



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA, SUITE 7000
#48 165 RD. KM 1.2
GUAYNABO, PR 00968-8069

U.S. Environmental Protection Agency
RCRA-Reg 2
2016 SEP 28 PM 12:31
REGIONAL HEARING CLERK

6926:6

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ildefonso Vargas Feliciano
Executive Director
Mayagüez Medical Center Dr. Ramón Emeterio Betances, Inc.
PO Box 600
Mayagüez, PR 00681

**Re: In the Matter of Mayagüez Medical Center Dr. Ramón Emeterio Betances, Inc.
Docket Number RCRA-02-2016-7106**

Dear Mr. Vargas:

Enclosed is the Complaint, Compliance Order and Opportunity for Hearing in the above-referenced proceeding. The Complaint alleges violations of the Solid Waste Disposal Act, as amended, 42 U.S.C. §§ 6901 *et seq.*

You have the right to a formal hearing to contest any of the allegations in the Complaint and/or to contest the penalty proposed in the Complaint. If you wish to contest the allegations and/or the penalty proposed in the Complaint, you must file an Answer within thirty (30) days of your receipt of the enclosed Complaint with the Regional Hearing Clerk of the Environmental Protection Agency (“EPA”), Region 2, at the following address:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

If you do not file an Answer within thirty (30) days of receipt of this Complaint and have not obtained a formal extension for filing an Answer from the Regional Judicial Officer of Region 2, a default order may be entered against you and the entire proposed penalty may be assessed.

Whether or not you request a formal hearing, you may request an informal conference with EPA to discuss any issue relating to the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement and to have an informal conference with EPA. However, a request for an informal conference does not substitute for a written Answer, affect what you may choose to say in an Answer, or extend the thirty (30) days by which you must file an Answer requesting a hearing.

You will find enclosed a copy of the “Consolidated Rules of Practice,” which govern this proceeding (a

brief discussion of some of these rules appears in the later part of the Complaint). For your general information and use, I also enclose both an "Information Sheet for U.S. EPA Small Business Resources" and a "Notice of SEC Registrants' Duty to disclose Environmental Legal Proceedings" which may apply to you depending on the size of the proposed penalty and the nature of your company.

EPA encourages the use of Supplemental Environmental Projects, where appropriate, as part of any settlement. I am enclosing a brochure on EPA's Supplemental Environmental Projects. Additional information on EPA's Supplemental Environmental Projects and the complete policy can be found at <https://www.epa.gov/enforcement/supplemental-environmental-projects-seps>. Please note that these projects are only available as part of a negotiated settlement and are not available if this case has to be resolved by a formal adjudication.

If you have any questions or wish to schedule an informal conference, please contact the attorney whose name is listed in the Complaint.

Sincerely,



Carmen R. Guerrero-Pérez, Director
Caribbean Environmental Protection Division

Enclosures

cc: Karen Maples, Regional Hearing Clerk (without enclosures)

U.S. Environmental
Protection Agency-Reg 2

2016 SEP 28 PM 12:32

REGIONAL HEARING
CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

In the Matter of:

Mayagüez Medical Center
Dr. Ramón Emeterio Betances, Inc.
Respondent

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

COMPLAINT, COMPLIANCE ORDER,
AND NOTICE OF OPPORTUNITY FOR
HEARING

Docket No. RCRA-02-2016-7106

I. COMPLAINT

This is a civil administrative proceeding instituted pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by various laws including the Resource Conservation and Recovery Act, and the Hazardous and Solid Waste Amendments of 1984 (“HSWA”), 42 U.S.C. §§ 6901-6991 (together hereafter the “Act” or “RCRA”), for injunctive relief and the assessment of civil penalties. The United States Environmental Protection Agency (“EPA”) has promulgated regulations governing the handling and management of hazardous waste at 40 C.F.R. Parts 260-273 and 279.

This “COMPLAINT, COMPLIANCE ORDER AND NOTICE OF OPPORTUNITY FOR HEARING” (“Complaint”) serves notice of EPA’s preliminary determination that the Mayagüez Medical Center Dr. Ramón Emeterio Betances, Inc. has violated provisions of RCRA and federal regulations concerning the management of hazardous waste.

Section 3006(b) of the Act, 42 U.S.C. § 6926(b), provides that EPA’s Administrator may, if certain criteria are met, authorize a state to operate a “hazardous waste program” (within the meaning of Section 3006 of the Act, 42 U.S.C. § 6926) in lieu of the federal hazardous waste program. The Commonwealth of Puerto Rico is a “State” as that term is defined by Section 1004(31) of the Act, 42 U.S.C. § 6903(31). The Commonwealth of Puerto Rico, however, is not authorized by EPA to administer a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926. Therefore, EPA retains primary responsibility for the implementation and enforcement of RCRA’s hazardous waste regulations in the Commonwealth of Puerto Rico.

The Complainant in this proceeding, the Director of the Caribbean Environmental Protection Division, EPA, Region 2, who has been duly delegated the authority to institute this action, hereby alleges upon information and belief:

JURISDICTION AND GENERAL PROVISIONS

1. This administrative Tribunal has jurisdiction over the subject matter of this action pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.1(a)(4).

