Spill Prevention, Control, and Countermeasure (SPCC) EPA Region 6 (Includes Arkansas) Enforcement Sweep: Energy Marketers of America Regulatory Alert



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The Energy Marketers of America ("EMA") issued a Regulatory Alert on April 30th stating that the United States Environmental Protection Agency ("EPA") Region 6 is initiating a Spill Prevention, Control, and Countermeasure ("SPCC") enforcement sweep.

EPA Region 6 includes the states of:

- Arkansas
- Louisiana
- New Mexico
- Oklahoma
- Texas

EMA's Regulatory Alert states that the initiative:

… involves announced and unannounced inspections, document requests under the Clean Water Act, and accelerated civil penalty referrals. Petroleum marketers with facilities subject to SPCC anywhere in EPA Region 6 should expect heightened scrutiny in the coming weeks and months.

The publication further states that the enforcement sweep is understood to be EPA's response to public criticism following the August 2025 explosion and fire at the Smitty's Supply facility in Roseland, Louisiana. It notes that the incident prompted evacuations and caused significant surface-water impacts, and:

… focused attention on perceived gaps in federal oversight of bulk petroleum storage operations.

The federal SPCC rules are intended to prevent oil pollution from entering United States waterbodies. Published in 1973 under the Clean Water Act, the Oil Pollution Prevention Regulations (40 CFR Part 112, i.e., SPCC) require facilities that store greater than 1,320 gallons of oil to develop and implement SPCC plans. The goal of the SPCC plan is to prevent oil from reaching navigable waters and to contain discharges of oil.

More specifically, SPCC rules are applicable if:

1. Aboveground storage containers (and tanks 55 gallons or greater) have a total capacity of more than 1,320 gallons; and,

2. A spill could reach navigable waters of the United States or adjoining shorelines.

If so, a comprehensive SPCC plan must be prepared detailing how oil is stored and spills are controlled and cleaned up. This may require appropriate secondary containment and/or diversionary structures, security measures, inspections, recordkeeping, and employee training.

The EMA Regulatory Alert contains several recommended steps to take.

EMA is a federation of 48 state and regional trade associations representing family-owned and operated small business energy marketers throughout the United States. The organization states that its members supply 80 percent of all finished motor and heating fuel products sold nationwide including renewable hydrocarbon biofuels, gasoline, diesel fuel, biofuels, heating fuel, jet fuel, kerosene, racing fuel and lubricating oils. Members own and operate approximately 60,000 retail motor fuel stations nationwide, supply motor fuels to an additional 40,000 gas stations and heating fuel to more than 5 million homes and businesses.

The Arkansas Oil Marketers Association is a member of EMA.

A copy of the EMA Regulatory Alert can be found here.