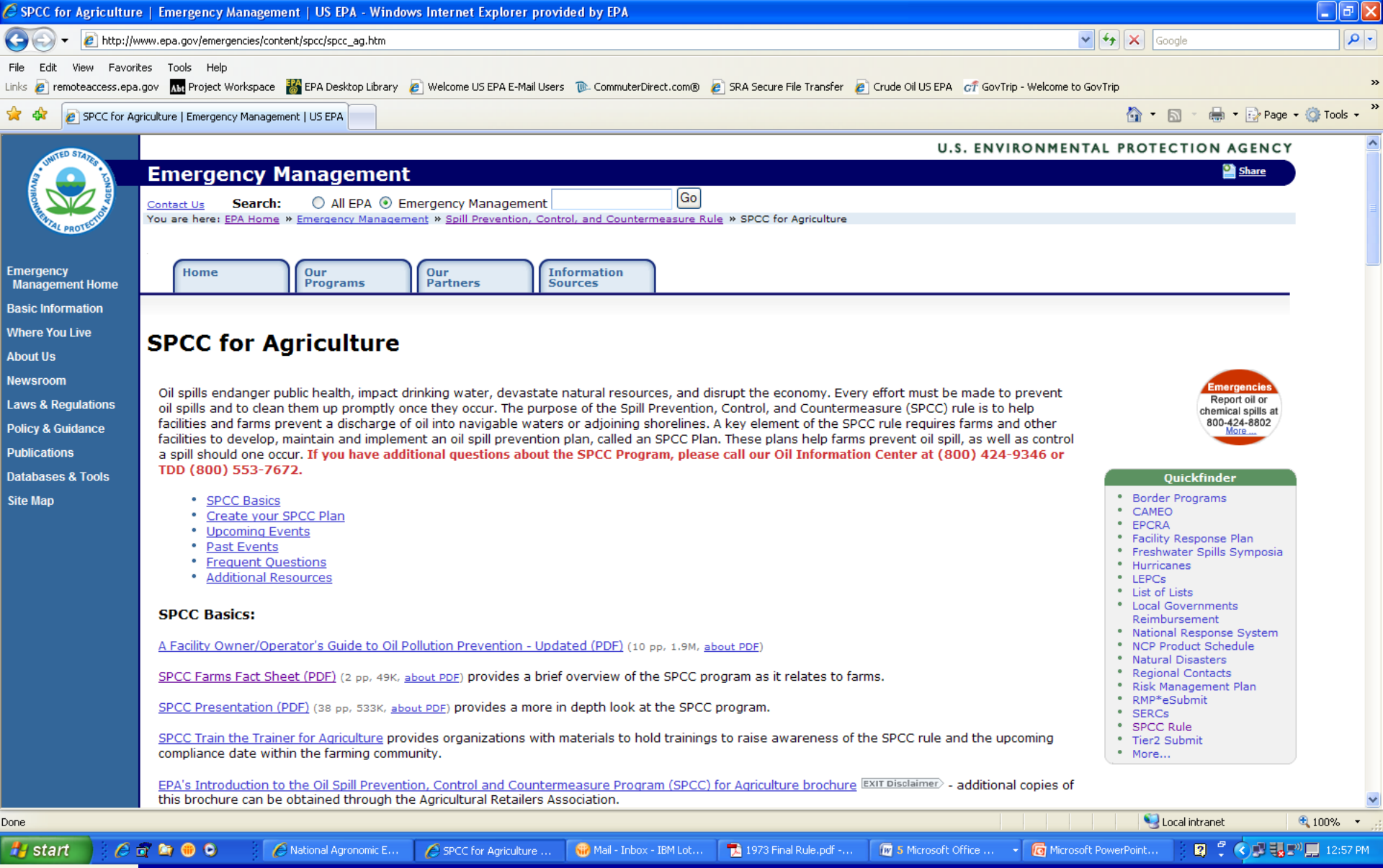
SPCC Blue Book

- Available at:
  http://www.epa.gov/oem/docs/oil/spcc/spccbluebroch.pdf



EPA Agriculture Webpage http://www.epa.gov/emergencies/content/spcc/spcc_ag.htm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Site Map
SPCC for Agriculture
Oil spills endanger public health, impact drinking water, devastate natural resources, and disrupt the economy. Every effort must be made to prevent oil spills and to clean them up promptly once they occur. The purpose of the Spill Prevention, Control, and Countermeasure (SPCC) rule is to help facilities and farms prevent a discharge of oil into navigable waters or adjoining shorelines. A key element of the SPCC rule requires farms and other facilities to develop, maintain and implement an oil spill prevention plan, called an SPCC Plan. These plans help farms prevent oil spill, as well as control a spill should one occur. If you have additional questions about the SPCC Program, please call our Oil Information Center at (800) 424-9346 or TDD (800) 553-7672.
SPCC Basics
Create your SPCC Plan
Upcoming Events
Past Events
Frequent Questions
Additional Resources
SPCC Basics:
A Facility Owner/Operator's Guide to Oil Pollution Prevention - Updated (PDF) (10 pp, 1.9M, about PDF)
SPCC Farms Fact Sheet (PDF) (2 pp, 49K, about PDF) provides a brief overview of the SPCC program as it relates to farms.
SPCC Presentation (PDF) (38 pp, 533K, about PDF) provides a more in depth look at the SPCC program.
SPCC Train the Trainer for Agriculture provides organizations with materials to hold trainings to raise awareness of the SPCC rule and the upcoming compliance date within the farming community.
