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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: Fort Walton Beach Medical Center, Inc. 1000 Mar Walt Drive Fort Walton Beach, Florida 32547, EPA ID No.: FL0000338145 Respondent.	Docket No. RCRA-04-2020-2111(b) Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is an administrative penalty assessment proceeding brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a) (RCRA or the Act) and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.

2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.

3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Chief of the Chemical Safety and Land Enforcement Branch, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.

5. Respondent is Fort Walton Beach Medical Center, Inc., a corporation doing business in the State of Florida. This proceeding pertains to Respondent's facility located at 1000 Mar Walt Drive, Fort Walton Beach, Florida 32547 (Facility).

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Florida (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at Fla. Stat. § 403.702 *et seq* and Fla. Admin. Code Ann. r. 62-730 *et seq*.

7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. The State has received final authorization for certain portions of HSWA, including those recited herein.

8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.

9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CAFO.

11. Section 403.721 of the Florida Statutes, Fla. Stat. § 403.721 [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at Fla. Admin. Code Ann. r. 62-730.160 [40 C.F.R. Part 262].

12. Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Fla. Admin. Code Ann. r. 62-730.180(1) (permitted) and Fla. Admin. Code Ann. r. 62-730.180(2) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].

13. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.

14. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)].

15. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.

16. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.

17. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for chromium is identified with the EPA Hazardous Waste Number D007.

18. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for mercury is identified with the EPA Hazardous Waste Number D009.

19. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for selenium is identified with the EPA Hazardous Waste Number D010.

20. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for silver is identified with the EPA Hazardous Waste Number D011.

21. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for benzene is identified with the EPA Hazardous Waste Number D018.

22. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for chloroform is identified with the EPA Hazardous Waste Number D022.

23. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that

exhibits the characteristic of toxicity for m-Cresol is identified with the EPA Hazardous Waste Number D024.

24. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed "hazardous waste" if it is listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261, Subpart D].

25. Listed hazardous wastes include the F-Listed wastes from nonspecific sources identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31].

26. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31], a solid waste that is spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures is identified with the EPA Hazardous Waste Number F003.

27. Listed hazardous wastes include the P-Listed wastes identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.33].

28. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.33], a solid waste that is from discarded commercial chemical products and has the primary hazardous properties of warfarin and salts are identified with the EPA Hazardous Waste Number P001.

29. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.33], a solid waste that is from discarded commercial chemical products and has the primary hazardous properties of arsenic trioxide is identified with the EPA Hazardous Waste Number P012.

30. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.33], a solid waste that is from discarded commercial chemical products and has the primary hazardous properties of nicotine and salts are identified with the EPA Hazardous Waste Number P075.

31. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.33], a solid waste that is from discarded commercial chemical products and has the primary hazardous properties of physostigmine salicylate is identified with the EPA Hazardous Waste Number P188.

32. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a "generator" is defined as any person, by site, whose act or process produces hazardous waste identified or listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.

33. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a "facility" includes "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

34. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a "person" includes a corporation.

35. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], an "owner" is "the person who owns a facility or part of a facility" and an "operator" is "the person responsible for the overall operation of a facility."

36. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a "container" is defined "as any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled."

37. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], "storage" means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

38. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.10], a "large quantity generator" (LQG) is a generator who generates greater than or equal to 1,000 kilograms (2,200 lbs) of non-acute hazardous waste or 1 kilogram (2.2 lbs) of acute hazardous waste in a calendar month.

39. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11].

40. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17], a LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

41. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

42. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

43. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(3), which is a condition of the LQG Permit Exemption, a generator is required to keep the written documentation of inspections for at least three years from the date of the inspection. At a minimum, such documentation shall include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

44. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(vi)(A)], which is a condition of the LQG Permit Exemption, a generator is required to keep containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line unless a written approval is obtained from the authority having jurisdiction over the local fire code allowing hazardous waste accumulation to occur within this restricted area.

45. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a LQG must mark or label its containers with the following: the words "Hazardous Waste;" an indication of the hazards of the contents; and the date upon which each period of accumulation began on each container.

46. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(i)(A)], which is a condition of the LQG Permit Exemption, 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. The LQG must ensure that this program includes all the elements described in the document required under paragraph Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(iv)].

47. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(v)], which is a condition of the LQG Permit Exemption, training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility.

48. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.40(a)], which is a condition of the LQG Permit Exemption, a generator must keep a copy of each manifest signed in accordance with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.23(a)] for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

49. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) and (2) [40 C.F.R. § 262.41(a)], which is a condition of the LQG Permit Exemption, a generator who is a LQG 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 (Biennial Report) to the Florida Department of Environmental Protection (FDEP) by April 1 of the following even-numbered year and must cover generator activities during the previous year.

50. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.42(a)(2)], which is a condition of the LQG Permit Exemption, a generator must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

51. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.255], and is a condition of the LQG Permit Exemption, a generator is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

52. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.256(a-b)], and is a condition of the LQG Permit Exemption, a generator must: (a) attempt to make arrangements with the local authorities identified as appropriate for the type of waste handled at the Facility

and the potential need for the services of these authorities, and (b) maintain records documenting the arrangements made.

53. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.260(a)], and is a condition of the LQG Permit Exemption, a LQG must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

54. Pursuant to Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. §273.9], a "small quantity handler of universal waste" (SQHUW) is 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.

55. Pursuant Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.13(d)], a SQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment. A SQHUW 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.

56. Pursuant to Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.14(a)], a SQHUW must label or mark each Universal Waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

57. Pursuant to Fla. Admin. Code Ann. r. 62-730.185(1) and Fla. Admin. Code Ann. r. 62-737.400(7) [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler and 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.

IV. FINDINGS OF FACTS

58. Respondent's facility is located at 1000 Mar Walt Drive, Fort Walton Beach, Florida 32547. The Respondent is part of the Healthcare Corporation of America network of healthcare facilities.

59. The Respondent generally delivers acute health care services to communities throughout the Tri-Counties area (Holmes, Walton, and Washington counties) in Florida. The facility is a fully operational hospital with pharmacies, laboratories, maintenance shop, heart surgery center, stroke center, chest pain center and a cancer treatment center.

60. Respondent generates 1,000 kilograms or more of hazardous waste in a calendar month and therefore is an LQG of hazardous waste. At all times relevant to this CAFO, the Respondent was a LQG of hazardous waste.

61. Respondent accumulates less than 5,000 kilograms of universal waste and therefore is an SQHUW.

62. The Respondent submitted a RCRA Subtitle C Site Identification Form (EPA Form 8700-12) that was received by the Florida Department of Environmental Protection (FDEP) on May 30, 2018. The Respondent notified as a LQG of hazardous waste.

63. The Respondent does not have interim status, nor does it have a RCRA permit.

64. On June 11, 2019, the EPA and the FDEP conducted a RCRA compliance evaluation inspection (CEI) at Respondent's facility. The EPA's findings from the CEI were documented in a report mailed to Respondent, dated October 21, 2019.

65. At the time of the CEI, the EPA inspector observed that the Respondent failed to make a waste determination on the following: a 5-gallon container of spent AmeriClear in the Medical Clinic Lab; bottles of waste methylene blue and methanol liquid in the Medical Clinic Lab; a red 7-gallon container marked "Reusable Sharps Container – Regulated Medical Waste UN3291" containing pharmaceutical waste such as pills, tablets, empty syringes with needles attached, and medicine bottles/vials (sodium bicarbonate, Piperacillin-Tazobactam, Carimune, Naproxen, Betaseron) in the Pharmacy.

66. At the time of the CEI, the EPA inspector observed that the Respondent failed to close two black 60-gallon containers of D001, D007, D009, D010, D011, D018, D022, D024, P001, P012, P075 and P188 hazardous waste in the Central Waste Storage area.

67. At the time of the CEI, the Respondent stated to the EPA inspector that the Respondent did not conduct weekly inspections at the Building 928 90-day storage area.

