

1. The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).
2. EPA has provided the Massachusetts Department of Environmental Protection with notice of the referenced alleged violations of Subtitle C of RCRA, as required by Section 3008(a)(2).
3. Tufts Medical Center (“Respondent”) is the owner and/or operator of a facility located at 750 Washington Street, Boston, MA 02111 (“Facility”). EPA conducted a compliance evaluation inspection at the Facility on July 30-31 and August 1, 2024 (the “Inspection”). Based on the EPA Inspection and information provided to EPA by Tufts Medical Center after the Inspection, EPA alleges that Respondent violated the following requirements of RCRA and the EPA-approved and authorized Massachusetts hazardous waste management program set forth at Massachusetts General Laws, Chapter 21C, Sections 4 and 6:
 - a. Under 310 CMR 30.302, generators of hazardous waste must conduct timely and appropriate hazardous waste determinations upon generating a waste. Based on the observations of EPA representatives during the Inspection, Respondent had not made hazardous waste determinations for certain expired hazardous lab chemicals located throughout the Molecular Cardiology Research Institute laboratories. Based on information Respondent provided to EPA after the Inspection, EPA concluded that Respondent determined that these lab chemicals were expired or unusable, and Respondent disposed of the chemicals as hazardous wastes, including ignitable, corrosive, reactive, toxic, and P and U listed hazardous wastes, after the Inspection.

Accordingly, Respondent failed to make timely and appropriate hazardous waste determinations for these waste lab chemicals in accordance with 310 CMR 30.302.

- b. Under 310 CMR 30.1034(5)(a), small quantity handlers of universal waste mercury-containing lamps shall contain mercury-containing lamps in a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Based on the observations of EPA representatives during the Inspection, fifteen mercury-containing fluorescent lamps were stored on top of a cabinet in the Microbiology Lab without being placed into a container or package that was structurally sound and adequate to prevent breakage. By failing to comply with this requirement, Respondent failed to comply with the storage conditions for universal waste handlers in 310 CMR 30.1034(5)(a).
 - c. Under 310 CMR 30.341(1)(d), large quantity generators of hazardous waste must amend their contingency plan whenever, among other circumstances, the list of emergency coordinators changes. Under 310 CMR 30.341(1)(c), large quantity generators of hazardous waste must submit all revisions of the contingency plan to local emergency response authorities. Based on information obtained by EPA representatives during and after the Inspection, Respondent has not provided any revisions of its contingency plan to local emergency responders since at least 2021, and between 2021 and the date of the Inspection, Respondent updated its contingency plan on multiple occasions, with the most recent update occurring in June 2024. By failing to comply with 310 CMR 30.341(1)(c), Respondent failed to comply with the storage conditions for generators in 310 CMR 30.340(4) and was required to have a hazardous waste treatment, storage or disposal license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CFR 30.801. Because Respondent did not have a hazardous waste treatment, storage or disposal license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CFR 30.801.
4. This Agreement resolves Respondent's liability for federal civil penalties for the violations alleged in paragraph 3, above. This Agreement, upon approval and incorporation in the Final Order, concludes this action under Sections 22.13(b) and 22.18(b)(2) and (3) of EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice.")
5. EPA and Respondent agree that settlement of this matter for a civil penalty of \$10,000 is reasonable and in the public interest and is based on EPA's consideration of the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as applied to the particular facts and circumstances of this case with specific reference to EPA's 2024 *RCRA Expedited Settlement Agreement Program*.

6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations, including the Massachusetts hazardous waste management regulations authorized by EPA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; and (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b).
7. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Agreement.
8. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the violations alleged in paragraph 3, above, have been corrected, and (2) Respondent has submitted true and accurate documentation of such correction.
9. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and to execute and legally bind Respondent to it.
10. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
11. Each party shall bear its own costs and fees, if any, in entering into this Agreement.
12. Within thirty (30) calendar days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk, Respondent shall pay the civil penalty of **\$10,000** using any method, or a combination of appropriate methods, provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement.
13. Within 24 hours of payment, Respondent shall email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

Wanda I. Santiago, Regional Hearing Clerk
U.S. EPA, Region 1
r1_hearing_clerk_filings@epa.gov

Ryan Maisano, Physical Scientist
EPA, Region 1
maisano.ryan@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

14. The payment made by Respondent pursuant to this Agreement is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. 162(f), and therefore, Respondent shall not claim the payment as a tax-deductible expenditure for purposes of federal, state, or local law.
15. EPA and Respondent, by entering into this Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed Expedited Settlement Agreement and Final Order through its authorized representative, by electronic mail at the electronic mail address provided under Respondent's signature below. Respondent understands that this electronic mail address may be made public when the Expedited Settlement Agreement and Final Order are filed and uploaded to a searchable database. EPA has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order.
16. This Expedited Settlement Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Expedited Settlement Agreement and Final Order shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. § 22.31(b), the Final Order shall become effective upon filing with the Regional Hearing Clerk.

APPROVED BY TUFTS MEDICAL CENTER:

Signature & Date: 

Name and Title (print): Phil Okala, Interim President, TMC, System Chief Operating Officer

Provide e-mail address for service of fully executed Agreement on the line below:

Phil.Okala@tuftsmedicine.org

APPROVED BY EPA:

Signature & Date: _____

Delegated Official: James Chow, Director
Enforcement and Compliance Assurance Division
EPA, Region 1

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b) and (c) of the EPA's Consolidated Rules of Practice found at 40 C.F.R. Part 22, the Expedited Settlement Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. The Respondent, Tufts Medical Center, is ORDERED to comply with all terms of the Expedited Settlement Agreement, which shall become effective on the date it is filed with the EPA Region 1 Regional Hearing Clerk.

IT IS SO ORDERED:

Signature & Date:

LeAnn Jensen
Regional Judicial Officer
EPA, Region 1