

SPCC Enforcement: U.S. Environmental Protection Agency and New Haven, Connecticut, Biofuels Producer Enter into Expedited Settlement Agreement



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The United States Environmental Protection Agency (“EPA”) and American GreenFuels, LLC (“AGF”) entered into a February 23rd Expedited Settlement Agreement (“ESA”) addressing addressed violations of the Clean Water Act Oil Pollution Prevention regulations promulgated at 40 CFR Part 112. See Docket No. CWA-01-2023-0035.

The ESA provides that AGF operates a bulk storage facility (“Facility”) in New Haven, Connecticut.

The Facility is stated to have reported a discharge of biofuel oil from a tanker truck during transfer at a loading rack into the New Haven Harbor by way of a storm drain on May 15, 2022. Facility representatives are stated to have indicated that 250 gallons spilled at the loading rack and a small quantity flowed into a nearby storm drain which discharges into the New Haven Harbor.

EPA is stated to have conducted an inspection at the Facility on December 1, 2022.

The loading rack’s spill containment system is stated to have not fully contained the spilled oil during transfer. However, Facility representatives informed EPA inspectors that it implemented certain changes following the May 22nd spill which included:

- Installation of an additional berm
- Installation of an emergency shutoff switch
- Changing standard operating procedures for transfers at the loading rack
- Adding an oil-filled container

Facility representatives are stated to have indicated that certain changes which materially affect the Facility’s potential to discharge had been instituted but the Spill Prevention Control and Countermeasure (“SPCC”) plan was not fully amended. An amended SPCC plan which includes the Facility changes and corrects SPCC violations was submitted on December 21, 2022.

Alleged violations identified in the ESA include:

- No plan amendments at the Facility had a change in design, construction, operation, or maintenance which affects the Facility’s discharge potential
- Inadequate or no Facility diagram
- Inadequate or no listing of type of oil in storage capacity containers

- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system

A civil penalty of \$9,623 is assessed.

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