EPA's Introduction to the Oil Spill Prevention, Control and Countermeasure Program (SPCC) for Agriculture brochure EXIT Disclaimer - additional copies of this brochure can be obtained through the Agricultural Retailers Association.
Emergencies
Report oil or chemical spills at 800-424-8802
More ...
Quickfinder
Border Programs
CAMEO
EPCRA
Facility Response Plan
Freshwater Spills Symposia
Hurricanes
LEPCs
List of Lists
Local Governments Reimbursement
National Response System
NCP Product Schedule
Natural Disasters
Regional Contacts
Risk Management Plan
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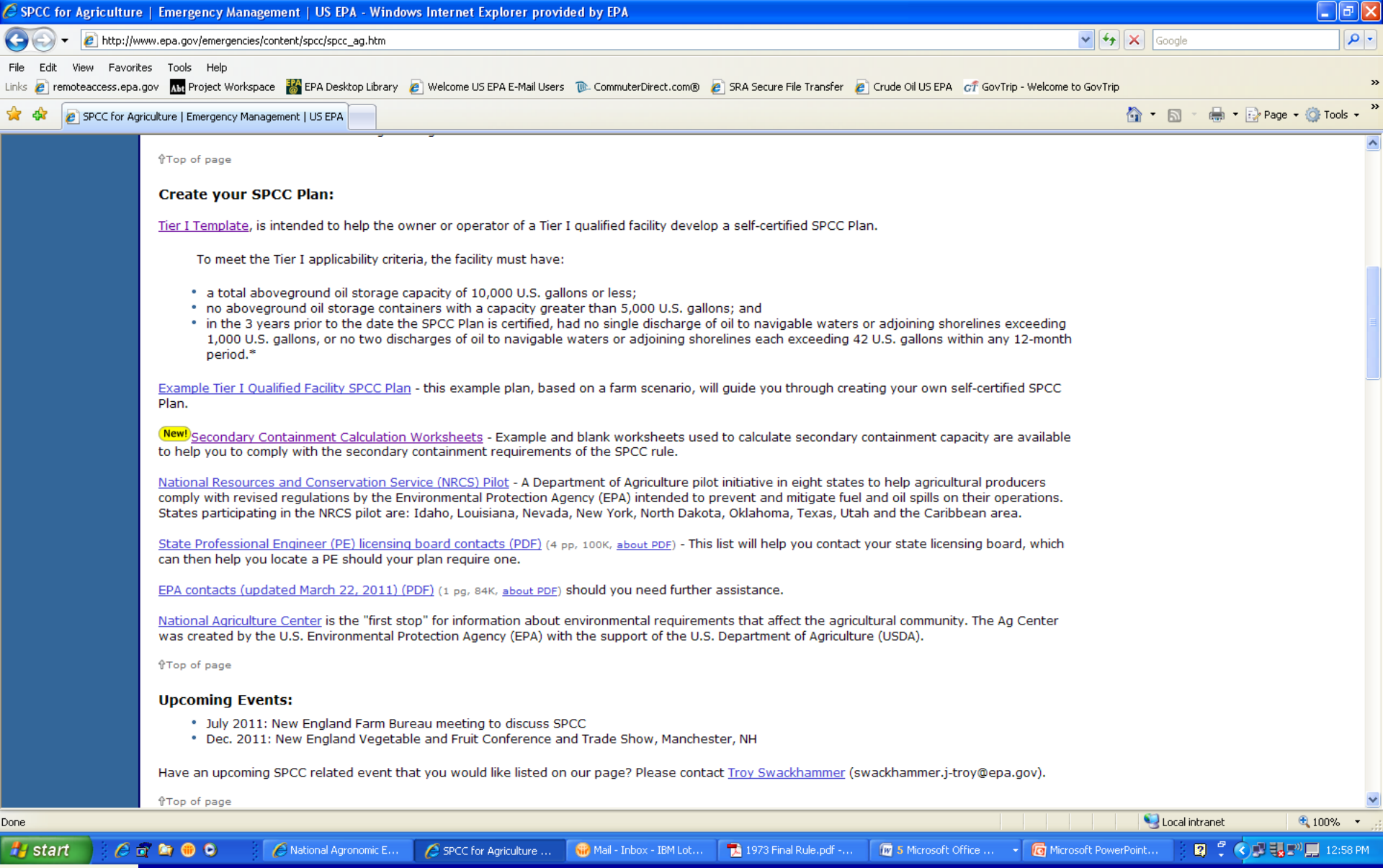
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Create your SPCC Plan:
Tier I Template, is intended to help the owner or operator of a Tier I qualified facility develop a self-certified SPCC Plan.
To meet the Tier I applicability criteria, the facility must have:
a total aboveground oil storage capacity of 10,000 U.S. gallons or less;
no aboveground oil storage containers with a capacity greater than 5,000 U.S. gallons; and
in the 3 years prior to the date the SPCC Plan is certified, had no single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons, or no two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period.*
Example Tier I Qualified Facility SPCC Plan - this example plan, based on a farm scenario, will guide you through creating your own self-certified SPCC Plan.
