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Release Reporting/CERCLA Enforcement: U.S. Environmental Protection Agency and Madison, Minnesota Facility Operator Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Lac qui Parle Cooperative Oil Company (“LPCOC”) entered into an April 6th Consent Agreement and Final Order (“CAFO”) that addresses an alleged violation of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”) release reporting requirements. See Docket No. CERCLA-05-2018-0004.

The CAFO provides that LPCOC was in charge of a nurse tank.

LPCOC’s facility is stated to consist of a storage container, motor vehicle, rolling stock, or any site or area where a hazardous substance has been deposited, placed, or otherwise come to be located. The facility is stated to have suffered a release on October 27, 2015 of approximately 1,840 pounds of anhydrous ammonia. Further, the release is stated to have exceeded the reportable quantity for such hazardous substance in a 24-hour time period.

LPCOC is stated to have had knowledge of the release on October 27, 2015 at approximately 7:01 p.m.

The CAFO states that the release was one for which notice was required under Section 103(a) of CERCLA.

The facility is stated to have notified the National Response Center of the release on October 28, 2015, at 6:46 a.m. As a result, the CAFO alleges that the facility did not immediately notify the National Response Center as soon as it had knowledge of the release. Such alleged failure to immediately notify the National Response Center of the release is stated to be a violation of Section 103(a).

A civil penalty of \$17,264 is assessed.

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