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Section 311/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Owner/Operator of Brooklyn, New York Oil Bulk Storage Facility Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Bayside Fuel Oil Depot Corp. (“Bayside”) entered into a September 27th Consent Agreement and Final Order (“CAFO”) addressing an alleged violation of Section 311 of the Clean Water Act.

The CAFO provides that Bayside owns and operates three oil bulk storage facilities in Brooklyn, New York, at the Shore Parkway Terminal facility (“Facility”).

The Facility is stated to have discharged approximately 7,000 gallons of oil on March 30, 2017. This discharge is stated to have been due to overfilling of a bunkered tank into the Gravesend Bay. The bay is a water of the United States.

Bayside is stated to be the owner and operator within the meaning of Section 311(a)(6) of the Clean Water Act. The previously referenced discharge is stated to have caused a sheen upon or discoloration of the surface of the Bay. Further, the discharge was stated to be in a quantity that has been determined may be harmful under 40 C.F.R. § 110.3, which implements Section 311(b)(3) and (b)(4) of the Clean Water Act.

The discharge is stated to have been a violation of Section 311(b)(3) of the Clean Water Act.

The CAFO assesses a civil penalty of \$18,000.

A copy of the CAFO can be downloaded [here](#).