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Release Reporting/CERCLA Enforcement: U.S. Environmental Protection Agency and Cabarrus County, North Carolina, Water and Sewer Authority Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Water and Sewer Authority of Cabarrus County, North Carolina (“WSACC”), entered into a February 12th Consent Agreement and Final Order (“CAFO”) addressing an alleged violation of the release reporting requirements of the Comprehensive Environmental Response Compensation Liability Act (“CERCLA”). See Docket No. CERCLA-04-2019-2005(b).

WSACC is described as an:

. . . independent, incorporated, public body funded by user fees supporting five jurisdictions in North Carolina: Cabarrus County, the cities of Concord and Kannapolis, and the towns of Harrisburg and Mount Pleasant.

WSACC is stated to have a facility in Concord, North Carolina. Further WSACC is stated to constitute a “person” and be the “owner or operator” of a “facility” as those terms are defined in Section 101(21) of CERCLA.

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 of a particular substance
- Occur within a 24-hour period

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

The CAFO provides that on August 18, 2017, a release of sodium hypochlorite above the reportable quantity occurred at the WSACC facility. It is further alleged that WSACC violated the notification requirement of Section 103(b) by failing to immediately notify the National Response Center as soon as it

had knowledge of the release of sodium hypochlorite in the amount equal to or greater than its reportable quantity at the facility.

The CAFO assesses a civil penalty of \$6,320.

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