BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2021-0013
	)	
GALEN HOSPITAL ALASKA, INC. D/B/A ALASKA REGIONAL HOSPITAL,	)	**CONSENT AGREEMENT**
	)	
Anchorage, Alaska,	)	
	)	
Respondent.	)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928.

1.2. The State of Alaska has not been authorized pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, to carry out a hazardous waste program in lieu of the Federal program. Pursuant to Section 3008(a) of RCRA, EPA may enforce the federal hazardous waste program in the State of Alaska.

1.3. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and Galen Hospital Alaska, Inc. doing business as Alaska Regional Hospital ("Respondent") agrees to issuance of, the Final Order attached to this Consent Agreement ("Final Order").

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 ("Complainant") has been delegated the authority pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of RCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of RCRA together with the specific provisions of RCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

A. Statutory and Regulatory Background

3.1 In 1976, Congress enacted RCRA, amending the Solid Waste Disposal Act, to regulate hazardous waste management. The Hazardous Waste and Solid Waste Amendments of 1984 (HSWA) provides additional authority under RCRA to regulate hazardous wastes. Under Subtitle C of RCRA, RCRA Section 3001 *et seq.*, 42 U.S.C. § 6921 *et seq.*, EPA has the authority to identify and list hazardous wastes. RCRA Subtitle C also authorizes EPA to regulate hazardous waste generators, transporters, exporters, and the owners and operators of hazardous waste treatment, storage, and disposal facilities. EPA has promulgated federal regulations to implement RCRA Subtitle C, which are set forth at 40 C.F.R. Parts 260-270, 273, and 279.

3.2 Pursuant to Section 3001 of RCRA, 42 U.S.C. § 6921, EPA promulgated regulations to define what materials are "solid wastes," and of these solid wastes, what wastes are "hazardous wastes." These regulations are set forth in 40 C.F.R. Part 261.

3.3 "Solid waste" is defined at 40 C.F.R. § 261.2 to mean any discarded material that is not otherwise excluded by regulation.

3.4 "Discarded material" is defined at 40 C.F.R. § 261.2(a)(2)(i) to mean any material which is abandoned.

3.5 Pursuant to 40 C.F.R. § 261.2(b) materials are solid waste if they are abandoned by being disposed of; or burned or incinerated; or accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

3.6 Pursuant to 40 C.F.R. § 261.3 a solid waste is a "hazardous waste" if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b); and it exhibits any of the characteristics of hazardous waste in 40 C.F.R. Part 261, Subpart C or is listed in 40 C.F.R. Part 261, Subpart D .

3.7 Pursuant to 40 C.F.R. 261.21 a solid waste exhibits the characteristic of ignitability if a representative sample of the waste is a liquid and has a flash point of less than 60° Celsius (140° Fahrenheit).

3.8 Pursuant to 40 C.F.R. § 261.24 a solid waste exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure, the extract from a representative sample of the waste contains any of the contaminants listed in Table 1 at the concentration equal to or greater than the respective value in Table 1.

3.9 "Generator" is defined at 40 C.F.R. § 260.10 to mean any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 or whose act first causes a hazardous waste to become subject to regulation.

3.10 Pursuant to 40 C.F.R. § 262.11, a person who generates a solid waste must determine if that waste is hazardous waste using the method provided therein.

3.11 Pursuant to 40 C.F.R. § 262.11(f), a small or large quantity generator must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 40 C.F.R. § 261.3. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at 40 C.F.R. § 262.11(c)-(d). The records must include, but are not limited to, the following types of information: The results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at paragraph (d)(1) of this section.

3.12 "Facility" is defined at 40 C.F.R. § 260.10 to mean all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

3.13 Section 3005 of RCRA, 42 U.S.C. § 6925, prohibits the treatment, storage or disposal of hazardous waste without a permit or interim status, and the regulation at 40 C.F.R. § 270.1 requires a RCRA permit for the treatment, storage, or disposal of any hazardous waste identified or listed in 40 C.F.R. Part 261.

