

Union Calendar No.

113TH CONGRESS
1ST SESSION

H. R. 311

[Report No. 113-]

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 HOUSE OF REPRESENTATIVES

JANUARY 18, 2013

Mr. CRAWFORD (for himself, Mr. DUNCAN of South Carolina, Mr. JONES, Mr. RIBBLE, Mr. LUCAS, Mr. STOCKMAN, Mr. TERRY, Mr. AUSTIN SCOTT of Georgia, Mr. FRANKS of Arizona, Mr. MCINTYRE, Mr. KING of Iowa, Mr. FINCHER, Mr. HULTGREN, Mr. LATTA, Mr. SMITH of Nebraska, Mr. DENHAM, Mr. WESTMORELAND, Mr. WOMACK, Mr. COLE, Mr. GRIFFIN of Arkansas, Mr. MICHAUD, Mr. CASSIDY, Mr. LUETKEMEYER, Mr. GIBBS, Mr. CARTER, Mr. GRAVES of Missouri, Mr. CRAMER, Mr. JOHNSON of Ohio, Mr. THOMPSON of Mississippi, Mr. BUCSHON, Mr. BARLETTA, Mr. PETERSON, Mr. DESJARLAIS, Mr. THOMPSON of Pennsylvania, and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

NOVEMBER --, 2013

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

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) IN GENERAL.—The Administrator, in imple-
10 menting the Spill Prevention, Control, and Counter-
11 measure rule with respect to any farm, shall—

12 (1) require certification of compliance with such
13 rule by—

14 (A) a professional engineer for a farm
15 with—

16 (i) an individual tank with an above-
17 ground storage capacity greater than
18 10,000 gallons;

19 (ii) an aggregate aboveground storage
20 capacity greater than or equal to 42,000
21 gallons; or

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

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

1 (i) an aggregate aboveground storage
2 capacity greater than 10,000 gallons but
3 less than 42,000 gallons; and

4 (ii) no history of spills, as determined
5 by the Administrator; and

6 (2) exempt from all requirements of such rule
7 any farm—

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

11 (B) no history of spills, as determined by
12 the Administrator.

13 (b) CALCULATION OF AGGREGATE ABOVEGROUND
14 STORAGE CAPACITY.—For the purposes of subsection (a),
15 the aggregate aboveground storage capacity of a farm ex-
16 cludes all containers on separate parcels that have a ca-
17 pacity that is less than 1,320 gallons.

18 **SEC. 3. DEFINITIONS.**

19 In this Act, the following terms apply:

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

23 (2) FARM.—The term “farm” has the meaning
24 given such term in section 112.2 of title 40, Code
25 of Federal Regulations.

1 (3) GALLON.—The term “gallon” refers to a
2 United States liquid gallon.

3 (4) SPILL PREVENTION, CONTROL, AND COUN-
4 TERMEASURE RULE.—The term “Spill Prevention,
5 Control, and Countermeasure rule” means the regu-
6 lation promulgated by the Environmental Protection
7 Agency under part 112 of title 40, Code of Federal
8 Regulations.