

Attachment I

Spill Prevention, Control and Countermeasure (SPCC)- NRCS will assist eligible producers to provide SPCC Conservation Activity Plan (CAP) and Agricultural Secondary Containment Facility financial assistance through the Environmental Quality Incentives Program (EQIP).

SPCC Conservation Activity Plan

NRCS is entering the third year of the SPCC pilot effort to provide assistance to producers who are required to comply with U.S. Environmental Protection Agency (EPA) regulations related to environmental damage from accidental on-farm oil spills. The goal of the EPA SPCC program is to prevent oil spills into the waters of the United States and adjoining shorelines. A key element of this program calls for farms and other facilities to have a SPCC plan. All oil storage facilities, including farms with more than 1,320 gallons of aggregate aboveground storage, are subject to the SPCC regulation. The EPA rules require that a registered Professional Engineer (PE) prepare and certify the SPCC plans for producers with more than 10,000 gallons of above-ground liquid storage capacity. Producers with less than 10,000 gallons of oil/fuel storage capacity are not required to hire a registered PE to prepare their plan and may self-certify for purposes of compliance. An integral component of the SPCC plan also includes implementation of practices which provide appropriate secondary containment for oil storage facilities.

Due to declared natural disasters in many States, EPA has extended the date by which farms must prepare or amend and implement their SPCC plans to May 10, 2013. All regulated farms that started operation prior to August 16, 2002, should already have an SPCC plan in place. They are required to maintain and continue to implement it. In addition, they must amend and implement the plan according to the latest revisions of the rule by May 10, 2013. Regulated farms starting operation after August 16, 2002, have until May 10, 2013, to prepare and implement an SPCC plan meeting current regulations.

EPA SPCC Compliance Dates for Farming Operations

A Farm Starting operation:	Must:
On or before August 16, 2002	Maintain its existing SPCC Plan. Amend and implement the amended SPCC Plan no later than May 10, 2013 .
After August 16, 2002 through May 10, 2013	Prepare and implement a SPCC Plan no later than May 10, 2013 .
After May 10, 2013	Prepare and implement a SPCC Plan before beginning operations.

To help agricultural producers address EPA plan requirements, NRCS has developed an SPCC Conservation Activity Plan (CAP) code 150 that can be used to serve as a mechanism for assisting farming operations that exceed 10,000 gallons of above-ground storage capacity, where they are required to have a plan prepared and certified by a registered PE. Those facilities with more than 1,320 but less than 10,000 gallons of above-ground storage capacity can take advantage of the “self-certification” template provided by EPA or assistance from the National Milk Producers Federation (NMPF). The NMPF template is available at:

<http://nmpf.org/files/file/SPCC-Plan-Template-Final-Sept-20-2010-FORM.pdf>

Only producers with more than 10,000 gallons of above-ground liquid storage capacity where a spill could potentially result in the discharge of oil/fuel products into waters of the US are potentially eligible for the SPCC CAP. It is the producer’s responsibility to determine whether or

not their facility is regulated by the EPA's SPCC. If a producer needs help in making that determination, they should be advised to contact a registered PE for assistance. Producers who are able to self-certify (as defined above) are not eligible for EQIP financial assistance for a SPCC CAP. Likewise, producers with more than 10,000 gallons in storage who have an existing SPCC CAP that needs amended (as defined above) are not eligible for EQIP financial assistance for a SPCC CAP.

To be eligible for the SPCC CAP, a producer must provide sufficient information (farm layout, existing inventory of liquid storage tanks, containers, capacity, etc.) to prove the above-ground petroleum storage capacity of 10,000 gallons or more. Milk and milk product containers will not be included in the capacity determination. Information such as notification from a regulatory authority requiring an SPCC plan prepared by a registered PE may be provided as sufficient information.

All SPCC CAP applications should be entered into ProTracts under the 'EQIP Spill Prevention' fund code with the EQIP General or EQIP HU payment schedule, as appropriate. The SPCC CAP must be developed by a certified Technical Service Provider (TSP) and all TSP completed SPCC CAP plans must be forwarded to the State Conservation Engineer for review and approval. **Certification and payment of the SPCC CAP shall not be completed until the State Conservation Engineer has notified the Field Office of the approval of the CAP.**

Reminder: The expectation is that these agreements will be completed within the first year. Only certified Technical Service Providers (TSP) may be used to provide services for development of conservation activity plans. Conservation practices are not to be included in these contracts. There is no ranking. Applications will be chosen by assigning tracking codes in ProTracts if application needs exceed funding. The 150 – SPCC CAP is the only one approved for use with SPCC funds.

Agricultural Secondary Containment Facility

To assist producers who wish to implement elements of a SPCC plan and comply with the SPCC rule, NRCS has also developed the interim Conservation Practice Standard (CPS) Code 710, Agricultural Secondary Containment Facility. An agricultural secondary containment facility is a permanently located above-ground facility designed to provide secondary containment of on-farm oil products. Along with other available NRCS conservation practices, this new interim practice will help producers establish natural resource benefits by providing secondary containment of on-farm oil spills which will also include control of excessive release of organics into groundwater and surface waters, and control of excessive suspended sediment and turbidity into surface water. **NRCS employees are not authorized to provide technical assistance for agricultural secondary containment facilities.** Producers should be directed to the Technical Service Provider Registry (TSP) page at <http://techreg.usda.gov/CustLocateTSP.aspx> in order to find a qualified TSP.

