



**NEW MEXICO  
ENVIRONMENT DEPARTMENT  
Hazardous Waste Bureau**



2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303

Phone (505) 476-6000 Fax (505) 476-6030

www.env.nm.gov

**INSPECTION TYPE:**  Routine  Complaint  Follow-Up  Compliance Assistance  Pre-Arranged

DATE: 08/17/2021 TIME: 1120

FACILITY NAME Los Alamos Medical Center EPA ID # NMD986671881

BUSINESS OWNER & ADDRESS Lifepoint Health; 3917 West Road, Los Alamos, NM 87544

MAILING ADDRESS 3917 West Road, Los Alamos, NM 87544

PROPERTY OWNER & ADDRESS Lifepoint Health; 330 Seven Springs Way, Brentwood, TN 37027

**NOTIFIED AS:**  N/A

**CURRENT STATUS:**

- VSQG (<100 kg/mo.)
- SQG (100-1000 kg/mo.)
- LQG (>1000 kg/mo.)
- Transporter
- Transfer Facility
- TSD Facility - Unit Type(s):
- Used Oil:

- VSQG (<100 kg/mo.)
- SQG (100-1000 kg/mo.)
- LQG (>1000 kg/mo.)
- Transporter
- Transfer Facility
- TSD Facility - Unit Type(s):
- Used Oil:

**ENTRY CONFERENCE:**

Present credentials to facility representative   
 Cite authority to enter site, conduct inspection, obtain samples, take photos (NMSA § 74-4-4.3)   
 State reasons(s) for and nature of inspection   
 State objectives and procedures for inspection

**RESPONSIBLE OFFICIAL(s):**

Name	Title
Carlos Branch	Director of Plant Operations

**INSPECTION PARTICIPANTS:**

Name	Title	Email	Phone Number
Aaron Coffman	Env. Scientist	Aaron.coffman@state.nm.us	505-690-5211
Pam Torresday	EVS Manager	Pam.torresday@lpnt.net	505-412-7470
Carlos Branch	DPO	carlos.branch@lpnt.net	505-412-3757



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HAZARDOUS WASTE COMPLIANCE  
EVALUATION REPORT

Evaluation Type: CEI  CAV  Other  Date: 8/17/21 Time of Entry: 1120  
 Facility: Los Alamos Medical Center EPA ID #: NMD986671281 State ID#: \_\_\_\_\_  
 Location: 3917 West Road, Los Alamos, NM 87544 Mailing Address: SUM 2  
 Business Owner: Lifepoint Health Property Owner: Lifepoint Health  
 Facility Representative/Contact: CARLOS BRANCH Title: Director of plant operations.

Entry Conference:

- Present credentials to facility representative
- Cite authority to enter site, conduct inspection, obtain samples, take photos (NMSA § 74-4-4.3)
- State reasons(s) for and nature of inspection
- State objectives and procedures for inspection

Participants (Print):

Name	Title	Email address	Phone #
Aaron Coffman	Environmental Specialist	aaron.coffman@state.nm.us	505-690-5211
Pam Torresday	EVS manager	Pam.torresday@lpt.net	505-412-7470
CARLOS BRANCH	DPO	Carlos.branch@lpt.net	505-412-3757

DATE OF LAST INSPECTION: 11/21//2000

CHECKLISTS COMPLETED:  VSQG  SQG  <90 Day  Used Oil  Other:**History, Size and Nature of Business:**

Los Alamos Medical Center ("LAMC") is a regional hospital and clinic serving Los Alamos county. LAMC is not associated with Los Alamos National Labs, which has its own occupational medical center nearby. The facility is approximately 275,000 square feet in size. The facility has been at this location since before 1998.

**Process Description**

Hazardous wastes generated at LAMC consist of waste pharmaceuticals, which are generated and accumulated in two types of areas. Partially dispensed or waste medications generated during patient care at the Emergency Room or at other locations in the hospital are evaluated by nursing staff to determine whether or not the medication is a waste. If determined to be a waste, the medication is placed in a plastic waste container at the nurse's station. If determined to not be a waste, it is returned to the main pharmacy. The main pharmacy also has containers for waste medications. The pharmacy also is currently reverse distributing all expired and recalled medications through INMAR, and not performing waste determinations on this material, per the pharmacy director Ms. Goff. Chemotherapy wastes are also consolidated at the pharmacy.

