

114TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

Mrs. FISCHER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**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 [(or a successor regulation)].

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 [(as in  
19          effect on the date of enactment of this Act)].

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

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

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