

Chapter 9. EPCRA Section 325: Enforcement

This chapter describes enforcement provisions of EPCRA, including types of violations and penalties.

The first part of the chapter discusses the civil, administrative and criminal penalties for facilities not complying with certain requirements of the law.¹⁰

The second part discusses the authority granted to state, tribal and local agencies to take enforcement actions in those situations where voluntary compliance has not occurred. LEPCs and TEPCs may either exercise enforcement action on their own or work with the state (or tribe) and EPA to enforce the provisions of the Act.

9.1 Violations of EPCRA Sections 302 and 303(d)

EPCRA Section 325(a): Civil penalties for emergency planning

The Administrator may order a facility owner or operator (except an owner or operator of a facility designated under section 302(b)(2) of this title) to comply with section 302(c) of this title and section 303(d) of this title. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than \$25,000 for each day in which such violation occurs or such failure to comply continues.

EPCRA Section 325(a) authorizes the EPA to issue orders compelling compliance. The U.S. District Court for the district in which the facility is located has the authority to enforce the order and assess penalties of up to \$59,107 per violation per day for each day in which such violation occurs or failure to comply with the order continues.

The EPA's authority to enforce violations of EPCRA Section 302(c) is limited to issuing an order to comply. This authority applies only to those facilities with EHSs present above the TPQs.

9.2 Violations of EPCRA Section 304 and CERCLA Section 103

EPCRA Section 325 (b): Civil, administrative, and criminal penalties for emergency notification

(1) Class I administrative penalty

- (A) A civil penalty of not more than \$25,000 per violation may be assessed by the Administrator in the case of a violation of the requirements of section 304 of this title.*
- (B) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.*

¹⁰ The EPA's Office of Enforcement and Compliance Assurance ensures facilities comply with EPCRA and its implementing regulations.