



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852

Via Electronic Mail

Carrie Adams, COO
Meritus Medical Center
11116 Medical Campus Road
Hagerstown, Maryland 21742
Carrie.adams@meritushealth.com

RE: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, U.S.C. §6927(a), Regarding Generation and Management of Hazardous Waste by Meritus Medical Center
EPA ID No. MDR000524548
Reference Number: C24-002

Dear Ms. Adams:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting to supplement information obtained during EPA Region 3's Compliance Evaluation Inspection ("CEI") of Meritus Medical Center, located at 11116 Medical Campus Road, Hagerstown, Maryland 21742, ("MMC" or "the Facility") on May 16, 2023 (report sent on 06/23/2023 – referred to as "EPA Inspection Report"). EPA is requesting this information pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), regarding generation and management of hazardous waste. EPA requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including documents responsive to such requests.

Section 3007(a) of the Resource Conservation and Recovery Act

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight

receipts, tolls receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained and translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 et seq., 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), and the authorized State of Maryland Hazardous Waste Management Regulations (“MdHWMR”) set forth at the Code of Maryland Regulations (“COMAR”), Title 26, Subtitle 13 et seq., shall have the meanings set forth therein.

Please provide the information requested below:

Information Request

1. During the EPA inspection, in Room 1506 of the first-floor pharmacy, the inspector observed an unlabeled yellow container that is utilized for the disposal of personal protective equipment (“PPE”) which include disposable gowns and gloves. With respect to the PPE, please answer the following:
 - a. Please state whether or not a “waste determination” and “LDR determination” have been made for the PPE.
 - b. If a “waste determination” was made for the PPE, state whether the waste determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator’s knowledge, provide a narrative explanation of the scientific basis for such documentation, and provide any supporting documentation.
 - c. Was the PPE determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with such hazardous waste.
2. With respect to MMC’s contingency plan, please answer the following:
 - a. During the EPA inspection, Ms. Carrie Adams had indicated that Washington County, Maryland had a copy of MMC’s contingency plan. Please provide any documentation, which includes the date, that shows that Washington County had a copy of MMC’s contingency plan **at the time of the inspection**.
 - b. During the EPA inspection, the EPA inspector did not observe emergency coordinators and a list of emergency equipment in the contingency plan. After the inspection, MMC provided the EPA inspector with an undated Microsoft Word document listing the

emergency coordinators and an undated Microsoft Excel document listing emergency equipment.

- i. Please indicate if, **at the time of the EPA inspection**, the contingency plan included information pertaining to the emergency coordinators and a list of emergency equipment.
 - ii. Please submit a copy of the contingency plan that was in effect at the time of the EPA inspection and state the date that it was last updated prior to the EPA inspection. If the contingency plan was updated after the inspection, please describe, in detail, any updates made to the plan made after the inspection.
3. Please provide weekly inspection logs of the hazardous waste accumulation area for the following weeks in calendar year 2022: week of 3/06 (3/06 – 3/12), week of 3/13 (3/13 – 3/19), week of 3/20 (3/20 – 3/26), week of 3/27 (3/27 – 4/02), week of 5/22 (5/22 – 5/28), week of 6/19 (6/19 – 6/25), and week of 6/26 (6/26 – 7/02).
 - a. Did MMC conduct inspections of the HWAA during the weeks noted above?
 - i. If you answered “Yes” to any part of Question 3.a., (1) state the exact date when such inspections were conducted, (2) provide the first and last name of each person at the Facility who is or was responsible for conducting weekly inspections of this container.
 - ii. If you answered “No” to any part of Question 3.a., please explain in detail why MMC did not do inspections of the HWAA during any of the weeks noted above.
4. With respect to MMC’s hazardous waste training program:
 - a. Provide the first and last name of each employee at MMC who is or has been responsible for the handling and/or management of hazardous waste for the time period of January 1, 2020 to May 16, 2023. This would include, but not limited to, persons responsible for the labeling, dating, inspecting, and transporting containers of hazardous waste, in addition to the signing of manifest and LDR notices, waste determinations, emergency coordinators, and hazardous waste training instructors.
 - b. Provide the exact dates of employment for each of the employee names provided in your response to Question 4.a. above.
5. Please state “yes” or “no” to the following question: Does MMC maintain documentation specifying the job title and job description for each employee listed in response to Question 4.a.? If “yes”, please answer the following:
 - a. Submit MMC’s documented job titles and written job descriptions for each employee listed in response to Question 4.a. for the time period of January 1, 2020 to May 16, 2023

- b. For each document submitted in response to Question 5.a. above, provide the date each document was first created by MMC.
6. Please state “yes” or “no” to the following question: Has MMC provided annual refresher hazardous waste training to each employee listed in response to Question 4.a.? If “yes”, please answer the following:
 - a. Provide the dates on which annual refresher hazardous waste training was conducted for each of the employees listed in response to Question 4.a. for the time period of January 1, 2020 to May 16, 2023, and state the basis of your knowledge.
 - b. Submit any and all records MMC has maintained to document that annual refresher hazardous waste training has been conducted for each employee named in response to Question 4.a. for the time period of January 1, 2020 to May 16, 2023

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928 authorize EPA to pursue penalties for failure to comply with Section 3007(a) of RCRA respectively. In addition, Section 3007(a) of RCRA, 42 U.S.C. § 6928 authorizes EPA to pursue penalties for failure to respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings. **Your response must include the following signed and dated certification:**

I certify under penalty of law that I have personally examined and am familiar with the informing submitted in this and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature: _____
 Date: _____
 Name: _____
 Title: _____

With regard to the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”), please see the “Information for Small Businesses” memo, found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA’s decision to pursue an enforcement action. To preserve your facility’s legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA’s enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your Facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response electronically to:

Jeremy Dearden (3ED22)
Dearden.jeremy@epa.gov
U.S. Environmental Protection Agency
Region III
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2852

If you have any questions concerning this matter, please contact Mr. Dearden, Compliance Officer, at (215) 814-5351 or dearden.jeremy@epa.gov.

Sincerely,

Jeanna R. Henry, Chief
Air & RCRA Branch
Enforcement and Compliance Assurance Division

cc: Jeremy Dearden (3ED22) (dearden.jeremy@epa.gov)
Pauline Belgiovane (3ED20) (belgiovane.pauline@epa.gov)
Bryan Coblentz, MDE (brian.coblentz@maryland.gov)
Jeanette Dean, MMC (jeanette.dean@meritushealth.com)