

# SPCC Enforcement: U.S. Environmental Protection Agency and Litchfield, NH Sand and Gravel Facility Operator Enter Into Expedited Settlement Agreement



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The United States Environmental Protection Agency (“EPA”) and Continental Paving, Inc. (“Continental”) entered into a June 7 Expedited Settlement Agreement (“ESA”) addressing alleged violations of the Clean Water Act Spill Prevention Control and Countermeasure (“SPCC”) regulations. See Docket No. CWA-01-2019-0034.

The ESA provides that Continental operates a sand and gravel facility in Litchfield, NH.

EPA is stated to have conducted an inspection to determine compliance with the SPCC regulations at the facility. The federal agency allegedly determined that Continental is owner and operator of the facility that violated regulations implementing Section 311(j) of the Clean Water Act by failing to comply with the SPCC regulations.

The alleged violations include:

- Certification lacks one or more required elements
- No plan amendment if the facility has had a change in design, construction, operation
- No evidence of five-year review of plan by owner/operator
- Amendments not certified by a professional engineer
- No management approval of plan
- Plan has inadequate or no facility diagram
- Inadequate or no listing of type of oil and storage capacity of containers
- Inadequate or no prediction of equipment failure which could result in discharges
- No inspection records were available for review
- No training on discharge procedure protocols
- No interlocked warning lights, or physical barrier system, or warning signs
- Above ground container documentation for periodic integrity testing techniques
- Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected
- Plan has inadequate or no discussion of bulk storage tanks

ESA assesses a civil penalty of \$3,200.00. A copy of the ESA can be downloaded [here](#).