



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Release Reporting: U.S. Environmental Protection Agency and Republic Metals Corporation Enter Into Consent Agreement Addressing Alleged CERCLA/EPCRA Violations

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The United States Environmental Protection Agency and Republic Metals Corporation ("RMC") entered into a December 15th Consent Agreement and Final Order ("CAFO") addressing alleged Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") and Emergency Planning and Community Right-to-Know Act ("EPCRA") violations.

RMC is stated to operate a facility in Miami, Florida.

The CAFO alleges that RMC violated the notification requirements of Section 103(a) of CERCLA and Section 304(a) of EPCRA.

Section 103 of CERCLA requires facilities to immediately notify the National Response Center ("NRC") of any release of a hazardous substance in an amount equal to or greater than the reportable quantity ("rq") for that substance. EPCRA (also known as Title III of the Superfund Amendments and Reauthorization Act of 1986, and its implementing regulations) requires in Section 304 that the owner or operator of the facility immediately notify both the state emergency response commissions and local emergency planning committees whenever the facility has a release of exceeding a rq of a CERCLA hazardous substance or an EPCRA extremely hazardous substance for each area that the release is likely to affect. This notification must be undertaken as soon as practicable after the reported release, and to provide a written follow up notice that includes information on the release, response actions, risks and medical advice.

The CAFO alleges that on June 10, 2014 a release of nitrogen oxide above the rq occurred at RMC's facility. Nitrogen oxide is alleged to be both a CERCLA "hazardous substance" and an EPCRA "extremely hazardous substance" and that such release was above the relevant rq's.

RMC is alleged to have violated the CERCLA notification requirements by failing to immediately notify the NRC as soon as the company had knowledge of release of nitrogen oxide in an amount equal to or greater than its rq. The CAFO also alleges that RMC violated identification requirements of EPCRA by failing to immediately notify the state emergency response commission and local emergency planning committee as soon as the company had knowledge of the release of nitrogen oxide in an amount equal to or greater than the rq at its facility.

RMC agrees to a voluntary civil penalty of \$24,375.00 each for the respective CERCLA and EPCRA violations.

[Click here to download a copy of the CAFO.](#)