

**Executive Summary – Enforcement Matter – Case No. 48448
CLEVELAND REGIONAL MEDICAL CENTER, L.P.
RN101764132
Docket No. 2014-0508-IHW-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

Cleveland Regional Medical Center, 300 East Crockett Street, Cleveland, Liberty County

Type of Operation:

Hospital

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 8, 2014

Comments Received: No

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2014 SEP 22 AM 9:17
CHIEF CLERKS OFFICE

Penalty Information

Total Penalty Assessed: \$8,533

Amount Deferred for Expedited Settlement: \$1,706

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$247

Total Due to General Revenue: \$6,580

Payment Plan: 35 payments of \$188 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 18, 2013

Date(s) of NOE(s): February 26, 2014

Executive Summary – Enforcement Matter – Case No. 48448
CLEVELAND REGIONAL MEDICAL CENTER, L.P.
RN101764132
Docket No. 2014-0508-IHW-E

Violation Information

1. Failed to manifest hazardous pharmaceutical waste utilizing a completed Uniform Hazardous Waste Manifest form. Specifically, an eight-gallon container containing acutely hazardous and hazardous pharmaceutical waste was shipped without a Uniform Hazardous Waste Manifest on September 5, 2013 [30 TEX. ADMIN. CODE § 335.10(a)].
2. Failed to prevent the disposal of hazardous pharmaceutical waste at an unauthorized facility. Specifically, an eight-gallon container containing acutely hazardous and hazardous pharmaceutical waste was disposed of at an unauthorized landfill [30 TEX. ADMIN. CODE § 335.2(b)].
3. Failed to maintain records of all hazardous waste activities regarding the quantities generated, stored, processed, and disposed of on-site or off-site. Specifically, the quantity of ignitables, corrosives, barium, warfarin, nicotine, physostigmine salicylate, mitomycin, chlorambucil, cyclophosphamine, and other D, P, and U codes, comprising waste stream no. 0001004H generated by the Facility was not being documented [30 TEX. ADMIN. CODE § 335.9(a)(1)(B), (D) and (F)].
4. Failed to submit a complete and correct Annual Waste Summary ("AWS") detailing the management of each hazardous waste generated or managed on-site during the reporting calendar year. Specifically, the Respondent did not submit an AWS for 2012 [30 TEX. ADMIN. CODE § 335.9(a)(2)].
5. Failed to maintain records of the location of all hazardous waste accumulation areas, situated at or near any point of generation. Specifically, the Respondent did not maintain records with the locations of the satellite accumulation areas [30 TEX. ADMIN. CODE § 335.9(a)(1)(G)].
6. Failed to have a five-year pollution prevention plan [30 TEX. ADMIN. CODE § 335.474].
7. Failed to provide a copy of the Facility's contingency plan to any of the local authorities including the fire department, police department, or other emergency response groups [30 TEX. ADMIN. CODE §§ 335.69(a)(4) and 335.112(a)(3) and 40 CODE OF FEDERAL REGULATIONS § 265.53(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On November 1, 2013, the Respondent submitted documentation demonstrating that improvements to the Facility's processes, procedures, guidance, and employee training had been conducted to ensure that pharmaceutical waste is collected, managed, packaged, shipped, and disposed properly;
- b. On November 1, 2013, the Respondent submitted documentation demonstrating the quantities of ignitables, corrosives, barium, warfarin, nicotine, physostigmine salicylate, mitomycin, chlorambucil, cyclophosphamine, and other D, P, and U codes, comprising of waste stream no. 0001004H generated by the Facility;
- c. On March 20, 2014, the Respondent submitted a copy of the AWS report for calendar year 2012; and
- d. On November 1, 2013, the Respondent submitted a diagram of the location of all satellite accumulation areas at the Facility.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Submit a five-year Pollution Prevention Plan; and
 - ii. Provide a copy of the Facility's contingency plan to all local authorities; and
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

