SPCC/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Homer, Alaska Bulk Plant Enter into Consent Agreement



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The United States Environmental Protection Agency ("EPA") and PETRO 49, INC. ("Petro") entered into a September 8th Consent Agreement ("CA") addressing alleged violations of the Clean Water Act Spill Prevention Control and Countermeasure ("SPCC") regulations. See Docket No. CWA-10-2025-0136.

The CA provides that PETRO is the owner or operator within the meaning of Section 311(a)(6) of the Clean Water Act of the Petro Marine Homer Bulk Plant in Homer, Alaska.

The bulk plant is described as a 1.5-acre facility, which consists of a tank farm, a warehouse building with offices, a tank truck loading rack, and pipelines that lead to Pioneer Dock and five marine headers.

The tank farm consists of eight vertical aboveground storage tanks ("ASTs") that store avgas, gasoline, diesel fuel, and heating fuels and have an approximate capacity of 1,250,000 gallons. The warehouse houses up to 175 55-gallon drums of lube oil and the combined volume of all oil-field containers with capacities of 55 gallons or greater is approximately 1,626,370 gallons.

The facility is described as, within the meaning of the Clean Water Act:

- An onshore facility.
- Non-transportation-related.

An EPA representative is stated to have inspected the facility to determine compliance with Section 311(j) of the Clean Water Act on July 12, 2019. The bulk plant at the time of the inspection is stated to be engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil or oil products at the facility, as described in 40 C.F.R. § 112.1(b). Further, the facility had an aggregate AST capacity greater than 1,320 gallons of oil in containers. In addition, each have a shell capacity of at least 55 gallons and a total oil storage capacity greater than or equal to 1 million gallons.

The facility is stated to have operated its oil spill prevention program using its February 2018 SPCC Plan and its July 2017 combined Oil Discharge Prevention and Contingency Plan and Facility Response Plan.

The CA alleges violations in the following areas:

- Professional Engineer Certification
- SPCC Plan Amendment
- SPCC Plan Description of Discharge or Drainage Controls
- Discharge Prediction Analysis

- General Secondary Containment
- TTLR Secondary Containment
- TTLR Procedures
- Brittle Fracture Evaluation
- Facility Drainage from Undiked Areas
- Secondary Containment
- Piping

The CA alleges FRP violations in the following areas:

- FRP Revision and Resubmission
- Training Program

Petro neither admits nor denies the specific allegations contained in the CA.

A civil penalty of $47,000.00 is assessed.

A copy of the CA can be downloaded here.