

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. Environmental  
Protection Agency  
2016 DEC -1 PM 3:57  
REGIONAL OFFICE

IN THE MATTER OF:

Mayagüez Medical Center -  
Dr. Ramón Emeterio Betances, Inc.  
  
RESPONDENT

Docket No. RCRA-02-2016-7106

Proceeding under Section 3008  
of the Solid Waste Disposal Act,  
as amended, 42 U.S.C. §6928

**ANSWER TO THE COMPLAINT AND REQUEST FOR HEARING**

To the Honorable Presiding Officer:

COMES NOW, Mayagüez Medical Center - Dr. Ramón Emeterio Betances, Inc. (the "Respondent"), through the undersigned attorneys, and respectfully alleges, states and prays as follows:

**I. COMPLAINT**

The allegations contained in the first four (4) introductory paragraphs of Section I of the Complaint contain conclusions of law and not statements of fact and as such do not require an answer. Insofar as an answer is required, they are hereby denied.

**JURISDICTION AND GENERAL PROVISIONS**

1. The allegations contained in paragraph 1 are conclusions of law and as such do not require an answer. In the alternative, they are hereby denied.

2. The allegations contained in paragraph 2 are conclusions of law and as such do not require an answer. In the alternative, they are hereby denied.

3. The allegations contained in paragraph 3 are conclusions of law and as such do not require an answer. In the alternative, they are hereby denied.

## **Notice**

4. With respect to paragraph 4, Respondent does not have sufficient information in order to be able to admit or deny this paragraph.

## **Respondent's Background**

5. Respondent admits that it is a respondent in this proceeding. It does not admit, however, that it should be the only respondent.

6. The allegation contained in Paragraph 6 is admitted.

7. The allegation contained in Paragraph 7 is admitted.

8. The allegations contained in Paragraph 8 are partially admitted. Respondent admits that it conducts business at this physical location, but it is not the only party that conducts business within the premises. To the extent that the "Facility" comprises all of the premises, the allegations are denied.

9. With respect to paragraph 9, Respondent admits that it is the current operator and administrator of a hospital facility and certain other areas within the premises pursuant to a contract with the Municipality of Mayagüez (the "Municipality"). Respondent clarifies that the Municipality has been and remains the legal owner of the Facility located at the above physical location.

10. The allegations contained in Paragraph 10 are a conclusion of law and as such do not require an answer. The foregoing notwithstanding, it is admitted.

11. The allegations contained in Paragraph 11 are a conclusion of law and as such do not require an answer. In the alternative, they are hereby denied.

12. The allegations contained in Paragraph 12 are a conclusion of law and as such do not require an answer. In the alternative, they are hereby denied.

13. Respondent admits that it provided the EPA with a Notification of Hazardous Waste Activity identifying itself as a large quantity generator, but denies that it was necessary given the circumstances. Based on information and belief, the waste that was generated was a universal waste.

14. The allegations contained in Paragraph 14 are a conclusion of law and as such do not require an answer. In the alternative, they are hereby denied.

15. The allegations contained in Paragraph 15 contain conclusions of law which do not require a response.

#### **EPA INVESTIGATIVE ACTIVITIES**

16. The allegations contained in Paragraph 16 are admitted with the clarification regarding the scope of the term "Facility" above.

#### **Pharmacy Area**

17. The allegations contained in Paragraph 17 are admitted.

18. With respect to Paragraph 18, it is only admitted that there were numerous communications between the EPA representative and Ms. Guzmán during the inspection of the area. The rest of the paragraph is denied as alleged because it constitutes an interpretation of the communications. It also contains conclusions of law.

19. With respect to Paragraph 19, it is only admitted that there were numerous communications between the EPA representative and Ms. Guzmán during the inspection of the area. The rest of the paragraph is denied as alleged because it constitutes an interpretation of the communications. It also contains conclusions of law.

20. The allegations contained in Paragraph 20 are denied.

