

Oil Spill Prevention, Control, and Countermeasure Program for Texas Agriculture

This fact sheet is intended to assist agricultural producers in understanding the basic obligations under the Oil Spill Prevention, Control, and Countermeasure (SPCC) Program.

SPCC Compliance Timeline

The SPCC Program is a July 2002 result of the 1972 EPA Clean Water Act and the 1973 Oil Pollution Prevention Regulation. The SPCC rule has been amended twice and has been granted multiple compliance extensions due to physical and financial challenges in enforcing non-compliance.

According to the EPA Web site, these multiple extensions have provided “additional time for the regulated community to understand the previous SPCC rule amendments in 2002 and 2009, the clarifications developed by EPA during the course of litigation settlement proceedings (69 FR 29728), and alleviated the need for individual extension requests.”

10 May 2013 is the current compliance date as amended on 13 October 2011. The order of previous compliance dates is as follows:

- 17 Feb 2003
- 17 April 2003
- 17 April 2004
- 18 August 2006
- 31 October 2007
- 1 July 2009
- 10 November 2010
- 10 November 2011
- 10 May 2013

What is SPCC?

The Oil Spill Prevention, Control, and Counter Measures (SPCC) program (40 CFR Part 112) is a set of federal regulations within the United States of America Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response that govern the control of oil, greases, and fuels. The objective of the SPCC program is to prevent oil spills into waters of the United States and adjoining shorelines. Oil spills can cause injuries to people and damage to the environment. A key element of this program calls for facilities that store oil products, including agricultural operations, to have an oil spill prevention plan, called an **SPCC Plan**. The development and implementation of an SPCC plan is intended to prevent oil spills from damaging or contaminating water resources.

What is considered a Farm under SPCC?

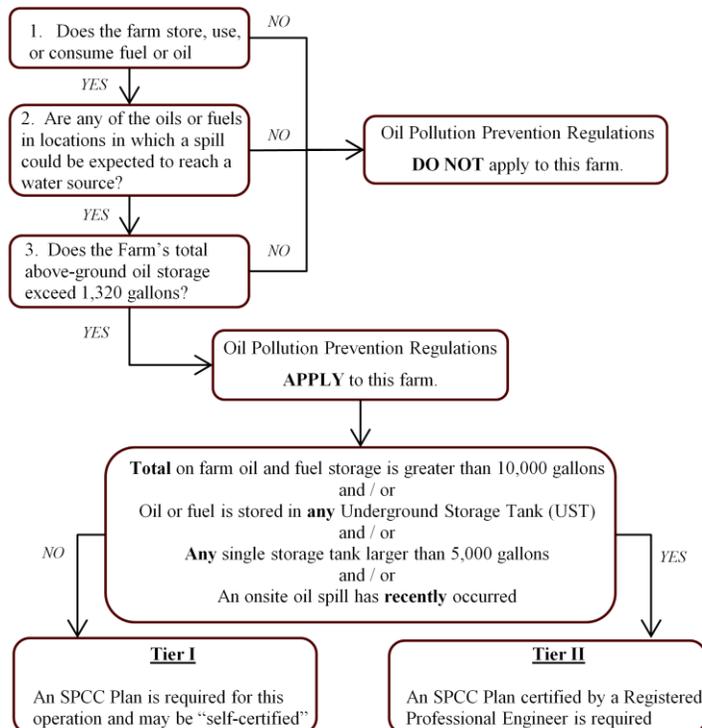
Under SPCC, a “Farm” is: “a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.”

Which Farms are covered by SPCC?

SPCC applies to any Farm which:

- 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 U.S. gallons** in aboveground containers or more than **42,000 U.S. gallons** in completely buried containers, and
- Could **reasonably** be expected to discharge oil to **navigable waters of the U.S. or adjoining shorelines**, including interstate waters and lakes, rivers, streams, and certain groundwater sources (Specifically the Edwards and Trinity Aquifers in Texas).

Figure 1: Tier I and Tier II SPCC Plan Requirement Flowchart



SPCC Tips

Adjacent and non-adjacent tracts of land (either leased or owned) may be considered separate facilities for SPCC purposes. Containers on separate facilities are not necessarily added together in the process of determining whether the 1,320- or 10,000-gallon applicability thresholds are met. However, if multiple tracts are covered by SPCC, an SPCC plan will be required for each tract.

Nurse tanks, or tanks on skids or wheels, are classified as mobile tanks and are not included in the farm's total fuel capacity. They do not require dedicated secondary containment but should be positioned to prevent a discharge (e.g., away from ditches).

In determining total stationary oil containment on a Farm, only count the containers that have a storage capacity of 55 gallons or more.