3.14 The owner and operator of a facility must meet the standards in 40 C.F.R. Part 264.

3.15 A large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days without obtaining a permit under 40 C.F.R. § 270.1 only if the generator complies with all of the conditions in 40 C.F.R. § 262.17.

3.16 The conditions in 40 C.F.R. § 262.17 include, *inter alia*:

3.16.1. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

3.16.2. While being accumulated on-site, each container is labeled or marked clearly with the words, "Hazardous Waste."

3.16.3. An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

3.16.4. At least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion and other factors.

3.16.5. Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part.

3.16.6. The large quantity generator must have a contingency plan for the facility that complies with 40 C.F.R. Part 262, Subpart M.

3.17 In accordance with 40 C.F.R. § 262.15, a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 40 C.F.R. parts 124, 264 through 267, and 270 and in lieu of the conditions in 40 C.F.R. §§ 262.16(b) or 262.17(a). The generator must mark or label its container with the following: the words "Hazardous Waste."

3.18 In accordance with 40 C.F.R. § 262.41(a), a generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year and must cover generator activities during the previous year.

3.19 In accordance with 40 C.F.R. § 273.1, generators of waste batteries and waste lamps that are hazardous waste may manage the waste batteries and waste lamps in accordance

with the Universal Waste standards in 40 C.F.R. Part 273 in lieu of 40 C.F.R. Parts 260 through 272.

3.20 Small quantity handlers of universal waste must manage the universal wastes in accordance with the requirements in 40 C.F.R. Part 273, Subpart B.

3.21 The regulation at 40 C.F.R. § 273.9 defines "small quantity handler of universal waste" as a universal waste handler . . . who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

3.22 The regulation at 40 C.F.R. § 273.9 defines "universal waste handler" means, in part, a generator of universal waste.

3.23 The regulations at 40 C.F.R. § 273.9 defines "battery" as a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

3.24 The regulation at 40 C.F.R. § 273.9 defines lamp, as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

3.25 In accordance with 40 C.F.R. § 273.2 the requirements of 40 C.F.R. Part 273 apply to persons managing batteries, as described in 40 C.F.R. § 273.9.

3.26 In accordance with 40 C.F.R. § 273.5 the requirements of 40 C.F.R. Part 273 apply to persons managing lamps as described in 40 C.F.R. § 273.9.

3.27 In accordance with 40 C.F.R. § 273.15(a), a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler.

3.28 In accordance with 40 C.F.R. § 273.15(c), a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

3.29 In accordance with 40 C.F.R. § 273.14(a) a small quantity handler of universal waste must clearly mark or label each universal waste battery or a container in which the batteries are contained, "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

3.30 In accordance with 40 C.F.R. § 273.14(e) a small quantity handler of universal waste must clearly mark or label each universal waste lamp or a container or package in which such lamps are contained with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

3.31 In accordance with 40 C.F.R. § 273.13(d)(1), a small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: (1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent

breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

3.32 On February 22, 2019, EPA promulgated the Management Standards for Hazardous Waste Pharmaceuticals (codified at 40 C.F.R. Part 266, Subpart P) to add regulations for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors. The management standards became effective on August 21, 2019.

3.33 In accordance with 40 C.F.R. § 266.501(d) a healthcare facility is subject to 40 C.F.R. §§ 266.502 and 505 through 508 in lieu of 40 C.F.R. Parts 262 through 265, with respect to the management of non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals if they are not destined for a reverse distributor.

3.34 In accordance with 40 C.F.R. § 266.501(c) a healthcare facility or reverse distributor remains subject to all applicable hazardous waste regulations with respect to the management of its non-pharmaceutical hazardous waste.

3.35 The term "healthcare facility" is defined at 40 C.F.R. § 266.500 to mean, "any person that is lawfully authorized to—(1) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or (2) Distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors,

military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals. This definition does not include pharmaceutical manufacturers, reverse distributors, or reverse logistics centers.