Other wastes may be generated from maintenance activities. At the time of inspection, LAMC was in the process of replacing fluorescent lamps, which were being stored in an outdoor trailer by the contractor, Facility Solutions Group. The laboratory had changed processes such that they are no longer generating sample analysis wastes such as spent methanol. Effluent of the mildly acidic sample analysis wastewater is discharged to the municipal sewer.

**Waste Streams**

Waste stream	Waste code	Process, location, container size	Transporter & EPA id # and TSDF w/ EPA id	Monthly generation
Waste Medications	U010, U035, U058, U059, U122, U129, U132, U188, U200, U205, U206, U248, D001, D005, D007, D009, D010, D011, D013, D024	Waste medications from patient care. Partially dispensed or damaged medications. Stored in black plastic bins at nurses stations or the main pharmacy. Large bins are ~20 gallon poly containers. Small bins (intended for P-waste, none observed during inspection) are approximately 1 gallon.	<u>Transporters:</u> Clean Harbors Environmental Services (MAD03932250), Tri State Motor Transit (MOD095038998); <u>TSDF:</u> Clean Harbors Deer Park (TXD055141378)	85lbs.

**Results of Inspection**

NMED inspectors met with plant operations director Carlos Branch and EVS manager Pam Torresday, conducted an entry conference and discussed NMED COVID-19 procedures, discussed NMED policy and regulations concerning reverse distribution of expired pharmaceuticals, and performed a walkthrough of the hospital including the pharmacy, laboratory, maintenance spaces, and visited one of the 4 nurses stations outside of the COVID area. NMED did not perform a walkthrough of locations where COVID patients are being treated, or the Emergency Room to lessen the risk of COVID exposure. During the inspection NMED asked performed an

DATE: 08/17/2021

FACILITY: Los Alamos Medical Center EPA IDENTIFICATION#: NMD986671881

interview with the pharmacy director, Ms. Jaipriya Goff, discussing pharmaceutical hazardous waste determinations and reverse distribution practices. NMED was informed during this conversation that the pharmacy had previously used a posting as a guide for determining which expired medications may not be reverse distributed, however recently that practice had changed such that all expired medications that were not damaged or partially dispensed were being included in the open cardboard bins at the pharmacy for reverse distribution through INMAR. During this conversation and also during points in the inspection, the NMED inspector clarified existing NMED policy and regulations specifying that expired medications must undergo a hazardous waste determination and cannot be reverse distributed if the pharmaceutical is a hazardous waste. Based on the available information and wastes observed during the inspection, LAMC is a Very Small Quantity Generator ("VSQG") of hazardous waste.

During the walkthrough of maintenance areas, NMED observed an open unlabeled container of universal waste fluorescent lamps in the rear parking lot, near the FSG trailer. NMED also observed a closed unlabeled container of universal waste fluorescent lamps inside of the trailer. These containers were properly closed and labeled at the time of inspection.

Following the inspection, NMED requested records including 3 years of hazardous waste manifests, and the last year's worth of reverse distributed items sent to INMAR, as well as inventories of the medications observed in selected containers at the facility. No hazardous wastes were present in INMAR boxes at the time of inspection, however review of the past year's reverse distributed medications showed 2 items, a silver cream and also a syringe of diazepam, which are hazardous wastes that were improperly reverse distributed.

Potential Violations are listed below.

#### **Potential Violations**

Please be advised that this list may not be inclusive and additional violations may be added after reviewing notes, pictures and documents.

1. **Regulation: 40 CFR 262.11 - Failure to make a hazardous waste determination**

During review of reverse distribution records, NMED identified two items that were expired waste pharmaceuticals that should have been placed in a hazardous waste container and managed as hazardous waste instead of reverse distribution: Silver Sulfadiazine 1% Cream (NDC#67877012425) and Diazepam 10mg/2ml carpuject (NDC#00409127303). LAMC must ensure that reverse distribution practices are in compliance with federal and state regulatory requirements. There are two primary options for this change: either evaluate all expired medications to perform a hazardous waste determination (there are online services that can be used to look this up by NDC#), or ensure that all reverse distributed pharmaceuticals go offsite prior to the expiration dates.

2. **Regulation: 40 CFR 273.13(d)(1) - Failure to store universal waste lamps in a closed container capable to prevent breakage**

During the inspection, NMED inspectors observed an open box of universal waste fluorescent lamps in the rear parking lot. The box was closed at the time of inspection.

