

SPCC Enforcement: U.S. Environmental Protection Agency and Tank Battery Operator Enter into Expedited Settlement Agreement



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

10/29/2020

The United States Environmental Protection Agency (“EPA”) and Gary Davis Oil, LLC, (“GDO”) entered into an Expedited Settlement Agreement (“ESA”) addressing alleged violations of the Clean Water Act Spill Prevention, Control and Countermeasure (“SPCC”) regulations. See Docket No. CWA-06-2020-4303.

The ESA provides that GDO operates a tank battery (“Facility”) in Kay County, Oklahoma.

The Facility is subject to the SPCC regulations as an onshore oil production facility.

An EPA authorized representative is stated to have conducted an inspection of the Facility to determine compliance with the SPCC regulations. The inspection allegedly identified the following violations:

- Container material and construction are not compatible with the oil stored and the conditions of storage – 112.9(c)(1)
- Size of secondary containment appears to be inadequate for containers and treating facilities – 112.9(c)(2)
- Excessive vegetation which affects the integrity of the containment – 112.9(c)(2)
- Visual inspection of containers, foundation and supports are not conducted periodically for deterioration and maintenance needs – 112.9(c)(3)
- Above ground valves and pipelines are not examined periodically on a scheduled basis for general condition – 112.9(d)(1)

A civil penalty of \$2,250 is assessed.

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