

# Release Reporting/ CERCLA Enforcement: U.S. Environmental Protection and Tennessee Valley Authority Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Tennessee Valley Authority (“TVA”) entered into a January 23rd Consent Agreement and Final Order (“CAFO”) addressing alleged violation of Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). See Docket No. CERCLA-04-2018-2007(b).

The CAFO provides that TVA is a federal agency and instrumentality of the United States.

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

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

The CAFO provides that TVA has a facility located in Harriman, Tennessee. Further, TVA was stated to be in charge of the facility when on October 3, 2014, a release of ammonia above the CERCLA reportable quantity occurred. Ammonia is stated to be a hazardous substance as that term is defined in Section 101(14) of CERCLA with a reportable quantity of 100 pounds.

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

The CAFO assesses a civil penalty of \$5,685.

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