

Section 311/SPCC Clean Water Act Enforcement: U.S. Environmental Protection Agency and Lafourche Parish, Louisiana, Oil Production Facility Enter into Consent Agreement



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The Region 6 Office of the United States Environmental Protection Agency (“EPA”) and Redrock Energy, Inc. (“REI”) entered into a Consent Agreement and Final Order (“CA”) addressing an alleged violation of Section 311 of the Clean Water Act. See Docket No. CWA-06-2018-4809.

REI is stated to operate a Lafourche Parish, Louisiana, oil production facility.

The CA provides that the REI facility has an aggregate above-ground storage capacity greater than 1,320 gallons of oil in containers each with a shell capacity of at least 55 gallons. Further, facility capacity is stated to be approximately 181,605 gallons.

REI is stated to be engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, and using or consuming oil or oil products located at the facility. As a result, the CA provides that the facility is a non-transportation-related offshore and onshore facility, which due to its location, could reasonably be expected to discharge oil to a navigable water of the United States or its adjoining shorelines in a harmful quantity. In other words, it is concluded that the facility is a Spill-Prevention Control and Countermeasure (“SPCC”) regulated facility.

EPA is stated to have inspected the facility on March 22, 2018, and allegedly determined that REI had failed to develop and implement an SPCC plan for the facility as follows:

- a. Respondent failed to provide a plan, certified by a licensed Professional Engineer, that attests to all the required elements in 40 CFR § 112.3(d).
- b. The plan states that the direction of flow is within containment. Specifically, respondent failed to include in the plan a prediction of the direction, rate of flow, and total quantity of oil that could be discharged for each type of major equipment where experience indicates a reasonable potential for equipment failure as required in 40 CFR § 112.7(b).
- c. Respondent failed to maintain a containment system, including walls and floor, that is capable of containing oil and is constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup. Specifically, respondent failed to provide

appropriate containment and/or diversionary structures or equipment to prevent a discharge from the facility in accordance with 40 CFR § 112.7(c)

d. Respondent failed to include in the plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and containment procedures or any applicable more stringent State rules, regulations, and guidelines in accordance with 40 CFR § 112.7(j).

e. Respondent failed to implement at the facility a regular schedule of inspection of field drainage systems and oil traps, sumps, or skimmers in accordance with 40 CFR § 112.9(b)(2).

f. Respondent failed to implement at the facility container materials and construction that are compatible with material stored and conditions of storage (such as pressure and temperature) in accordance with 40 CFR § 112.9(c)(l).

g. Respondent failed to provide adequately sized facility secondary containment to hold the capacity of the largest single container and sufficient freeboard for precipitation for all tank battery, separation, and treating facility installations in accordance with 40 CFR § 112.9(c)(2).

h. The plan states that the process vessels are periodically inspected. However, respondent failed to discuss in the plan specific schedule and procedures to visually inspect and/or test flow-through process vessels and associated components (such as dump valves) for leaks, corrosion, or other conditions that could lead to a discharge in accordance with 40 CFR § 112.9(c)(5)(i).

i. Respondent failed to address in the plan visual inspection and/or testing of intrafacility gathering lines and associated appurtenances on a periodic and regular schedule for leaks, oil discharges, corrosion, or other conditions that could lead to a discharge. Additionally, respondent failed to provide containment for the onshore intra-facility gathering lines as required in 40 CFR § 112.9(d)(4)(ii).

j. Respondent failed to address in the plan how sub-marine piping appurtenant to the facility will be adequately protected against environmental stresses and other activities such as fishing operations as required in 40 CFR § 112.11 (o).

k. Respondent failed to discuss in the plan the specific time frame for inspection or testing of sub-marine piping appurtenant to the facility and the documentation and record keeping of such inspections or tests at the facility as required in 40 CFR § 112.11 (p).

The CA assesses a civil penalty of \$12,554.

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