New! Secondary Containment Calculation Worksheets - Example and blank worksheets used to calculate secondary containment capacity are available to help you to comply with the secondary containment requirements of the SPCC rule.
National Resources and Conservation Service (NRCS) Pilot - A Department of Agriculture pilot initiative in eight states to help agricultural producers comply with revised regulations by the Environmental Protection Agency (EPA) intended to prevent and mitigate fuel and oil spills on their operations. States participating in the NRCS pilot are: Idaho, Louisiana, Nevada, New York, North Dakota, Oklahoma, Texas, Utah and the Caribbean area.
State Professional Engineer (PE) licensing board contacts (PDF) (4 pp, 100K, about PDF) - This list will help you contact your state licensing board, which can then help you locate a PE should your plan require one.
EPA contacts (updated March 22, 2011) (PDF) (1 pg, 84K, about PDF) should you need further assistance.
National Agriculture Center is the "first stop" for information about environmental requirements that affect the agricultural community. The Ag Center was created by the U.S. Environmental Protection Agency (EPA) with the support of the U.S. Department of Agriculture (USDA).
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Upcoming Events:
July 2011: New England Farm Bureau meeting to discuss SPCC
Dec. 2011: New England Vegetable and Fruit Conference and Trade Show, Manchester, NH
Have an upcoming SPCC related event that you would like listed on our page? Please contact Troy Swackhammer (swackhammer.j-troy@epa.gov).
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Past Events:

