

FILED

Sep 10, 2024

10:41 am

U.S. EPA REGION 3
HEARING CLERK

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:)	DOCKET NO.: RCRA-03-2024-0118
)	
University of Maryland Baltimore)	
Washington Medical Center)	EXPEDITED SETTLEMENT AGREEMENT AND
301 Hospital Drive)	FINAL ORDER
Glen Burnie, Maryland 21061,)	
)	
Respondent,)	Proceeding under Section
)	3008(a) and (g) of the Resource
)	Conservation and Recovery Act, as
)	amended, 42 U.S.C. § 6928(a) and (g)
University of Maryland Baltimore)	
Washington Medical Center)	
301 Hospital Drive)	
Glen Burnie, Maryland 21061,)	
)	
Facility.)	
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

- University of Maryland Baltimore Washington Medical Center (“Respondent”), and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C § 6928(a) and (g), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
- The U.S. Environmental Protection Agency, Region 3 (“EPA”) has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
- Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the State of Maryland to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized Maryland hazardous waste management program regulations (“MdHWMR”), which were codified at the Code of Maryland Regulations (“COMAR”), Title 10, Subtitle 51 et seq., have thereby become

- requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
4. On June 24, 2024, EPA sent a letter to the State of Maryland, through the Maryland Department of the Environment (“MDE”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
 5. At its facility, located at 301 Hospital Drive, Glen Burnie, Maryland (“Facility”), Respondent is a hospital engaged in providing general medical services and laboratories. On February 13, 2020, Respondent submitted a notification to MDE that the Facility was a large quantity generator (“LQG”) of hazardous waste at the Facility, and MDE assigned RCRA ID No. MDD061377644 to the Facility.
 6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B(61), and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 5, as the terms “facility,” “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in COMAR 26.13.01.03B(23), (58), and (59) respectively.
 7. At all times relevant to the allegations described in this Agreement, Respondent generated and stored Xylene (D001), Ethanol (D001, F003), and Silver Nitrate (D001, D011), which are “hazardous waste(s)” at the Facility, as the terms “stored” and “hazardous waste” are defined in 40 C.F.R. § 260.10, as incorporated by reference in COMAR 26.13.01.03B (76), and (31) respectively.
 8. On February 6, 2024, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.
 9. Based on the observations during the Inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally authorized Maryland hazardous waste management regulations set forth in the COMAR Title 26, Subtitle 13 et seq.
 10. Complainant has identified the following violations at the Facility:
 - a. On February 6, 2024, Respondent operated the Facility without a permit, in violation of COMAR 26.13.07.01A. The following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions set forth at COMAR 26.13.03.05E:
 - (1) On February 6, 2024, the EPA inspector observed containers marked with

their contents as follows, the Gross Room (Formalin, 5gal), Pour Room (cardboard box "Methanol Waste", 2.5gal), Hematology Room EL07 (Plastic container within a cardboard box "Methanol Waste", 2.5gal) & Main Pharmacy Area (silver nitrate sticks, 5gal). Each of these containers were considered satellite accumulation areas by the Facility. The containers were not marked with the words "Hazardous Waste". Respondent failed to mark satellite accumulation containers with the words "Hazardous Waste", as required by COMAR 26.13.03.05E(3)(b).

- (2) On February 6, 2024, the EPA inspector observed in the maintenance Annex used lamps that were not marked or labeled with the words "Hazardous Waste". Respondent failed to mark containers with the words "Hazardous Waste", as required by COMAR 26.13.03.05E(1)(f)(ii).
- (3) On February 6, 2024, the EPA inspector observed open containers in the following areas. The Pour Room hazardous waste accumulation area had an open funnel on top of a container marked "Hazardous Waste" and "Xylene, Hematoxylin". In the Pharmacy IV Prep room, an 18-gallon container labeled as hazardous waste was open. Room EL017 is a hazardous waste storage area that had an 18-gallon container, which had a split in its lid, labeled "Hazardous Waste" and containing intravenous (IV) bags and tubing. Respondent failed to keep closed containers of hazardous waste when not adding or removing waste, as required by COMAR 26.13.05.09D.
- (4) On February 6, 2024, the Facility stated that inspections of the hazardous waste accumulation areas in the Rooms NL-46 and EL-017, as described by the Facility, are not inspected weekly. Respondent failed to inspect areas weekly where hazardous waste containers are stored, as required by COMAR 26.13.05.09E.
- (5) On February 6, 2024, the Facility stated inspections of the hazardous waste accumulation areas that are performed weekly are not documented. Respondent failed to document weekly inspections of areas where containers are stored, as required by COMAR 26.13.03.05E (1)(k).
- (6) On February 6, 2024, the inspector reviewed the Facility's contingency plan and did not observe a list of the emergency coordinators and a list of the emergency equipment along with the location of the equipment, as required by COMAR 26.13.03.05E(1)(g).
- (7) On February 6, 2024, the Facility stated training for employees occurs every three years. Respondent failed to ensure employees take part in an annual review of initial training as required by COMAR 26.13.03.05E(1)(g).