68. At the time of the CEI, the EPA inspector observed that the Respondent failed to keep weekly inspection records for the Central Waste Storage Area.

69. At the time of the CEI, the EPA inspector observed that the Respondent's Building 928 90-day storage, a Securall Hazmat Storage Building containing D001, F003 and F005 waste drums, was not located at least 50 feet from the Facility's property line.

70. At the time of the CEI, the EPA inspector observed that the Respondent failed to mark or label the following container with the words "Hazardous Waste": one black 60-gallon container of D001, D007, D009, D010, D011, D018, D022, D024, P001, P012, P075 and P188 waste in the Central Waste Storage area.

71. At the time of the CEI, the EPA inspector observed that the Respondent failed to mark the following containers with an indication of the hazards of the contents: two black 60-gallon containers of D001, D007, D009, D010, D011, D018, D022, D024, P001, P012, P075 and P188 hazardous waste in the Central Waste Storage area; two 55-gallon, one 5-gallon, and seven 1-gallon plastic containers of D001 and F003 hazardous waste in the Building 928 90-day storage area.

72. At the time of the CEI, the EPA inspector observed that the Respondent failed to mark or label the date upon which each period of accumulation began on the following containers: one black 60-gallon container of D001, D007, D009, D010, D011, D018, D022, D024, P001, P012, P075 and P188 hazardous waste in the Central Waste Storage area; and two 55-gallon, one 5-gallon, and seven 1-gallon plastic containers of D001, F003, and F005 hazardous waste in the Building 928 90-day storage area.

73. At the time of the CEI, the EPA inspector observed that the Respondent failed to keep a written training plan that includes (but is not limited to) the following: a written description of the job title and position description for each position requiring training; a written description of the type and amount of training each position will obtain; and documentation of training completed.

74. At the time of the CEI, the Respondent stated that the Facility did not provide RCRA training for all of those employees that manage hazardous waste.

75. At the time of the CEI, the EPA inspector observed that the Respondent did not have RCRA training records for those employees that manage hazardous waste.

76. At the time of the CEI, the EPA inspector observed that the Respondent could not provide a signed copy of all hazardous waste manifests from the designated facility which received the waste.

77. At the time of the CEI, the EPA inspector determined that the Respondent had failed to submit a biennial report for the year 2015 and the year 2017.

78. At the time of the CEI, the EPA inspector determined that the Respondent did not file exception reports to the EPA Regional Administrator for missing copies of manifests with the handwritten signature of the owner or operator of the designated facility within forty-five (45) days of the date the waste was accepted by the initial transporter.

79. At the time of the CEI, the EPA inspector observed that the Respondent failed to have adequate aisle space to inspect the hazardous waste containers in the Central Waste Storage Area and the Building 928 90-day storage area.

80. At the time of the CEI, the EPA inspector determined that the Respondent failed to make arrangements with the local emergency planning committee (police department, fire department, other emergency response teams and emergency response contractors).

81. At the time of the CEI, the EPA inspector determined that the Respondent did not have a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

82. At the time of the CEI, the EPA inspector observed that the Respondent failed to close universal waste lamp containers and manage universal waste lamps in a way that prevents releases of any universal waste or component of universal waste to the environment for the following containers: one 4-ft long carboard tube box and one 2-ft long cardboard tube box of waste fluorescent lamps in the Facility Storage Warehouse area.

83. At the time of the CEI, the EPA inspector observed the Respondent failed to label or mark one 55-gallon container of spent lead acid batteries in the Facility Storage Warehouse area with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

84. At the time of the CEI, the EPA inspectors determined that the Respondent was not able to demonstrate the length of time that the following universal waste had been accumulated on-site

from the date it became a waste: one 55-gallon container of spent lead acid batteries in the Facility Warehouse Storage area.

V. ALLEGED VIOLATIONS

85. Respondent is a "person" within the meaning of Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].

86. Respondent is the "owner/operator" of a "facility," located at 1000 Mar Walt Drive, Fort Walton Beach, Florida, as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], at all times relevant to this CAFO.

