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SPCC Enforcement: U.S. Environmental Protection Agency and Acton, Massachusetts Oil Storage/Distribution Facility Enter into Expedited Settlement Agreement

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The United States Environmental Protection Agency (“EPA”) and Bursaw Gas and Oil, Inc. (“BGO”) entered into a December 21st Expedited Settlement Agreement (“ESA”) addressing alleged violations of the Clean Water Act Oil Pollution Prevention regulations. See Docket No. CWA-01-2018-0012.

The ESA provides that BGO operates an oil storage and distribution facility in Acton, Massachusetts.

EPA is stated to have undertaken an inspection of the BGO facility to determine compliance with the Oil Pollution Prevention regulations.

The federal agency is stated to have determined that BGO violated regulations implementing Section 311(j) of the Clean Water Act. The alleged violations were identified by review of the facility’s Spill Prevention Control and Countermeasure Plan.

The violations allegedly identified include:

- Plan not maintained on site (if manned at least four hours a day) are not available for review
- No review of five-year review of Plan by owner/operator
- No Management Approval Plan
- Plan has inadequate or no facility diagram
- Inadequate or no listing of type of oil and storage capacity of containers
- Plan does not include a signed copy of the Certification of Applicability of the Substantial Harm Criteria per 40 C.F.R. Part 112.20(e)

The ESA assesses a civil penalty of \$3,300.

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