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Methanol Release/CERCLA Enforcement: U.S. Environmental Protection Agency and Adrian, Michigan Facility Operator Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and W2Fuel Adrian II, LLC, (“W2”) entered into an August 28 Consent Agreement and Final Order (“CAFO”) addressing an alleged violation of Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) involving a methanol release. See Docket No. CERCLA-05-2019-003.

The CAFO provides that W2 operates a facility as encompassed by CERCLA in Adrian, Michigan.

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 a 24-hour period

The terms “environment” and “facility” are very broadly defined under CERCLA.

The CAFO provides that W2 was at all relevant times in charge of the Adrian, Michigan facility. Further, W2 was stated to be in charge of the facility when on April 7 and 8, 2019, a release from the W2 facility of approximately 24,033.54 pounds of methanol occurred. It is further provided that in a 24-hour time period, the release of methanol exceeded 5000 pounds.

A civil penalty of \$6,883 is assessed.

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