**Executive Summary – Enforcement Matter – Case No. 48448
CLEVELAND REGIONAL MEDICAL CENTER, L.P.
RN101764132
Docket No. 2014-0508-IHW-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Margarita Dennis, Enforcement Division,
Enforcement Team 7, MC R-04, (817) 588-5892; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Joseph Kalpala, Chief Executive Officer, Liberty Health Centers LLC,
CLEVELAND REGIONAL MEDICAL CENTER, L.P., 300 East Crockett Street,
Cleveland, Texas 77327

Drew Augenstein, General Partner, Manager, Liberty Health Centers LLC, CLEVELAND
REGIONAL MEDICAL CENTER, L.P., 300 East Crockett Street, Cleveland, Texas 77327

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	4-Mar-2014	Screening	14-Mar-2014	EPA Due	
	PCW	20-May-2014				

RESPONDENT / FACILITY INFORMATION	
Respondent	CLEVELAND REGIONAL MEDICAL CENTER, L.P.
Reg. Ent. Ref. No.	RN101764132
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	48448	No. of Violations	7
Docket No.	2014-0508-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Margarita Dennis
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,125
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$1,625
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Notes: Enhancement for one order with denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,217
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$212
Approx. Cost of Compliance	\$8,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,533
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$8,533
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,533
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,706
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,827
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Screening Date 14-Mar-2014

Docket No. 2014-0508-IHW-E

PCW

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48448

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101764132

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 14-Mar-2014

Docket No. 2014-0508-IHW-E

PCW

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48448

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101764132

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.10(a)

Violation Description Failed to manifest hazardous pharmaceutical waste utilizing a completed Uniform Hazardous Waste Manifest form. Specifically, an eight-gallon container containing acutely hazardous and hazardous pharmaceutical waste was shipped without a Uniform Hazardous Waste Manifest form on September 5, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5.0%). Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 1

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$312

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with x), N/A (marked with x).

Notes: The Respondent achieved compliance on November 1, 2013, prior to the Notice of Enforcement (NOE) dated February 26, 2014.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$1,188

This violation Final Assessed Penalty (adjusted for limits) \$1,188

Economic Benefit Worksheet

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Case ID No. 48448

Reg. Ent. Reference No. RN101764132

Media Industrial and Hazardous Waste

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	5-Sep-2013	1-Nov-2013	0.16	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	5-Sep-2013	1-Nov-2013	0.16	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to ensure proper manifests accompany all shipments of hazardous wastes (\$500) and estimated cost to develop and implement standard operating procedures to ensure proper manifesting of hazardous waste (\$1000). Date required is the date of the hazardous pharmaceutical waste collection. Final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$12

Screening Date 14-Mar-2014

Docket No. 2014-0508-IHW-E

PCW

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48448

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101764132

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.2(b)

Violation Description

Failed to prevent the disposal of hazardous pharmaceutical waste at an unauthorized facility. Specifically, an eight-gallon container containing acutely hazardous and hazardous pharmaceutical waste was disposed of at an unauthorized landfill.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$312

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on November 1, 2013 prior to the NOE dated February 26, 2014.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$1,188

This violation Final Assessed Penalty (adjusted for limits) \$1,188

Economic Benefit Worksheet

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.
Case ID No. 48448
Reg. Ent. Reference No. RN101764132
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	5-Sep-2013	1-Nov-2013	0.16	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop standard operating procedures which are to be followed by employees in the disposal of waste. Date required is the date of the hazardous pharmaceutical waste collection. Final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$8

Screening Date 14-Mar-2014

Docket No. 2014-0508-IHW-E

PCW

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48448

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101764132

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 335.9(a)(1)(B),(D) and (F)

Violation Description

Failed to maintain records of all hazardous waste activities regarding the quantities generated, stored, processed, and disposed of on-site or off-site. Specifically, the quantities of ignitables, corrosives, barium, warfarin, nicotine, physostigmine salicylate, mitomycin, chlorambucil, cyclophosphamine, and other D, P, and U codes, comprising waste stream no. 0001004H generated by the Facility was not being documented.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
		X	

Percent 2.5%

Matrix Notes

70% of the rule requirement was not met.

Adjustment \$24,375

\$625

Violation Events

Number of Violation Events 1

14 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$625

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$156

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on November 1, 2013, prior to the NOE dated February 26, 2014.

