

Oil Spill Prevention, Control, and Countermeasure (SPCC) Program for Texas Agriculture

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 granted multiple compliance extensions because of physical and financial challenges in enforcing noncompliance.

According to the EPA website, 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.”

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

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

What is SPCC?

Oil spills can injure people and damage the environment. The Oil Spill Prevention, Control, and Countermeasure (SPCC) Program (40 CFR Part 112) is a set of federal regulations within the United States Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response that governs the control of oil, greases, and fuels. The program objective is to prevent oil spills into waters of the United States and adjoining shorelines. A key element of this program requires facilities, including agricultural operations, that store oil products to have an oil spill prevention plan, or **SPCC plan**, to help prevent oil spills from damaging or contaminating water resources.

What is considered a farm under SPCC?

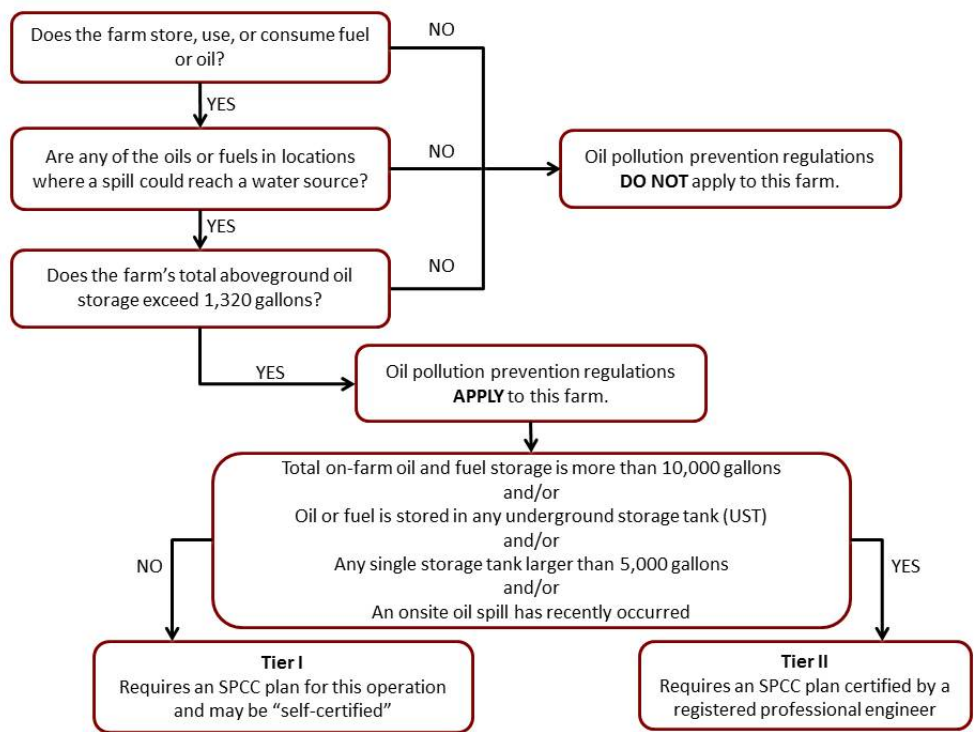
Under SPCC, a farm is a facility on a tract of land devoted to producing crops or raising animals (including fish) and normally produces and sells \$1,000 or more of agricultural products a year.

Which farms does SPCC cover?

SPCC applies to any farm that

- Consumes, stores, transfers, or uses oil or oil products such as adjuvant oil, animal fat, crop oil, diesel fuel, gasoline, hydraulic oil, lube oil, or vegetable oil,
- Stores more than **1,320 US gallons** in aboveground containers or more than **42,000 US gallons** in completely buried containers, and
- Could reasonably be expected to discharge oil to navigable waters of the United States 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 nonadjacent tracts of land (either leased or owned) may be considered separate facilities for SPCC purposes. Containers on separate facilities are not necessarily added together to determine whether the 1,320- or 10,000-gallon applicability thresholds are met. However, if SPCC covers multiple tracts, an SPCC plan is 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 (for example, away from ditches).*

To determine the total stationary oil containment on a farm, count only 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 US gallons. Place the smaller drums inside of existing 55-gallon drums to suitably provide secondary containment. Store waste oil in a similar fashion.

