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# SPCC/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Colchester, Vermont Hotmix Asphalt Operator Enter Into Expedited Settlement Agreement

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The United States Environmental Protection Agency (“EPA”) and Frank W. Whitcomb Construction Corporation (“Whitcomb”) entered into a June 22nd Expedited SPCC Settlement Agreement (“Agreement”) addressing alleged violations of the Clean Water Act Oil Pollution Prevention regulations. See Docket No. CWA-01-2017-0050.

Whitcomb is stated to be the operator of a hotmix asphalt plant located in Colchester, Vermont.

EPA is stated to have conducted an inspection to determine compliance with the Oil Pollution Prevention regulations at the plant. The agency allegedly determined that Whitcomb violated the previously referenced regulations.

The alleged violations include:

- Plan not certified by a professional engineer;
- No management approval of plan;
- Plan not maintained on site or not available for review;
- No evidence of 5 year review of plan by owner/operator;
- No plan amendments if the facility has had a change in: design, construction, operation, or maintenance which affects the facility’s discharge potential;
- Plan does not follow sequence of the rule and/or cross reference not provided;
- Plan has inadequate or no facility diagram;
- Inadequate or no description of drainage controls;
- No inspection records available for review;
- Training records not maintained for 3 years;
- Dike water is not inspected prior to discharge and/or valves not open and resealed under responsible supervision;
- Causes of leaks resulting in accumulations of oil in dike areas are not promptly corrected;
- Vehicle traffic is not warned of aboveground piping or other oil transfer operations.

The Agreement assesses a civil penalty of \$3,100.

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