- New! July 27- 28, 2011 - EPA/PMCI and Affiliates SPCC Partnership Presentations (PDF) (1 pg, 277K, about PDF)
- April 19, 2011 - EPA/Cobb Oil Company and Affiliates Meeting (PDF) (1 pg, 308K, about PDF)
- February 8, 2011 - EPA/Consolidated Energy Company SPCC Meeting (PDF) (1 pg, 343K, about PDF)

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Frequent Questions:

1. Who is responsible for holding and maintaining an SPCC Plan?

The SPCC rule requires the owner or operator of the facility (e.g. a farm) prepare and implement an SPCC Plan. The Plan must be maintained at the location of the farm that is normally attended at least 4 hours per day.

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2. What if I can't meet the November 10, 2011, compliance date to prepare or amend my SPCC Plan?

The EPA Regional Administrator (RA) for the state where the farm is located may be able to provide a time extension to the farmer to amend or prepare an SPCC Plan. Farmers who cannot meet the November 10, 2011, compliance date because a Professional Engineer (PE) isn't available, are located in areas impacted by floods, or that must make facility modifications that will not be completed in time, may request an extension by submitting a written request to the RA. Your request must include:

(i) An explanation of the cause for the delay and the specific aspects of the Plan affected by the delay;

(i) An explanation of the cause for the delay and the specific aspects of the Plan affected by the delay;

(ii) A discussion of actions being taken or contemplated to minimize the delay; and

(iii) A proposed time schedule for the implementation of any corrective actions being taken, including interim dates for completion of tests or studies, installation and operation of any necessary equipment, or other preventive measures.

In addition you can provide additional oral or written statements in support of your extension request. To find out where to send your request, go to the list of regional EPA contacts available at http://www.epa.gov/emergencies/docs/oil/spcc/contact_list.pdf.

If you were required to have an SPCC Plan because you were operating before August 16, 2002, the RA may request a copy of your SPCC Plan to evaluate your extension request. The RA may grant an extension when he finds that a farmer cannot fully comply with the SPCC requirements because either qualified personnel are not available, or there are delays in construction or equipment delivery beyond the control and without the fault of the farmer.

Please note that farmers who submit an extension request must still comply with SPCC requirements. If the RA authorizes an extension of time for particular equipment or specific aspects of your Plan, you must still comply with the requirements related to other equipment or other specific aspects of your Plan for which the RA has not authorized an extension.

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3. Is my farm covered by SPCC?

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 US gallons in total of all aboveground containers (only count containers with 55 gallons or greater storage capacity) or more than 42,000 gallons in completely buried containers; and
- Could reasonably be expected to discharge oil to navigable waters of the US or adjoining shorelines, such as lakes, rivers and streams.

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4. How do I determine if my farm could reasonably discharge oil into or upon navigable waters or adjoining shorelines? You can determine this by considering the geography and location of your farm relative to nearby navigable waters (such as lakes, rivers, streams, creeks and other waterways) or adjoining shorelines. You should consider if ditches, gullies, storm sewers or other drainage systems may transport an oil spill to nearby navigable waters or adjoining shorelines. Estimate the volume of oil that could be spilled in an incident and how that oil might drain or flow from your farm and the soil conditions or geographic features that might affect the flow toward navigable waters or adjoining shorelines. Also you may want to consider whether precipitation runoff could transport oil into navigable waters or adjoining shorelines. You may not take into account manmade features, such as dikes, equipment, or other structures that might prevent, contain, hinder, or restrain the flow of oil. Assume these manmade features are not present when making your determination. If you consider the applicable factors described above and determine a spill can reasonably flow to a waterwaynavigable water or adjoining shorelines, then you must comply with the SPCC rule.