- (8) On February 6, 2024, the job descriptions reviewed the by the inspector did not specify the duties of the employee as it relates to hazardous waste management. Respondent failed specify the duties of the employee as it relates to hazardous waste as required by COMAR 26.13.03.05E(1)(g).
- b. On February 6, 2024, the facility stated waste aerosol cans are discarded in regular trash. Respondent failed to make a hazardous waste determination as required by COMAR 26.13.03.02.A.(1)(a).
- c. On February 6, 2024, the EPA inspector observed open containers in the following areas. The Pour Room hazardous waste accumulation area had an open funnel on top of a container marked "Hazardous Waste" and "Xylene, Hematoxylin". In the Pharmacy IV Prep room, an 18-gallon container labeled as hazardous waste was open. Room EL017 is a hazardous waste storage area that had an 18-gallon container, which had a split in its lid, labeled "Hazardous Waste" and containing intravenous (IV) bags and tubing. Respondent failed to keep closed containers of hazardous waste when not adding or removing waste, as required by COMAR 26.13.05.09D.
- d. On February 6, 2024, the Facility stated inspections of the hazardous waste accumulation areas in the Rooms NL-46 and EL-017, as described by the Facility, are not inspected weekly. Respondent failed to inspect areas weekly where hazardous waste containers are stored, as required by COMAR 26.13.05.09E.
- e. On February 6, 2024, the Facility stated inspections of the hazardous waste accumulation areas that are performed weekly are not documented. Respondent failed to maintain an inspection log or summary to document weekly inspections of areas where hazardous waste containers are stored, as required by COMAR 26.13.03.05E (1)(k).
- f. On February 6, 2024, the inspector reviewed the Facility's uniform hazardous waste manifests and observed manifest #017744967FLE maintained by the Facility was not signed by the designated facility. Respondent failed to retain a copy of the manifest signed by the designated facility as required by COMAR 26.13.03.06A.(1).
- g. On February 6, 2024, the inspector reviewed the Facility's contingency plan and did not observe a list of the emergency coordinators and a list of the emergency equipment along with the location of the equipment, as required by COMAR 26.13.05.04C.
- h. On February 6, 2024, the Facility stated training for employees occurs every three years. Respondent failed to ensure employees take part in an annual review of initial training as required by COMAR 26.13.05.02G.(3).

- i. On February 6, 2024, the job descriptions reviewed by the inspector did not specify the duties of the employee as it relates to hazardous waste management. Respondent failed specify the duties of the employee as it relates to hazardous waste as required by COMAR 26.13.05.02G.(4)(b).
 - j. On February 6, 2024, the EPA inspector observed containers with universal waste batteries not properly marked with the phrases “Universal Waste-Battery(ies),” “Waste Battery(ies),” or “Used Battery(ies). Respondent failed to label the universal waste batteries with the proper phrases as required by COMAR 26.1310.17A.(2)(a).
 - k. On February 6, 2024, the EPA inspector observed universal waste batteries not marked with an accumulation start date. The Facility did not have a method in place to document the accumulation time of the universal waste batteries. Respondent failed to demonstrate the length of time that the universal waste has been accumulating as required by COMAR 26.1310.17B.(3)(a).
11. Complainant and Respondent agree that settlement of this matter for a total penalty of **THIRTEEN THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$13,750.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 (“RCRA Penalty Policy”), and the 2021 RCRA Expedited Settlement Agreement Pilot.
 12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **THIRTEEN THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$13,750.00)** to “United States Treasury” with the case name, address, and docket number of this Agreement (RCRA-03-024-0118), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as 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>.
 13. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Stephen Forostiak, Compliance Officer (3ED22)
U.S. EPA, Region 3
Forostiak.stephen@epa.gov

and

Regional Hearing Clerk (3RC00)
U.S. EPA, Region 3

R3_Hearing_Clerk@epa.gov

14. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
15. 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 alleged violations have been corrected, and (2) any documentation or information provided to EPA was true and accurate.
16. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
17. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
18. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
19. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
20. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind the University of Maryland Baltimore Washington Medical Center.
21. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail

In the matter of: University of Maryland Baltimore Washington Medical Center

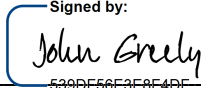
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addresses: forostiak.stephen@epa.gov (for Complainant), and john.greely@umm.edu (for Respondent).

22. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: University of Maryland Baltimore Washington Medical Center

Date: 08/23/2024

By:  Signed by:
539DF56E3E8F4DF...
John Greely
Senior Vice President & Chief Operating Officer
UM Baltimore Washington Medical Center

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

[Digital Signature and Date]

Karen Melvin, Director

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region 3

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HEARING CLERK

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:

University of Maryland Baltimore
Washington Medical Center
301 Hospital Drive
Glen Burnie, Maryland 21061,

Respondent,

University of Maryland Baltimore
Washington Medical Center
301 Hospital Drive
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DOCKET NO.: RCRA-03-2024-0118

EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER

Proceeding under Section
3008(a) and (g) of the Resource
Conservation and Recovery Act, as
amended, 42 U.S.C. § 6928(a) and (g)

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, University of Maryland Baltimore Washington Medical Center, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), and the 2021 RCRA Expedited Settlement Agreement Pilot.

NOW, THEREFORE, PURSUANT TO 3008(g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **THIRTEEN THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$13,750.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and

In Re: University of Maryland Baltimore Washington Medical Center

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conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

[Digital Signature and Date]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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Washington Medical Center)	
301 Hospital Drive)	
Glen Burnie, Maryland 21061,)	
)	
Facility.)	

CERTIFICATE OF SERVICE

I certify that the foregoing *Expedited Settlement Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Expedited Settlement Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Kristin H. Feliciano, Senior Vice President, Strategy & Program Development
University of Maryland Baltimore Washington Medical Center
kristin.feliciano@umm.edu
300 Hospital Drive, Suite 231
Glen Burnie, MD 21061

Stephen Forostiak
Enforcement Officer
U.S. EPA, Region 3
Forostiak.stephen@epa.gov

In Re: University of Maryland Baltimore Washington Medical Center

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[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3