3.36 The term "pharmaceutical" is defined at 40 C.F.R. § 266.500 to mean "any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (*e.g.*, electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (*e.g.*, pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by 21 C.F.R. § 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. This definition does not include dental amalgam or sharps."

3.37 The term "non-creditable hazardous waste pharmaceutical" is defined at 40 C.F.R. § 266.500, to mean "a prescription hazardous waste pharmaceutical that does not have a reasonable expectation to be eligible for manufacturer credit or a nonprescription hazardous waste pharmaceutical that does not have a reasonable expectation to be legitimately used/reused or reclaimed. This includes but is not limited to, investigational drugs, free samples of pharmaceuticals received by healthcare facilities, residues of pharmaceuticals remaining in

empty containers, contaminated personal protective equipment, floor sweepings, and clean-up material from the spills of pharmaceuticals."

3.38 The term "potentially creditable hazardous waste pharmaceutical" is defined at 40 C.F.R. § 266.500 to mean "prescription hazardous waste pharmaceutical that has a reasonable expectation to receive manufacturer credit and is—(1) In original manufacturer packaging (except pharmaceuticals that were subject to a recall); (2) Undispensed; and (3) Unexpired or less than one year past expiration date. The term does not include evaluated hazardous waste pharmaceuticals or nonprescription pharmaceuticals including, but not limited to, over-the-counter drugs, homeopathic drugs, and dietary supplements.

3.39 In accordance with 40 C.F.R. § 266.502(a)(1)(i), a healthcare facility that already has an EPA identification number must notify the EPA Regional Administrator, using the Site Identification Form (EPA Form 8700-12), that it is a healthcare facility as part of its next Biennial Report, if it is required to submit one; or if not required to submit a Biennial Report, within 60 days of the effective date of this subpart, or within 60 days of becoming subject to this subpart.

3.40 In accordance with 40 C.F.R. § 266.502(b), a healthcare facility must ensure that all personnel that manage non-creditable hazardous waste pharmaceuticals are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

3.41 In accordance with 40 C.F.R. § 266.502(e), a healthcare facility must label or clearly mark each container of non-creditable hazardous waste pharmaceuticals with the phrase "Hazardous Waste Pharmaceuticals."

3.42 In accordance with 40 C.F.R. § 266.502(d)(3), a healthcare facility must keep containers of non-creditable hazardous waste pharmaceuticals closed and secured in a manner that prevents unauthorized access to its contents.

B. General Allegations

3.43 Respondent is a "person" as defined at Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

3.44 Respondent is a healthcare facility as defined by 40 C.F.R. § 266.500.

3.45 At all times relevant to this Consent Agreement, Respondent has owned and operated the Alaska Regional Hospital located at 2801 DeBarr Road, Anchorage, Alaska 99508 ("ARH").

3.46 At all times relevant to this Consent Agreement, Respondent has operated the ARH as a large quantity generator of hazardous waste.

3.47 At no time relevant to this Consent Agreement has Respondent obtained a permit pursuant to 40 C.F.R. § 270.1 to store hazardous waste at ARH.

C. Violations

Violation 1: Failure to Make Hazardous Waste Determination

3.48 Prior to October 10, 2019, Respondent generated at least 10 boxes of formalin waste. The 10 boxes of formalin waste met the definition of solid waste in 40 C.F.R. § 261.2.

3.49 Respondent failed to conduct a hazardous waste determination for the 10 boxes of formalin waste by October 10, 2019, in accordance with the procedures in 40 C.F.R. § 262.11. Therefore, on at least October 10, 2019, Respondent violated 40 C.F.R. § 262.11.

Violation 2: Failure to Obtain a Permit to Store Hazardous Waste

3.50 Each of the 10 boxes of formalin waste generated as alleged in Paragraph 3.48 contained hazardous waste as defined by 40 C.F.R. § 261.3(a)(2)(ii) and 40 C.F.R. § 261.33(f).

