

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**



IN THE MATTER OF:)	DOCKET NO.: RCRA-03-2025-0001
)	
Howard University Hospital Corp.)	
)	
Respondent,)	EXPEDITED SETTLEMENT AGREEMENT AND
)	FINAL ORDER
)	
Howard University Hospital)	Proceeding under Section
2041 Georgia Ave. NW)	3008(a) and (g) of the Resource
Washington, DC 20060,)	Conservation and Recovery Act, as
)	amended, 42 U.S.C. § 6928(a) and (g)
Facility)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. Howard University Hospital Corp. (“Respondent”), and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C § 6928(a) and (g), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 (“EPA”) has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the District of Columbia to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized District of Columbia Hazardous Waste Management Regulations, codified at District of Columbia Municipal Regulations (“DCMR”), have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
4. On September 26, 2024, EPA sent a letter to the District of Columbia, through the Department of Energy and Environment (“DOEE”), giving prior notice of this enforcement

action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

5. At its facility, located at 2041 Georgia Ave., NW, Washington, DC 20060 (“Facility”), Respondent is a teaching hospital providing both inpatient and outpatient services. On January 29, 2024, Respondent submitted a notification to DOEE that the Facility was a large quantity generator (“LQG”) of hazardous waste at the Facility, and DOEE assigned RCRA ID No. DCD983966409 to the Facility. Respondent does not have a permit for the treatment, storage or disposal of hazardous waste at the Facility.
6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and DCMR, and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 5, as the terms “facility”, “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 20 DCMR § 4260.1.
7. At all times relevant to the allegations described in this Agreement, Respondent “stored” waste pharmaceuticals with EPA Hazardous Waste Number(s) D011, D024, P001, P075, U010, U058, U059, and U188, which are “hazardous waste(s)” at the Facility, as the term “stored” and “hazardous waste” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 20 DCMR § 4260.1.
8. On March 26 – 27, 2024, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.
9. Based on the observations during the Inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized District of Columbia hazardous waste management regulations set forth in the 20 DCMR §§ 4201 - 4279.
10. Complainant has identified the following violations at the Facility:
 - a. From at least March 26, 2024 until March 27, 2024, Respondent operated the Facility without a permit, in violation of 20 DCMR § 4270.1, which incorporates by reference 40 CFR § 270.1(b). The following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions set forth at 20 DCMR § 4262.1, which incorporates by reference 40 CFR § 262.34:
 - (1) Respondent had a satellite accumulation area (“SAA”) that was not at the point of generation, in violation of 20 DCMR § 4262.1, which incorporates by reference 40 CFR § 262.34(c)(1). Respondent maintains a SAA consisting of an 8-gal black container in the pharmacy located in the basement. The SAA

accumulates incompatible pharmaceutical wastes. The incompatible pharmaceutical wastes are hazardous wastes. The incompatible pharmaceutical wastes are generated in the medical units located throughout the hospital, accumulated in the medication rooms, and transferred to the pharmacy's SAA. The SAA is not at the point of generation;

- (2) Respondent had open containers of hazardous waste when waste was neither being added or removed, in violation of 20 DCMR § 4262.1, which incorporates by reference 40 CFR § 262.34(c)(1)(i). In Interventional Radiology, two SAA containers were observed open. At the time of observation, waste was not being added or removed;
 - (3) Respondent stored hazardous waste greater than 90 days, in violation of 20 DCMR § 4262.1, which incorporates by reference 40 CFR § 262.34(a). Based on the weekly inspection logs for the hazardous waste accumulation area ("HWAA") for the dates 10/10/2023 and 10/17/2023, hazardous waste was indicated to have been stored on site approximately 97 days and 104 days, respectively;
 - (4) Respondent failed to provide annual hazardous waste training or maintain annual hazardous waste training records, in violation of 20 DCMR § 4262.1, which incorporates by reference 40 CFR § 262.34(a)(4). Training records for Captain Marvin Autry (alternate emergency coordinator, 2021 - 2023), Roy Dunlap (alternate emergency coordinator, 2021 - 2023), and LaTenzar Everett (directly handles hazardous waste, 2023) were not observed by the EPA representatives.
 - (5) Respondent failed to have the required content in the contingency plan, in violation of 20 DCMR § 4262.1, which incorporates by reference 40 CFR § 262.34(a)(4). The contingency plan did not contain a list of emergency equipment and the equipment's location;
- b. On March 26, 2024, Respondent had open containers of hazardous waste when waste was neither being added or removed, in violation of 20 DCMR § 4265.1, which incorporates by reference 40 CFR § 265.173(a). In Interventional Radiology, two SAA containers were observed open. At the time of observation, waste was not being added or removed.
 - c. From at least March 26, 2024 until March 27, 2024, Respondent failed to have the required content in the contingency plan, in violation of 20 DCMR § 4265.1, which incorporates by reference 40 CFR § 265.52(e). The contingency plan did not contain a list of emergency equipment and the equipment's location.

