

114TH CONGRESS
2D SESSION

S. 2993

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

MAY 26, 2016

Mrs. FISCHER (for herself, Mr. INHOFE, Mr. VITTER, Mr. BOOZMAN, Mr. COCHRAN, Mr. ISAKSON, Mr. ROBERTS, Mrs. ERNST, and Mr. CORNYN) 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. DEFINITIONS.**

8 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.

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

9 (4) HISTORY OF A SPILL.—The term “history
10 of a spill” has the meaning given the term “report-
11 able oil discharge history” in section 1049(a) of the
12 Water Resources Reform and Development Act of
13 2014 (33 U.S.C. 1361 note; Public Law 113–121).

14 (5) SPILL PREVENTION, CONTROL, AND COUN-
15 TERMEASURE RULE.—The term “spill prevention,
16 control, and countermeasure rule” means the regula-
17 tions promulgated by the Administrator under part
18 112 of title 40, Code of Federal Regulations.

19 **SEC. 3. APPLICABILITY OF SPILL PREVENTION, CONTROL,**
20 **AND COUNTERMEASURE RULE.**

21 (a) IN GENERAL.—In implementing the spill preven-
22 tion, control, and countermeasure rule with respect to any
23 farm, the Administrator shall—

1 (1) require a certification of compliance with
2 the spill prevention, control, and countermeasure
3 rule by—

4 (A) a professional engineer for a farm
5 with—

6 (i) an individual tank with an above-
7 ground storage capacity that is greater
8 than 10,000 gallons;

9 (ii) an aggregate aboveground storage
10 capacity that is not less than 42,000 gal-
11 lons; or

12 (iii) a history of a spill; or

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

15 (i) an aggregate aboveground storage
16 capacity that is—

17 (I) greater than 10,000 gallons;

18 and

19 (II) less than 42,000 gallons; and

20 (ii) no history of a spill; and

21 (2) exempt from all requirements of the spill
22 prevention, control, and countermeasure rule any
23 farm with—

1 (A) an aggregate aboveground storage ca-
2 pacity that is not greater than 10,000 gallons;
3 and

4 (B) no history of a spill.

5 (b) CALCULATION OF ABOVEGROUND STORAGE CA-
6 PACITY.—

7 (1) IN GENERAL.—For purposes of subsection
8 (a), the calculation of the aggregate aboveground
9 storage capacity of a farm shall not include any con-
10 tainer on a separate parcel with a capacity that is
11 less than 1,320 gallons.

12 (2) ANIMAL FEED INGREDIENTS.—For pur-
13 poses of subsection (a), the calculations of the aggre-
14 gate aboveground storage capacity of a farm and the
15 aboveground storage capacity of an individual tank
16 on a farm shall not include any container holding
17 animal feed ingredients that are approved by the
18 Commissioner of Food and Drugs for use in live-
19 stock feed.

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