

# 2008 Amendments to Spill Prevention, Control, and Countermeasure (SPCC) Rule: Progress Report for National Agronomic Health and Safety School

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U.S. Environmental Protection Agency  
Office of Emergency Management

# Presentation Outline

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- Overview of SPCC Rule
- 2008 SPCC Amendments: Overview of farm-related components and other components that could benefit farms
- Progress Update
- Questions and Answers

# SPCC Rule Overview

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- Oil Pollution Prevention regulation (40 CFR part 112)
  - Outlines requirements for prevention of, preparedness for, and response to oil discharges
  - Prevention requirements known as “SPCC rule”
  - Purpose of SPCC: Prevent oil discharges from reaching navigable waters or adjoining shorelines
  - **First promulgated in 1973** (facilities storing > 1,320 gal. of oil and reasonable expectation of oil discharge)
  - Substantively amended in 2002 and Dec. 2006
  - **Proposed amendments published in Oct. 2007**
- Requires specific facilities to develop SPCC Plans
  - PE Certified plans (> 10,000 gal.)
  - Self-certified plans (10,000 gal. or less, Dec. 2006 amendments)

# Compliance Date for Farms

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- The **Dec. 2006 amendments** extended the date by which farms must amend their existing SPCC Plans to come into compliance until EPA establishes a new compliance date.
- The Agency intends to propose a new compliance date for farms in the *Federal Register* concurrently with 2008 SPCC Amendments.
- Farms subject to SPCC requirements on or before August 16, 2002 must maintain their Plans.
- Farms now have self-certification plan option available as of Dec. 2006.

# Farm Definition

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As defined in December 2006 amendments to the SPCC rule:

*A farm is 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.*

## 2008 Amendments: Overview of Proposed Components That Could Benefit Farms

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- Amend the **definition of "facility"**; allow consideration of **contiguous/non-contiguous parcels**
- Exempt **pesticide application equipment** and related mix containers used at farms (extended to all equipment regardless of ownership)
- Provide further streamlined requirements for a subset of qualified facilities ("**Tier 1**") and allow the use of an SPCC Plan template
- Exempt **residential heating oil containers** at single-family residences, including those at farmsteads
- Exempt farms from "**loading/unloading rack**" requirements

## 2008 Amendments *(cont'd)*

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- Revise **facility diagram** requirement to provide additional flexibility
- Modify **general secondary containment** requirement language at §112.7(c)
- Simplify **security** requirements for all SPCC-subject facilities
- Extend streamlined **integrity testing** requirements to all SPCC-subject facilities
- Clarify applicability of rule for:
  - **Man-made structures**
  - **Fuel nurse tanks used to transport fuel to equipment and remote tanks are considered mobile refuelers (subject to general secondary containment)**

# Proposed Amendments to Definition of Facility

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- *Facility* means 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.**

Proposed  
changes at:

112.2



# Purpose of Revised Definition of Facility

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- This amendment would:
  - clarify that the definition of facility alone governs SPCC applicability
  - clarify that contiguous and non-contiguous parcels may be considered separate facilities
- Includes terms “property”, “parcel”, and “lease” to clarify what can be used in determining facility boundaries (terms that are familiar to farm sector)
- EPA provided in Oct. 2007 preamble, examples of how a facility can aggregate or separate their operations to determine the “facility”

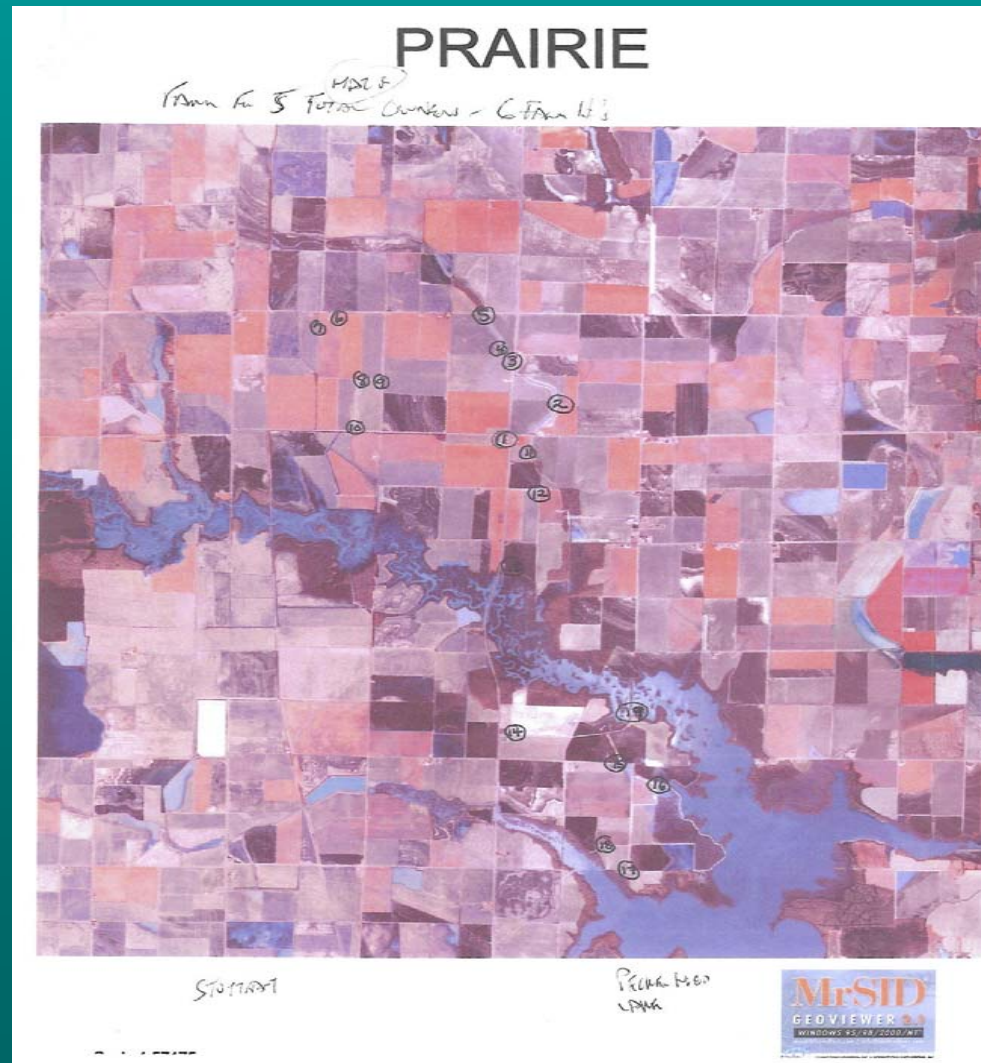
Proposed  
changes at:

