



Legislation Details (With Text)

File #: AI 13-2630 **Version:** 1 **Name:** Compliance agreement - North Central Baptist
Type: Action Item **Status:** Passed
File created: 3/23/2021 **In control:** Board of Directors
On agenda: 4/13/2021 **Final action:** 4/13/2021

Title: Consider recommendation from EAA staff to approve a compliance agreement related to the underground tank system at North Central Baptist Hospital and Tenet Healthcare System.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 400210403-CSA between EAA and Tenet (North Central Baptist Hospital) Tenet Redline_EAA_Response_Final

Date	Ver.	Action By	Action	Result
4/13/2021	1	Board of Directors	approved	

Consider recommendation from EAA staff to approve a compliance agreement related to the underground tank system at North Central Baptist Hospital and Tenet Healthcare System.

STAFF RECOMMENDED MOTION:

Move the board approve a compliance agreement related to the underground tank system at North Central Baptist Hospital and Tenet Healthcare System for the continued operation of its underground storage tank system and requirements to achieve full compliance with EAA rules.

SUMMARY:

The purpose of this agenda item is for the board to consider a compliance agreement between the EAA and North Central Baptist Hospital / Tenet Healthcare regarding the underground storage tanks (USTs) associated with the hospital's facility.

USTs were installed at the facility in March 1991, and the tanks are not tertiary contained. Section 713.607 (c) of the EAA's rules indicates that "Irrespective of any other provision in these rules, thirty years from the date of the installation of a UST system, all UST systems located on the recharge zone shall:

- (1) incorporate a method of tertiary containment through the major modification process; or
- (2) remove the UST from service."

EAA staff began conversations with the facility in 2017 regarding their obligations under EAA regulations. Since that time, EAA staff has had numerous formal and informal communications regarding the deadline for the UST to be upgraded to tertiary containment or be removed from service.

In December 2020, representatives for the facility contacted EAA staff inquiring as to what, if anything, North Central Baptist Hospital could do to get an extension past the March 27, 2021 deadline. The formal extension request submitted on January 20, 2021 is attached. Current plans for the facility involve removing the UST and replacing it with an aboveground storage tank, but such actions can only take place after March 27, 2021, due to various reasons - including obtaining tank plan approval from the Texas Commission on Environmental Quality. The facility was informed that EAA staff does not have the ability to grant an extension under EAA rules

At the February 2 Executive Committee meeting, EAA staff reviewed the EAA rules regarding UST upgrades and staff's assistance efforts to date, and representatives from North Central Baptist Hospital / Tenet Healthcare addressed reasons why they cannot meet the March 2021 deadline, their tank tightness testing that was performed in January, and provided a proposed deadline for compliance with EAA rules. The committee recommended that the board authorize staff to negotiate a compliance agreement that would allow for the requested additional time to obtain compliance.

Attached to this summary is a proposed compliance agreement between the EAA and North Central Baptist Hospital / Tenet Healthcare that has been negotiated between the General Manager and representatives from North Central Baptist Hospital / Tenet Healthcare. Essentially the compliance agreement allows North Central Baptist Hospital / Tenet Healthcare until March 27, 2022, to implement all actions to replace their current system and achieve compliance with EAA rules. The proposed agreement allows North Central Baptist Hospital / Tenet Healthcare to continue to operate its system until March 27, 2022. If compliance with EAA rules cannot be achieved by March 27, 2022, the proposed agreement requires North Central Baptist Hospital / Tenet Healthcare to take its system out of service until compliance is met. Additionally, the proposed compliance agreement requires North Central Baptist Hospital / Tenet Healthcare to forfeit the recognized capacity associated with the UST system if compliance is not achieved by March 27, 2022.

EAA staff will discuss the proposed agreement and answer any questions at the April 13 board meeting. A copy of the proposed compliance agreement is attached for the board's reference.

STRATEGIC PLAN REFERENCE:

This agenda item supports the EAA's policy direction to prevent the pollution of the Aquifer.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

FISCAL IMPACT:

None.