

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Frederick, Maryland, Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Tox Path Specialists, LLC (“TPS”) entered into a December 26th Consent Agreement (“CA”) addressing alleged violations of the Resource Conservation and Recovery Act (“RCRA”) hazardous waste regulations. See Docket RCRA-03-2019-0014.

TPS is stated to be the owner and operator of a facility located in Fredrick, Maryland.

The CA provides that TPS is a “generator of,” and has engaged in the “storage” in “containers” of materials that are “solid wastes” and “hazardous waste” at the Fredrick, Maryland facility (“Facility”), as those terms are defined in COMAR 26.13.01.03. company is further described as a Large-Quantity Generator that generates hazardous waste in an amount greater than 1,000 kilograms per month at the Facility and has a RCRA ID number.

The CA provides that the following RCRA violations allegedly occurred:

- Storage Greater Than 90 days (Referencing at least three occasions that containers of hazardous waste D001, D011, F003 were stored for a period of time greater than 90 days)
- Hazardous Waste Determination (Referencing during an EPA inspection TPS indicated it regularly disposed of Formalin/Formalex mixture which was neither tested nor any other hazardous waste determination utilized to determine if it was a hazardous waste)
- Biennial Reports (Referencing a failure to submit biennial reports for 2014 and 2016)
- Job Descriptions (Referencing a failure to maintain at the Facility documents or records that provided job descriptions for the Facility personnel who handle hazardous waste or hazardous waste management)
- Contingency Plan (Referencing failure to list as the emergency coordinator at least one employee either in the Facility or on call)
- Failure to Perform Weekly Inspections (Referencing that TPS advised EPA that inspections of the hazardous waste container storage area were conducted monthly rather than weekly)
- Failure to Provide Annual Training (Referencing a failure to provide annual hazardous waste training as required by the relevant regulations)

A civil penalty of \$29,425 is assessed.

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