

SPCC Violations by Food Company Result in \$475,000 Penalty and Injunctive Relief

November 4, 2013

ConAgra Foods, Inc. and ConAgra Grocery Products, LLC, have agreed to settle alleged violations of the Clean Water Act's Spill Prevention Control and Countermeasure (SPCC) requirements and the Facility Response Plan (FRP) regulations. The **violations were identified by EPA Region 4 during an October 2007 inspection** at ConAgra's plant in Memphis, Tennessee, that refines crude vegetable oil into cooking oils for consumer and commercial use.

The **SPCC regulations** at 40 CFR Part 112 require covered facilities to prepare SPCC Plans designed to prevent, control, and provide adequate countermeasures to spills or discharges of oil into navigable waters. ConAgra's plant housed 113 aboveground storage tanks with capacity to store over 14 million gallons of vegetable oil. EPA identified deficiencies in the facility's SPCC Plan and implementing obligation including:

- Management had not approved the SPCC Plan (with signature and date);
- Container compatibility in conformance with the regulations was not discussed in the SPCC Plan;
- Integrity testing was not discussed in the SPCC Plan;
- Insufficient training;
- Inadequate secondary containment;
- Failure to conduct appropriate integrity tests and inadequate records.

EPA also identified deficiencies with the plant's Facility Response Plan. In **settling the alleged violations**, ConAgra has agreed to pay a \$475,000 civil penalty. In addition, ConAgra must implement a formal tank integrity testing program in accordance with API 653 and submit annual reports certifying compliance.

ATTORNEYS

Andrew C. Brought

Lisa K. Mayers

Katie Jo Wheeler

RELATED PRACTICES

[Environmental Compliance
Enforcement Defense](#)

[Environmental Permittin](#)

RELATED INDUSTRIES

[Petroleum](#)