

The President has signed into law (June 10, 2014) H.R. 3080, the *Water Resources Reform and Development Act (WRRDA)* which affects the Spill Prevention Control and Countermeasure (SPCC) rule as it pertain to farms.

Breakdowns of the changes to EPA’s SPCC rule for farms are included below:

<u>SPCC Under Previous Law</u>	<u>SPCC Changes Under WRRDA 2014</u>
When determining total aggregated aboveground fuel storage capacity, producers are required to include any tank of <u>55 gallons</u> or more.	When determining total aggregated aboveground fuel storage capacity, producers are required to include any tank <u>above 1,000 gallons</u> .
Aggregated aboveground fuel storage capacity of <u>less than 1,320 gallons</u> exempt from SPCC requirements.	Aggregated aboveground fuel storage capacity of <u>6,000 gallons*</u> or less are exempt from SPCC requirements.
Tier I: A farmer may self-certify their SPCC plan if they have an aggregated aboveground fuel storage capacity of 1,320-10,000 gallons and do not have an individual tank 5,000 gallons or larger.	Tier I: A farmer may self-certify their SPCC plan if they have an aggregated aboveground fuel storage capacity of 6,001-20,000 gallons and do not have an individual tank greater than 10,000 gallons.
Tier II: A farmer must have a Professional Engineer certify their SPCC plan if they have an aggregated aboveground fuel storage capacity greater than 10,000 gallons or have an individual tank 5,000 gallons or larger.	Tier II: A farmer must have a Professional Engineer certify their SPCC plan if they have an aggregated aboveground fuel storage capacity greater than 20,000 gallons or have an individual tank greater than 10,000 gallons.
	*EPA along with USDA are to conduct a study within 12 months and release a rule for public comment within 18 months to set a new fuel level exemption to be at no less than 2,500 gallons and no more than 6,000 gallons.

Please note, the increased aggregated capacities are not effectively immediately (as noted by the asterisk in the table above). The legislation calls for a study to be conducted by the EPA and the USDA within one year of the bill becoming law to determine whether the 6,000 gallon aggregate aboveground storage exemption level is appropriate. Based on the results of that study, the exemption level may be lowered from 6,000 gallons, but cannot be lowered below 2,500 gallons, based on a significant risk of discharge into water. Once the study is complete, EPA and USDA have 18 months to write a rule to adjust the exemption level, and that will be subject to a public comment period.

In regards to what is effective immediately (as this gets confusing), the legislation increases the threshold levels for when a farmer will be required to hire a professional engineer (PE) to write a SPCC Plan –

- Individual tank with capacity of 10,000 gallons or more;
- Aggregate storage capacity of 20,000 gallons or more;
- spill history;
- Farmers with less than 20,000 aggregate can self-certify their SPCC Plan.