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# SPCC Enforcement/Clean Water Act: U.S. Environmental Protection Agency and Hartford, Illinois Petroleum Storage/Distribution Terminal Operator Enter into Consent Agreement

11/07/2024

The United States Environmental Protection Agency (“EPA”) and Hartford Wood River Terminal, LLC (“Hartford Wood”) entered into an October 25th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of The Clean Water Act SPCC regulations. See Docket No. CWA-05-2024-0007.

The CAFO provides that Hartford Wood operates a petroleum storage and distribution terminal in Hartford, Illinois (“Facility”).

The Facility is stated to constitute an “onshore facility” as defined in Section 311(a)(10) of the Clean Water Act. It is stated to engage in storing, transferring, using, distributing, using, or consuming oil and oil products. The Facility is stated to constitute an oil storage facility and is therefore an onshore “non-transportation-related” facility within the meaning of 40 C.F.R. Part 112, Appendix A. Further, it has an aggregate above-ground storage capacity of greater than 24 million gallons of oil in tanks and containers.

The Facility is stated to be subject to the Spill Prevention, Control, and Countermeasure (“SPCC”) Plan regulations. It is therefore required to prepare and implement an SPCC Plan in accordance with the requirements of 40 C.F.R. Part 112.

EPA conducted an inspection of the Facility on June 6, 2017. The agency was provided a copy of an SPCC Plan with a cover date of September 2014. Follow up information was provided to EPA on October 2, 2019. This included a copy of an update 2014 SPCC Plan.

The CAFO alleges that the 2014 SPCC Plan:

- Failed to adequately and accurately discuss provisions for appropriate containment and/or diversionary structures or equipment to prevent a discharge from the Facility.
- Did not address the containment for the bulk storage tanks; portable containers; loading/unloading racks; transfer areas; and piping and related appurtenances.
- Failed to indicate that the loading/unloading rack containment system for two racks hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.

The CAFO also provides that during the 2017 inspection it was noted that:

- The Facility was undergoing extensive modifications of the secondary containment systems and piping.
- The Facility was unable to provide, certified containment calculations for all the berms to demonstrate that the berms have enough containment capacity for the largest single bulk storage tank and sufficient freeboard to contain precipitation.
- The Facility was using a partially buried metallic tank for the use of sampling oil from the pipeline. The tank was not protected from corrosion.

The 2014 SPCC Plan is stated to have failed to provide details on the integrity test and inspections performed on the bulk storage tanks. In response to a request from EPA on the integrity test, the Facility submitted such tests conducted on all of the storage tanks in the Facility. It is stated to have failed to conduct formal external inspections on certain tanks.

Alleged violations include:

- Failure to include in the Facility's SPCC Plan a diagram of the connecting piping.
- Failure to discuss in the Facility's SPCC Plan the provisions for appropriate containment and/or diversionary structures or equipment to prevent a discharge from the bulk storage tanks; portable containers; loading/unloading racks; transfer areas; and piping and related appurtenances.
- Failure to discuss in the Facility's SPCC Plan the loading/unloading rack containment system for two racks designed to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.
- Failure to discuss in the Facility's SPCC Plan that the secondary containment structures (berms) have enough containment capacity for the largest single bulk storage tank and sufficient freeboard to contain precipitation.
- Failure to failed to provide in the Facility's SPCC Plan details on the integrity test and inspections performed on the bulk storage 14 tanks.
- Failure to perform integrity testing on certain tanks.

A civil penalty of \$23,000.00 is assessed.

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