

112TH CONGRESS
2D SESSION

S. 3559

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

SEPTEMBER 19, 2012

Mr. PRYOR (for himself, Mr. TESTER, Mr. CONRAD, Ms. LANDRIEU, and Mr. INHOFE) 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”.

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

9 (a) DEFINITIONS.—In this Act:

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

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

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

9 (4) SPILL PREVENTION, CONTROL, AND COUN-
10 TERMEASURE RULE.—The term “Spill Prevention,
11 Control, and Countermeasure rule” means the regu-
12 lation promulgated by the Environmental Protection
13 Agency under part 112 of title 40, Code of Federal
14 Regulations.

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

18 (1) require certification of compliance with the
19 rule by—

20 (A) a professional engineer for a farm
21 with—

22 (i) an individual tank with an above-
23 ground storage capacity greater than
24 10,000 gallons;

1 (ii) an aggregate aboveground storage
 2 capacity greater than or equal to 42,000
 3 gallons; or

4 (iii) a history that includes a spill, as
 5 determined by the Administrator; or

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

8 (i) an aggregate aboveground storage
 9 capacity greater than 10,000 gallons but
 10 less than 42,000 gallons; and

11 (ii) no history of spills, as determined
 12 by the Administrator; and

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

15 (A) with an aggregate aboveground storage
 16 capacity of less than or equal to 10,000 gallons;
 17 and

18 (B) no history of spills, as determined by
 19 the Administrator.

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

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