One strategy for reducing the total reportable capacity for on-Farm oil storage capacity is to purchase new hydraulic and motor oil in containers smaller than 55 U.S. gallons. The smaller drums can be placed inside of existing 55 gallon drums to suitably provide secondary containment. Waste oil can be stored in a similar fashion.

What should be done if a Farm is covered by the SPCC Program?

The SPCC Program requires the development and implementation of an SPCC Plan for any Farm covered by SPCC. Farms that currently have an SPCC Plan should maintain the existing plan with updates to reflect any on-farm changes. Operations that do not currently have an SPCC Plan should develop and implement one immediately.

Depending on the size of the operation, the SPCC Plan may need to be certified by a Registered Professional Engineer (P.E.) familiar with the design and practice of SPCC Plans. This policy was implemented to ensure that site-specific oil spill containment and countermeasures designs are appropriately applied across varying locations, climates, and operating conditions. Operations that will require certification by a P.E. include any operation that has a total stationary storage capacity of more than 10,000 gallons, an underground storage tank (UST), any single tank larger than 5,000 gallons, or has had a spill in recent years.

A Farm may be eligible to self-certify an initial or amended SPCC plan if the operation has a total stationary oil storage capacity between 1,320 and 10,000-gallons in aboveground containers, no underground storage tanks, no storage tanks larger than 5,000 gallons and the farm has not had one or more oil spill in the recent past.

When should an SPCC Plan be developed and implemented?

Farms in operation on or before 16 August 2002 must maintain or amend their *existing* SPCC Plan by **10 May 2013**. Any Farm that started operation after 16 August 2002, but before 10 May 2013, must prepare and implement an SPCC Plan on or before **10 May 2013**.

Note: Any Farm in operation before 16 August 2002 that does not currently have an SPCC Plan, must prepare an SPCC Plan *immediately*.

What steps are necessary for a Farm covered by SPCC?

1. Write, or hire someone to write, an SPCC Plan
2. Self-certify or have a Professional Engineer (P.E.) certify the SPCC plan, as necessary.
3. Implement the SPCC Plan. *This will require that all oil storage facilities and spill controls such as secondary containment and overflow prevention procedures and/or devices are installed, upgraded, and in proper order.*
4. Revise and update the SPCC Plan as needed, or at a minimum interval of every five years. This process will require documentation and may also require plan re-certification as changes occur that affect the potential for an on-Farm oil spill (e.g., installation of a new container or relocation of an old container). If a reportable spill occurs, the EPA may dictate changes to an SPCC Plan.

What is the process to write and self-certify an SPCC Plan for a Tier I Farm?

Any agricultural entity classified as a Tier I Farm under the SPCC regulations has the **OPTION** of preparing its own SPCC Plan using a form provided by the EPA. A copy of the template form can be downloaded at www.epa.gov/oem/docs/oil/spcc/tier1template.pdf. *Due to the complexity and thoroughness required in the SPCC Plan, serious consideration should be given to hiring a professional to write and certify the plan.*

What information is needed to prepare an SPCC Plan?

1. A list of all stationary oil containers on the farm, including location and contents
2. A brief description of the procedures used to prevent oil spills.
3. A brief description of the measures installed to prevent oil from reaching water
4. A brief description of the measures that will be used to contain and cleanup an oil spill, particularly a spill in very close proximity to water
5. A list of emergency contacts and first responders

SPCC Tips

Tier I farms may self-certify SPCC plans. Self-certification details and Plan Templates can be found at:

www.epa.gov/oem/content/spcc/tier1temp.htm

Once a SPCC Plan is developed, it is stored on the farm. It is not submitted to the EPA or the TCEQ. This should not be seen as an acceptable reason to delay or avoid developing an SPCC Plan.

The Natural Resources Conservation Service (NRCS) in Texas is offering a pilot program under the Environmental Quality Incentives Program (EQIP) that may provide cost-share incentives for developing and implementing an SPCC Plan. Contact NRCS field offices for registration details.

To find a list of local NRCS registered Technical Service Providers (TSP) who are also Professional Engineers familiar with oil spill prevention, control, and countermeasure, visit the <http://techreg.usda.gov>, Web site

1. Select "Find a TSP" on the sidebar
2. Select the area of Texas that best fits the Farm location
3. Select the primary county of the Farm operation.
4. Select "CAP – Oil Spill..." from the Select Category dropdown menu.



Figure 2: Metal or plastic containment pans are an inexpensive way to contain fuel or oil in case of a spill or tank rupture. It is necessary to ensure that the containment pan selected is rated for the material being stored. Properly designed and finished earthen or concrete liners are a suitable option for larger tanks.

