

Petroleum Storage on Farms: Regulatory Update

Spill Prevention Control and Countermeasure (SPCC) Plan requirements for farms changed for the better in December 2016. Legislation has passed, amending both the Federal SPCC Rule and California's Aboveground Petroleum Storage Act (APSA) with the goal of reducing the regulatory burden on farmers. At the Federal level, both the Water Resources Reform and Development Act (WRRDA, 2014) and the Water Infrastructure Improvements for the Nation Act (WIIN, 2016) have established new applicability thresholds and requirements for farms. At the state level, Senate Bill 612 (SB612, 2016) changed state applicability thresholds.

WRRDA and WIIN included the following changes for farms:

- SPCC regulations do not apply to farm containers on separate parcels with (1) an individual storage capacity of 1,000 gallons or less and (2) an aggregate capacity of 2,500 gallons or less (up from 1,320 gallons for a single facility);
- Farms with an aggregate aboveground storage capacity of less than 6,000 gallons (subject to a review, study and recommendation by EPA, discussed in more detail below) and no reportable discharge history are not subject to SPCC regulations;
- Farms with an aggregate aboveground storage capacity of less than 20,000 gallons (10,000 gallons for other facilities), no individual storage tank greater than 10,000 gallons, and no reportable discharge history may self-certify their SPCC plan in lieu of hiring a professional engineer for certification;

WRRDA directed EPA to determine if the interim 6,000 gallon threshold should be decreased. EPA released their study in 2015 and concluded that the appropriate threshold should be 2,500 gallons instead of 6,000 gallons. As of May 2018, EPA has not published a proposed rule for this change. California's SB612 aligned the applicability threshold for a farm under APSA with the Federal SPCC requirements. Under APSA, a farm is conditionally exempt from the requirement to prepare a SPCC Plan in California (but not exempt from Federal requirement to prepare an SPCC Plan) provided the owner or operator of the farm:

- Has no single tank with a capacity larger than 20,000 gallons,
- Has an aggregate facility capacity not exceeding 100,000 gallons,
- Conducts daily inspections of their aboveground petroleum storage tanks,
- Allows Unified Program Agency (UPA) inspectors to conduct periodic inspections, and
- Installs secondary containment if requested to do so by the UPA.

Please see the included flow chart to help determine if your farm may need a SPCC Plan to meet Federal and/or California regulations. If you have any questions about the applicability of Federal or State regulations to your farming operation please contact Mike Blankinship (mike@h2osci.com) or Kenny Tanaka (kenny@h2osci.com) or call us at (530) 757-0941.