87. Respondent generates wastes that are "solid wastes" as defined in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2].

88. Respondent is a "generator" of "hazardous waste" as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10] and Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3].

89. Respondent is a "small quantity handler of universal waste" as defined in Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.9].

90. Respondent failed to conduct a hazardous waste determination on a 5-gallon container of spent AmeriClear, bottles of waste methylene blue and methanol liquid and a red 7-gallon container of "Reusable Sharps Container – Regulated Medical Waste UN3291" of pharmaceutical waste. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid waste generated at its Facility.

91. Respondent failed to keep two containers of hazardous waste located in the Central Waste Storage area closed. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to keep its containers of hazardous waste closed in accordance with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption.

92. Respondent failed to perform weekly inspections of Building 928 90-day hazardous waste storage areas. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the container inspection requirement in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption.

93. Respondent's Securall Hazmat Storage Building was located within 15 meters (50 feet) from the Facility's property line. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with holding ignitable or reactive waste containers at least 15 meters (50 feet) away from the facility's property line in accordance with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(vi)(A)], which is a condition of the LQG Permit Exemption.

94. Respondent failed to mark containers storing hazardous waste with the words "Hazardous Waste," an indication of the hazards of the contents and mark or label the date upon which each period of accumulation began on each container in the Central Waste Storage and the Building 928 90-day storage areas. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption.

95. Respondent stated that the Facility did not provide RCRA training for all of those employees that manage hazardous waste and could not provide appropriate training plans and records. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the RCRA personnel training requirement and recordkeeping requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(i)(A) and § 262.17(a)(7)(v)], which are conditions of the LQG Permit Exemption.

96. Respondent failed to keep copies of signed hazardous waste manifests for at least three years from the date the waste was accepted by the initial transporter or until the facility receives a signed copy from the designated facility which received the waste. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to keep signed copies of hazardous waste manifests as required in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.40(a)], which is a condition of the LQG Permit Exemption.

97. Respondent failed to submit a 2015 and 2017 Biennial Report to the FDEP. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to submit its Biennial Reports in accordance with Fla. Admin. Code Ann. r. 62-730.160(1) and (2) [40 C.F.R. § 262.41(a)], which is a condition of the LQG Permit Exemption.

98. Respondent failed to file exception reports for missing copies of signed manifests from the designated facility. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to submit exception reports in accordance with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.42(a)(2)], which is a condition of the LQG Permit Exemption.

99. Respondent did not maintain aisle space to allow the unobstructed movement of personnel and equipment in the 90-day storage areas. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], by not complying with the aisle space requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.255].

100. Respondent failed to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, and equipment suppliers, taking into account the types and quantities of hazardous wastes handled at the facility. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet conditions of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], by not complying with the local authority arrangement requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.256(a)].

101. Respondent failed to have a contingency plan. The EPA therefore alleges that Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], by not having a contingency plan for the Facility as required by Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.260(a)].

102. Respondent failed to close universal waste lamp containers in the Facility Storage Warehouse area in a way that could prevent release of universal waste and component of universal waste to the environment. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R § 273.13(d)], by failing to keep universal waste lamp containers closed.

103. Respondent failed to mark a container of universal waste batteries with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)" in the Facility Warehouse Storage area. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.14(a)], by not labeling or marking each batteries or container of batteries clearly with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

104. Respondent failed to demonstrate the length of time that the universal waste batteries accumulated in a container located in the Facility Warehouse Storage area. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.185(1) and Fla. Admin. Code Ann. r. 62-737.400(7) [40 C.F.R. § 273.15(a) and (c)], by failing to demonstrate the length of time that the Facility's universal waste had been accumulated from the date that the universal waste became a waste or was received.

VI. STIPULATIONS

105. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

106. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;

b. neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;

c. consents to the assessment of a civil penalty as stated below;

d. consents to the conditions specified in this CAFO;

e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and

f. waives its rights to appeal the Final Order accompanying this CAFO.