What is the process to certify an SPCC Plan for a Tier II Farm?

An agricultural entity that meets **any** of the following Tier II oil storage criteria:

- Total, stationary on-farm fuel and oil storage exceeds 10,000 gallons
- Any underground storage tank (UST)
- Any single tank larger than 5,000 gallons
- Has had one, or more, oil spill in recent years,

must have an SPCC Plan developed and certified by a **Registered Professional Engineer**. The cost of this design can vary from \$1,500 to over \$10,000 depending on the complexity and size of the project.

In developing the SPCC Plan, a representative from the engineering company will make a minimum of one site visit to perform an evaluation of oil storage locations and conditions. A certified SPCC Plan will then be developed that represents the farm's current secondary containment and spill prevention measures, as well as provide guidelines for necessary upgrades. Any "non-compliant" locations will need to be addressed within a **maximum of six-months time** from the SPCC Plan's certification. *It is highly advised that the landowner and / or farm manager is an active participant in the SPCC Plan development process to ensure that all of the items within the final SPCC Plan are achievable within the scope of the Farm's operations.*

What spill prevention measures should be implemented and included in an SPCC Plan?

- Use containers suitable for the fuel or oil stored. For example, only a container designed to store flammable liquids should be used to store gasoline.
- Identify contractors and / or other local personnel who can help clean up an oil spill.
- Provide overfill prevention for all oil storage containers. This can be accomplished by the use a high-level alarm, an audible vent, or a defined container filling procedure.
- Provide effective, properly-sized secondary containment for bulk storage containers. Examples include a lined dike structure constructed of concrete or earthen materials or a remote impoundment. *The containment must be able to hold the full capacity of the container plus expected rainfall* (Typically in the range of a 24-hour duration, 25-year rainfall event).
- Provide effective, general secondary containment measures to address the most likely discharge in areas where oil is transferred to and from containers and for mobile refueling equipment, such as fuel nurse tanks or tank mounted skids. Sorbent materials, drip pans, and curbing for these areas are typically sufficient.
- Periodically inspect and test pipes and containers. Visual inspection should be performed regularly on all aboveground pipes and aboveground containers following industry standards. You must "leak test" buried pipes following installation and repair. EPA recommends that a written record be kept to document all inspections.
- Where possible, oil storage containers should be located under roof to minimize storm water contact with inherent oily substances.

UST

Underground Storage Tanks

Directly relevant to the EPA's SPCC Regulations, the Texas Commission on Environmental Quality (TCEQ) issued regulations effective as of 30 October 2008 pertaining to secondary containment practices for Underground Storage Tanks (UST). Under TCEQ §334.45(d), any UST system installed after 1 January 2009 must include a secondary containment system for **all system components** and an interstitial monitoring system. External liners are no longer permissible for new UST's and regular inspections will be required.

For information on these regulations and compliance resources, visit the TCEQ Web site: www.tceq.state.tx.us/.



Figure 2: Portable tanks, nurse tanks, or skids (such as those provided by Sage Oil Vac, Inc. in Amarillo) are exempt from SPCC Regulations and are not counted in the total on-site fuel and oil volume. Although secondary containment is not specifically required for this class of containers, care should be taken to minimize the potential to drain fuel, oil, or waste oil into water sources. Any such discharge event is in violation of state and federal environmental laws.

How frequently should an SPCC Plan be amended or updated?

An SPCC Plan should be amended whenever changes are made to the farm. Operational changes that would warrant an amendment to an SPCC Plan include an addition of any new storage containers that are 55 gallons or larger or the purchase or lease of additional tracts of land with containers that are 55 gallons or larger.

An SPCC Plan should be **reviewed every five years** to ensure that the Plan includes any changes in oil storage at your farm that were not reflected as part of a previous amendment.

What should be done in the case of an Oil Spill?

- Activate the SPCC Plan procedures to prevent the oil spill from reaching any water sources, including shorelines, lakes, rivers, streams, creeks, and groundwater
- Implement the spill cleanup and mitigation procedures outlined in the SPCC Plan.
- **Notify the National Response Center (NRC) at 800-424-8802** if there is any oil discharge to water sources or adjoining shorelines.
- If the amount of oil spilled to water is more than 42 gallons on two different occasions within a 12-month period or more than 1,000 gallons to water in a single spill event, notify the EPA Regional office in writing.

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Adapted from the U.S. EPA document, *Oil Spill Prevention, Control, and Countermeasure (SPCC) Program: Information for Farmers* and the Louisiana State University document *Oil Spill Prevention, Control, and Counter Measures (SPCC) Program for Farmers*.

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