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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Grand Rapids, Michigan, Hospital Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Spectrum Health Hospitals (“Spectrum”) entered into an October 29th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Resource Conservation and Recovery Act (“RCRA”) hazardous waste regulations. See Docket No. RCRA-05-2021-0003.

The CAFO provides that Spectrum operates a facility (“Facility”) in Grand Rapids, Michigan.

The Facility is stated to include actions or processes causing the production of hazardous waste as that term is defined under 40 C.F.R. § 260.10. Therefore, Spectrum is stated to be a generator of hazardous waste under the relevant regulations.

The Facility is stated to have during the 2019 calendar year generated 1,000 kilograms or greater of hazardous waste, or generated 1 kilogram or greater of acute hazardous waste in some calendar months (qualifying it as a large quantity generator) which it shipped off-site to a treatment storage or disposal facility.

EPA is stated to have provided Spectrum the identification of potential RCRA violations. The Facility is stated to have engaged with EPA to expeditiously assess the matter and agrees to the entry of the CAFO.

The alleged violations include:

- Notification of Change of Hazardous Waste Activity (failure to submit for the 2019 calendar year a notification of the change of the Facility’s type of hazardous waste activity to Large Quantity Generator status)
- Annual Reporting (failure to prepare and submit a biennial report by March 1, 2020)

The CAFO requires that Spectrum file with the Michigan environmental agency an updated Notification of RCRA Subtitle C Activities and a Biennial Hazardous Waste Report covering the 2019 calendar year.

Spectrum neither admits nor denies the factual allegations in the CAFO.

A civil penalty of \$11,471 is assessed.

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