



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

112(r)(7)/Air Enforcement: U.S. Environmental Protection Agency and Anniston, Alabama, Petroleum Facility Enter into Expedited Settlement Agreement

10/14/2022

The United States Environmental Protection Agency ("EPA") and Murphy Oil, USA, Inc. ("Murphy") entered into a July 7th Expedited Settlement Agreement ("ESA") addressing alleged violations of certain federal regulations implementing Section 112(r)(7) of the Clean Air Act. See Docket No. CAA-04-2022-0202(b).

The ESA addresses a facility in Anniston, Alabama ("Facility").

EPA is stated to have undertaken a compliance monitoring inspection at the Facility on September 30, 2021. Based on the inspection, the ESA provides that Murphy violated the Clean Air Act Section 112(r)(7), Chemical Accident Prevention Provisions.

The alleged violations are stated to include that Murphy did not provide evidence that:

It documented that equipment complies with recognized and generally accepted good engineering practices as required by 40 C.F.R. § 68.65(d)(2), because

- There was inconsistent pipe labeling throughout the plant, which is inconsistent with Section 3.1 of ASME A 13.1-2015, and
- There was no site-specific document specifying the modes of fire protection, and there was no documented proof the facility conducted an evaluation of the total product control system, as required by Section 6.27.3.5 of NFPA 58 (2014);

The pre-startup safety review (PSSR) conducted in advance of initial startup of the butane storage and blending system in September 2017 confirmed that construction and equipment is in accordance with design specifications, prior to the introduction of a regulated substance to the process, as required by 40 C.F.R. § 68.77(b)(1), because many action items from the PSSR were not completed; and

The PSSR conducted in advance of initial startup of the butane storage and blending system in September 2017 confirmed that safety, operating, maintenance, and emergency procedures are in place and are adequate, prior to the introduction of a regulated substance to the process, as required by 40 C.F.R. § 68.77(b)(2), because many action items from the PSSR were not completed.

The ESA assesses a civil penalty of \$1,680.

A copy of the ESA can be downloaded [here](#).