

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Nashville, Tennessee Hospital Owner Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Hospital Authority of the Metropolitan Government of Nashville and Davidson County (d/b/a Nashville General Hospital [“Metropolitan”]) entered into a September 29th Consent Agreement (“CA”) addressing alleged Resource Conservation and Recovery Act violations. See Docket No. RCRA-04-2017-4003(b).

Metropolitan is described as owning and/or operating a full service hospital which provides health services to the surrounding community.

Metropolitan’s hospital is described as a “facility” located in Nashville, Tennessee that is a “generator” of “hazardous waste” (as those terms are defined in certain federal and Tennessee regulations related to hazardous waste management).

EPA is stated to have conducted a record review which included:

- Biennial reports
- State notification records
- Hazardous waste manifests

The records were stated to have been generated during the period of 2011 through 2015.

EPA is alleged to have determined that during the relevant time period, the Metropolitan facility generated and offered for transport for treatment, storage, or disposal hazardous wastes bearing various hazardous waste codes as identified in the CA. It is further alleged that EPA determined Metropolitan had not notified the authorized State in writing of the quantities and composition of wastes generated and the method by which they intended to store, treat or dispose of such wastes.

As a result, the CA alleges that Metropolitan violated certain provisions of the Tennessee Hazardous Waste Management Act and RCRA by failing both to notify the department and provide certain notifications in writing of the quantities and composition of wastes generated and the method by which such person intends to store, treat or dispose of such wastes.

The CA also alleges that during the record review EPA determined that in one or more calendar months of the relevant time period, Metropolitan generated and stored toxic, acute and/or listed hazardous waste streams in excess of the small and/or large quantity generator threshold amounts, without having met the

requirements of the Small Quantity Generator and/or Large Quantity Generator Permit Exemptions. They are alleged to include:

1. During the time period beginning December 12, 2011 and ending January 20, 2015 Metropolitan on average generated 372 pounds of hazardous waste per month.
2. Assuming that all waste stored at the facility was shipped at the time of the previous shipment, Metropolitan generated more than 220 pounds of hazardous waste per month on average beginning December 12, 2011 and ending January 20, 2015.
3. On at least one occasion on June 7, 2013 (manifest 000502396WAS) more than 2.2 pounds of acute hazardous waste was managed at the facility.

Metropolitan's facility is alleged to have not trained its employees in hazardous waste management, developed and implemented a facility specific contingency plan, conducted weekly inspections, or submitted biennial reports.

Metropolitan's facility is further alleged to have failed to obtain an EPA Identification number, prior to storing and offering for transport hazardous wastes.

Metropolitan neither admits nor denies the factual allegations and determinations set out in the CA.

The CA requires that Metropolitan certify that it has assessed all its solid waste streams to determine the accurate waste codes and that it has developed and implemented standard operating procedures to ensure it is operating in compliance with RCRA and the regulations promulgated thereunder, including but not limited to procedures for:

1. Making hazardous waste determinations;
2. Managing hazardous wastes;
3. Reporting, transporting, and disposing of hazardous waste;
4. Preparing the manifests; and,
5. Meeting the requirements of the land disposal requirements.

Metropolitan is required to provide notification it has accurately and adequately complied with its RCRA Section 3010 Notification, and within the prescribed period of time provide with its certification a copy of Standard Operating Procedures.

The CA assesses a civil penalty of \$1,000.

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