



CALIFORNIA FARM BUREAU FEDERATION

GOVERNMENTAL AFFAIRS DIVISION

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DATE: October 25, 2010

TO: CFBF County Farm Bureau's

FROM: Andrea Fox

RE: Petroleum and Oil Products Storage Tank Regulations

- Above Ground Petroleum Storage Act (APSA)
- Spill Prevention, Control and Countermeasure (SPCC) Regulation

The regulations regarding petroleum and petroleum oil products storage have changed for farmers and ranchers at the state and federal level. A brief overview of what you need to know for your agricultural operation about petroleum and oil products storage is outlined below and in additional attached documents.

Please note: while farms, nurseries, logging sites and construction sites are conditionally exempt from APSA requirements, these facilities are NOT exempt from the federal SPCC regulations that are required by US EPA.

California's Above Ground Petroleum Storage Act (APSA) – Conditional Exemption

Farm's, nurseries, logging and construction sites are conditionally exempt from the APSA to prepare and implement an SPCC plan which regulates storage of petroleum based oil products, including biodiesel. Propane, liquefied petroleum gas or liquefied natural gas are not regulated under APSA.

A tank facility located on a farm, logging or construction site is exempt if:

- No storage tank at the location exceeds 20,000 gallons; and
- The cumulative storage capacity does not exceed 100,000 gallons.

To maintain the conditional exemption from preparing and implementing an SPCC plan on farms, nurseries, logging and construction sites owners/operators **are** required to:

- Conduct a daily inspection of all above ground tanks storing petroleum and maintain a log; and
- Allow an inspector from the Unified Program Agencies (UPA) to conduct periodic inspections of the storage tanks; and

- If the UPA determines that secondary containment is necessary, install secondary containment for each tank or group of tanks. The containment area must be able to contain the entire contents of the largest tank in the area, plus precipitation.
- Pay program fees for your above ground storage tanks.

Please note: If the requirements of the conditional exemption are not met, you could be subject to penalties and fines.

US EPA – Spill Prevention, Control and Countermeasure (SPCC) Plan

The federal SPCC program is to prevent *oil spills (oil products-such as diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil, or animal fat) into waters of the United States and adjoining shorelines. Farms, nurseries, logging and construction sites are **not** exempt under the federal SPCC regulations and are required to develop, certify and implement an SPCC Plan if:

- The farm 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
- The farm stores more than 1,320 gallons in aboveground containers of 55 gallons or greater or more than 42,000 gallons in completely buried containers (Adjacent or non-adjacent parcels, either leased or owned, may be considered separate facilities for SPCC purposes do not need to be added together in determining whether the 1,320-gallon applicability threshold is met); and
- If the tanks could reasonably be expected to discharge oil to waters of the US or adjoining shorelines, such as interstate waters, intrastate lakes, rivers, and streams.

Please note: *Federal SPCC definition of oil: Diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil or animal fat.

What should you do?

1. Develop your SPCC plan:

- If your farm was in operation *before August 16, 2002* and you do not already have an SPCC Plan in place, you must prepare a plan **now**. Don't wait. If you have an SPCC plan in place you must maintain or amend your existing plan by *November 10, 2010* and keep a copy on site.
- If your farm began operation *after August 16, 2002*, but before November 10, 2010, you must develop, certify and implement an SPCC Plan on or before *November 10, 2011*.

- Your Plan must be amended and updated when changes are made to the farm, i.e. if you add new storage containers or purchase or lease parcels with containers that are 55 gallons or larger. You must review your Plan every five years to make sure it includes any changes in oil storage at your farm.

2. Certify your SPCC plan:

- You may self-certify your SPCC Plan if your farm has a total oil storage capacity between 1,320 and 10,000 gallons in aboveground containers and there are no aboveground containers at your farm greater than 5,000 gallons in capacity. Your plan will need to contain the following information:
 - a. A list of the oil containers at the farm by parcel (including the contents and location of each container);
 - b. A brief description of the procedures that you will use to prevent oil spills. For example, steps you use to transfer fuel from a storage tank to your farm vehicles that reduce the possibility of a fuel spill;
 - c. A brief description of the measures you installed to prevent oil from reaching water (see next section);
 - d. A brief description of the measures you will use to contain and cleanup an oil spill to water; and
 - e. A list of emergency contacts and first responders.
- Or you may use the SPCC Plan template that is available to download from EPA's Web site at: <http://www.epa.gov/oem/content/spcc/tier1temp.htm>
- You may need a Professional Engineer if:
Your farm has storage capacity of more than 10,000 gallons or has had an oil spill you may need a professional engineer to prepare an SPCC Plan for you.
- Retain your SPCC plan in your records at the site of your operations. You do not need to send your completed plan to US EPA.

3. Implement your Plan:

- Use containers suitable for the oil stored. For example, use a container designed for flammable liquids to store gasoline;
- Identify contractors or other local personnel who can help you clean up an oil spill;
- Provide overfill prevention for your oil storage containers. You could use a high-level alarm, or audible vent, or establish a procedure to fill containers;
- Provide effective, sized secondary containment for bulk storage containers, such as a dike or a remote impoundment. The containment must be able to hold the full capacity of the container plus possible rainfall. The dike may be constructed of earth or concrete. A double-walled tank may also suffice;

- Provide effective, general secondary containment to address the most likely discharge where you transfer oil to and from containers and for mobile refuelers, such as fuel nurse tanks mounted on trucks or trailers. For example, you may use sorbent materials, drip pans or curbing for these areas; and
- Periodically inspect and test pipes and containers. You should visually inspect aboveground pipes and inspect aboveground containers following industry standards. You must “leak test” buried pipes when they are installed or repaired. EPA recommends you keep a written record of your inspections.

For comprehensive information regarding the SPCC requirements, secondary containment, Tier I self-certification template, and information for Farmers fact sheet go to:

<http://www.epa.gov/oem/content/spcc/index.htm>

Contact the California Farm Bureau: 916-446-4647.

Call or send an e-mail to the EPA Ag Compliance Assistance Center: 1-888-663-2155

<http://www.epa.gov/agriculture/agctr.html>

Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center:

(800) 424-9346 or (703) 412-9810 TDD (800) 553-7672 or (703) 412-3323

<http://www.epa.gov/superfund/resources/infocenter>