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# Hazardous Waste Enforcement: U.S. Environmental Protection Agency Enforcement Actions Targets Former Southwest Conference Schools?

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The United States Environmental Protection Agency ("EPA") announced in a November 28th news release settlements with three Texas universities that are former members of the old Southwest Conference for alleged Resource Conservation Recovery Act ("RCRA") violations.

The institutions settling with EPA are Baylor University ("BU") (Bears), Texas A&M (Aggies), and Texas Christian University ("TCU") (Hornfrogs).

The other former members of the conference (i.e., University of Arkansas [Razorbacks], University of Texas [Longhorns], Rice University [Owls], Southern Methodist University [Mustangs], and Texas Tech University [Red Raiders]) are not referenced (to date).

Colleges and universities often trigger RCRA regulations as "generators" of hazardous waste. A "generator" includes any facility or person whose acts create hazardous waste subject to RCRA regulations. Requirements applicable to generators include storage provisions, emergency planning, personnel training, hazardous waste identification, record keeping and reporting that ensure all hazardous wastes are identified and properly managed. In some instances the college or university may be classified as a RCRA hazardous wastes transporter or even treat or dispose of hazardous wastes subjecting then to more extensive RCRA regulations.

Colleges and universities obviously trigger RCRA regulations as they engage in many of the same commercial and industrial activities that subject the private sector to the program. However, an additional school activity that also triggers RCRA mandates is its laboratories. Laboratories may pose a challenge because they generate relatively small volumes of hazardous wastes and many different waste streams at each of these points of generation. Further, generation can vary significantly monthly because of periodic cleanout or expiration of used chemicals.

The November 28th EPA news release generally describes the alleged RCRA violations by each of the three schools.

BU is stated to have claimed from 2011-2014 to be a small-quantity generator. However, EPA alleges that the University at times generated more hazardous wastes than is allowed under this criteria. The school is also alleged to have at times generated hazardous wastes without identifying them as required by the regulations.

BU paid a civil penalty of \$11,330 and corrected the existing violations. The school will revise its standard operating procedures to ensure that its lab will comply with RCRA. It has also committed to purchase and donate to the Waco Fire Department equipment to aid in identifying explosives, narcotics, and toxic chemicals during emergency responses.

EPA alleges that similar violations were found at TCU facilities in Fort Worth, Texas. The school is alleged to have improperly operated as a large-quantity generator because it produced more than a kilogram per month of acutely hazardous wastes. It is also alleged to have failed to notify the State of Texas during these incidents of its status as a large-quantity generator. Further, between 2011-2015, TCU allegedly did not make adequate or accurate hazard wastes determinations of its waste stream.

TCU corrected the violations and paid a civil penalty of \$30,591.

EPA is alleged to have discovered violations at four Texas A&M University campuses including:

- Commerce
- Kingsville Citrus Center
- Veterinary Medical Diagnostic Laboratory
- Geochemical and Environmental Research Group

The violations are alleged to include generating a sufficient amount of hazardous wastes to qualify as a large-quantity generator but failing to submit the appropriate paperwork. Further, the school is alleged to have generated acutely hazardous wastes without proper notification and failing to submit the appropriate notifications.

Texas A&M agreed to correct all violations and pay a combined penalty of \$141,912.

[A copy of the EPA news release can be downloaded here.](#)