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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and New Orleans, Louisiana Non-Profit Corporation Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and The Green Project, Inc. ("GPI") entered into an August 9th Consent Agreement and Final Order ("CA") addressing alleged violations of certain Resource Conservation and Recovery Act ("RCRA") regulations. See Docket No. RCRA-06-2017-0933.

The CA describes GPI as a non-profit corporation registered to do business in the State of Louisiana.

GPI is stated to operate a facility in New Orleans, Louisiana. It is further described as a generator of hazardous waste as the terms are defined in LA. Admin. Code 33: V.109 (also referenced in 40 C.F.R. § 260.10).

EPA is stated to have conducted an investigation and record review of GPI's performance as a hazardous waste generator to determine compliance with RCRA regulations. Such investigation and record review took place between October 2016 and April 2017.

GPI is described as a conditionally exempt small quantity generator during all relevant times in regards to the CA.

EPA is stated to have determined that during months in 2013 and 2014 GPI generated and offered to transport hazardous waste with certain waste codes which included:

- D001
- D005
- D007
- D035
- F003
- F005

The non-profit corporation is alleged to have generated the previously referenced hazardous waste streams during 2013 and 2014 at quantities that exceeded the threshold amount of a conditionally exempt small quantity generator of 100 kilograms of hazardous waste per month. Further, GPI is alleged to have generated waste at the rate of a large quantity generator and not have an adequate contingency plan, emergency procedures and/or RCRA specific training.

The CA alleges certain RCRA violations which include:

- Failure to file with EPA or the authorized State an adequate and subsequent notification of hazardous waste activities
- Failure to operate within the stated generator status (i.e., allegedly failing to comply with the requirements of a large quantity generator)
- Failure to make an accurate hazardous waste determination

The CA requires that GPI take certain actions within 60 days of the effective date of the CA which includes certifying:

- Development and implementation of standard operating procedures to ensure that it is operating in compliance with applicable RCRA regulations
- The standard operating procedures are required to include but not be limited to procedures for:
- Making hazardous waste determinations
- Training personnel involved in managing hazardous waste
- Reporting, transporting and disposing of hazardous waste

A civil penalty of \$5,000 is assessed.

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