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311 Enforcement/Clean Water Act: U.S. Environmental Protection Agency and Hertz Equipment Rental Corporation Enter Into Settlement Agreement Addressing Alleged Violations

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The United States Environmental Protection Agency ("EPA") and Hertz Equipment Rental Corporation ("Hertz") entered into a March 22nd Expedited Settlement Agreement ("Agreement") addressing alleged violations of Section 311 of the Clean Water Act.

The Agreement provides that:

... On February 3, 2015, at 2251 Sylvan Road, East Point, Georgia, Hertz Equipment Rental Corporation (Respondent) discharged approximately 400 gallons of oil in violation of the Clean Water Act (CWA) § 311(b)(3) 33 U.S.C. § 1321(b)(3) as described on the attached "Findings and Alleged Violation Form" (Form), which is hereby incorporated by reference.

The Agreement provides that Hertz is the owner of an onshore facility within the meaning of Section 311(a)(10) of the Clean Water Act. Further, Section 311(b)(3) prohibits the discharge of oil into or upon navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States. Harmful discharges have been determined by EPA in 40 C.F.R. § 110.3 to include:

discharges of oil that violate applicable water quality standards, or cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines...

The previously referenced Hertz discharge is alleged to have had caused a film or sheen upon, or discoloration, of a unnamed tributary of the South River and/or upon adjoining shorelines, which eventually flows into Lake Jackson and therefore, is alleged to be a quantity that has been determined may be harmful under 40 C.F.R. § 110.3.

The Agreement therefore concludes that the Hertz February 3rd discharge into the previously referenced waterbody was in violation of Section 311(b)(3) of the Clean Water Act.

Hertz agrees to a civil penalty of \$500.00.

[Click here to download a copy of the Agreement and associated forms.](#)