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5. If your farm does not have fuel storage that will flow into navigable waters by a ditch, river, stream or lake, do you have to prepare a SPCC Plan? No. EPA suggests you use a common sense approach. If one of your oil storage tanks leaks, and the spilled oil would not flow into navigable waters or adjoining shorelines, you do not have to prepare a Plan. Remember that you still have the responsibility to clean up any spilled oil and a containment system (for example, a dirt berm around the tank) makes this easier. EPA recommends that you check with your state environmental contacts to determine if there are requirements when oil is spilled to soil only. Also, EPA recommends that you document the reasons why you think an oil spill would not reach water to demonstrate to regional inspectors, if necessary, that your facility is not subject to the SPCC rule.

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6. Is a clay dike or berm without a liner that will hold a potential spill of the largest tank inside the dike or berm sufficient enough protection? Yes.

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7. Do service tanks on service trucks or pickups count in the calculation of the total storage on the farm? Yes, you should include fuel tanks mounted on trailers, fuel trucks used exclusively on the farm and tanks in pickups toward the overall threshold of 1,320 gallons. Also, count 55-gallon drums, but don't count any container smaller than that.

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8. If the oil storage capacity on the farm is less than 10,000 gallons total, can a farmer self file a plan and do regular self-inspections and be in compliance? Yes, and you do not have to file the plan with EPA. If over 10,000 gallons in total oil storage capcacity, you will need a professional engineer to certify your plan.

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9. If I have more than one farm location, do I total the oil storage from all locations? Not necessarily. If the locations or the leased or owned parcels have separate farm identification numbers, then the owner or operator will need to calculate the total storage capacity for central fueling and for each parcel, tract or field.

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10. What do I do with rainwater that accumulates in my containment system? Check the rainwater for any oil, and if no oil is present, this can be released. If there is oil in the water, this oil/water mixture will need to be removed and disposed. If this happens, check with your state environmental agency, state extension agent or your fuel dealer to get help.

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11. If a farm is out of compliance of SPCC regulations and is checked by EPA and/or has a spill, is the retailer that filled the tank liable? No, EPA considers the oil tank owner or operator responsible for lack of compliance.

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12. What if I leased some parcels, and there are tanks already present? Am I responsible for these tanks? You could be. If you plan to use these tanks, make sure in your lease agreement, it states who is responsible for these tanks. If the lease does not state who is responsible, you should talk to the property owner to check who is responsible for the tanks under the SPCC rule.

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Additional Resources:

- North Dakota State University's Water Quality Page EXIT Disclaimer - This Website is dedicated to providing useful materials to assist the agriculture community with the Spill Prevention, Control and Countermeasure (SPCC) rule specific to North Dakota.
- Purdue University's "Aboveground Petroleum Tanks" (PDF) (109 pp, 36M, about PDF) EXIT Disclaimer - This guide provides a comprehensive review of requirements related to small aboveground storage tanks, with specific examples.

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Sample Containment Calculations

Spill Prevention Control and Countermeasure (SPCC) Plan
Single Vertical Cylindrical Tank Inside a Rectangular or Square Dike or Berm
EXAMPLE

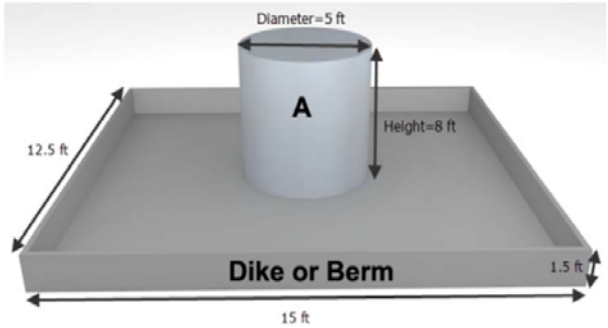
This worksheet calculates the secondary containment volume of a rectangular or square dike or berm for a single vertical cylindrical tank. In this example, there are no other objects or structures within the dike or berm that will displace the volume of the secondary containment.

