

\$ 9,500 fine for lack of spill plan

Federal law may apply to farms that expand fuel storage

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An Eastern Idaho farmer will pay a federal fine of \$9,500 for failure to have an oil spill prevention plan in place for his storage tanks.

Edward A. Smith Farms agreed to pay the fine for violation of federal Spill Prevention, Control and Countermeasures regulations under the Clean Water Act.

The farm is adjacent to Michaud Creek, a tributary to the Portneuf River and American Falls Reservoir, officials said.

Spill Prevention, Control and Countermeasures regulations apply to any operation with above-ground oil storage capacity of more than 1,320 gallons located where a spill under a "reasonable worst case scenario" would result in contamination of the waters of the United States.

The Environmental Protection Agency inspected the Smith farm in 2008 after receiving a complaint. Inspectors observed several violations, including failure to prepare and implement an adequate spill prevention plan.

The oil tanks on the farm were built for underground storage but were being used for aboveground storage, EPA officials said. The farm has a storage capacity of 30,000 gallons.

There are no registration requirements when installing above-ground oil tanks, so the EPA does not have a firm idea of how many farms might fall under the regulations.

The total number is probably much higher now because many producers have installed additional on-farm storage tanks in response to volatile fuel prices, said Greg Weigel, an EPA inspector in Boise.

Many farms may fall under SPCC regulations now and not even be aware of it, he said.

"We don't have numbers, but I sense in talking with farmers and doing inquiries that there have been a lot of new installations the past two to five years," Weigel said.

The agency plans to do more outreach so farmers are aware of the requirements.

"Farms that routinely handle and store large volumes of petroleum products need to write prevention plans," Edward Kowalski, director of the EPA's Office of Compliance and Enforcement in Seattle, said in a press release.

"By writing plans, installing containment and taking other safety measures, ag producers can help ensure that spills either never happen, or are contained if they do," he said.

The regulations apply to all petroleum products and any kind of oil, including mineral oil and animal fat.