

Release Reporting/CERCLA: U.S. Environmental Protection Agency and Canton Township, Michigan, Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Canton Renewables, LLC (“Canton”), entered into a December 16th Consent Agreement and Final Order (“CAFO”) addressing an alleged violation of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). See Docket No. CERCLA-05-2023-0003.

Canton is stated to be the owner and/or operator of a Canton Township, Michigan, facility (“Facility”).

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 that particular hazardous substance
- Occur within a 24-hour period

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

The CAFO provides that on April 14, 2021, at or about 1:07 p.m., a release occurred from Canton’s Facility of approximately 275 pounds of anhydrous ammonia (i.e., the “Release”). The Release of anhydrous ammonia is stated to have exceeded 100 pounds in a 24-hour time period. Such release is stated to have included approximately 275 pounds emitted, discharged, or escaped into the ambient air.

Canton is stated to have had knowledge of the Release on April 14, 2021, at approximately 1:07 p.m. Further, the Release is alleged to have required notice under Section 304(a) of EPCRA.

One of the counts in the CAFO alleges a failure to notify the National Response Center as required by Section 103(a) of CERCLA. Canton is stated to have notified the National Response Center of the release on November 18, 2022. Therefore, it is alleged that Canton did not immediately notify the National Response Center as soon as it had knowledge of the Release, therefore violating Section 103 of CERCLA.

A civil penalty of \$24,246 is assessed.

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