107. For the purpose of this proceeding, Respondent:

a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;

b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

c. 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 CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;

d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;

e. waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO; and

f. agrees to comply with the terms of this CAFO.

108. By executing this CAFO, Respondent certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected.

109. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the Parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

110. Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **ONE HUNDRED EIGHTEEN THOUSAND, FOUR HUNDRED DOLLARS ($118,400.00)**, which is to be paid within thirty (30) calendar days of the Effective Date of this CAFO.

111. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by

check, the check shall be payable to: Treasurer, United States of America, and the Facility name and docket number for this matter shall be referenced on the face of the check.

a. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

b. If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
Mail Station: SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1819

c. If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

d. If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: Craig Steffen, (513) 487-2091
REX (Remittance Express): 1-866-234-5681

112. Respondent shall send proof of payment, within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4

61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
R4_Regional_Hearing_Clerk@epa.gov

and

Parvez Mallick
RCRA Enforcement Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
mallick.parvez@epa.gov

113. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the Facility name and "Docket No. RCRA-04-2020-2111(b)."

114. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Accordingly, the EPA may require the Respondent to pay the following amounts on any amount overdue:

a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within 30 days of the Effective Date of this CAFO, Interest is waived. However, if the civil penalty is not paid in full within 30 days, Interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued Interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).

b. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).

c. Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(b)(c), and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.

115. In addition to what is stated in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:

a. refer the debt to a credit reporting agency or a collection agency, 40 C.F.R. §§ 13.13 and 13.14;

b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;

c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17; and/or

d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

116. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

VIII. EFFECT OF CAFO

117. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

118. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).

119. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).

120. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.

121. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.

122. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.

123. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

124. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.

125. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

126. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.

127. By signing this Consent Agreement, both Parties agree that each Party's obligations under this CAFO constitute sufficient consideration for the other Party's obligations.

128. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

129. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

130. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

131. It is the intent of the parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.

IX. EFFECTIVE DATE

132. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

[Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement In the Matter of **Fort Walton Beach Medical Center, Inc.**, Docket No. **RCRA-04-2020-2111(b),** is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Signature _____ Date 12/16/2020

Printed Name: Monica Monsell

Title: CEO

Address: 1000 Mar Walt Drive FWB FL 32547

The foregoing Consent Agreement In the Matter of **Fort Walton Beach Medical Center, Inc.**, Docket No. **RCRA-04-2020-2111(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

KIMBERLY BINGHAM Digitally signed by KIMBERLY BINGHAM
Date: 2021.01.21 08:43:56 -05'00'

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: Fort Walton Beach Medical Center, Inc. 1000 Mar Walt Drive Fort Walton Beach, Florida 32547, EPA ID No.: FL0000338145 Respondent.	Docket No. RCRA-04-2020-2111(b) Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22.

The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

TANYA FLOYD

Digitally signed by TANYA FLOYD
Date: 2021.01.22 10:14:00 -05'00'

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, in the Matter of **Fort Walton Beach Medical Center, Inc.,** Docket No. **RCRA-04-2020-2111(b)**, were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent:

Dianne Ristom, Vice President, Quality/Risk Management
Fort Walton Beach Medical Center, Inc.
dianne.ristom@hcahealthcare.com
1000 Mar Walt Drive
Fort Walton Beach, Florida 32547
(850) 315-4275

Todd Arno, CHC, CHE
Director Facilities Management
Fort Walton Beach Medical Center, Inc.
todd.arno@hcahealthcare.com
1000 Mar Walt Drive
Fort Walton Beach, Florida 32547
(850) 863-7540

To EPA:

Parvez Mallick, Environmental Engineer
mallick.parvez@epa.gov
404-562-8594

Robert Summers, Assistant Regional Counsel
summers.robert@epa.gov
(404) 562-9523

Quantindra Smith
smith.quantindra@epa.gov
(404) 562-8564

U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

SAUNDI WILSON Digitally signed by SAUNDI WILSON
Date: 2021.01.22 12:19:16 -05'00'

Saundi Wilson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960