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SPCC Applicability for U of MN Research and Outreach Centers

1 message

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To: "jrantala@umn.edu" <jrantala@umn.edu>

Cc: Janet Dalgleish <dalg1006@umn.edu>

Julie,

This email provides a review of SPCC applicability to University of Minnesota (U of MN), Research and Outreach Centers (ROCs). The Water Resources Reform and Development Act (WRRDA) of 2014, Section 1049 of the Act, changed the applicability provisions of the SPCC rule for farms. Under WRRDA, a farm is not required to have an SPCC Plan if it has (1) an aggregate aboveground storage capacity less than 2,500 gallons or (2) less than 6,000 gallons if the farm has no reportable discharge history. Prior to the WRRDA, the threshold storage capacity was 1,320 gallons for farms.

For the U of MN, assessment of this change is necessary to determine the applicability of SPCC requirements for ROC facilities. Conversations were held on July 21, 2015 and July 30, 2015 with US Environmental Protection Agency (US EPA) SPCC Program Coordinator, Mark Howard ([202 564-1964](tel:202-564-1964)) concerning the WRRDA and ROC facilities.

Mr. Howard indicated that the new thresholds are currently in effect for farm facilities. EPA will conduct a formal rule-amending process in 2015 and 2016 to change the SPCC requirements to be consistent with the WRRDA. EPA has conducted research concerning the threshold of "less than 6,000 gallons if the farm has no reportable discharge history" and challenges the technical basis to enable the higher threshold and will not support this approach in the rule-making process ("Oil Storage on U.S. Farms: Risks and Opportunities for Protecting Surface Waters", U.S. EPA, Office of Emergency Management, EPA-530-R-15-002, June 30, 2015).

Definition of Farm

EPA defines "farm" in the SPCC rule in part by adapting the definition used by the National Agricultural Statistics Service (NASS) in its Census of Agriculture. NASS defines a farm as any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the census year. Operations receiving \$1,000 or more in Federal government payments are counted as farms, even if they have no sales and otherwise lack the potential to have \$1,000 or more in sales.

The term "farm" includes fish hatcheries, rangeland, and nurseries with growing operations, but does not include laboratories where animals are raised, land used to grow timber, and pesticide aviation operations. This term also does not include retail stores or garden centers where the product of nursery farms is marketed, but not produced, nor does the Agency interpret the term "farm" to include golf courses or other places dedicated primarily to recreational, aesthetic, or other nonagricultural activities. Additionally, the definition of farm does not include agribusinesses because these businesses, e.g., oil marketing and distribution to farmers, are distinctly different from farms.

Based on discussions with Mr. Howard, it was concluded that all ROCS fall within the definition of farm and are

provided potential SPCC regulatory relief under the WRRDA.

Aboveground Oil Storage Capacity

For farms, oil typically includes diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil, or animal fat. The aggregate storage capacity is determined by totaling the container capacities. Also the WRRDA indicates that the following containers do not count in the total:

- containers on separate parcels that have a capacity that is 1,000 gallons or less
- Containers storing heating oil used solely at a single-family residence (e.g., personal residence of the farm operator)
- Pesticide application equipment or related mix containers (with adjuvant oil)
- Completely buried oil tanks (underground storage tanks or USTs) and associated piping and equipment
- Containers holding animal feed ingredients approved for use in livestock feed

The most important provision of the WRRDA for assessing aboveground oil storage capacity is the de-minimus threshold of 1,000 gallon capacity. This implies that small ASTs, totes and drums which are typically present are not included in the evaluation. EPA uses a 55-gallon de-minimus container size in the current regulation and does not support the 1,000 gallon provision of the WRRDA as being sufficiently protective of the environment.

Conclusion

Prior to the 2014 WRRDA legislation, several of the ROCs were subject to SPCC requirements. The WRRDA provides regulatory relief by increasing the thresholds for aggregate aboveground storage capacity to 6,000 gallons and 1,000 gallon de-minimus container size applicable to the ROCs.

At this time, all ROCs fall below the threshold for SPCC applicability under the new WRRDA. All ROC facilities are advised to follow the "Container Management DEHS Fact Sheet" and the "Responding to Releases DEHS Fact Sheet" to reduce potential environmental impacts associated with oil storage and use.

Please let me know if you questions.

Matt Ledvina, P.E., CHMM
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2015 SPCC Applicability Assessment for Outstate Facilities

U of MN Facility	Location	Meets "farm" definition under SPCC rules?	Estimated Aboveground Tanks Storage Capacity (gals)	Estimated Tote Tanks Storage Capacity (gals)	Estimated 55-gallon Drum Storage Capacity (gals)	Estimated Oil-filled Equipment Reservoirs Storage Capacity (gals)	Estimated Transformers Capacity (gals)	Estimated SPCC Aboveground Oil Storage Capacity (Pre-WRRDA) (1)	Estimated SPCC Aboveground Oil Storage Capacity (Post-WRRDA) (1)	SPCC Applicable (Post-WRRDA)?
NorthCentral ROC	Grand Rapids	yes								no
Cloquet Forestry Center	Cloquet	yes								no
West Central ROC	Morris	yes						0		no
Southwest ROC	Lamberton	yes						0		no
Rosemount ROC	Rosemount	yes		1,000					3,000	no
Horticultural Resource Center	Chanhassen	yes								no
MN Landscape Arboretum	Chanhassen	yes								no
Sand Plain Research Farm	Becker	yes								no
Hubacheck Center	Ely	yes								no
Southern ROC	Waseca	yes								no

(1) The April 2014 Water Resources Reform and Development Act (WRRDA) changed the threshold for container size and total capacity for SPCC applicability