



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 04 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Todd Warren, CEO
Gastrointestinal Associates Endoscopy Center
1405 State Street #203
Jackson, Mississippi 39202

SUBJ: Consent Agreement and Final Order:
Docket No. RCRA-04-2013-4004(b)

Dear Mr. Warren:

Enclosed is a copy of the Consent Agreement and Final Order for the above referenced matter. This CAFO became effective on the date of filing with the Regional Hearing Clerk as required by 40 C.F.R. §§ 22.6 and 22.31, and as indicated on the Certificate of Service.

The United States Environmental Protection Agency hereby notifies you that the Expedited Settlement Agreement (ESA) has been executed by both parties and is binding on the EPA and you. Your assessed penalty of \$1,750.00 has been received. The EPA will take no further action against you for the violations cited in the ESA. Your copy of the executed ESA is enclosed.

If you have any questions, please contact Quantindra Smith at (404) 562-8564.

Sincerely,

A handwritten signature in blue ink that reads "CÉSAR A. ZAPATA".

César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance
Branch
RCRA Division

Enclosures

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION 4

IN THE MATTER OF:)

Gastrointestinal Associates Endoscopy Center, LLC)
EPA ID. No. MSR 000 104 315)
Respondent.)

) Docket No. RCRA-04-2013-4004(b)

) EXPEDITED SETTLEMENT)
) AGREEMENT AND)
) FINAL ORDER)

RECEIVED
EPA REGION IV
2013 JUN -4 AM 10:54
HEARING CLERK

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Gastrointestinal Associates Endoscopy Center, LLC (“Respondent”), owner or operator of the facility at 1405 State Street #203, Jackson, Mississippi (the “Facility”), violated the hazardous waste generator requirements of the Mississippi Code Annotated (“Miss. Code Ann.”) §§ 17-17-1 *et seq.* and 49-17-1 *et seq.*, as amended (Subtitle C of the Resource Conservation and Recovery Act (“RCRA”)), and the approved and authorized Mississippi hazardous waste management program rules, codified at Parts 260 through 270 of the Mississippi Hazardous Waste Management Regulations (“MHWMR”) (Title 40 of the Code of Federal Regulations (“C.F.R.”), Parts 260-270).
2. Under MHWMR, Respondent was required to comply with the following requirements at its Facility at the time of the EPA RCRA Compliance Evaluation Inspection (“CEI”) conducted on November 27, 2012:
 - a. Pursuant to MHWMR Part 262 (40 C.F.R. § 262.34(c)(1)(ii)), a generator of hazardous waste may accumulate as much as 55 gallons of hazardous waste (or one quart of acutely hazardous waste) in containers at or near any point of generation where wastes initially accumulate, without a permit or interim status, provided the generator marks such containers either with the words “Hazardous Waste” or with other words which identify the contents of the containers. At the time of the CEI, the EPA inspector observed that two containers of less than 55 gallons of hazardous waste were not labeled with the words “Hazardous Waste” or other words which identify the contents of the containers.
 - b. Pursuant to MHWMR Parts 262 and 265 (40 C.F.R. §§ 262.34(c)(1)(i) and 265.173(a)(1)), a generator of hazardous waste may accumulate as much as 55 gallons of hazardous waste (or one quart of acutely hazardous waste) in containers at or near any point of generation where wastes initially accumulate, without a permit or interim status, provided the generator keeps such containers closed when hazardous waste is not being added or removed from the containers. At the time of the CEI, the EPA inspector observed that one container of less than 55 gallons of hazardous waste was not being kept closed.
 - c. Pursuant to MHWMR Part 262 (40 C.F.R. § 262.34(d)(5)(ii)), a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, provided that the generator posts name and telephone number of the emergency coordinator and location of fire extinguishers and spill control

material next to the facility's phone. At the time of the CEI, the EPA inspector observed that the name and telephone number of the emergency coordinator and the location of the fire extinguishers and spill control material were not posted next to the Facility's telephone.

- d. Pursuant to MHWMR Part 262 (40 C.F.R. § 262.34(d)(5)(ii) , a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, provided that the generator ensures that all employees are thoroughly familiar with proper waste handling and emergency procedures. At the time of the CEI, the EPA inspector observed that the Facility's emergency coordinator and employees were not familiar with all proper waste handling and emergency procedures.
3. Therefore, the EPA alleges that Respondent violated Miss. Code Ann. § 17-17-27(a) (Section 3005 of RCRA, 42 U.S.C. § 6925) for storing hazardous waste without a permit or interim status.
4. The EPA and Respondent agree that settlement of this matter for a penalty of ONE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$1,750.00) is in the public interest.
5. The EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and MHWMR; (2) admits that the 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; and (5) waives any right to contest the allegations contained herein.
7. 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 violation has been corrected, and (2) Respondent will pay the proposed penalty and submit proof of payment of the civil penalty with this Agreement. and, if applicable, (3) Respondent is a small business, in accordance with the SBA size standards (13 C.F.R. Part 121).
8. The civil penalty of ONE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$1,750.00) should be paid in accordance with the EPA Region 4 Penalty Collection Procedures provided to the Respondent.
9. Respondent must send proof of payment, noting the title and docket number for this action, to the following address:

Ms. Patricia Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

With a copy to:

Ms. Quantindra Smith
RCRA and OPA Enforcement and Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

10. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
11. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
12. Upon signing and returning this Agreement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. §§ 22.6 and 22.31(b), is effective upon filing.

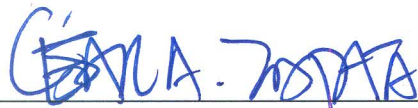
IT IS SO AGREED,

Mr. Todd Warren, CEO
Gastrointestinal Associates Endoscopy Center, LLC

Signature: 

Date 5/1/2013

APPROVED BY EPA:


César A. Zapata
Chief, RCRA and OPA Enforcement and Compliance Branch
RCRA Division

5/28/13
Date

Susan B. Schub

Susan Schub
Regional Judicial Officer

6/3/2013

Date

Docket No. RCRA-04-2013-4004(b)

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached Consent Agreement and Final Order, in the Matter of Gastrointestinal Associates Endoscopy Center, Docket No. RCRA-04-2013-4004(b) (filed with the Regional Hearing Clerk on 6-4, 2013) was served on 6-4, 2013 in the manner specified to each of the person set forth below:

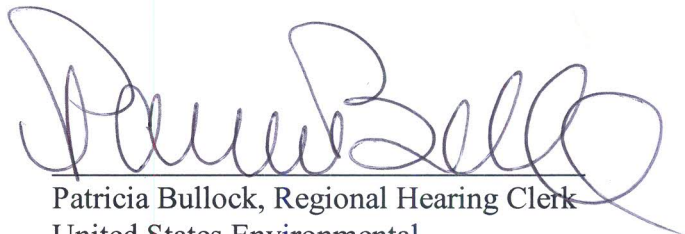
Mr. Todd Warren, CEO
Gastrointestinal Associates Endoscopy Center
1405 State Street #203
Jackson, Mississippi 39202

CERTIFIED MAIL
Return Receipt Requested

Quantindra Smith
RCRA & OPA Enforcement & Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303

EPA's Internal Mail and PDF

Date: 6-4-13



Patricia Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9511