Violation Subtotal \$469

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$594

This violation Final Assessed Penalty (adjusted for limits) \$594

Economic Benefit Worksheet

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Case ID No. 48448

Reg. Ent. Reference No. RN101764132

Media Industrial and Hazardous Waste

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	18-Oct-2013	1-Nov-2013	0.04	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records of waste stream no. 0001004H. Date required is the investigation date. Final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$2

Screening Date 14-Mar-2014

Docket No. 2014-0508-IHW-E

PCW

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48448

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101764132

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 335.9(a)(2)

Violation Description

Failed to submit a complete and correct Annual Waste Summary ("AWS") detailing the management of each hazardous waste generated or managed on-site during the reporting calendar year. Specifically, the Respondent did not submit an AWS for 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$125

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	
Ordinary		x
N/A		(mark with x)

Notes

The Respondent achieved compliance on March 20, 2014, after the NOE dated February 26, 2014.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$1,375

This violation Final Assessed Penalty (adjusted for limits) \$1,375

Economic Benefit Worksheet

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Case ID No. 48448

Reg. Ent. Reference No. RN101764132

Media Industrial and Hazardous Waste

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	18-Oct-2013	20-Mar-2014	0.42	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to submit a complete and correct AWS report for calendar year 2012. Date required is the date the AWS was due to TCEQ. Final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$21

Screening Date 14-Mar-2014

Docket No. 2014-0508-IHW-E

PCW

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48448

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101764132

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(1)(G)

Violation Description Failed to maintain records of the location of all hazardous waste accumulation areas, situated at or near any point of generation. Specifically, the Respondent did not maintain records with the locations of the satellite accumulation areas.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

14 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$312

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on November 1, 2013, prior to the NOE dated February 26, 2014.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,188

This violation Final Assessed Penalty (adjusted for limits) \$1,188

Economic Benefit Worksheet

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Case ID No. 48448

Reg. Ent. Reference No. RN101764132

Media Industrial and Hazardous Waste

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	18-Oct-2013	1-Nov-2013	0.04	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records showing the location of the satellite accumulation areas. Date required is the investigation date. Final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$2

Screening Date 14-Mar-2014

Docket No. 2014-0508-IHW-E

PCW

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48448

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101764132

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 335.474

Violation Description Failed to have a five-year pollution prevention plan.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

147 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$139

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.
Case ID No. 48448
Reg. Ent. Reference No. RN101764132
Media Industrial and Hazardous Waste
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	18-Oct-2013	29-Nov-2014	1.12	\$139	n/a	\$139

Notes for DELAYED costs

Estimated cost to prepare a five-year pollution prevention plan. Date required is the investigation date.
Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$139

Screening Date 14-Mar-2014

Docket No. 2014-0508-IHW-E

PCW

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48448

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101764132

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 335.69(a)(4) and 335.112(a)(3) and 40 CFR § 265.53(b)

Violation Description Failed to provide a copy of the Facility's contingency plan to any of the local authorities including the fire department, police department, or other emergency response groups.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

147 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Case ID No. 48448

Reg. Ent. Reference No. RN101764132

Media Industrial and Hazardous Waste

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	18-Oct-2013	29-Nov-2014	1.12	\$28	n/a	\$28

Notes for DELAYED costs

Estimated cost to submit a copy of the contingency plan to local authorities. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$28

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN603970492, RN101764132, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603970492, CLEVELAND REGIONAL MEDICAL CENTER, L.P. **Classification:** SATISFACTORY **Rating:** 11.25

Regulated Entity: RN101764132, Cleveland Regional Medical Center **Classification:** SATISFACTORY **Rating:** 11.25

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 300 E CROCKETT ST CLEVELAND, TX 77327-4029, LIBERTY COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 90741

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000080428

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: March 14, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 14, 2009 to March 14, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Margarita Dennis

Phone: (817) 588-5892

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 05/11/2013 ADMINORDER 2013-0261-PST-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)
Description: Field Citation-Failure to have a current and valid UST delivery certificate.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CLEVELAND REGIONAL
MEDICAL CENTER, L.P.
RN101764132

