



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

November 16, 2023

SENT VIA EMAIL:

MR. EDGARDO X. GONZÁLEZ
RYDER MEMORIAL HOSPITAL INC - HUMACAO
355 FONT MARTELO AVE
HUMACAO, PUERTO RICO 00792
Email: egonzalez@HRYDER.org

RE: **RCRA § 3008 – NOTICE OF VIOLATION**
RYDER MEMORIAL HOSPITAL INC - HUMACAO
EPA ID: PRR000026997
CEPD-RCRA-24-0000-3008-002

Dear Mr. González:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq. Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 Code of Federal Regulations (C.F.R.) Parts 260-272. For the purposes of this Notice of Violation (NOV), the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984. The Commonwealth of Puerto Rico is not authorized by the EPA to conduct a hazardous waste program and to enforce RCRA under Section 3006 of RCRA, 42 U.S.C. § 6926.

On or about August 29, 2023, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of RYDER MEMORIAL HOSPITAL INC, located in Humacao, Puerto Rico, (the "Facility") pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. As a result of the CEI, EPA representative found the Facility in violation of §§ 40 CFR 262.16(b)(8)(i), and 40 CFR 266.502(a)(1) of the RCRA Regulations.

This Notice of Violation (Enclosure I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. §§ 6901 and 6928. Issuance of this NOV and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your company, including a monetary penalty, under Section 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

If you have not already done so, you must take immediate action to correct the violations described in Enclosure I. Please submit, within thirty (30) days of the receipt of this letter, a response which includes (1) a description of the actions you have taken to correct the violations noted in Enclosure I, (2) documentation that the violations have been corrected, and (3) a description of the procedures that will be put into place to prevent such violations from occurring in the future. For consistency, please provide your answers in a format which is keyed to the sections as outlined in Enclosure I to this letter.

Your response to this NOV can be send through email to the following email address caballer.rosana@epa.gov and can also be mailed to the following address:

Rosana Caballer-Cruz, Enforcement Officer
Response and Remediation Branch
U.S. Environmental Protection Agency - Region 2
Caribbean Environmental Protection Division
City View Plaza II, suite 7000
#48 PR-165 km 1.2
Guaynabo, PR 00968-8069

Failure to respond in full to the above requirements may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. If you have any questions regarding this matter, please contact Ms. Rosana Caballer-Cruz, from my staff, at 787-977-5880 or via e-mail at caballer.rosana@epa.gov.

Sincerely,

**CARMEN
GUERRERO
PEREZ**

Digitally signed by
CARMEN GUERRERO
PEREZ
Date: 2023.11.16
16:25:44 -04'00'

Carmen R. Guerrero Pérez
Director

Enclosures: Enclosure I - Notice of Violation

cc: Ms. Lorna Rodríguez, RCRA Enforcement Section Chief
Puerto Rico Dept. Natural & Environmental Resources



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

RYDER MEMORIAL HOSPITAL INC – HUMACAO

EPA ID: PRR000026997

CEPD-RCRA-24-0000-3008-002

On or about August 29, 2023, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the RYDER MEMORIAL HOSPITAL INC - HUMACAO (RYDER) located at 355 FONT MARTELO AVE, HUMACAO, PUERTO RICO, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. As a result of the CEI, EPA has identified the following violations of the RCRA regulations.

i. 40 CFR § 262.16(b)(8)(i)

At the time of the inspection, RYDER failed § 262.16(b)(8)(i) which required *“A small quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.”*

The facility failed to comply with this requirement at the Clinic Laboratory Area and the 180-day HWAA. At the Clinic Laboratory Area, an SAA was not available at this location, and, in the 180-day HWAA, the area did not have the required equipment, as referenced by 40 CFR § 262.16(b)(8)(ii), and did not have access the required aisle space, as referenced by 40 CFR § 262.16(b)(8)(v).

ii. 40 CFR 266.502(a)(1)

At the time of the inspection, RYDER failed § 266.502(a)(1) which required *“A healthcare facility must notify the EPA Regional Administrator, using the Site Identification Form (EPA Form 8700-12), that it is a healthcare facility operating under this subpart. A healthcare facility is not required to fill out Box 10.B. (Waste Codes for Federally Regulated Hazardous Waste) of the Site Identification Form with respect to its hazardous waste pharmaceuticals. A healthcare facility must submit a separate notification (Site Identification Form) for each site or EPA identification number”*

The facility failed to comply with this requirement. This CEI was conducted as a result of the Non-notifiers initiative. The facilities identified in this initiative were included since the Agency had a reason to believe that they are generators of hazardous waste, based on EPA’s review of eManifests. Although the facility issued the 8700-12 to identify itself as a Small Quantity Generator (SQG) prior to this

Compliance Evaluation Inspection (CEI), it failed to notify the Agency that its facility is a healthcare facility in the Pharmaceuticals Activities Section in the 8700-12 document, as required by Regulation.