3.51 At no time relevant to this Consent Agreement did Respondent label the 10 boxes of formalin waste with the following:

3.51.1. The date upon which accumulation of the waste started or

3.51.2. The words "hazardous waste."

3.52 On or around November 10, 2018, Respondent generated four containers of solid waste in a flammables locker within the Hazardous Waste Central Accumulation Area at ARH. The four containers contained hazardous waste as defined by 40 C.F.R. § 261.3. Respondent stored the four containers of solid waste until at least October 10, 2019 (at least 334 days).

3.53 On at least October 10, 2019, respondent failed to label the four containers of hazardous waste accumulated in the Hazardous Waste Central Accumulation Area as alleged in Paragraph 3.52 with an indication of the hazards of the contents.

3.54 Prior to October 10, 2019, Respondent generated one container of solid waste ethanol and xylene mixture and one container of solid waste xylene in the laboratory in ARH. The solid waste in both containers constituted hazardous waste as defined by 40 C.F.R. §§ 261.3, 261 .21 and 261.31(a).

3.55 At no time relevant to this Consent Agreement did Respondent label the containers of hazardous waste generated as alleged in Paragraph 3.54 with the words "hazardous waste."

3.56 At no time relevant to this Consent Agreement did personnel at ARH complete training and annual refreshers of the training that taught the personnel to perform their duties to ensure compliance with the requirements, pursuant to 40 C.F.R. § 262.17(a)(7).

3.57 Respondent failed to conduct inspections of the Hazardous Waste Central Accumulation Area during at least the three weeks of February 24-March 2, 2018, March 3-9, 2018, and March 10-16, 2018, pursuant to 40 C.F.R. § 262.17(a)(1)(v).

3.58 At no time relevant to this Consent Agreement did Respondent have a contingency plan for ARH, pursuant to 40 C.F.R. §§ 262.17(a)(6) and 40 C.F.R. Part 262, Subpart M.

3.59 Therefore, since at least February 9, 2019, Respondent has violated 40 C.F.R. § 270.1 by storing hazardous waste at ARH without a permit.

Violations 3 through 60: Failure to Manage of Hazardous Waste Pharmaceuticals in Compliance with 40 C.F.R. Part 266, Subpart P

3.60 Pursuant to 40 C.F.R. 266.501(d)(1), at all times relevant to this Consent Agreement Respondent has been subject to 40 C.F.R. §§ 266.502 and 266.505 through 266.508 with respect to the management of, among other things, non-creditable hazardous waste pharmaceuticals.

3.61 Prior to October 10, 2019, Respondent generated and accumulated the following solid waste pharmaceuticals in ARH:

3.61.1. At least 48 containers in the Pharmaceutical Waste Central Accumulation Storage Area;

3.61.2. One container in the 6th Floor High Side Utility Room;

3.61.3. One container in the 6th Floor Low Side Utility Room;

3.61.4. One container in the 7th Floor High Side Utility Room; and

3.61.5. Two containers in the pharmacy.

3.62 The solid waste pharmaceuticals generated and accumulated as alleged in Paragraph 3.61 met the definition of hazardous waste pharmaceutical in 40 C.F.R. § 266.500. None of the hazardous waste pharmaceuticals generated and accumulated as alleged in Paragraph 3.61 had a reasonable expectation to be eligible for manufacturer credit or had a reasonable expectation to be legitimately used/reused or reclaimed. Therefore, the hazardous waste pharmaceuticals as alleged in Paragraph 3.61 constituted non-creditable hazardous waste pharmaceuticals as defined in 40 C.F.R. § 266.500.

3.63 On at least October 10, 2019, at least four of the 53 containers of non-creditable hazardous waste pharmaceuticals generated and accumulated as alleged in Paragraph 3.61 were not closed, in violation of 40 C.F.R. § 266.502(d)(3).

3.64 None of the 53 containers of non-creditable hazardous waste pharmaceuticals generated and accumulated as alleged in Paragraph 3.61 were marked or labelled with the words "hazardous waste pharmaceuticals," in violation of 40 C.F.R. § 266.502(e).

