



NATURAL RESOURCES DEFENSE COUNCIL

United States House of Representatives  
Washington, DC 20515

March 11, 2014

Dear Representative:

Today, March 11, the House of Representatives is scheduled to consider H.R. 311, under suspension of the rules. This bill would decrease the oversight of oil storage and safeguards against spills at locations around the country for one class of facilities without showing that they are safer than other facilities with the same volume of oil.

H.R. 311 increases the amount of storage capacity that triggers various requirements under the spill prevention, control and countermeasure (SPCC) rules for any “farm,” defined as “a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.” Consequently, more operations will be subject to weaker requirements or will be exempt altogether, as compared to the safeguards currently in place.

Oil is no less harmful to waterways and the people and wildlife that depend on the nation's waters if it happens to be spilled at an agricultural operation. It is common sense that any facility located such that a spill could reasonably reach waterways and cause harm -- including agricultural facilities -- should take steps to prevent spills and plan to respond to those that occur. Coming so soon after the chemical and coal slurry spills in West Virginia and the coal ash spill in North Carolina, it is nothing short of astonishing that Congress would weaken protections that seek to prevent, plan for, and address spills that could contaminate drinking water supplies or harm aquatic life.

The changes that H.R. 311 would impose would weaken current protections enormously. Take for instance the provisions that exempt facilities from the SPCC requirements; under H.R. 311, agri-businesses with an “aggregate aboveground storage capacity” of oil of 10,000 gallons or less would be exempt, compared with 1,320 gallons under current law. That provision alone is troubling, but the bill is even weaker than it appears at first blush, as it would also change the threshold for storage containers that can be ignored in the calculation of aboveground storage capacity from 55 gallons to 1,320 gallons, so long as a facility has not had a history of spills. That would allow covered operations to avoid the SPCC planning and prevention requirements entirely by having an unlimited number of 1,319-gallon tanks on site.

Agri-business operations already have been given significant flexibility in meeting the SPCC requirements. They have had an extended period of time to comply with changes to the applicable provisions; other facilities have been subject to these requirements since 2010 or 2011, whereas agri-businesses with the requisite oil storage capacity were due to comply in May, 2013. Section 1416 of the March, 2013 continuing resolution, Public Law 113-6, later prohibited the use of funds to enforce this requirement until September, 2013. The rules also provide flexibility in developing plans for certain operations with smaller storage volumes and a good history with respect to spills. And EPA provided for individual extensions of the deadline under some circumstances. Given that the deadline has now passed for farms, it is hard to understand what H.R. 311 would accomplish, aside from allowing newly-exempt operators to ignore the plans and procedures they have already developed, and rewarding those facilities that did not comply with the rules on time.

Congress should not gamble the nation's water resources for the sake of one industry. Please maintain sensible safeguards against oil spills and oppose H.R. 311.

Sincerely,

Scott Slesinger  
Legislative Director  
Natural Resources Defense Council