Also, NMED observed several waste incandescent bulbs (no longer used) in the maintenance storage area that were not in closed containers. Incandescent bulbs are also typically universal waste due to lead content, unless available acceptable knowledge shows the bulb will not contain lead at TCLP levels.

3. **Regulation: 40 CFR 273.14(e) and 20.4.1.1001(B) NMAC - Failure to label universal waste lamps with the words "universal waste", or with other wording to identify contents**

During the inspection, NMED inspectors observed two unlabeled boxes of universal waste fluorescent lamps in the rear parking lot and FSG trailer. The boxes were labeled at the time of inspection.

Also, NMED observed several unlabeled waste incandescent bulbs (no longer used) in the maintenance storage area. Incandescent bulbs are also typically universal waste due to lead content, unless available acceptable knowledge shows the bulb will not contain lead at TCLP levels.

4. **Regulation: 40 CFR 273.15(c) - Failure to demonstrate the length of time universal waste has accumulated**

During the inspection, NMED inspectors observed two unlabeled boxes of universal waste fluorescent lamps in the rear parking lot and FSG trailer. The boxes were labeled and dated at the time of inspection.

Also, NMED observed several waste incandescent bulbs (no longer used) in the maintenance storage area that were not dated with the date they became a waste. Incandescent bulbs are also typically universal waste due to lead content, unless available acceptable knowledge shows the bulb will not contain lead at TCLP levels.

5. **Regulation: 20.4.3.500 NMAC - Failure to submit annual hazardous waste fees as a Very Small Quantity Generator by the due date of August 1, 2021**

During manifest review, NMED noted that LAMC was a VSQG during Calendar Year 2020 and disposed of hazardous wastes during that time. NMED has no record of LAMC submitting hazardous waste fees owed. This requirement was added to the NMAC in 2019 and came into effect January 2020.

**Areas of Concern**

- a. Recommend including blue bins at nurses' stations such that non-hazardous waste pharmaceuticals may be separated from hazardous waste pharmaceuticals, which would go in the black bin.
- b. Be cognizant of the acutely toxic waste pharmaceuticals, foremost of which are Warfirin/Coumadin. Ensure these medications are properly placed in the small black bins. NMED did not encounter any of these wastes (including expired medications) at the facility, and acutely toxic wastes were not present in LAMC's hazardous waste manifests or in the reverse distribution records. The possibilities are that either: LAMC's processes preclude generation of these wastes, these wastes have not been generated recently by chance or, these wastes were not identified in hazardous waste manifests. Strongly recommend training for nursing managers to ensure units are able to identify and properly containerize hazardous wastes, acutely toxic hazardous waste, and segregate them from each other and from non-hazardous waste pharmaceuticals.
- c. Please contact the environment department for information regarding regulatory requirements if LAMC anticipates a large (>1 kg) generation of acutely toxic hazardous wastes and/or anticipates becoming an SQG again.
- d. Recommend implementing hazardous waste labeling practices.

**Exit Conference**

Date of Exit Conference:9/3/2021

Time of Exit: 1000am \_\_\_\_\_

Discussion/Explanation of Potential Violation(s):

Explain Review Process by NMED/HWB Management:

NMED Anticipated Timetable for Possible Enforcement Action(s):

Explain Availability of On Site Technical Assistance:

Advised Facility Representative, no potential violation(s) of 20 NMAC 4.1 were identified. Also, explained that Facility remains obligated to comply with all applicable laws and regulations.

Advised Facility Representative of the potential violation(s) identified during the inspection. Explained that in accordance with § 74-4-10 NMSA 1978 (Repl. Pamp. 2000), NMED may: (1) issue a Notice of Violation requesting voluntary compliance within a specified time period; (2) issue a Compliance Order requiring compliance immediately or within a specified time assessing a civil penalty for any past or current violations of up to \$10,000 per day of noncompliance with each violation or both; or (3) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

**Participants:**

Name	Title	Email address	Phone #
Aaron Coffman	Environmental Scientist	<a href="mailto:Aaron.coffman@state.nm.us">Aaron.coffman@state.nm.us</a>	505-690-5211
Carlos Branch	Director of Plant Operations	<a href="mailto:Carlos.branch@lpnt.com">Carlos.branch@lpnt.com</a>	505-412-3757
Pam Torresday	EVS Manager	<a href="mailto:Pam.torresday@lpnt.com">Pam.torresday@lpnt.com</a>	505-412-7470

