

Release Reporting/CERCLA Enforcement: U.S. Environmental Protection Agency and Pennsylvania Chemical Production Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Sasol Chemicals (USA) LLC (“Sasol”) entered into a June 23rd Consent Agreement (“CA”) addressing an alleged violation of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). See Docket No. CERCLA-03-2022-0086.

Sasol is the owner of a chemical production facility (“Facility”) in Oil City, Pennsylvania.

Section 103 of CERCLA requires a facility to immediately notify the National Response Center of any release of hazardous substances in an amount equal to or greater than the reportable quantity (“RQ”) 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 RQ for a particular hazardous substance
- Occur within a 24-hour period

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

The CA provides that on November 11, 2019, at 1:48 PM the National Response Center received a notification from Sasol regarding the release of p-cresol from the Oil City, Pennsylvania Facility.

EPA on February 24, 2020, sent a CERCLA Section 104(e) Information Request Letter to Sasol to determine the company’s compliance with Section 103 of CERCLA and Sections 302-312 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”) in response to the referenced release.

Sasol responded to EPA’s request with information relevant to compliance with Section 103 of CERCLA and Sections 302-312 of EPCRA.

The CA provides that according to information submitted to EPA by Sasol, at times relevant to the CA, an outdoor raw material storage tank holding cresol (“Cresol Tank”) was directly positioned above the soil at the Facility. The referenced tank was stated to be heated to 50 to 60 degrees Celsius to maintain the material in a liquid state.

Sasol is stated to have become aware (according to information provided by the company) of a gauge discrepancy in the cresol tank during an October 2019 inventory and initiated an investigation to determine whether the tank gauge was operating correctly. It is stated to have observed on November 11, 2019, cresol dripping from the tank and into the soil directly below the tank. The company is stated to have then concluded that the tank gauge had been operating properly and determined, based on gauge readings, that a leak had begun on September 24, 2019, and continued through November 11, 2019.

Sasol is stated to have concluded that approximately 33,633 pounds of cresol leaked into the environment due to the compromised holding tank (defined by the CA as a "Release"). The company is stated to have calculated based on continuous release over the 48 days from September 24, 2019, to November 11, 2019, that an average of 694 ponds of p-cresol had leaked from the tank every 24 hours.

The CA provides that, based on such information, Sasol became aware of the Release of p-cresol at 11:57 AM on November 11, 2019, when the plant manager was notified of the Release after employees reviewed the historic tank gauging data.

Sasol is stated to have notified the National Response Center of the Release on November 11, 2019, at 1:48 PM which is approximately one hour and 51 minutes after a person in charge at the Facility knew or should have known that the RQ was exceeded.

The CA alleges the following violations:

- Failure to Immediately Notify the National Response Center of a Release

A civil penalty of \$7,364 is assessed.

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