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Hazardous Waste Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Related to Memphis Pediatric Hospital

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The Tennessee Department of Environment and Conservation (“TDEC”) issued a December 1st proposed Director’s Order and Assessment (“Order”) to Methodist Healthcare – Memphis Hospitals (“MHMH”) addressing alleged violations of the Tennessee rules related to hazardous waste. See Case No. HWM 20-0008.

The Order provides that MHMH conducts business as Le Bonheur Children’s Medical Center and is a comprehensive pediatric hospital (“Hospital”).

The Hospital is stated to have a United States Environmental Protection Agency (“EPA”) identification number.

The Order references inspections of the Hospital conducted by TDEC Division of Solid Waste management personnel on the following dates:

- January 28, 2020
- April 20, 2020

One or more of the inspections is stated to have included review and walk-through of areas related to hazardous waste, universal waste, and used oil.

At the time of the January 28th inspection, the Hospital is stated to have been determined to be operating as a small quantity generator of hazardous waste. However, the Order states that the Hospital was determined to be a large quantity generator of hazardous waste in 2017, 2018, and 2019 based on hazardous waste records TDEC reviewed during the inspection.

The hazardous waste is stated to be generated at the Hospital primarily from discarded P-listed acute hazardous waste and hospital maintenance work. Nine active hazardous waste streams were stated to have been identified. Further, the walk-through portion of the initial inspection is stated to have consisted of one 180-day central storage area for hazardous waste, 45 satellite accumulation areas through the various floors of the Hospital, and two room containing universal waste.

Violations alleged in the Order include:

- Failure to label universal waste batteries

- Failure to manage universal waste lamps in closed, structurally sound containers adequate to prevent breakage
- Failure to properly mark a container of hazardous waste in a satellite accumulation area
- Failure to properly manage and keep closed containers of hazardous waste located in satellite accumulation areas
- Failure to maintain adequate aisle space in a hazardous waste storage area
- Failure to mark a container of hazardous waste in a 180-day hazardous waste storage area with an accumulation start date
- Failure to record weekly inspections of its 180-day hazardous waste storage area
- Failure to record weekly inspections of the past 90-day hazardous waste accumulation area
- Failure to submit the facility's contingency plan to local authorities
- Failure to include the home addresses of the facility's emergency coordinators, a list of emergency equipment, and an evacuation map in the facility's contingency plan
- Failure to keep a copy of each Annual Report for a period of at least three years from the due date of the report
- Failure to sufficiently submit hazardous waste Annual Reports
- Failure to retain uniform hazardous manifests for at least three years

The Order indicates that TDEC representatives and representatives of MHMH discussed certain alleged violations and a number were resolved.

The Order proposes that MHMH be:

- Assessed damages in the amount of \$1,650 to the State of Tennessee
- Assessed a civil penalty in the amount of \$6,400

The Order provides MHMH certain appeal rights.

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