

2013

EPA SPCC Rule

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CORNHUSKER ECONOMICS

University of Nebraska–Lincoln Extension

EPA SPCC Rule

Market Report	Yr Ago	4 Wks Ago	4/26/13
<u>Livestock and Products,</u>			
<u>Weekly Average</u>			
Nebraska Slaughter Steers, 35-65% Choice, Live Weight.	\$120.91	\$128.58	\$128.98
Nebraska Feeder Steers, Med. & Large Frame, 550-600 lb.	186.48	159.12	171.44
Nebraska Feeder Steers, Med. & Large Frame 750-800 lb.	151.85	139.74	137.93
Choice Boxed Beef, 600-750 lb. Carcass.	190.00	189.82	191.63
Western Corn Belt Base Hog Price Carcass, Negotiated.	79.03	77.03	82.10
Pork Carcass Cutout, 185 lb. Carcass, 51-52% Lean.	77.11	77.43	85.76
Slaughter Lambs, Ch. & Pr., Heavy, Woolled, South Dakota, Direct.	*	99.25	101.00
National Carcass Lamb Cutout, FOB.	365.55	289.51	288.00
<u>Crops,</u>			
<u>Daily Spot Prices</u>			
Wheat, No. 1, H.W. Imperial, bu.	5.69	6.59	7.03
Corn, No. 2, Yellow Nebraska City, bu.	6.38	6.54	6.58
Soybeans, No. 1, Yellow Nebraska City, bu.	14.62	14.13	14.51
Grain Sorghum, No. 2, Yellow Dorchester, cwt.	10.48	11.07	11.07
Oats, No. 2, Heavy Minneapolis, MN, bu.	3.58	4.06	4.23
<u>Feed</u>			
Alfalfa, Large Square Bales, Good to Premium, RFV 160-185 Northeast Nebraska, ton.	225.00	*	*
Alfalfa, Large Rounds, Good Platte Valley, ton.	145.00	227.50	227.50
Grass Hay, Large Rounds, Good Nebraska, ton.	97.50	217.50	222.50
Dried Distillers Grains, 10% Moisture, Nebraska Average.	231.50	264.00	238.50
Wet Distillers Grains, 65-70% Moisture, Nebraska Average.	77.75	100.50	91.00
*No Market			

Nebraska farmers and ranchers are concerned regarding meeting the May 10, 2013 deadline for preparing (but not submitting) Oil Spill Prevention, Control and Countermeasure (SPCC) plans. This newsletter discusses the SPCC program requirements for ag producers, explains the SPCC self-certification option and discusses SPCC implementation realities. Importantly, the Environmental Protection Agency (EPA) cannot legally enforce SPCC requirements against farms until September 30, 2013. EPA enforcement is likely to occur only if a “significant” (my word) oil products spill has occurred (a single spill of more than 1,000 gallons or two spills, each totaling more than 42 gallons within 12 months). If you have no spills, you are unlikely to be asked for your SPCC plan, but if you are subject to SPCC, you should prepare the required SPCC plan.

SPCC applies to a farm/parcel which:

1. 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
- 2a. Stores more than 1,320 gallons of oil or oil products on a parcel in above-ground fuel storage containers (ASTs),
- 2b. Or stores more than 42,000 gallons of oil or oil products on a parcel in completely buried containers (USTs), and
3. Could reasonably be expected to discharge oil to waters of the U.S. or adjoining shorelines, such as interstate waters, intrastate lakes, rivers and streams.

What is a farm? Each parcel of land is considered a separate “farm” for purposes of SPCC. For example,



assume an operation included a “home place” that included fuel storage, equipment storage and maintenance facilities, and three irrigated quarters each with their own diesel fuel storage facility. This operation would have four separate parcels or farms, and each would be considered individually to see whether SPCC thresholds were met. If the diesel ASTs for the irrigation wells were, for example, 500 gallons or 1,000 gallons each, and these were the only oil storage tanks at that location, then none of the irrigated fields would be subject to SPCC. You don’t add up the total fuel storage facilities for all the land you operate - you go parcel by parcel to make the SPCC determination. If the home place and shop have more than 1,320 gallons AST, the home place/shop could be subject to SPCC.

What does “reasonably be expected to discharge” mean? This is very important, because if your farm or parcel does not meet this requirement, SPCC does not apply to you. In most cases, if a spill occurs most of the spilled product is going into the ground, and little if any of it is going to run off (even on clay soils). EPA doesn’t say this, but my impression is that if the oil storage facility is located within, say 100 feet of a creek, stream, river, lake, canal or other water body, then you may be covered by the “reasonably expected to discharge” requirement. If your oil storage facilities are located more than 100 feet from the water body, you probably are not subject to SPCC. Your local Natural Resources District or USDA Natural Resources Conservation Service representative may be able to help you make that determination, although they are probably not going to be able to give you a definitive or official yes/no answer.

If I am subject to SPCC, what do I do? If you have oil product storage facilities located near a stream or other water body (more than 1,320 gallons in ASTs, or more than 42,000 gallons in USTs), you may have two options: prepare your SPCC plan yourself or have your plan certified (and probably prepared) by a professional engineer (PE).

Who can self-certify? If you have more than 1,320 but no more than 10,000 gallons of AST, and you have a good spill history (the farm/parcel has not had a spill of more than 1,000 gallons within the last three years and has not had two spills, each exceeding 42 gallons, within any 12 month period), you are eligible to self-certify. You can download an EPA form and fill it out yourself. If you have more than 10,000 gallons AST or don’t have a good spill history, your SPCC plan will need to be certified by a PE.

If I am subject to SPCC, when will EPA contact me? In all likelihood, they never will. If you are subject to SPCC, you must prepare the SPCC plan. But the plan is not submitted to EPA, and EPA would likely never ask

to see your plan unless you have a spill. So get the plan prepared if you need to, but try not to worry about it too much.

Where can I go for more information? The Nebraska Department of Environmental Quality has an SPCC webpage. Go to <http://www.deq.state.ne.us/> and click on **May 10 Deadline for Spill Prevention Plan for Farms**. The University of Nebraska Cooperative Extension link also contains helpful information and links. Go to <http://www.extension.org/pages/31084/spill-prevention-control-and-countermeasures>.

Additional useful information can be found at the Nebraska Farm Bureau website:

http://www.nefb.org/articles/85004/oil_spill_prevention_control_and_countermeasure_spcc_rule_information

and at the Nebraska Cattlemen website: <http://www.nebraskacattlemen.org/default.php?id+344>.

North Dakota State University Extension maintains a very valuable SPCC webpage at: <http://www.ag.ndsu.edu/waterquality/spcc-1>. “Fictional Tier I Farm SPCC Plan” gives you an example of how a farm SPCC plan could be developed, while “Working Your Way Through the EPA SPCC Regulation” is very informative. “SPCC Deadline Extended to 2013 (for certain parts)” is also very helpful.

Montana State University Extension also has a valuable SPCC webpage at: <http://waterquality.montana.edu/docs/SPCC.shtml>.

Good luck!!

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