112.2



# Example Parcel Layout from Rice Farm, Stuttgart, AR

(Farmstead plus 18 satellite locations)



# Pesticide Application Equipment Exemption

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- Amendments would **exempt pesticide application equipment** and related mix containers used at farms
  - from general applicability and capacity calculation
- This equipment includes:
  - ground boom applicators
  - airblast sprayers
  - specialty aircraft that are used to apply measured quantities of pesticides to crops and/or soil
- Issue: Application equipment and related mix containers may be subject to the SPCC rule when crop oil or adjuvant oil are added to formulations.
- Rationale: Pesticides are regulated under FIFRA; additional regulation of pesticide containers and application equipment under the SPCC rule is not necessary.

Proposed  
changes at:  
112.1(d)(2)  
and  
112.1(d)(10)



# Examples of Pesticide Application Equipment

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## Ground Boom Sprayer



## Airblast Sprayer



## Aerial Applicator



# Tier I Qualified Facilities – Overview

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- “Qualified facilities” were addressed in the 2006 SPCC Amendments (10,000 gal. or less)
- Proposal would streamline and tailor the SPCC requirements for a **subset of qualified facilities** (now tank > 5,000 gal.)
- Amendment would provide an option to complete a self-certified **SPCC Plan template (App. G)** in lieu of a full SPCC Plan.
- All other qualified facilities are designated “Tier II” qualified facilities.

Proposed  
changes at:

112.3(g),  
112.6 and  
Appendix G



# Tier I Qualified Facilities – Eligibility Criteria

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- Meet the 2006 qualified facility eligibility criteria:
  - 10,000 gallons or less in aggregate aboveground oil storage capacity (no tank >5,000 gal.)
  - For the 3 years prior to Plan certification, or since becoming subject to the rule if it has operated for less than 3 years, the facility must not have had:
    - ◆ A single discharge of oil to navigable waters exceeding 1,000 U.S. gallons, or
    - ◆ Two discharges of oil to navigable waters each exceeding 42 U.S. gallons within any 12-month period

Proposed  
changes at:

112.3(g),  
112.6 and  
Appendix G



# Major Ag-Related Comments Rec'd

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- Raise self-cert. threshold to 20,000 gal. (from 10,000 gal.)
- Raise Tier 1 option max. tank to 10,000 gal. (from 5,000 gal.)
- Extend pesticide equipment exemption to all Ag uses (Ag retailers and commercial applicators)
- Provide a 120-day reconsideration timeframe for interpretation of revised facility definition
- Extend farm compliance date additional 2 years
- Status of milk? Consider exempting milk containers and defining oil mixtures that are exempt from SPCC

# Current Status of Rulemaking and Next Steps...

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- Internal deliberations ongoing now, but near completion
- To OMB, late Aug. 2008
- Publish Final Rule, late Oct./early Nov. 2008
- *And concurrently...* Publish Proposal for Farm Compliance Date

# For More Information

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- Oil Pollution Prevention regulation (40 CFR part 112)
  - <http://www.gpoaccess.gov/cfr/>
- EPA OEM website devoted to SPCC:  
<http://www.epa.gov/emergencies/content/spcc/index.htm>
- POC: Troy Swackhammer, 202-564-1966; e-mail: [swackhammer.j-troy@epa.gov](mailto:swackhammer.j-troy@epa.gov)
- 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](http://www.epa.gov/superfund/resources/infocenter)