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-0508-IHW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CLEVELAND REGIONAL MEDICAL CENTER, L.P. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a hospital at 300 East Crockett Street in Cleveland, Liberty County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 3, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Five Hundred Thirty-Three Dollars (\$8,533) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Two Hundred Forty-Seven Dollars (\$247) of the administrative penalty and One Thousand Seven Hundred Six Dollars (\$1,706) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Six Thousand Five Hundred Eighty Dollars (\$6,580) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Eighty-Eight Dollars (\$188) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On November 1, 2013, the Respondent submitted documentation demonstrating that improvements to the Facility's processes, procedures, guidance, and employee training had been conducted to ensure that pharmaceutical waste is collected, managed, packaged, shipped, and disposed properly;
 - b. On November 1, 2013, the Respondent submitted documentation demonstrating the quantities of ignitables, corrosives, barium, warfarin, nicotine, physostigmine salicylate, mitomycin, chlorambucil, cyclophosphamine, and other D, P, and U codes, comprising of waste stream no. 0001004H generated by the Facility;
 - c. On March 20, 2014, the Respondent submitted a copy of the Annual Waste Summary ("AWS") report for calendar year 2012; and
 - d. On November 1, 2013, the Respondent submitted a diagram of the location of all satellite accumulation areas at the Facility.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement

proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to manifest hazardous pharmaceutical waste utilizing a completed Uniform Hazardous Waste Manifest form, in violation of 30 TEX. ADMIN. CODE § 335.10(a), as documented during an investigation conducted on October 18, 2013. Specifically, an eight-gallon container containing acutely hazardous and hazardous pharmaceutical waste was shipped without a Uniform Hazardous Waste Manifest on September 5, 2013.
2. Failed to prevent the disposal of hazardous pharmaceutical waste at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b), as documented during an investigation conducted on October 18, 2013. Specifically, an eight-gallon container containing acutely hazardous and hazardous pharmaceutical waste was disposed of at an unauthorized landfill.
3. Failed to maintain records of all hazardous waste activities regarding the quantities generated, stored, processed, and disposed of on-site or off-site, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1)(B), (D) and (F), as documented during an investigation conducted on October 18, 2013. Specifically, the quantity of ignitables, corrosives, barium, warfarin, nicotine, physostigmine salicylate, mitomycin, chlorambucil, cyclophosphamine, and other D, P, and U codes, comprising waste stream no. 0001004H generated by the Facility was not being documented.
4. Failed to submit a complete and correct AWS detailing the management of each hazardous waste generated or managed on-site during the reporting calendar year, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2), as documented during an investigation conducted on October 18, 2013. Specifically, the Respondent did not submit an AWS for 2012.
5. Failed to maintain records of the location of all hazardous waste accumulation areas, situated at or near any point of generation, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1)(G), as documented during an investigation conducted on October 18, 2013. Specifically, the Respondent did not maintain records with the locations of the satellite accumulation areas.
6. Failed to have a five-year pollution prevention plan, in violation of 30 TEX. ADMIN. CODE § 335.474, as documented during an investigation conducted on October 18, 2013.

7. Failed to provide a copy of the Facility's contingency plan to any of the local authorities including the fire department, police departments, or other emergency response groups, in violation of 30 TEX. ADMIN. CODE §§ 335.69(a)(4) and 335.112(a)(3) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 265.53(b), as documented during an investigation conducted on October 18, 2013.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CLEVELAND REGIONAL MEDICAL CENTER, L.P., Docket No. 2014-0508-IHW-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, the Respondent shall:
 - i. Submit a five-year Pollution Prevent Plan to :

Pollution Prevention Planning Team, MC 108
Attention: Susan Palachek, Program Coordinator
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Provide a copy of the Facility's contingency plan to all local authorities, in accordance with 30 TEX. ADMIN. CODE §§ 335.69 and 335.112 and 40 CFR § 265.53; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela M. ...
For the Executive Director

9/5/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]

6/30/14

Signature
JOSEPH KALPALA

Date
CEO

Name (Printed or typed)
Authorized Representative of
CLEVELAND REGIONAL MEDICAL CENTER, L.P.

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.