

Frequently Asked Questions:

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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;

(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 waterway navigable 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 capacity, 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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