Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Andrews, Texas Radioactive Waste Treatment/Disposal Facility Enter into Consent Agreement

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency ("EPA") and Waste Control Specialists ("WCS") entered into a February 24 Consent Agreement and Final Order ("CAFO") alleging violations of certain Texas/federal hazardous waste regulations. See Docket No. RCRA-06-2024-0929.

The CAFO provides that WCS is a waste management firm that owns and operates a facility in Andrews, Texas.

The facility is stated to be licensed by the Texas Commission on Environmental Quality for the treatment and storage of radioactive waste and for the disposal of biproduct material, low-level radioactive waste ("LLRW"), and mixed waste.

EPA is stated to have conducted a Resource Conservation and Recovery Act ("RCRA") inspection of the facility for May 3-5 in 2023. A record review of the facility's activities as generator of hazardous waste was also conducted.

EPA is stated to have determined that the facility generated and offered for transport and treatment hazardous waste as defined by certain Texas and federal hazardous waste regulations. The hazardous waste generated is stated to have exceeded the threshold amount of 1,000 kilograms of non-acute hazardous waste in a month, corresponding to large quality generator status.

The alleged violations contained in the CAFO include:

- Failure to meet adequate aisle spacing requirements
- Failure to comply with satellite accumulation area requirements

The CAFO requires that WCS undertake certain actions within 30 calendar days of its effective date which include:

- Certify that it has assessed all solid waste streams at the facility to determine accurate waste codes and developed an implemented standard operating procedures to ensure compliance with RCRA regulations
- Certify that it is accurately and adequately complied with its RCRA Section 3010 notification for the facility

- Provide with its certification a copy of the its SOPs as described in the previous paragraph
- Certify the cost of implementation of injunctive relief
- Certify the environmental benefit (reduction of waste or reduction in the toxicity of waste

A civil penalty of $15,365.70 is assessed. A copy of the CAFO can be downloaded here.