

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2015 APR 15 PM 12:18

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

IN THE MATTER OF:) Docket No. RCRA-07-2015-0010
)
)
Menorah Medical Center)
RCRA ID. No. KSR000509299) **EXPEDITED SETTLEMENT**
Respondent.) **AGREEMENT AND**
) **FINAL ORDER**
)
_____)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Menorah Medical Center (“Respondent”), owner or operator of the facility at 5721 West 119th Street, Overland Park, Kansas (the “Facility”), failed to comply with universal waste management requirements, hazardous waste container management requirements, satellite accumulation container management requirements, weekly inspection requirements, emergency coordination requirements, training requirements, manifest requirements, land disposal restriction requirements, and spill management requirements under the Resource Conservation and Recovery Act (“RCRA”) and the EPA approved and authorized Kansas hazardous waste management program. See KAR 28-31.262, 28-31-265, 28-31-268, 28-31-273.
2. During an inspection of the Facility on February 6 – 7, 2013, the following violations of Kansas regulations were observed:
 - a. Failure to date the waste minimization certification statement in the Generator’s/Officer’s Certification section on four hazardous waste manifests. 40 C.F.R. § 262.20(a) as adopted by KAR 31-28-262.
 - b. Failure to clearly mark the date upon which accumulation began for a 25-gallon hazardous waste accumulation container. 40 C.F.R. § 262.34(a)(2) as adopted by reference at KAR 28-31-262.
 - c. Failure to post the Small Quantity Generator emergency information next to the telephone. 40 C.F.R. § 262.34(d)(5)(ii) as adopted by reference at KAR 28-31-262.
 - d. Failure to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies. 40 C.F.R. § 262.34(d)(5)(iii) as adopted by reference at KAR 28-31-262.
 - e. Failure to label a 13-inch hazardous waste satellite accumulation container with the words “Hazardous Waste”. KAR 28-31-262(c)(7).

- f. Failure to be equipped with spill control equipment in the Main Lab and Central Hazardous Waste Accumulation Areas. 40 C.F.R. § 262.34(d)(4) referencing 40 C.F.R. § 265.32(c) as adopted by reference at KAR 28-31-265.
 - g. Failure to conduct weekly hazardous waste inspections on an undated 25-gallon hazardous waste accumulation container of waste methanol located in the Main Lab Hazardous Waste Accumulation Area. 40 C.F.R. § 262.34(d)(2) referencing 40 C.F.R. § 265.174 as adopted by reference at KAR 28-31-265.
 - h. Failure to maintain a one-time Land Disposal Restriction notice on file for waste stains disposed in the sink. 40 C.F.R. § 262.34(d)(4) referencing 40 C.F.R. § 268.7(a)(7) as adopted by reference at KAR 28-31-268.
 - i. Failure to properly label four containers of universal lamps with the words “Universal Waste – Lamps,” “Waste Lamp(s),” or “Used Lamp(s).” 40 C.F.R. § 273.14(e) as adopted by reference at KAR 28-31-273.
 - j. Failure to demonstrate the length of time that six containers of universal waste containers accumulated. 40 C.F.R. § 273.15(c) as adopted by reference at KAR 28-31-273.
 - k. Failure to inform all employees who handle or have responsibility for managing universal waste with the proper handling and emergency procedures appropriate to the types of universal waste handled at the Facility. 40 C.F.R. § 273.16 as adopted by reference at KAR 2-31-273.
3. EPA and Respondent agree that settlement of this matter for a penalty of Eleven Thousand Dollars (\$11,000) is in the public interest.
 4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
 5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations and Kansas Administrative Regulations; (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 any right to contest the allegations contained herein; and (6) waives its right to appeal the Final Order accompanying this Agreement.
 6. 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) Respondent is submitting proof of payment of the civil penalty with this Agreement.
 7. The civil penalty of Eleven Thousand Dollars (\$11,000) should be paid in accordance with EPA Region 7 Penalty Collection Procedures provided to the Respondent.
 8. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.

9. 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.
10. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
11. Each party shall bear its own costs and fees, if any.
12. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and according to the terms of this CAFO, IT IS HEREBY ORDERED THAT:

13. Respondent shall pay a civil penalty of Eleven Thousand Dollars (\$11,000) within 30 days of its receipt of the letter invitation setting forth the opportunity for expedited settlement. Such payment shall identify Respondent by name and docket number and be paid in accordance with the Penalty Collection Procedures provided to Respondent.
14. A copy of the certified or cashier's check or other information confirming payment shall simultaneously be sent via certified mail to the following:

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.
15. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
16. This CAFO shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

IT IS SO AGREED,


Name (print): Debbie Gafford

Title (print): CFO

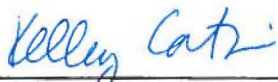
Signature: 

Date 4/7/15

APPROVED BY EPA:



Donald Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Date 4-13-15


Kelley Catlin, Attorney
Office of Regional Counsel

Date 4/13/15

IT IS SO ORDERED:


Karina Borromeo
Regional Judicial Officer

Date 4-15-2015

IN THE MATTER OF Menorah Medical Center, Respondent
Docket No. RCRA-07-2015-0010

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

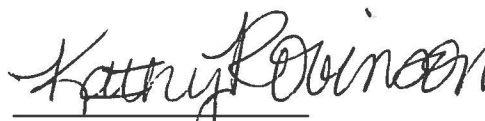
Copy by email to Attorney for Complainant:

catlin.kelley@epa.gov

Copy by First Class Mail to:

Rob Jones
Director of Facility Operations
Menorah Medical Center
5721 W 119th Street
Overland Park, Kansas 66209

Dated: 4/15/15



Kathy Robinson
Kathy Robinson
Hearing Clerk, Region 7