What if the SPCC Program covers a farm?

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 update the existing plan to reflect any on-farm changes. Operations without a current SPCC plan should prepare one immediately.

Depending on the size of the operation, the SPCC plan may need to be certified by a registered professional engineer (PE) familiar with the design and practice of SPCC plans. This policy ensures that site-specific oil spill containment and countermeasure designs are appropriately applied across varying climates, locations, and operating conditions. Operations that require certification by a PE include any operation with 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 any recent oil spills.*

When should I develop an SPCC plan?

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

Note: Any farm in operation before August 16, 2002 that does not have an SPCC plan, must prepare one **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 (PE) certify the plan.
3. Implement the SPCC plan. *This requires 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 plan as needed, or at a minimum of every 5 years. This process requires documentation and may also require plan recertification as changes occur that affect the potential for an on-farm oil spill (for example, 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.

How do I 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. Download a copy of the template form at www.epa.gov/oem/docs/oil/spcc/tier1template.pdf.

Due to the complexity and thoroughness required in the SPCC plan, give serious consideration to hiring a professional to write and certify the plan.

What information do I need 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. For self-certification details and plan templates, go to www.epa.gov/oem/content/spcc/tier1temp.htm.

Although not submitted to the EPA or the Texas Commission on Environmental Quality (TCEQ), SPCC plans must be stored on the farm. 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 countermeasures, visit <http://techreg.usda.gov>.

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 – 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. Be sure that the containment pan is rated for the material being stored. Properly designed and finished earthen or concrete liners are a suitable option for larger tanks.

How do I certify an SPCC plan for a Tier II farm?

An agricultural entity that meets **any** of the following Tier II oil storage criteria **must** have an SPCC plan developed and certified by a **registered PE**:

- 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 any oil spills in recent years

This design can cost 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 makes a minimum of one site visit to perform an evaluation of the oil storage locations and conditions. A certified SPCC plan is then developed that represents the farm’s current secondary containment and spill prevention measures and provides guidelines for necessary upgrades. Any noncompliant locations will be addressed within a **maximum of 6 months** from the SPCC plan’s certification. *It is important that the landowner and/or farm manager is an active participant in the plan development process to ensure that all items within the final SPCC plan are achievable within the scope of the farm’s operations.*

What spill prevention measures should I implement and include in an SPCC plan?

Use containers suitable for the fuel or oil being stored. For example, use a container designed to store flammable liquids 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 by using a high-level alarm, an audible vent, or a defined container-filling procedure.
- Provide effective, properly sized secondary containment for bulk storage containers such as 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 for 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. Typically, sorbent materials, drip pans, and curbing are sufficient for these areas.
- Periodically inspect and test pipes and containers. Perform regular visual inspection on all aboveground pipes and containers following industry standards. You must “leak test” buried pipes following installation and repair. EPA recommends keeping a written record to document all inspections.
- Where possible, locate oil storage containers under a roof to minimize stormwater contact with inherent oily substances.

UST

Underground Storage Tanks

Directly relevant to the EPA's SPCC regulations, the TCEQ issued regulations effective as of October 30, 2008 pertaining to secondary containment practices for underground storage tanks (UST). Under TCEQ §334.45(d), any UST system installed after **January 1, 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 are required.

For information on these regulations and compliance resources, visit 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, take care 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 often should I update my SPCC plan?

Amend an SPCC plan whenever you make changes 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.

Review an SPCC plan **every 5 years** to ensure that it includes any changes in oil storage at your farm not reflected as part of a previous amendment.

What do I do in the case of an oil spill?

Activate the SPCC plan procedures to prevent the oil spill from reaching any water sources, including creeks, groundwater, lakes, rivers, shorelines, and streams.

- 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 into water is more than 42 gallons on two different occasions within 12 months or more than 1,000 gallons spilled to water in a single event, notify the EPA regional office in writing.

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Adapted from the US EPA document, *Oil Spill Prevention, Control, and Countermeasure (SPCC) Program: Information for Farmers* and the Louisiana State University document *SPCC Fuel and Oil Spill Prevention, Control, and Countermeasures Program for Farmers*.

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