

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:)	Docket No RCRA-02-2026-7206
)	
Gov. Juan F. Luis Hospital)	
& Medical Center)	
4007 Estate Diamond Ruby, Christiansted,)	EXPEDITED SETTLEMENT AGREEMENT
St. Croix U.S.V.I. 00821)	AND FINAL ORDER
EPA ID: VIN008015919)	
)	
Respondent)	
_____)	

EXPEDITED SETTLEMENT AGREEMENT

1. The United States Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (hereafter referred to as “Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended (“RCRA”) and 40 C.F.R. § 22.13(b).
2. By copy of this letter, EPA is providing the U.S Virgin Islands Department of Planning and Natural Resources with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
3. Gov. Juan F. Luis Hospital & Medical Center (hereafter “Respondent”) is the owner or operator of a healthcare facility located at 4007 Estate Diamond Ruby, Christiansted, St. Croix U.S.V.I. (the “Facility”). On September 6, and 8, 2023, the EPA conducted a RCRA Compliance Evaluation Inspection (the “Inspection”) at the Facility, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to determine the Facility’s compliance with certain federal hazardous waste accumulation, storage, and disposal regulations. Following the Inspection, EPA issued a Notice of Violation and Information Request to the Respondent on December 21, 2023. Based on a review of the information obtained during and after the Inspection, the EPA alleges that Respondent violated the following very small quantity generator (“VSQG”) requirements of the RCRA hazardous waste management program:
 - a. 40 C.F.R. §262.14(a)(4), which requires a VSQG that accumulates at any time 1,000 kilograms (2,200 lb) or greater of non-acute hazardous waste, to comply with 40 C.F.R.

§262.16(b)(6) including marking or labeling its hazardous waste containers with the following:

- i. the words "Hazardous Waste;"
- ii. an indication of the hazards of the contents (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 C.F.R. § 172 Subpart E (labeling) or Subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 C.F.R. § 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704; and
- iii. the date upon which each period of accumulation begins clearly visible for inspection on each container.

At the time of the Inspection, EPA observed a 330-gallon tote containing hand sanitizer abandoned at the Facility's backyard. The container was not labeled with the words "Hazardous Waste," nor dated with its accumulation start date in violation of 40 C.F.R. § 262.14(a)(4).

b. 40 C.F.R. § 273.13(d), which requires that small quantity handlers 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. At the time of the Inspection, EPA observed a white plastic bin with forty (40) 4-foot spent fluorescent lamps and additional lamps placed on top of cardboard boxes without any protection from breakage. EPA also observed individually packed and loose spent lamps on the floor and on top of other boxes in violation of 40 C.F.R. § 273.13(d)(1).

c. 40 C.F.R. § 273.14(e), which requires that each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with words: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)." At the time of the Inspection, EPA observed one cardboard box with twenty-one (21) 4-foot spent fluorescent lamps, open, not labeled as "Universal Waste," or dated in violation of 40 C.F.R. § 273.14(e).

d. 40 C.F.R. § 266.504(c), which establishes that a long-term care facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may dispose of its hazardous waste pharmaceuticals (excluding contaminated personal protective equipment ("PPE") or clean-up materials) in an on-site collection receptacle of an authorized collector that is registered with the Drugs Enforcement

Administration ("DEA"); 40 C.F.R. § 266.507(d), which requires healthcare facilities to manage hazardous waste pharmaceuticals remaining in all other types of unused, partially administered, or fully administered containers as non-creditable hazardous waste pharmaceuticals. Based on the Inspection and the subsequent information provided by the Facility, EPA has determined that Respondent violated these requirements by collecting and managing hazardous waste pharmaceuticals as "Biomedical Wastes." Additionally, Respondent managed partial quantities of vials, alcohol swabs, bandages, contaminated PPE, floor sweepings, clean-up material that have come in contact with chemotherapy drugs or with blood or body fluid as "Biomedical Wastes," instead of "hazardous waste pharmaceutical" and/or "hazardous waste" as required by 40 C.F.R. § 266.507(d).

e. 40 C.F.R. §262.13(c)(9), which exempts from monthly quantity-based determinations a hazardous waste pharmaceutical that as defined in 40 C.F.R. § 266.500, is subject to or managed in accordance with 40 C.F.R. part 266 Subpart P or is a hazardous waste pharmaceutical that is also a DEA controlled substance and is conditionally exempt under 40 C.F.R. § 266.506. During the Inspection, EPA observed off-specifications medicines (i.e., chemotherapy solutions) with hazardous chemicals as principal active ingredients managed as "Biomedical Wastes." These should have been included and counted when determining the quantity of hazardous waste generated at the Facility.

f. 40 C.F.R. § 266.505, which prohibits the discharge of hazardous waste pharmaceuticals to a sewer system that passes through to a publicly-owned treatment works, and 40 C.F.R. § 262.11 which requires that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, makes 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. Based on the Inspection and the information submitted by the Facility, Respondent neutralizes formalin solution (i.e., formaldehyde, RCRA U122) using "Vytac ACX Acid Neutralizer" according to the manufacturer's instructions prior to disposal. Respondent indicated that the neutralized formalin is then disposed of through the sink with running water without conducting a hazardous waste determination, in violation of the sewerage ban in 40 C.F.R. § 266.505.

4. EPA and Respondent agree that settlement of this matter for a civil penalty of **twelve thousand five hundred dollars (\$12,500.00)** is in the public interest.
5. In signing this Agreement, Respondent: (1) admits that it is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as described herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5)

waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the filed ESA.

6. By signing this consent agreement, respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.
7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violations have been corrected, and Respondent has submitted true and accurate documentation of such correction.
8. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it. Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
9. EPA reserves all its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
10. Each party shall bear its own costs and fees, if any.
11. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. §6938(a), and according to the terms of this Agreement and Final Order, IT IS HEREBY ORDERED THAT:

12. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$12,500.00 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.

13. Within 24 hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

U.S. Environmental Protection Agency
Region 2 Hearing Clerk
Region2_RegionalHearingClerk@epa.gov
and

Eduardo González, Enforcement Officer
U.S. Environmental Protection Agency, Region 2
gonzalez.eduardo@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

14. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Expedited Settlement and Final Order shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.

IT IS SO AGREED,

Adeline L Williams Connor
Name (print)

COO
Title (print)

Adeline Williams Connor
Signature

Date: Feb 20, 2024

APPROVED BY EPA:

Carmen R. Guerrero Pérez

Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection
Division Region 2

Date: February 27, 2026

IT IS SO ORDERED:

Dana P Friedman
Regional Judicial Officer
Region 2

Date: _____