



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

Storage Tank Enforcement: U.S. Environmental Protection Agency and McLaughlin, South Dakota, Facility Enter into Expedited Settlement Agreement

02/15/2023

The United States Environmental Protection Agency (“EPA”) and Farmer’s Union Oil of McLaughlin (“Farmer’s”) entered into a January 6th Expedited Settlement Agreement (“ESA”) addressing alleged violations of the underground storage tank (“UST”) regulations found at 40 CFR. Part 280, et seq. See Docket No. RCRA-08-2023-0003.

The ESA provides that Farmer’s is the owner and/or operator of USTs in McLaughlin, South Dakota (“Facility”).

The Facility is alleged to have failed to comply with the requirements of Subtitle I or the Resource Conservation and Recovery Act (“RCRA”) and its implementing regulations at 40 C.F.R. Part 280, et seq.

EPA is stated to have conducted an inspection on November 3, 2020, and identified the following violations which include:

- 40 CFR § 280.40(a)(3) – failure to inspect/test the automatic tank gauging system annually
- 40 CFR § 280.35(a)(1) – failure to conduct spill prevention equipment testing
- 40 CFR § 280.35(a)(2) – failure to conduct overfill prevention equipment inspection

Farmer’s neither admits nor denies the factual allegations in the ESA.

A civil penalty of \$3,666 is assessed.

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