- d. From at least January 1, 2021 until March 27, 2024, Respondent failed to provide annual hazardous waste training or maintain annual hazardous waste training records, in violation of 20 DCMR § 4265.1, which incorporates by reference 40 CFR § 265.16(c) and (e). Training records for Captain Marvin Autry (alternate emergency coordinator) for the years 2021 to 2023 were not observed by the EPA representatives. Training records for Roy Dunlap (alternate emergency coordinator) for the years 2021 to 2024 were not observed by the EPA representatives. Training records for LaTenzar Everett (directly handles hazardous waste) for the years 2023 and 2024 were not observed by the EPA representatives.
 - e. From at least March 26, 2024 until March 27, 2024, Respondent failed to have the required phrases on containers with universal waste lamps, in violation of 20 DCMR § 4273.1, which incorporates by reference 40 CFR § 273.14(e). Containers with waste lamps, located in the Electrical Vault Room, did not have either of the required phrases “universal waste lamps,” “waste lamps,” or “used lamps”.
11. Complainant and Respondent agree that settlement of this matter for a total penalty of **SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 (“RCRA Penalty Policy”), and the 2021 RCRA Expedited Settlement Agreement Pilot.
12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$ 7,500** to **“United States Treasury”** with the case name, address and docket number of this Agreement (RCRA-03-2025-0001), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
13. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Jeremy Dearden, Inspector/Compliance Officer (3ED22)
U.S. EPA, Region 3
Dearden.jeremy@epa.gov

and

Regional Hearing Clerk (3RC00)
U.S. EPA, Region 3

R3_Hearing_Clerk@epa.gov

14. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
15. 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) any documentation or information provided to EPA was true and accurate.
16. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
17. By signing this consent agreement, respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.
18. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
19. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
20. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
21. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Howard University Hospital Corp.

22. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: dearden.jeremy@epa.gov (for Complainant), and bgentry@huhosp.org (for Respondent).
23. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: Howard University Hospital Corp.

Date: 10/31/24

By: 
Blain Gentry
Chief Operations Officer

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

[Digital Signature and Date]

Karen Melvin, Director

Enforcement and Compliance Assurance Division

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103



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)	amended, 42 U.S.C. § 6928(a) and (g)
Facility)	
)	
)	
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FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Howard University Hospital Corp, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy"), and the 2021 RCRA Expedited Settlement Agreement Pilot.

NOW, THEREFORE, PURSUANT TO 3008(g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

[Digital Signature and Date]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
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Howard University Hospital Corp.	:	
2041 Georgia Ave., NW	:	U.S. EPA Docket No. RCRA-03-2025-0001
Washington, DC 20060	:	
	:	Proceeding under Section
Respondent.	:	3008(a) and (g) of the Resource
	:	Conservation and Recovery Act, as
Howard University Hospital	:	amended, 42 U.S.C. § 6928(a) and (g)
2041 Georgia Ave., NW	:	
Washington, DC 20060	:	
	:	
Facility	:	

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Blain Gentry, Chief Operations Officer
Howard University Corp.
bgentry@huhosp.org
2041 Georgia Ave., NW
Washington, DC 20060

Jeremy Dearden
Inspector/Compliance Officer
U.S. EPA, Region 3
Dearden.jeremy@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3