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Release Reporting/CERCLA Enforcement: U.S. Environmental Protection Agency and South Carolina Motor Carrier Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and Greenwood Motor Lines d/b/a R+L Carriers ("Greenwood") entered into a Consent Agreement and Final Order ("CAFO") addressing an alleged violation of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). See Docket No. CERCLA-05-2022-0006.

The CAFO states that Greenwood is a South Carolina corporation doing business in the State of Ohio.

Section 103 of CERCLA requires facilities to immediately notify the National Response Center of any release of hazardous substance in an amount equal to or greater than the reportable quantity for that substance. In order for a release to be considered reportable under CERCLA, there are three criteria that must be met which include the following:

- Be into the environment
- Be equal to or exceed the reportable quantity for a particular substance
- Occur within a 24-hour period

The terms "environment" and "facility" are very broadly defined by CERCLA.

The CAFO states that Greenwood was in charge of a facility (i.e., a truck) located on Interstate 71 in Bowersville, Ohio ("Facility"). The Facility is stated to consist of a storage container, motor vehicle, rolling stock, or any site or area where a hazardous substance has been deposited, stored, placed, or otherwise come to be located.

Greenwood's truck is stated to have overturned and released approximately 50 gallons of trichloroethylene on September 1, 2020, at or about 11:20 a.m. which spilled from a 55-gallon drum (i.e., the release). It is further stated that during the release 416.17 pounds of trichloroethylene spilled, leaked, poured, discharged, or escaped into the land surface or subsurface strata, or ambient air.

The release is stated to have exceeded 100 pounds in a 24-hour period therefore constituting a release as that term is defined under Section 101(22) of CERCLA.

Greenwood is stated to have had knowledge of the release on September 1, 2020, at approximately 11:20 a.m. The company is stated to have notified the National Response Center of the release on September 1,

2020, at 5:47 p.m. As a result, it is alleged that Greenwood did not immediately notify the National Response Center as soon as it had knowledge of the release. Such alleged failure is stated to be a violation of Section 103(a) of CERCLA.

A civil penalty of \$7,500 is assessed.

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