

Oil Spill/SPCC Enforcement: U.S. Environmental Protection Agency and Beltsville, Maryland Vegetable Oil Recycler Enter into Consent Agreement



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01/22/2020

The United States Environmental Protection Agency (“EPA”) and Storm Oil, LLC (“Storm”) entered into a December 30th Consent Agreement (“CA”) addressing alleged violations of Section 311 of the Clean Water Act. See Docket No. CWA-03-2020-0003.

The CA provides that Storm is the owner and/or operator of a facility (“Facility”) engaged in receiving, storing and recycling waste vegetable oil.

The Facility is stated to be located less than 50 meters from Indian Creek, a tributary to the East Branch of the Anacostia River, which is in turn a tributary to the Anacostia River.

The CA further provides that on April 3, 2018, while offloading waste oil from a truck to a storage tank, a leak occurred. Such leak in a line caused a discharge of approximately 25 gallons of waste vegetable oil from the Facility.

Waste vegetable oil is an oil pursuant to Section 311(a)(1) of the Clean Water Act. Such leak is stated to have constituted a discharge which eventually entered a navigable water of the United States as defined in Section 502(7) of the Clean Water Act.

The discharge is stated to have caused a sheen upon the surface of Indian Creek. In addition, the discharge was stated to have been in a quantity that has been determined may be harmful under 40 C.F.R. § 110.3(b).

EPA is stated to have conducted an SPCC compliance inspection of the Facility on May 1, 2018. The Facility is stated to have had a total aboveground oil storage capacity of approximately 115,135 gallons.

The Facility is stated to be an onshore facility within the meaning of Section 311(a)(10) of the Clean Water Act. In addition, due to its location, the CA provides the Facility could reasonably be expected to discharge oil in quantities that may be harmful, as defined by 40 C.F.R. § 110.3 into or upon navigable waters of the United States.

The CA alleges that Storm failed to prepare in writing an SPCC plan for the Facility as required by 40 C.F.R. § 112.7. This is alleged to have constituted a violation of 40 C.F.R. § 112.7.

The CA assesses a civil penalty of \$42,237.

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

