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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and San Antonio, Texas Medical Facility Operator (Gastroenterology) Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Gastroenterology Consultants of San Antonio, P.A. (“GCS”) entered into a Consent Agreement and Final Order (“CA”) addressing alleged Resource Conservation and Recovery Act (“RCRA”) violations. See Docket No. RCRA-06-2017-0948.

The CA provides that GCS owns and operates a medical facility (“Facility”) in San Antonio, Texas.

GCS is described as a “generator” of hazardous waste at the Facility as those terms are defined in the relevant RCRA regulations.

EPA is stated to have conducted an investigation and records review of GCS’s performance as a generator of hazardous waste from June 2017 to September 2017. The investigation allegedly showed that GCS, from 2013 to 2016, at minimum, generated and offered for transport hazardous waste with the hazardous characteristics for D001 (Ignitability).

The investigation also allegedly revealed evidence that GCS violated the requirements of RCRA and regulations promulgated at 40 C.F.R. §§ 261 , 262, and 270 by:

- Failing to comply with the RCRA notification requirements,
- Managing waste without an EPA ID number, and
- Failing to operate within its stated generator status.

The CA requires that GCS, within 90 days of the effective date of the document, provide in writing the following:

- a. GCS shall certify that it has assessed all its solid waste streams at the Facility to determine the accurate waste codes and has developed and implemented Standard Operating Procedures (SOP) to ensure that Respondent is operating in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for:
 - i. Managing hazardous wastes;
 - ii. Reporting, transporting, and disposing of hazardous waste

- b. GCS shall certify that it has accurately and adequately complied with any RCRA Section 3010 Notification requirements that may be applicable to the Facility as of the effective date of the CAFO;
- c. GCS shall obtain an EPA ID number for the Facility; and
- d. GCS shall certify that it has met any requirements for adequate emergency procedures and proper training for managing, reporting, transporting and disposing of hazardous waste that may be applicable to the Facility as of the effective date of the CAFO.

The CA assesses a civil penalty of \$134,478.

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