



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

14 MAR 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7015 1520 0003 3989 5091

Bernard Holtman
Hendrick Medical Center
1900 Pine Street
Abilene, Texas 79601

RE: Potential RCRA Violations and Opportunity for Settlement

Dear Mr. Holtman:

The United States Environmental Protection Agency Region 6 (EPA), through its investigation and records review, has made certain determinations about the Hendrick Medical Center facility located at 1900 Pine Street, Abilene, Texas. Specifically, EPA has identified potential violations of the Resource Conservation Recovery Act (RCRA) and related regulations. For this reason, I am writing to share with you: (1) the current areas of concern; (2) an option for resolution; and (3) a timeline for resolution.

Current Areas of Concern

As a generator of hazardous waste, Hendrick Medical Center is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in 30 TEX. ADMIN. CODE § 335, Subchapters C and F (incorporating 40 C.F.R. §§ 262 and 270). Upon further investigation EPA may determine that Hendrick Medical Center is also subject to additional laws and regulations.

Based on EPA's current investigation and records review, Hendrick Medical Center has identified itself as a RCRA non generator since 2005. However, in 2011 and 2012, Hendrick Medical Center generated acute hazardous waste in quantities that exceeded the threshold amount of 1 kg per calendar month, which qualifies Hendrick Medical Center for large quantity generator status as established under 30 TEX. ADMIN. CODE § 335, Subchapters C and F.

EPA has identified a few potential violations and areas of concern. At a minimum, EPA has identified the following potential violations committed by Hendrick Medical Center:

- i. Failure to operate within its stated generator status, for at least one year, in violation of 30 TEX. ADMIN. CODE § 335, Subchapters C and F (40 C.F.R. §§ 262 and/or 270); and
- ii. Failure to comply with the RCRA notification requirements, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

EPA is prepared to meet and discuss the potential violations and any additional areas of concern with Hendrick Medical Center with the aim of resolving this matter through a timely settlement process.

An Option for Resolution

Upon receipt of this letter, if Hendrick Medical Center is interested in resolving the matter through settlement, Hendrick Medical Center has until April 1st to inform EPA in writing by contacting the attorney assigned to this matter, James Murdock, via email to murdock.james@epa.gov. Mr. Murdock will then make arrangements to meet with Hendrick Medical Center either at the EPA office in Dallas, Texas or via conference call. During this meeting, Hendrick Medical Center may address the potential violations and present any evidence that contravenes EPA's evidence. The main goal of this option is to bring Hendrick Medical Center into timely compliance with the applicable environmental laws and regulations.

Timetable for Resolution

Given the nature of the potential violations and the current evidence that EPA has in support of these violations, EPA estimates that if Hendrick Medical Center avails itself of the settlement process that EPA is now offering, the parties, working amicably together, could have an agreed Consent Agreement and Final Order by April 22nd. If Hendrick Medical Center decides not to accept this streamlined option for settlement, Hendrick Medical Center should notify EPA of its decision in writing to James Murdock by April 1st. Thereafter, EPA will exercise other options for ensuring Hendrick Medical Center's timely compliance with RCRA.

Please direct technical questions to Ashley Pederson of the Hazardous Waste Enforcement Branch at (214) 665-7561, and other questions to James Murdock of the Office of Regional Counsel at (214) 665-7302. Thank you for your attention to this matter.

Sincerely,



Mark Potts
Branch Chief
Hazardous Waste Enforcement Branch

Enclosure

cc: Ivan T. Lancaster
Registered Agent
Hendrick Medical Center
1900 Pine Street
Abilene, TX 79601

ec: James Grady
Texas Commission on Environmental Quality
James.Gradney@tceq.texas.gov

Frank Burleson
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U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsca-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.