



REGION 10

SEATTLE, WA 98101

Reply To: 20 – C04

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jay Sampson
Chief Executive Officer
Yakama Indian Health
401 Buster Road
Toppenish, Washington 98948

Re: **NOTICE OF VIOLATION**
Indian Health Service – Yakama Service Unit
EPA ID No. XJW000200113

Dear Mr. Sampson:

This Notice of Violation (NOV) is to inform the Indian Health Services (IHS) – Yakama Service Unit of violations of the Resource Conservation and Recovery Act (RCRA), as amended. These violations were identified as a result of an inspection performed by the U.S. Environmental Protection Agency (EPA) on November 29, 2022, at the IHS – Yakama Service Unit located at 401 Buster Road, Toppenish, Washington 98948 (“Facility”). The inspection was performed pursuant to EPA’s inspection authority under Section 3007 of RCRA, 42 U.S.C. § 6927.

From the observations made during the inspection, the following RCRA violations were identified at the Facility:

Violation 1: Failure to make a hazardous waste determination

Pursuant to 40 C.F.R. § 262.11, a generator of solid waste must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

At the time of the inspection, EPA noted that IHS did not determine if any of the waste pharmaceuticals generated in the pharmacy are hazardous waste. Failure to make a hazardous waste determination is a violation of 40 C.F.R. §262.11.

Violation 2: Failure to label or mark containers of used oil

40 C.F.R. § 279.22(c)(1) requires used oil generators to label or mark containers and aboveground tanks used to store used oil clearly with the words “Used Oil.”

During the inspection in the Solid Waste Staging Area, the inspector observed an unlabeled 55-gallon drum that was approximately one-third full of the liquid it was containing. Facility personnel stated that the drum contained used oil.

Failure to clearly label or mark this drum with the words “Used Oil” is a violation of 40 C.F.R. § 279.22(c)(1).

Violation 3: Failure to close universal waste lamp containers

40 C.F.R. § 273.13(d)(1) states that a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

During the inspection in the Solid Waste Staging Area, the inspectors observed waste fluorescent lamps sticking out of four open containers in which they were being accumulated and some of the waste lamps in the open containers were broken. Failure to close universal waste lamp containers is a violation of 40 C.F.R. § 273.13(d)(1).

Required Action

Within 20 days of receipt of this NOV, EPA requests that you submit a written response and/or photographs that identify actions you have taken or will take to correct the violations. The above violations may subject IHS – Yakama Service Unit to enforcement action under Section 3008 of RCRA.

Please send all material submitted in response to this NOV to Ida Vaghefi by email at Vaghefi.Ida@epa.gov.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Ida Vaghefi, of my staff, at Vaghefi.Ida@epa.gov.

Sincerely,

MORGAN JENCIUS  Digitally signed by MORGAN JENCIUS
Date: 2024.05.31 16:57:10 -07'00'

Morgan Jencius, Chief
Air and Land Enforcement Branch
Enforcement and Compliance Assurance Division

cc: Blythe Monoian
Manager, Yakama Nation Environmental Management Program

Danial Hocson, MD
Clinical Director, Yakama Indian Health

LT Adriel Perry, PHS
Facilities Manager, Yakama Indian Health