



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

Release Reporting/CERCLA Enforcement: U.S. Environmental Protection Agency and Ohio Pool Equipment and Supply Company Enter into Consent Agreement to Address Alleged Violations

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The United States Environmental Protection Agency ("EPA") and Ohio Pool Equipment & Supply Company ("Ohio") entered into a June 1st Consent Agreement and Final Order ("CAFO") addressing an alleged violation of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"). See Docket No. CERCLA-05-2016-0008.

The CAFO provides that Ohio was in charge of a delivery truck with a storage container for liquids based in Columbus, Ohio.

The CAFO alleges that:

On June 15, 2015, at or about 10:45 a.m. an accident occurred on the northbound side of Ohio SR 661, Miller Township, in Knox County, Ohio. This accident resulted in a release from Respondents' facility of approximately 944 pounds of sodium hypochlorite (the release).

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

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

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

The CAFO provides that the release of sodium hypochlorite constituted a reportable CERCLA release.

Ohio is alleged to have had knowledge of the release on June 15, 2015, at approximately 10:45 a.m. It is further alleged that Ohio notified the National Response Center of the release at 12:49 p.m.

The subsequent report is alleged to have not constituted an immediate notification by Ohio as soon as it had knowledge of the release. The alleged failure to immediately notify the National Response Center of the release is stated to be a violation of Section 103(a) of CERCLA.

Ohio neither admits nor denies the factual allegations in the CAFO.

A civil penalty of \$9,000 is assessed to Ohio.

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