

# Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Texas Oncology, P.A. Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Texas Oncology, P.A. (“TO”) entered into a June 7th Consent Agreement (“CA”) addressing alleged Resource Conservation and Recovery Act (“RCRA”) violations. See Docket No. RCRA-06-2017-0931.

The CA states that it addresses TO locations in:

- Fort Worth, Texas
- Baytown, Texas
- McAllen, Texas
- Dallas, Texas (Two locations)
- Brownsville, Texas
- El Paso, Texas (Two locations)

TO is stated to be a “generator” of hazardous waste at the previously referenced locations as that term is defined in the relevant section of the Texas Administrative Code.

EPA is stated to have conducted an investigation and records review (“investigation”) of TO’s performance as a hazardous waste generator and its compliance with the RCRA regulations, for the time period between January 2012 through January 2017. It is alleged that EPA discovered:

. . . that at times Respondent’s hazardous waste determinations for different hazardous drugs/chemotherapy agents were mischaracterized in connection with the transportation of those hazardous wastes for offsite disposal.

The CA further alleges that on separate occasions amongst the listed TO locations, hazardous waste was mischaracterized on manifest. It is specifically alleged that TO provided a manifest showing that at least on one occasion, a pre-printed P-listed acutely hazardous waste profile and code was crossed out and changed to reflect the actual hazardous waste being transported.

The alleged violations in the CA include:

- Failure to make adequate hazardous waste determinations
- Failure to comply with manifest requirements

TO is required within 90 calendar days of the effective date of the CA to provide in writing certification in regards to compliance with the alleged issues referenced in the CA.

The CA provides that TO neither admits nor denies the specific factual allegations and conclusions contained in the document.

A civil penalty of \$43,900 is assessed.

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