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Used Oil/Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation and Chattanooga, Tennessee Regional Medical Center Enter into Consent Order

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The Tennessee Department of Environment and Conservation (“TDEC”) and Chattanooga-Hamilton County Hospital Authority (“Authority”) entered into a June 5th Director’s Consent Order and Assessment (“CO”) addressing alleged violations of the regulations implementing the Tennessee Hazardous Waste Management Act and Used Oil Collection Act. See Case No. HWM18-0046.

The CO provides that Authority operates a Regional Medical Center (“Facility”) in Chattanooga, Tennessee.

The Authority’s Facility is stated to constitute a:

- Large Quantity Generator of hazardous waste
- Small Quantity Generator of universal waste
- Used Oil Generator

The Facility is stated to generate hazardous waste primarily from the operation of two pharmacies which include:

- Chemotherapy drugs
- Medication dispensary room located on each patient room floor
- Genetics laboratory

Universal waste and used oil are stated to be generated by routine maintenance operations.

A Compliance Evaluation Inspection and follow-up inspection are referenced.

A September 19, 20, 21 and 27 Compliance Evaluation Inspection identified the following alleged violations:

- Failure to place accumulation start dates on six 55-gallon drums, one 30-gallon drum and sixteen 8-gallon or smaller containers staged in 90-day storage areas.

- Failure to label on six 55-gallon drums, one 30-gallon drum and sixteen 8-gallon or smaller containers staged in 90-day storage areas with the words "Hazardous Waste".
- Failure to close two 8-gallon and four 2-gallon containers of hazardous waste.
- Failure to submit Hazardous Waste Annual Reports for calendar years 2015, 2016 and 2017.
- Failure to submit Hazardous Waste Generator Annual Fees for calendar years 2015, 2016 and 2017.
- Failure to notify the Division of the generation of five active hazardous waste streams.
- Failure to include the EPA installation identification number on two hazardous waste manifests.
- Failure to conduct weekly inspections of the facility's 90-day storage areas.
- Failure to provide records of the training of employees who handle hazardous waste.
- Failure to provide job titles, job descriptions and the amount and type of training for employees who handle hazardous waste.
- Failure to properly containerize universal waste lamps.
- Failure to properly label universal waste lamps.
- Failure to provide adequate aisle space in the central accumulation 90-day hazardous waste storage area.
- Failure to properly label one 10-gallon container of universal waste batteries located in the less-than-90-day storage area.
- Failure to have a consolidated facility Contingency Plan.
- Failure to have a facility Hazardous Waste Reduction Plan.

A February 5, 2019, follow-up inspection identified the following alleged violations:

- One satellite accumulation container in the 9th floor medication dispensing room was not closed. Facility personnel corrected this violation during the follow-up inspection.
- The name of the destination facility was not included on the 2016 off-site shipping report. This violation was corrected on February 22, 2019.
- The Respondent had exceeded the 7 day timeframe for weekly inspections of the 90-day storage portion of the central accumulation area on 3 occasions since September of 2018. This violation is uncorrectable.
- One 30-gallon container of universal waste batteries in the 90-day storage portion of the central accumulation area was not labeled. Facility personnel labeled this container during the follow-up inspection.

The CO provides that the Authority submitted amended Hazardous Waste Annual Reports for 2015, 2016 and 2017 as well as updated waste stream generation notifications on February 22, 2019. Further, the Authority paid all hazardous waste generator annual fees, including late penalties and interest on March 21, 2019.

The CO assesses:

- Damages in the amount of \$4,162.50
- Civil penalties in the amount of \$35,000

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