SPCC Enforcement/Clean Water Act: U.S. Environmental Protection Agency and Tupelo, Mississippi Oil Storage Facility Owner Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") Khera Petroleum, LLC ("KP") entered into a June 11th Consent Agreement ("CA") addressing alleged violations of the Clean Water Act Spill Prevention, Control, and Countermeasure ("SPCC") regulations. See Docket No. CWA-04-2024-1106(b).

The CA provides that KP is the owner/operator of an oil storage facility in Tupelo, Mississippi.

The facility is stated to include storage tanks with the total tank shell capacity of approximately 2,380 barrels of gasoline. Therefore, the facility is stated to have an aggregate above ground storage capacity greater than 1,320 gallons of oil in containers, each with a capacity of at least 55 gallons.

EPA is stated to have conducted an inspection of the facility on February 23, 2022, to determine client compliance with SPCC regulations.

The alleged violations identified include:

- No written SPCC Plan.
- Holes, cracks, or voids in diked containment walls.
- Bulk storage containers were not tested nor inspected for integrity in accordance with industry standards.
- Records of inspections and tests were not maintained.
- Effluent treatment systems (i.e., oil-water separators) were not frequently inspected to detect upsets that could cause a discharge.
- Mobile/portable containers were not provided with sized secondary containment.
- Pipe terminal connections were not marked to origin, nor capped or blank-flanged when not in service.
- Aboveground piping, valves, joints, pipe supports, etc., were not inspected regularly.
- Warning devices for vehicles were not present to prevent damage to aboveground piping and other oil transfer operations.

The CA also states that KP failed to meet general requirements for SPCC Plans listed under 40 C.F.R. § 112.7 and specific discharge prevention and containment procedures listed in 40 C.F.R. § 112.8.

KP neither admits nor denies the factual allegations set forth in Section IV of the CA.

A civil penalty of $1,000.00 is assessed.

A copy of the CA can be downloaded here.