



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

# Asbestos Hazard Emergency Response Act: U.S. Environmental Protection Agency and Shillington, Pennsylvania School District Enter into Consent Agreement Addressing Alleged Violation

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Environmental Protection Agency ("EPA") and Governor Mifflin School District ("School District") entered into a Consent Agreement ("CA") addressing an alleged violation of Subchapter II (The Asbestos Hazard Emergency Response Act [AHERA]) of the Toxic Substance Control Act ("TSCA"). See Docket No. TSCA-03-2016-0160.

The School District is located in Shillington, Pennsylvania.

The School District is stated to be a Local Education Agency ("LEA") as that term is defined under Section 202(7) of TSCA. This designation is applied because it is a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State . . . and as such, is responsible for ensuring that such facilities are in compliance with the requirements of AHERA.

The CA alleges that on June 16, 2015, an authorized representative of EPA conducted an inspection of the Governor Mifflin Middle school pursuant to TSCA. It further alleges that during the inspection, the EPA inspector requested to view the school's management plan. The EPA inspector is alleged to observe the School District had failed to ensure that the school maintained a complete, updated copy of the management plan in its administrative office. As a result, the School District is alleged to have failed to comply with the management plan requirements at the school and violated certain regulations of Section 207(a)(3) of the TSCA.

The regulations implementing AHERA require that upon submission of a management plan to the Governor for review, each LEA is required to maintain in its administrative office a complete, updated copy of a management for each school under its administrative control or direction. Each school is also required pursuant to these regulations to maintain in its administrative office a complete, updated copy of the management plan for that school.

The Governor Mifflin Middle School is stated to be a “school” as that term is defined in Section 202j(12) of TSCA and is a “school building” as that term is defined at Section 202(13) of TSCA.

The School District is assessed a civil penalty of \$5,800.

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