

## Section 311/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Transportation Company Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and HollyFrontier Transportation LLC (“HT”) entered into a December 8th Combined Complaint and Consent Agreement (“CA”) addressing an alleged violation of Section 311 of the Clean Water Act. See Docket No. CWA-08-2018-0001.

HT is described as a limited liability company organized under the laws of the State of Delaware and authorized to do business in the State of Utah.

The CA provides that on or about January 30, 2014, HT was operating a truck and pup trailer (“truck”) in Myton, Utah. The truck is stated to have overturned and caused a release (i.e., “discharge”) of approximately 150 barrels of crude oil. The discharge is described as having impacted Gray Mountain Canal which eventually flows to a tributary of the Green River.

HT reported the discharge to the United States Coast Guard National Response Center on January 30, 2014. As a result, EPA is stated to have been informed of the discharge.

The discharge is alleged to have violated water quality standards by causing:

. . . a film or sheen upon or discoloration of the surface of the water and/or its adjoining shorelines, and/or caused a sludge or emulsion to be deposited beneath the surface of the water(s) and/or upon the adjoining shorelines of the Gray Mountain Canal.

The jurisdictional elements of a Section 311 violation are described (i.e., “person,” “discharge,” and “navigable waters,” “onshore facility”). Therefore, HT’s discharge of crude oil is alleged to have constituted a violation of Section 311(b)(3) of the Clean Water Act.

The CA assesses a civil penalty of \$26,000.

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