3.65 At no time relevant to this Consent Agreement has Respondent ensured that all ARH personnel that manage non-creditable hazardous waste pharmaceuticals are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies, in violation of 40 C.F.R. § 266.502(b).

Violations 61 through 113: Failure to Manage Universal Waste in Compliance with 40 C.F.R. Part 273

3.66 At all times relevant to this Consent Agreement, Respondent has been a small quantity handler of universal waste as that phrase is defined at 40 C.F.R. § 273.9 and, therefore, subject to the Standards for Small Quantity Handlers of Universal Waste at 40 C.F.R. Part 273, Subpart B.

3.67 Prior to October 10, 2019, Respondent generated the following solid wastes in the San-i-Pak room within ARH:

3.67.1. Two containers of waste batteries;

3.67.2. 37 Lithium-ion batteries; and

3.67.3. 10 Lead-Acid batteries.

3.68 All of the solid waste batteries generated by Respondent as alleged in Paragraph 3.67 meet the definition of battery in 40 C.F.R. § 273.9 and constituted Universal Waste pursuant to 40 C.F.R. §§ 273.2 & 273.9.

3.69 Respondent generated the universal waste batteries as alleged in Paragraph 3.67.1 on or before April 25, 2018, and, therefore, accumulated these universal waste batteries for longer than one year in violation of 40 C.F.R. § 273.15(a).

3.70 Respondent failed to mark the universal waste batteries generated and accumulated as alleged in Paragraphs 3.67.2 and 3.67.3 with the any of the phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)" in violation of 40 C.F.R. § 273.14(a).

3.71 Respondent failed to demonstrate the length of time the universal waste batteries generated and accumulated as alleged in Paragraphs 3.67.2 and 3.67.3 were accumulated in violation of 40 C.F.R. § 273.15(c).

3.72 Prior to October 10, 2019, Respondent generated and accumulated two containers of solid waste fluorescent lamps in the Hazardous Waste Central Accumulation Area at ARH. The solid waste fluorescent lamps met the definition of lamps in 40 C.F.R. § 273.9 and constituted Universal Waste pursuant to 40 C.F.R. §§ 273.5 & 273.9.

3.73 On at least October 10, 2019, neither container of the Universal Waste lamps generated and accumulated as alleged in Paragraph 3.72 were marked or labeled with the phrases "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)," in violation of 40 C.F.R. § 273.14(e).

3.74 On at least October 10, 2019, neither container of the Universal Waste lamps generated and accumulated as alleged in Paragraph 3.72 were closed, in violation of 40 C.F.R. § 273.13(d)(1).

Violation 114: Failure to Submit Biennial Report

3.75 For at least one month of calendar year 2019, Respondent was a large quantity generator and shipped hazardous waste off-site to a treatment, storage, or disposal facility within the United States.

3.76 In accordance with 40 C.F.R. § 262.41(a), Respondent was required to submit EPA Form 8700-13A/B to the EPA Regional Administrator by March 1, 2020.

3.77 Respondent failed to submit EPA Form 8700-13A/B to the EPA Regional Administrator by March 1, 2020, in violation of 40 C.F.R. § 262.41(a).

Violations 115: Failure to Notify EPA That Facility Operating under 40 C.F.R. Part 266, Subpart P

3.78 As alleged at Paragraph 3.60, at all times relevant to this Consent Agreement, Respondent has been subject to the requirements of 40 C.F.R. § 266.502.

3.79 In accordance with 40 C.F.R. § 266.502(a), Respondent was required to notify the EPA Regional Administrator by March 1, 2020, using the Site Identification Form (EPA Form 8700-12), that it is a healthcare facility operating under 40 C.F.R. Part 266, Subpart P.

3.80 Respondent failed to notify the EPA Regional Administrator by March 1, 2020, using the Site Identification Form (EPA Form 8700-12), that it is a healthcare facility operating under 40 C.F.R. Part 266, Subpart P, in violation of 40 C.F.R. § 266.502(a).