Steps:

1. Determine the volume of the secondary containment, V_{SC}
2a. Determine the volume of the tank when the tank shell capacity is unknown, V_{Tank}
2b. Determine the volume of the tank when shell capacity is known, V_{Tank}
3. Determine the percentage of the secondary containment volume, V_{SC} to the tank volume, V_{Tank}
4. Determine whether the secondary containment can contain the entire tank shell capacity with additional capacity to contain rain.

Information needed to use this worksheet:

- Tank shell capacity
  In this example the tank is 1,200 gallons, the tank diameter is 5 ft, and tank height is 8 ft.
- Secondary containment length, width, and height
  See diagram for dimensions.
- Rainfall amount
  Rainfall can collect in the secondary containment; the selected rain event for the location is 7 inches.



Tank A Shell Capacity (gal) = 1,200 (a)

Disclaimer: Please note that these are simplified calculations for qualified facilities that assume: 1) the secondary containment is designed with a flat floor; 2) the wall height is equal for all four walls; and 3) the corners of the secondary containment system are 90 degrees. Additionally, the calculations do not include displacement for support structures or foundations. For Professional Engineer (PE) certified Plans, the PE may need to account for site-specific conditions associated with the secondary containment structure which may require modifications to these sample calculations to ensure good engineering practice.

Spill Prevention Control and Countermeasure (SPCC) Plan
Single Vertical Cylindrical Tank Inside a Rectangular or Square Dike or Berm
EXAMPLE

1. Determine the volume of the secondary containment, V_{SC}

Secondary Containment Area, A_{SC} = 15 (Length (ft)) x 12.5 (Width (ft))

= 187.5 ft² (b)

V_{SC} (ft³) = 187.5 (b (ft²)) x 1.5 (Height (ft)) = 281.3 ft³ (c)

2a. Determine the volume of the tank when the tank shell capacity is unknown, V_{Tank}

(In this example we know the tank capacity so we skip this step.)

Tank radius (ft) = (Diameter (ft)) ÷ 2 = ft

V_{Tank} (ft³) = 3.14 x ( )² (Radius² (ft)²) x (Tank Height (ft)) = ft³ (d)

2b. Determine the volume of the tank when shell capacity is known, V_{Tank}

a is the tank shell capacity from page 1.

V_{Tank} (ft³) = 1,200 (a (gal)) x 0.1337 (ft³/gal) = 160.4 ft³ (e)

Reporting of Oil Spills

- Report all oil discharges to navigable waters of the U.S. and adjoining shorelines to NRC at 1-800-424-8802
- Federal government's centralized reporting center, which is staffed 24 hours a day by U.S. Coast Guard personnel
- Any person in charge of a vessel or an onshore or offshore facility must notify NRC immediately after he or she has knowledge of the discharge
- NRC relays information to EPA or U.S. Coast Guard depending on the location of the incident
- An On-Scene Coordinator evaluates the situation and decides if federal emergency response action is necessary

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Specific SPCC Spill Reporting Requirements

- Report to the EPA Regional Administrator (RA) when there is a discharge of:
  - More than 1,000 U.S. gallons of oil in a single discharge to navigable waters of the U.S. and adjoining shorelines
  - More than 42 U.S. gallons of oil in each of two discharges to navigable waters of the U.S. and adjoining shorelines within a 12-month period
  - When making this determination it is the amount of the discharge in gallons that reaches navigable waters of the U.S. and adjoining shorelines
  - An owner/operator must report the discharge(s) to the EPA Regional Administrator within 60 days

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For More Information

- EPA's SPCC web page
  - http://www.epa.gov/emergencies/content/spcc/index.htm
- EPA Oil Spill and Emergency Management web pages
  - www.epa.gov/oilspill
  - www.epa.gov/emergencies
- **HOTLINE**: Superfund, TRI, EPCRA, RMP, and Oil Information Center
  - (800) 424-9346 or (703) 412-9810
  - TDD (800) 553-7672 or (703) 412-3323
  - www.epa.gov/superfund/resources/infocenter

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Questions?