

## EPCRA Enforcement: U.S. Environmental Protection Agency and Spokane, Washington Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Ameristar Meats, Inc. (“AMI”) entered into a July 13th Consent Agreement (“CA”) to address alleged Emergency Planning and Community Right-to-Know Act (“EPCRA”) violations. See Docket No. EPCRA-10-2017-0124.

The CA states that AMI owns or operates a facility in Spokane, Washington.

The facility is stated to store ammonia and sulfuric acid and constitute a “facility” within the meaning of EPCRA § 329(4).

Both ammonia and sulfuric acid are stated to constitute extremely hazardous substances as defined by 40 C.F.R. § 370.66. Further, AMI’s facility is alleged to have stored more than 500 pounds of both ammonia and sulfuric acid at its facility.

As a result, AMI is alleged to have been required to have a material safety data sheet available pursuant to the Occupational Safety and Health Act, 29 U.S.C. § 651 et seq. Further, the AMI facility is stated to be subject to Section 312 of EPCRA and was required to have submitted a Tier II Form to the Local Emergency Planning Committee, State Emergency Response Commission, and local fire department by March 1, containing data with respect to the preceding calendar year. The facility is alleged to have failed to submit the form for calendar year 2014 by March 2, 2015 and for the succeeding two years.

AMI neither admits nor denies the specific factual allegations contained in the CA.

A civil penalty of \$38,000 is assessed.

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