

# Capitol LINK

CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS

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October 21, 2011

## DATCP Issues Scope Statement for Premises Identification Administrative Rule

*By Jordan Lamb -- DeWitt Ross & Stevens*

The Department of Agriculture, Trade and Consumer Protection (DATCP) has published a “scope statement” indicating that the Department will review Wisconsin Administrative Code § ATCP 17, which implements the Wisconsin livestock premises registration program. Specifically, the Department, “may explore whether all livestock premises registrations, which are currently staggered, could simultaneously end during the same three-year period.” In addition, the rule, “may also explore whether to create an exemption to premises registration requirements for individuals with sincerely held religious beliefs against certain requirements of the livestock premises registration.” The Department must receive DATCP Board approval of this scope statement before commencing work on this rule revision.

## EPA Grants Additional Extension for Compliance with SPCC Rules for Farms

*By Jordan Lamb -- DeWitt Ross & Stevens*

The U.S. EPA has again extended the deadline for compliance with the oil Spill Prevention Control and Countermeasures or SPCC rule to May 10, 2013 for the owners or operators of farms. The previous deadline for farm compliance was November 10, 2011.

In 1973, EPA issued the Oil Pollution Prevention regulation to address the oil spill prevention provisions contained in the Clean Water Act of 1972. The regulation forms the basis of EPA's “oil spill prevention, control, and countermeasures” or SPCC, program, which seeks to prevent oil spills from certain aboveground and underground storage tanks. In December 2008 and again in November 2009, EPA amended the SPCC rule to clarify requirements for farms. In general, SPCC calls for farms to develop oil spill prevention plans based on oil and fuel storage capacity. This latest action extends the deadline for farms to comply with that rule.

Note, however, that this extension does not remove the regulatory requirement for owners or operators of farms in operation before August 16, 2002, to maintain and continue implementing an SPCC Plan in accordance with the SPCC regulations then in effect. Such farms continue to be required to maintain plans during the interim until the applicable compliance date for amending and implementing the amended Plans becomes effective. The amendment also does not relieve farms from the liability of any oil spills that occur.

For more information about SPCC and this extension, go to the EPA's website at [http://www.epa.gov/osveroe1/content/spcc/spcc\\_extfarms.htm](http://www.epa.gov/osveroe1/content/spcc/spcc_extfarms.htm).

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