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SPCC Enforcement/ Supplemental Environmental Project: U.S. Environmental Protection Agency and East Chicago, Indiana Bulk Oil Storage Facility Owner Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Asphalt Cutbacks, Inc. (“ACI”) entered into an April 3rd Consent Agreement and Final Order (“Consent Agreement”) to address alleged violations of the Clean Water Act Spill Prevention Control and Counter Measure (“SPCC”) regulations. See Docket No. CWA-05-2017-0007.

The Consent Agreement states that ACI is the owner and operator (within the meaning of Section 311(a)(6)) of the Clean Water Act of an onshore bulk oil storage facility.

Above-ground storage capacity greater than 1,320 gallons of oil in containers each with a capacity of at least 55 gallons is stated to be located at the facility.

ACI’s facility is stated to be a non-transportation-related onshore facility which, due to its location, could be reasonably be expected to discharge oil to a navigable water of the United States or its adjoining shorelines in a harmful quantity, and is therefore subject to the SPCC regulations.

EPA inspected the facility on July 30, 2014. Alleged violations identified by the EPA inspection included:

- The facility had not prepared or implemented an SPCC Plan in violation of 40 C.F.R. § 112.3.
- The facility did not provide adequate containment for its various bulk storage tanks, mobile/portable containers, and loading racks, in violation of 40 C.F.R. § 112.7(c)(1).
- The facility did not provide adequate containment for its loading racks, in violation of 40 C.F.R. § 112.7(h)(1).
- The facility did not provide an adequate secondary containment for each of its bulk storage tanks in use at the facility, in violation of 40 C.F.R. . §§ 112.8(c)(2) and 112.8(a).
- The facility did not test or maintain records for each above ground container at the facility for integrity on a regular schedule, in violation of 40 C.F.R.. § 112.8(c)(6).

A civil penalty of \$12,490 is assessed.

ACI also agrees to complete a Supplemental Environmental Project that would reduce the facility's potential for an oil spill. The future installation of various equipment at the facility is described including:

- Tank gauging systems
- An electronic inventory management system
- A touch panel tank monitor for the truck loading rack area

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