For a producer to be eligible for the interim practice standard (710), a completed SPCC plan (SPCC CAP, other PE-prepared plan, or self-certified template plan) supporting the need for an Ag Secondary Containment Facility to meet the EPA regulation **must** be provided to the NRCS. Applications for this practice should remain in '**pending**' status until a copy of the SPCC plan is provided.

All applications for an Ag Secondary Containment Facilities should be entered into ProTracts under the 'EQIP Spill Prevention' fund code and use the EQIP General or EQIP HU payment

schedule, as appropriate. Agricultural producers may receive financial assistance for more than one secondary containment facility but the facilities must be at a separate location. Ag Secondary Containment Facility designs must be developed by a certified Technical Service Provider (TSP). In addition, all TSP-completed containment designs must be forwarded to the State Conservation Engineer for review and approval.

Construction of the containment facility may not begin until the State Conservation Engineer has notified the Field Office that the design has been approved.

The implementation of the Agricultural Secondary Containment Facility must be certified by the TSPs as meeting practice standard requirements prior to payment approval.

Contact. Questions on the program information in this attachment should be sent to the Area Farm Bill Specialist or Ron Brooks, Resource Conservationist at Ron.brooks@id.usda.gov or by phone at 208-378-5724. Technical questions on SPCC plan requirements (included), the Ag Secondary Containment Facility standard (710), and review process should be sent to the State Conservation Engineer by email or at 208-378-5727.

Spill Prevention, Control, and Countermeasure Plan Criteria - Code (150) (No.)

1) Definition

An Oil Spill Prevention, Control, and Countermeasure (SPCC) conservation activity plan (CAP) is a plan prepared and certified by a registered Professional Engineer (PE) in accordance with the U.S. Environmental Protection Agency (EPA) rules for producers with more than 10,000 gallons of liquid storage capacity. Producers with less than 10,000 gallons of liquid oil/fuel storage capacity are not required to hire a registered PE to prepare their plan, and may self-certify. See EPA website for more information:

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

2) SPCC Criteria:

This section establishes the minimum criteria to be addressed in the development of an SPCC CAP.

A) General Criteria

- 1) An SPCC CAP shall be developed by certified Technical Service Providers (TSPs). In accordance with Section 1240 (A), the Environmental Quality Incentives Program (EQIP) program provides funding support through contracts with eligible producers to obtain services of certified TSPs for development of an SPCC CAP. Specific TSP criteria required for the SPCC CAP development is located on the TSP registry (TechReg) web site at: <http://techreg.usda.gov/>

B) The SPCC CAP shall address and document the following elements:

- 1) Background and site information;
- 2) Existing inventory of liquid storage tanks and containers
- 3) Secondary containment conservation practices planned;
- 4) Reference documents.

C) SPCC Element Specific Criteria

- 1) The SPCC CAP is applicable to farms with liquid storage capacities greater than 10,000 gallons of regulated substances in above ground containers as defined by EPA SPCC Tier 2 rule. The degree to which these elements are addressed in the development and implementation of a site-specific SPCC CAP is determined by the General Criteria in Section A and the specific criteria provided for each element of the SPCC are identified below.

2) Background and Site Information - This element provides a brief description of:

- a. Name of producer
- b. Facility location(s) and mailing address
- c. Type and size of the operation
- d. Producer concerns

3) Criteria for SPCC CAP - The SPCC plan is to be tailored to the individual farm and should cover the required elements including, but not limited to, the following:

- a. Professional Engineer certification
- b. Plan must comply with the provisions of 40 CFR 112
- c. Facility diagram
- d. Type of oil and capacity of each container
- e. Oil spill predictions
- f. Facility drainage
- g. Facility inspection
- h. Site security
- i. Five year review plan
- j. Management approval
- k. Appropriate secondary containment
- l. Loading/unloading requirements and procedures for tank car and trucks
- m. Brittle fracture evaluations
- n. Bulk storage container compliance
- o. Transfer procedures and equipment (including piping)
- p. Integrity testing
- q. Personnel training and oil discharge prevention briefing

4) SPCC CAP (record of decisions) (*Utilizing Customer Service Toolkit – Plug-In or MsWord Document*) conservation practices and measures taken to address meeting EPA regulation. The record of decisions shall include the measures taken to provide secondary containment for regulated substances, planned practices, schedule for implementation, and site specific specifications to apply the conservation practices. Planned engineering type practices shall include the conservation practice list and schedule of implementation.

5) References: This element lists the technical documentation sources used for the SPCC CAP and may include the actual documents or web sites that contain the technical documentation useful for the producer.

3) Deliverables for the Client – a hardcopy of the plan that includes:

- A. Cover page – name, address, phone of client and TSP; Total storage capacities of the Plan, signature blocks for the TSP, producer, and a signature block for the NRCS acceptance.
- B. The completed SPCC CAP will include the following sections:
 - (i) Summary of the facility's location, storage tanks and containment types and volumes, and any containment measures already in use. Additionally, this will be located on a map of the facilities.
 - (ii) A list of recommended measures required to meet regulation and cost estimates.
 - (iii) A narrative summary of the recommendations made through the SPCC plan including description of containment facilities.
 - (iv) For engineering/structural practices. The planned practice(s) when it will be applied and extent, and located on the plan map.

4) Deliverables for NRCS Field Office:

- A) Complete Hardcopy and Electronic copy of the producer's CAP (MsWord copy or pdf file).