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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Covington, Louisiana, Health Care Facility Enter into Consent Agreement and Final Order

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The United States Environmental Protection Agency (“EPA”) and Ochsner Health Center (“OHC”) entered into an October 6th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Resource Conservation and Recovery Act (“RCRA”) Hazardous Waste Regulations. See Docket No. RCRA-06-2020-0944.

The CAFO provides that OHC operates a healthcare system facility (“Facility”) in Covington, Louisiana.

EPA is stated to have undertaken a RCRA record review of the period July 2019 to January 2020 of the Facility’s activities as a generator of hazardous waste. This is stated to have included a review of the information voluntarily provided to EPA by OHC.

The investigation is stated to have determined that OHC, at a minimum, generated and offered for transport and treatment, hazardous waste having the:

1. Characteristic of Ignitability: D001 (Ignitability)
2. Characteristic for multiple toxicity waste: D004 (Arsenic); D005 (Barium); D007 (Chromium); D008 (Lead); D009 (Mercury); D010 (Selenium)
3. P001 (Warfarin, & salts, when > 0.3%); P075 (Nicotine, & salts); P188 (Physostigmine salicylate.)
4. U150 (Melphalan); U154 (Methanol (l)); U188 (Phenol)

The CAFO states that EPA determined that OHC generated the hazardous waste streams identified in Paragraph 14 in quantities that exceeded the threshold of 1 kilogram of acute hazardous and qualified as a large quantity generator of hazardous waste under LAC 33:V.108, [40 C.F.R. Part 262], for the periods that such wastes remained onsite.

Alleged violations identified in the CAFO include:

- OHC did not file with EPA or Louisiana an adequate and timely notification of its hazardous waste activities at the Facility during 2015, 2016, 2017, 2018 and 2019
- Neither the EPA nor the Louisiana Department of Environmental Quality received Biennial Reports that OHC was required to file

- During portions of 2015, 2016, 2017, 2018 and 2019 the Facility exceeded their small quantity generator status and operated in some instances as a large quantity generator of hazardous waste in violation of one or more of the requirements for large quantity generators

The CAFO requires that OHC :

1. 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 (“SOPs”) to ensure that Respondent is operating the Facility in compliance with RCRA and the regulations promulgated thereunder, including, but not limited, procedures for:

(a) making hazardous waste determinations;

(b) managing hazardous wastes;

(c) reporting, transporting, and disposing of hazardous waste;

(d) preparing its manifests; and (e) meeting the requirements of the land disposal requirements;

2. Certify that it has accurately and adequately complied with its RCRA Section 3010 notification for the Facility and within the prescribed time period;

3. Provide, with its certification, a copy of its SOPs as described in subparagraph A above;

4. Certify the cost of implementation of injunctive relief; and

5. Certify the environmental benefit (reduction of waste or reduction in the toxicity of waste).

A civil penalty of \$104,384 is assessed.

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