



FREQUENTLY ASKED QUESTIONS ABOUT SPILL PREVENTION CONTROL AND COUNTERMEASURE PLANS

On May 10, 2013 farms with an oil storage capacity of 1,320 gallons will be required by the Environmental Protection Agency to prepare and implement a spill prevention control and countermeasure (SPCC) plan. The following questions and answers are intended to assist people in understanding the SPCC regulations and how to prepare and implement a proper plan.

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1. What is SPCC?

The goal 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 farmers and other facilities to have an oil spill prevention plan, called an *SPCC Plan*. These Plans can help farmers prevent oil spills which can damage water resources needed for farming operations. They must include information on storage containers, maps and diagrams of the facility, secondary containment structures, site drainage, preventative measures, containment procedures, clean-up equipment and material, employee training, routine inspections and recordkeeping.

2. 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."

3. When should I prepare and implement a Plan?

Farms must prepare and use a new plan or amend their existing Plan by **May 10, 2013**.

4. Is the farm covered by SPCC?

SPCC applies to a 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 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 waters of the US or adjoining shorelines, such as interstate waters, intrastate lakes, rivers, and streams.

If the farm meets all of these criteria, then the farm is covered by SPCC.

5. The farm is covered by SPCC, now what?

The SPCC program requires the farm to prepare and implement an SPCC Plan. If they already have a Plan, maintain it. If not, the farm should prepare and implement one. Many farmers will need to have their Plan certified by a Professional Engineer ("PE"). However, some may be eligible to self-certify if:

- The farm has a total oil storage capacity between 1,320 and 10,000 gallons in aboveground containers, and the farm has a good spill history (as described in the SPCC rule), you may prepare and self-certify your own Plan. (However, if you decide to use certain alternate measures allowed by the federal SPCC Rule, you will need a PE.)

If your farm has storage capacity of more than 10,000 gallons, or has had an oil spill you may need to prepare an SPCC Plan certified by a PE.

6. What is considered oil?

Oil of any type and in any form is covered, including, but not limited to: petroleum, fuel oil, sludge, oil refuse, oil mixed with wastes other than dredged spoil, fats, oils or greases of animal, fish, or marine mammal origin, vegetable oil, including oil from seeds, nuts, fruits or kernels' and other oils and greases including synthetic oils and mineral oils.

7. How do I calculate oil storage capacity?

Add up the container oil storage capacities and compare the total aboveground and completely buried facility capacities to the SPCC thresholds. Use the shell capacity of the container (maximum volume), not the actual amount of product stored in the container (operational volume). Count only containers that have a storage capacity of 55 US gallons and above.

Capacity volumes should also include fuel tanks mounted on trailers, fuel trucks used exclusively on the farm and tanks in pickups.

8. How do I determine if the farm could reasonably discharge oil into or upon navigable waters or adjoining shorelines?

Consider the geography and location of the farm relative to nearby navigable waters (such as lakes, rivers, streams, creeks, and other waterways) or adjoining shorelines. Consider if ditches, gullies, storm sewers or other drainage systems may transport an oil spill to nearby streams. Estimate the volume of oil that could be spilled in an incident and how that oil might drain or flow from the farm. Think about the natural soil conditions or geographic features that might affect the flow toward or away from waterways. You should also consider whether precipitation runoff could transport oil off site into waterways.

Assume manmade features, such as dikes, equipment, or other structures that might prevent, contain, hinder, or restrain the flow of oil are not present when making your determination

9. If the farm does not have fuel storage that will flow into navigable waters by a ditch, river, stream or lake, do they require a SPCC Plan?

No. If an oil storage tanks leaks, and the spilled oil would not flow into navigable waters or adjoining shorelines, a SPCC Plan is not required. However, EPA recommends the farm document the reasons why they think an oil spill would not reach water to demonstrate to regional inspectors, if necessary, that the facility is not subject to the SPCC rule.

10. If the owner has 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.

11. What if the farmer leases some parcels, and there are tanks already present? Who is responsible for these tanks?

If the person leasing the parcels plans to use these tanks, make sure in the lease agreement 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.

12. What is considered "Bulk Storage"?

"Bulk storage" is any container with a capacity of 55 gallons or more.

13. Is it necessary to have secondary containment for all bulk oil storage?

YES. The secondary containment must hold the contents of the largest container PLUS freeboard for precipitation if outdoors. Properly designed double-walled storage tanks do not require additional containment. In cases where engineered passive containment systems or active secondary containment approaches are not practicable, an impracticability determination provision may be applied.

14. If secondary containment is in place, is there still a need for an SPCC Plan?

YES. A written plan with certification (unless a Tier I or Tier II facility) is still required if 1,320 gallons of oil are stored, regardless of secondary containment.

15. 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.

16. 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 What is the procedure regarding lack of containment where trucks are loaded and unloaded? A structure is required and must hold the largest single compartment of any truck loaded or unloaded. However, SPCC provisions exist so that it may not be necessary to build a loading pad or catch basin. They may use sorbent materials, drip pans or curbing for these areas.

17. Will I have to provide Security?

Yes. You will have to address how will you prevent unauthorized access and secure and control storage areas.

18. Do company employees need to be trained?

YES. Employees handling oil products must complete training at least once a year on the proper operation and maintenance of the bulk oil facility to prevent spills and the proper response to control, contain, and clean up a spill. At a minimum, oil-handling personnel must be trained in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and the contents of the facility SPCC Plan.

19. When must an SPCC Plan be amended and/or re-certified?

The SPCC Plan must be reviewed and re-certified at least every five years, or whenever there is a change in the facility's design, construction, operation or maintenance that materially affects its potential for discharging into the US navigable waterways or adjoining shorelines.

A plan may also have to be amended and re-certified at the request of the EPA Regional Administrator if the facility has discharged:

- More than 1,000 gallons of oil in a single spill event; or
- Oil in harmful quantities; or
- More than 42 gallons in each of two spill events within any 12 month period.

20. What are the procedures regarding a change in personnel who were listed in the SPCC Plan (or other non-technical Plan changes)?

Non-technical type changes (such as a change in personnel listed in the plan, change in phone numbers, etc.) can be noted in the SPCC Plan by writing in the updated information by hand. Certification of a PE is required only for technical changes (such as those that would "materially affect the facility's potential to discharge oil").

21. 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.at your farm.

22. How and when do I maintain my SPCC Plan?

Amend and update your SPCC Plan when changes are made to the farm, for example, if you add new storage containers (e.g. tanks) that are 55 gallons or larger, or if you purchase or lease parcels with containers that are 55 gallons or larger. You must review your Plan every five years to make sure it includes any changes in oil storage