

SPCC/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Chambers County, Texas, Marine Terminal Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Cedar Marine Terminals, LP (“CMT”) entered into an October 22nd Consent Agreement and Final Order (“CAFO”) addressing alleged violations of Clean Water Act Spill Prevention Control and Countermeasure (“SPCC”) and Federal Response Plan (“FRP”) regulations. See Docket No. CWA-06-2022-4809.

The CAFO provides that CMT is the owner of a facility with above-ground storage capacity in Chambers County, Texas, that includes:

- Crude oil
- Gasoline
- Diesel fuel
- Asphalt
- Jet fuel storage

(collectively “Facility”)

The CAFO also provides that the Facility is a non-transportation-related onshore facility which, due to its location, could reasonably be expected to discharge oil to a navigable water of the United States or its adjoining shorelines in a harmful quantity (i.e., an SPCC-regulated facility).

EPA is stated to have inspected the Facility on March 1st and found that it failed to develop and implement an SPCC Plan (“Plan”) for the Facility as follows:

- Failed to address in the Plan appropriate containment and/or diversionary structures or equipment for the mobile/portable as required in 40 C.F.R. § 112.7(c).

During the previously referenced March 1st inspection EPA is also stated to have determined that CMT failed to properly develop and implement an FRP in accordance with 40 C.F.R. § 112.20 as follows:

- Failed to prepare a Facility Response Plan for the Facility in accordance with 40 C.F.R. § 112.20

A civil penalty of \$18,600 is assessed.

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

