

Pesticide Application/CERCLA Enforcement: U.S. Environmental Protection Agency and Volusia County, Florida Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Volusia County, Florida (“Volusia”) entered into a July 24th Consent Agreement and Final Order (“CA”) addressing an alleged violation of the Comprehensive Environmental Response Compensation and Liability Act (“CERCLA”) release reporting requirements. See Docket No. CERCLA-04-2017-2006(b).

The CA provides that Volusia is a “person” and is the “owner or operator” of a “facility” as those terms are defined in Section 101(21) of CERCLA.

Volusia is stated to have been operating a helicopter to apply naled for mosquito control on October 23, 2015. A release of naled above the CERCLA quantity for this substance is alleged to have occurred. This release of naled is stated to have been at a time when it was no longer being applied at an authorized rate in an authorized area.

The CA alleges that Volusia violated the notification requirements of Section 103(a) of CERCLA and the applicable CERCLA regulations by failing to notify the National Response Center as soon as Volusia had knowledge of the release of naled in an amount equal to or greater than its reportable quantity at the facility.

The CA assesses a civil penalty in the amount of \$17,290.

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