

Section 311/Clean Water Act Enforcement: US Environmental Protection Agency and CountryMark Refining and Logistics, LLC Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and CountryMark Refining and Logistics, LLC (“CountryMark”) entered into a June 23rd Consent Agreement and Final Order (“Consent Agreement”) addressing alleged violations of Section 311 of the Clean Water Act. See Docket No. CWA-05-2017-0012.

CountryMark is stated to be a corporation that operates a pipeline which:

...transports crude oil from its Albion, IL gathering station to its New Harmony, Indiana booster station.

The Consent Agreement provides that the CountryMark Pipeline was an “onshore facility” within the meaning of Section 311(a)(6) of the Clean Water Act and that CountryMark was an operator of the onshore facility within the meaning of Section 311(a)(10) of the same statute.

CountryMark’s pipeline allegedly failed on or about July 13, 2015:

... where the pipeline crosses the Wabash River near Grayville, Illinois, causing the release of 51.5 barrels of crude oil into the Wabash River.

The referenced release is alleged to have caused a discharge within the meaning of Section 311 (a)(2) of the Clean Water Act.

The Consent Agreement states that crude oils are “oils” within the meaning of Section 311(a)(2) of the Clean Water Act and that the Wabash River (along the Ohio River and Mississippi River) are “navigable waters” and “waters of the United States” within the meaning of Section 502(7) of the Clean Water Act. It is further alleged that the oil discharged was in quantities that “may be harmful to the public health or welfare or the environment” by among other things “causing a sheen upon or discoloration of the surface” of the Wabash River, within the meaning of and in violation of Section 311(b)(3) of the Clean Water Act.

CountryMark is stated to have completed emergency response activities in response to the discharged oil on or about July 18, 2015.

The Consent Agreement assesses a civil penalty at \$21,873.

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

