



United States Department of Agriculture
Natural Resources Conservation Service

2011 TEXAS EQIP PILOT PROGRAM

Spill, Prevention, Control and Countermeasure

Fact Sheet - November 2010

Introduction

The Texas Natural Resource Conservation Service (NRCS) is partnering with the US Environmental Protection Agency (EPA) to assist farming and ranching operations that fall under the requirements of having a Spill Prevention, Control and Countermeasure (SPCC) plan and containment facility. Texas is one of 10 states participating in the Environmental Quality Incentive Program's (EQIP) pilot and has limited funding available to assist eligible applicants with meeting EPA mandates. Participation in the program is voluntary and acceptance will be based on competitive basis.

EPA's SPCC Requirements

A farming or ranching operation is defined by EPA as "a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1000 or more of agricultural products during a year."

An SPCC plan would apply to a farm or ranch that meets the following criteria:

1. Stores, transfers, uses, or consumes **oil or oil products** such as diesel fuel, gasoline lube oil, hydraulic oil, adjuvant oil, crop oil, or vegetable oil.
2. Stores more than **1320 US gallons** in above ground containers or more than **42,000 US gallons** in completely buried containers; and
3. Could **reasonably be expected to discharge oil** to waters of the US or adjoining shorelines, such as interstate waters, intrastate lakes, rivers and streams.

If your farm or ranch meets all of these criteria, then your farm falls under the requirements of the Spill Prevention, Control, and Countermeasure program.

It is important to note that only 55 gallon containers and above should be counted toward the 1320 gallon threshold. Adjacent or non-adjacent parcels, either leased or owned, may be considered separate facilities

for SPCC purposes. Containers on separate parcels (that the farmer/rancher identifies as separate facilities based on how they are operated) do not need to be added together in determining whether the 1320 gallon applicability threshold is met.

EQIP Assistance Qualifications

To qualify for EQIP assistance, an applicant must have a three year average Adjusted Gross Income (AGI) of less than \$1,000,000 unless 67% of that income comes from on-farm sources. An applicant must have control of the land to be entered into the program for the duration of the contract, and the land under contract must be capable of producing \$1000 of agricultural product.

EQIP SPCC Pilot Assistance

Interested applicants should visit their local NRCS office for assistance. The pilot program will provide assistance of \$2500 for SPCC plans for those operations with over 10,000 gallons of fuel and/or oil products. These plans will need to be certified by a registered Professional Engineer and will be developed by a Technical Service Provider, not NRCS staff. However, NRCS employees will provide contact information for registered TSPs that can develop the plans. It will be the participant's responsibility to contact the TSP of their choice for plan development.

Farmers and ranchers with 1320 to 9999 gallons of fuel and/or oil products will need an SPCC plan, however landowners can self certify their plans and therefore, will not qualify for SPCC planning assistance. A self certification form is available from EPA at: <http://www.epa.gov/oem/content/spcc/tier1temp.htm> .

Farmers and ranchers with 1320 gallons or more of fuel and/or oil could qualify for an amount not to exceed \$10,000 (or 75% of the cost, if the total cost of the practice is \$13,334 or less) to construct a Secondary Agricultural Containment Facility if needed and feasible. Construction of the facility must meet NRCS Technical Guide Standard and Specification Conservation Practice 710, Agricultural Secondary Containment Facility. The construction and design of this

facility will be completed by a registered Technical Service Provider. The program participant will select the TSP and contractor for the installation of this practice. NRCS personnel will assist the participant by providing a list of qualified TSPs for this practice.

Applications are currently being accepted for this program and will continue throughout the year. A ranking deadline has been established as January 28, 2010. A subsequent ranking deadline will occur on June 3 if allocated funds remain.

More Information

For more information on this program, please contact Mark Habiger Assistant State Conservationist-Programs at mark.habiger@tx.usda.gov or 254 742-9881 or Doug Sharer, State Financial Assistance Programs Manager at doug.sharer@tx.usda.gov or 254 742-9825.