D. Enforcement Authority

3.81 Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than $101,439 per day of noncompliance for each violation of a requirement of Subtitle C of RCRA that occurred after November 2, 2015, issue an order requiring compliance, or both.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering

these factors, EPA determined and Respondent agrees that an appropriate penalty to settle this action is $32,429 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order, and to undertake the actions specified in this Consent Agreement.

4.5. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: http://www2.epa.gov/financial/makepayment. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

If the check is sent with standard delivery, send the check to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If the check is sent with signed receipt confirmation requested, send the check to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Respondent must note on the check the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk U.S. Environmental Protection Agency R10_RHC@epa.gov	Jennifer Parker U.S. Environmental Protection Agency parker.jennifer@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty by this Consent Agreement and the Final Order in full by its due date, Respondent shall also be responsible for payment of the following amounts:

4.8.1. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the Assessed Penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order attached hereto, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order attached hereto.

4.8.2. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of $15 shall be paid if any portion of the Assessed Penalty is more than 30 days past due.

4.8.3. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the Assessed Penalty that is

more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. Under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), failure to take corrective action within the time specified in this Consent Agreement may subject Respondent to additional civil penalties for each day of continued noncompliance.

4.10. Based on the findings contained in this Consent Agreement, Respondent is also ordered to comply with the following requirements pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

4.10.1. Within 90 days of the effective date of this Consent Agreement, Respondent shall submit to EPA a copy of Respondent's contingency plan for ARH developed in accordance with 40 C.F.R. §§ 262.260-262.261.

4.10.2. Within 180 days of the effective date of this Consent Agreement, Respondent shall conduct training in accordance with 40 C.F.R. 262.16(b)(9)(iii) or 40 C.F.R. § 262.17(a)(7) and submit to EPA a report that contains the following information regarding the training: (a) the names and job titles of the individuals trained; (b) a summary of the training content; (c) the name of the individual(s) and affiliated association(s) that conducted the training; and (d) the date(s) the training was conducted.

4.11. Respondent shall provide compliance documentation required to the following address:

Jennifer Parker
U.S. Environmental Protection Agency, Region 10
Parker.jennifer@epa.gov

4.12. The Assessed Penalty, including any additional costs incurred under Paragraphs 4.8 and 4.9, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.13. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.14. Except as described in Paragraphs 4.8 and 4.9, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.15. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.16. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Agreement and the Final Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

4.17. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.18. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

4.19. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED: 12/11/2020

FOR RESPONDENT:

Jennifer Opsut, COO

JENNIFER OPSUT, Chief Operations Officer
Galen Hospital Alaska, Inc. d/b/a Alaska Regional Hospital

DATED:

FOR COMPLAINANT:

LAURIS DAVIES Digitally signed by LAURIS DAVIES Date: 2020.12.16 13:03:21 -08'00'

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2021-0013
	)	
GALEN HOSPITAL ALASKA, INC. D/B/A ALASKA REGIONAL HOSPITAL,	)	**FINAL ORDER**
Anchorage, Alaska,	)	
Respondent.	)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under RCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of RCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this _____ day of _____, 2020.

RICHARD MEDNICK

Digitally signed by RICHARD MEDNICK
Date: 2020.12.17 11:20:20 -08'00'

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of:** GALEN HOSPITAL ALASKA, INC. D/B/A ALASKA REGIONAL HOSPITAL, **Docket No.: RCRA-10-2021-0013**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered via electronic mail to:

Brett S. Dugan
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
Dugan.brett@epa.gov

Jennifer Opsut
Chief Operations Officer
Alaska Regional Hospital
Jennifer.Opsut@hcahealthcare.com

DATED this _____ day of _____, 2020.

Young, Teresa L.
Digitally signed by Young, Teresa L.
Date: 2020.12.17 12:44:05 -08'00'

TERESA YOUNG
Regional Hearing Clerk
EPA Region 10