**VERY SMALL QUANTITY GENERATOR CHECKLIST**

FACILITY: Los Alamos Medical Center

DATE: 8/17/2021

EPA ID#: NMD986671881

INSPECTOR: AC

CITATION	GENERAL	VSQG
<b>HAZARDOUS WASTE DETERMINATION</b>		
262.11(a)	Hazardous waste determination made at the point of generation, before dilution, mixing, or other alteration?	yes <input type="checkbox"/> no <input checked="" type="checkbox"/> n/a <input type="checkbox"/>
262.11(d)(1)	Waste determination made by knowledge of process?	yes <input type="checkbox"/> no <input checked="" type="checkbox"/> n/a <input type="checkbox"/>
262.11(d)(2)	Waste determination made by testing?	yes <input type="checkbox"/> no <input checked="" type="checkbox"/> n/a <input type="checkbox"/>
<b>ACCUMULATION</b>		
262.14(a)(3)	<b>Acute hazardous</b> waste generated and accumulated on site less than 1 kg (2.2 lbs.).	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.14(a)(3)	<b>Acute hazardous</b> waste generated and accumulated from a cleanup of a spill is less than 100 kg (220 lbs.).	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.14(a)(3)	Does any acute hazardous waste accumulated on site exceed the volume limits above?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.14(a)(5)	Does the facility treat the hazardous waste on site?	yes <input type="checkbox"/> no <input checked="" type="checkbox"/> n/a <input type="checkbox"/>
262.14(a)(5)(i-vii)	Does the facility dispose of waste off site at an authorized TSD? Or....	yes <input type="checkbox"/> no <input checked="" type="checkbox"/> n/a <input type="checkbox"/>
262.14(a)(5)(viii)	Does the facility, owned by the LQG, dispose of waste at the LQG?	yes <input type="checkbox"/> no <input checked="" type="checkbox"/> n/a <input type="checkbox"/>
<b>EPISODIC GENERATION</b>		
262.232(a)(1)	Has an <b>unplanned</b> episodic event (spill, fire, accident, etc.) occurred at the facility?	yes <input type="checkbox"/> no <input checked="" type="checkbox"/> n/a <input type="checkbox"/>
262.232(a)(2)	<b>If yes</b> , did the facility notify EPA or NMED within 72 hours of the unplanned event?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.232(a)(1)	Has a <b>planned</b> episodic event (inventory cleanout, facility closure, etc.) occurred at the facility?	yes <input type="checkbox"/> no <input checked="" type="checkbox"/> n/a <input type="checkbox"/>
262.232(a)(2)	<b>If yes</b> , did the facility notify EPA or NMED within 30 calendar days prior to a planned episodic event using EPA form 8700-12?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.232(a)(4)(i or ii)	Are containers or tanks labeled with the words "Episodic Hazardous Waste"?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.232(a)(4)(i)(B) or (ii)(B)	Are the containers or tanks marked or labeled with an indication of the hazards (OSHA pictogram, DOT placard, NFPA label, or a description)?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.232(a)(4)(i)(C)	Are the containers marked or labeled with the date the episodic event began and visible for inspection on each container?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.232(a)(5)	Are hazardous waste manifests used when it sends its episodic event hazardous waste off site to a designated facility?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.232(a)(6)	Has the hazardous waste been disposed of off-site within 60 calendar days from the start of the episodic event?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.232(a)(7)	Are episodic event records kept for 3 years from the end date of the event?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
262.233	Has a petition for an additional episodic event in same calendar year been submitted to EPA or NMED?	yes <input type="checkbox"/> no <input type="checkbox"/> n/a <input checked="" type="checkbox"/>
	Does the facility manage any Universal Wastes? <b>If yes</b> , facility must comply with 273 Subpart B or C.	yes <input checked="" type="checkbox"/> no <input type="checkbox"/> n/a <input type="checkbox"/>
	Does the facility generate Used Oil? <b>If yes</b> , facility must comply with 279.	yes <input type="checkbox"/> no <input checked="" type="checkbox"/> n/a <input type="checkbox"/>
<b>CHECK ANY NON-HAZARDOUS WASTE GENERATED</b>		
Used Oil <input type="checkbox"/> Used Oil Filters <input type="checkbox"/> Oily Rags <input type="checkbox"/> Spent Antifreeze <input type="checkbox"/> Used Tires <input type="checkbox"/> Scrap Metal <input type="checkbox"/>		