



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

## Release Reporting/CERCLA Enforcement: U.S. Environmental Protection Agency and Morganfield, Kentucky Medical Device Design Facility Enter into Consent Agreement

05/20/2025

The United States Environmental Protection Agency ("EPA") and Vibracoustic USA, Inc. ("VUI") entered into an April 21st Consent Agreement ("CA") addressing alleged violations of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). See Docket No. CERCLA-04-2025-7001(b).

The CA provides that VUI is the owner of a medical design facility in Morganfield, Kentucky.

Section 103 of CERCLA requires that a facility immediately notify the National Response Center ("NRC") of any release of hazardous substances in an amount equal to or greater than the reportable quantity ("RQ") 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 RQ for a particular hazardous substance.
- Occur within a 24-hour period.

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

The CA provides that on June 2, 2022 and March 13, 2023, releases of Xylene above the RQ under CERCLA occurred at the facility. It also provides that on March 11, 2024, a release of Hydrochloric Acid above the RQ under CERCLA occurred at the facility.

The facility is stated to have failed to immediately notify the NRC as soon as it had knowledge of the releases of Xylene and Hydrochloric Acid in amounts equal to or greater than their RQ's at the facility. Therefore, this is alleged to have violated the notification requirement of Section 103(a) of CERCLA.

VUI neither admits nor denies the factual allegations set forth in the Findings of Facts in the CA.

A civil penalty of \$32,701.00 is assessed.

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