

113TH CONGRESS
1ST SESSION

S. 496

To direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2013

Mr. PRYOR (for himself, Mr. INHOFE, Mrs. FISCHER, Mr. BOOZMAN, Mr. COCHRAN, and Mr. JOHANNIS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Farmers Undertake
5 Environmental Land Stewardship Act” or the “FUELS
6 Act”.

1 **SEC. 2. APPLICABILITY OF SPILL PREVENTION, CONTROL,**
2 **AND COUNTERMEASURE RULE.**

3 (a) DEFINITIONS.—In this Act:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Environ-
6 mental Protection Agency.

7 (2) FARM.—The term “farm” has the meaning
8 given the term in section 112.2 of title 40, Code of
9 Federal Regulations (or successor regulations).

10 (3) GALLON.—The term “gallon” means a
11 United States liquid gallon.

12 (4) OIL.—The term “oil” has the meaning
13 given the term in section 112.2 of title 40, Code of
14 Federal Regulations (or successor regulations).

15 (5) OIL DISCHARGE.—The term “oil discharge”
16 has the meaning given the term “discharge” in sec-
17 tion 112.2 of title 40, Code of Federal Regulations
18 (or successor regulations).

19 (6) REPORTABLE OIL DISCHARGE HISTORY.—
20 The term “reportable oil discharge history” has the
21 meaning as used to describe “reportable discharge
22 history” in section 112.7(k)(1) of title 40, Code of
23 Federal Regulations (or successor regulations).

24 (7) SPILL PREVENTION, CONTROL, AND COUN-
25 TERMEASURE RULE.—The term “Spill Prevention,
26 Control, and Countermeasure rule” means the regu-

1 lation, including amendments, promulgated by the
2 Environmental Protection Agency under part 112 of
3 title 40, Code of Federal Regulations.

4 (b) CERTIFICATION.—In implementing the Spill Pre-
5 vention, Control, and Countermeasure rule with respect to
6 any farm, the Administrator shall—

7 (1) require certification of compliance with the
8 rule by—

9 (A) a professional engineer for a farm
10 with—

11 (i) an individual tank with an above-
12 ground storage capacity greater than
13 10,000 gallons;

14 (ii) an aggregate aboveground storage
15 capacity greater than or equal to 42,000
16 gallons; or

17 (iii) a reportable oil discharge history;
18 or

19 (B) the owner or operator of the farm (via
20 self-certification) for a farm with—

21 (i) an aggregate aboveground storage
22 capacity greater than 10,000 gallons but
23 less than 42,000 gallons; and

24 (ii) no reportable oil discharge history
25 of oil; and

1 (2) exempt from all requirements of the rule
2 any farm—

3 (A) with an aggregate aboveground storage
4 capacity of less than or equal to 10,000 gallons;
5 and

6 (B) no reportable oil discharge history.

7 (c) CALCULATION OF AGGREGATE ABOVEGROUND
8 STORAGE CAPACITY.—For purposes of subsection (b), the
9 aggregate aboveground storage capacity of a farm ex-
10 cludes all containers on separate parcels that have a ca-
11 pacity that is less than 1,320 gallons.

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