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## Release Reporting: U.S. Environmental Protection Agency and Owner/Operator of Utah /Well Site Enter into Consent Agreement to Address Alleged CERCLA Violation

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The United States Environmental Protection Agency ("EPA") entered into a May 9th Combined Complaint and Consent Agreement ("CA") with EP Energy E&P Company, L.P. ("EP") addressing alleged Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") violation.

EP is stated to be an owner and/or operator of the Babcock 2-12 B4 Well site which is located near Altamont, Utah.

The CA states that:

...On July 17, 2016, approximately 363 bbls (15,250 gal.) of 15% hydrochloric acid (HCL) or 16,569 pounds of HCL were released on to the ground from Respondent's Facility.

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 24-hour period

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

The CA provides that hydrochloric acid is a hazardous substance as defined under Section 101(14) of CERCLA with a reportable quantity of 5,000 pounds as set forth in 40 C.F.R. part 302, Table 302.4. It further alleges that since 16,549 pounds of hydrochloric acid were released by the EP facility, immediate notification to the National Response Center was required.

EP is alleged to have not immediately notified the National Response Center of the hydrochloric release at the facility as soon as the company had knowledge of the release. As a result, the company is alleged to have violated the notification requirements of section 103(a) of CERCLA.

The CA assesses a civil penalty of \$9,952.

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