

Updated November 8, 2010

Spill Prevention, Control and Countermeasures (SPCC) - EPA Rules

This is a summary of the SPCC Rules and is not intended to contain all of the details of the regulations.

The U.S. Environmental Protection Agency (EPA) finalized the Spill Prevention, Control and Countermeasures (SPCC) rule in 2010. This rule governs oil and fuel storage for many businesses, including farms.

The compliance deadline for most farms is November 10, 2010. According to the agency, farms in operation before 2002 should already have a plan in place by November 10, 2010 to comply with the rules. For new farms that were not in existence until 2002, the compliance deadline is November 10, 2011.

EPA also delayed the SPCC compliance date by which a facility must address milk and milk product containers, associated piping and appurtenances constructed according to current applicable 3-A Sanitary Standards, and that are subject to the current applicable Grade "A" Pasteurized Milk Ordinance (PMO) or equivalent State regulatory requirement. The date is delayed one year from the effective date of a final rule specifically addressing these milk and milk product containers. This milk container rule has not yet been finalized.

The SPCC rule pertains to facilities, including farms that have aboveground oil storage with an aggregate capacity greater than 1,320 U.S. gallons, or completely buried oil storage capacity greater than 42,000 gallons. Single-family residence home oil containers are exempt as are oil tanks smaller than 55 gallons. EPA has also proposed to exempt milk tanks under certain circumstances, but that exemption has not been finalized. Farmers with milk containers will be given one year after the finalization of the milk container rules to develop a plan.

In this rule, EPA somewhat attempted to address concerns of AFBF and IFB that were raised in all of the comment periods for the earlier proposals. Facilities that exceed the thresholds of the rules must prepare and implement a SPCC plan that may be kept at the farm and have a secondary containment structure (or use double walled tanks) around their tanks.

The rule establishes a tiered structure of compliance. For smaller facilities (aggregate storage capacity of 10,000 gallons or less) the agency developed two tiers (I and II). These smaller facilities must have had no single discharge exceeding 1,000 gallons to navigable waters within the 3 years prior to the date the SPCC is certified and no two discharges of oil to navigable waters exceeding 42 gallons within any 12 month time frame.

The main difference between the tiers is that Tier I facilities were defined as those facilities with 10,000 gallons or less aggregate storage capacity that have no individual aboveground oil container greater than 5,000 gallons. Tier I facilities can self-certify and use an EPA-created plan template without having to have a professional engineer (PE) certified plan.

Tier II facilities (aggregated capacity of 10,000 gallons or less and an individual storage tank larger than 5,000 gallons) can also self-certify a plan, but it would not be EPA's template. Facilities with greater than 10,000 gallon storage capacity must have oversight or plan approval by a professional engineer.

Here are some websites that provide further information:

EPA General SPCC site: <http://www.epa.gov/emergencies/content/spcc/index.htm>

EPA Tier I SPCC Plan Template: <http://www.epa.gov/emergencies/content/spcc/tier1temp.htm>

Univ. of IL EZ Regs site: <http://web.extension.illinois.edu/ezregs/ezregs.cfm?section=about>