

EPA revises key deadline for farms

By Leilana McKindra

Stillwater, Okla. – The U.S. Environmental Protection Agency pushed back the deadline for farms operational after Aug. 15, 2002, to amend or prepare and implement plans guarding against potential oil or fuel spills in lakes, streams, rivers and other waterways.

The new deadline for farmers to complete their Spill Prevention, Control and Countermeasure (SPCC) plans is May 10, 2013.

“Farms that were operational on or before Aug. 15, 2002, and that meet the EPA’s SPCC criteria should already have plans established,” said Scott Frazier, Oklahoma State University Cooperative Extension energy management engineer.

The SPCC plans are not submitted to the EPA or any other agency unless there has been a reportable spill. The plans are simply maintained by the farm owner/operator.

“The stated goal of the EPA’s SPCC program is to prevent oil spills into U.S. waters and adjoining shorelines,” Frazier said. “More specifically, the program and the plans are aimed at protecting U.S. water resources.”

The plans, which help farmers reduce their potential liability from environmental damage, are considered a part of practicing “*due diligence*.”

In announcing the decision to delay the completion date of the plans, the EPA cited several recent disasters that have adversely affected farmers.

“An overwhelming segment of the continental United States was affected by flooding during the spring and summer of 2011. Other areas were impacted by devastating fires.

Many counties in many states were declared disaster areas by either the federal or state government or both,” said the EPA in a statement. “As a result, EPA believes that, because of their unique nature, farms were disproportionately affected and need additional time to prepare and implement a Spill Prevention, Control and Countermeasure plan.”

The modified timeline does not exempt farm owners and operators from creating or updating an SPCC plan. It also doesn’t relieve farms from the liability associated with any oil spills that occur.

Farms that fall under the SPCC program meet three criteria:

- Farms must store, transfer, use or consume oil or oil products such as diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil or animal fat;
- Farms must store more than 1,320 U.S. gallons in aboveground containers or more than 42,000 U.S. gallons in completely buried containers. Individual containers must include at least one that is 55 gallons or more in size; and
- Farms could reasonably be expected to discharge oil to waters of the U.S. or adjoining shorelines such as interstate waters, intrastate lakes, rivers and streams.

Farmers are required to review their SPCC plans every 5 years to include any changes in the storage of oil products on their properties.

Frazier said there are no figures currently available indicating how many farms in Oklahoma are impacted by the EPA program.

“All farms that store significant quantities of oil and fuels onsite and meet the EPA’s stated criteria are responsible for creating a plan,” he said. “This documentation is both to prove farmers are aware of the regulations and to help remind them what to do. The primary goal of the SPCC is to help farmers protect themselves and the environment. It is not meant to be a means of penalizing people.”

However, failure to make or update the plan by the deadline means the farm would be out of compliance with federal regulations. If a damaging spill occurs at a farm that met all three EPA criteria, and if the facility had no SPCC plan, the farmer could be subject to a fine as well as other liabilities resulting from the spill.

The EPA website at www.epa.gov/emergencies/spcc (select the SPCC for Agriculture link) provides a step-by-step approach to developing and updating a plan, which includes details such as the contents and location of all oil storage containers on the farm, descriptions of preventative measures already in place, descriptions of actions that will be taken in case of an oil spill and a list of emergency contacts and first responders. Facilities with different amounts of oil storage may have different reporting guidelines – this is covered in the EPA SPCC website.

Depending on the level of organization within a particular farming operation and how detailed pertinent records are, developing or updating an SPCC plan could take a matter of hours; however, said Frazier, it's more likely to take several days.

It's also an excellent opportunity to implement preventative and safety procedures, while creating and updating the SPCC plan.

“For new facilities, there is plenty of time to do this now,” said Frazier. “Just do it one step at a time.”

For farms that began operating before Aug. 15, 2002, owner/operators should explore whether they need to start building the SPCC plans. The EPA also may follow the 2013 deadline for these facilities, Frazier said. In the meantime, farmers should start working on their plans while working with EPA for clarification.

Farmers also have one other option for managing SPCC plans.

“Farmers can alter their operations so they do not meet some of the criteria,” Frazier said. “For example, farmers may be able to reduce their onsite storage to 1,000 gallons, in which case they do not meet the second criteria, and do not need an SPCC.”

However, he cautioned that whether farmers have SPCC plans or not, they can still be liable for damages resulting from a spill.

“This is why I would suggest implementing the common sense safeguards such as dikes, which are suggested by the SPCC, whether you need a plan or not,” he said.

Once the SPCC plan finished, it should be kept with the farm’s important records. Even if a farmer believes an SPCC is unnecessary, that should be documented, including the reasons why, and kept with the facility’s records, Frazier said. If there are no changes to previous SPCC plans, farms also should note that and file the paperwork appropriately.

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