SPCC/Clean Water Act Enforcement: U.S. Environmental Protection Agency Complaint Filed Against Seaside, Oregon Petroleum Product Distributor



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The United States Environmental Protection Agency ("EPA") has filed on December 18, 2024, an Administrative Complaint against Jackson & Son Distributors, Inc. dba Jackson and Son Oil ("JS") alleging a violation of the Clean Water Act Spill Prevention Control and Countermeasure ("SPCC") in the regulations. See Docket No. CWA-10-2025-0023.

The Complaint describes JS as a petroleum products distributor in Seaside, Oregon.

The company is further described as being the owner or operator within the meaning of 40 C.F.R. § 112.2 of a non-transportation related onshore facility.

EPA representatives are stated to have inspected the facility on September 21, 2021 to determine compliance with the requirements of 40 C.F.R. Part 112. The inspection is stated to have determined that the facility had an aggregate above-ground storage capacity greater than 1,320 gallons of oil in containers, each with a shell capacity of at least 55 gallons.

The facility is stated to have had an approximate above-ground storage capacity of at least 107,500 gallons of oil. This is stated to have included two 10,000-gallon diesel tanks without secondary containment.

The Complaint also describes:

- Integrity testing of 7 above-ground storage tanks.
- At the time of inspection, there was a reasonable expectation that a discharge from the oil could flow to a creek or certain wetlands.
- That the facility could reasonably be expected to discharge oil in quantities that may be harmful to or upon the navigable Waters of the United States or adjoining shorelines based on several factors.

As a result, the Complaint concludes that the facility is subject to the SPCC regulations at 40 C.F.R. Part 112.

Violations alleged in the Complaint include:

- Failure to Prepare and Implement SPCC Plan.
- Failure to Provide Adequate Secondary Containment.
- Failure to Properly Design Facility Drainage Systems from Transfer Areas.
- Failure to Provide Sufficient Containment at Loading/Unloading Rack.

- Failure to Conduct and Maintain a Procedure and Schedule for Integrity Testing.
- Failure to Provide Warning Lights or Barrier System at Loading/Unloading Rack.
- Failure to Employ Devices to Avoid Discharges.

Penalty assessment is requested.

JS is provided the opportunity to request a hearing.

A copy of the Complaint can be downloaded here.