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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Blue Cross Blue Shield of Louisiana Enter into Administrative Compliance Order on Consent

10/08/2020

The United States Environmental Protection Agency (“EPA”) and Blue Cross Blue Shield of Louisiana (“Blue Cross”) entered into a September 22nd Administrative Compliance Order on Consent (“Order”) addressing alleged violations of the Louisiana and federal Hazardous Waste Regulations. See Docket No. RCRA-06-2020-0985.

The Order provides that Blue Cross is an authorized non-profit corporation that is located in Baton Rouge, Louisiana.

EPA is stated to have conducted a Resource Conservation and Recovery Act (“RCRA”) investigation record review (“Investigation”) during the period of June through July 2020 of Blue Cross’s performance as a generator of hazardous waste.

The Investigation is stated to have determined that Blue Cross at a minimum generated the following waste:

- Characteristic of Ignitability: D001 (Ignitability)
- Characteristic for multiple toxicity wastes: D005 (Barium); D006 (Cadmium); D007 (Chromium); D009 (Mercury)
- Listed wastes F003 and F005

The Investigation is stated to have determined that during 2015, 2018, 2019 and 2020, Blue Cross generated one or more of the hazardous streams identified above in quantities that exceeded the threshold amount of 100 kilograms of hazardous waste per month, which qualified Blue Cross for the small quantity generator (“SQG”) status for the periods that such wastes remained onsite. As a result, Blue Cross is stated to be a generator of hazardous waste at the previously referenced facility.

The Order states:

- Blue Cross did not file with the EPA Administrator an initial or subsequent notification to accurately state the general description of its hazardous waste activities and its generation and management of hazardous waste during 2015, 2018, 2019 and 2020.
- Blue Cross allegedly failed to comply with the SQG requirements.

The Order requires that Blue Cross within 30 calendar days of the effective date of the document provide in writing to EPA the following:

1. Certification that it has assessed all of its solid waste streams to determine the accurate waste codes and has developed and implemented Standard Operating Procedures (“SOPs”)
2. Certification that it has accurately and adequately complied with its RCRA Section 3010 Notification; and
3. Provide, with its certification, a copy of Blue Cross’s SOPs as described in A above

A copy of the Order can be downloaded [here](#).