



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

January 11, 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7015 1520 0003 3990 2164

Ben Buchanan
Environmental Manager
Memorial Hermann Southwest Hospital
7600 Beechnut Street
Houston, TX 77074

RE: Potential RCRA Violations and Opportunity for Settlement

Dear Mr. Buchanan,

The United States Environmental Protection Agency, Region 6 ("EPA"), through its investigation and records review, has made certain preliminary determinations about Memorial Hermann Southwest Hospital, located at 7600 Beechnut Street, Houston, Texas 77074 ("Memorial Hermann"). Specifically, EPA has identified potential violations of the Resource Conservation and Recovery Act ("RCRA"), and the regulations promulgated thereunder. I therefore write 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, Memorial Hermann 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 Subchapters C and/or F, which implement regulations found in 40 C.F.R. Parts 262 and/or 270. Upon further investigation, EPA may determine that Memorial Hermann is also subject to Sections 3004 and 3005 of RCRA, 42 U.S.C. §§ 6924 and 6925, and the regulations promulgated thereunder.

Based on EPA's current investigation and records review, Memorial Hermann has been generating hazardous waste and offering its hazardous waste for transportation and/or directly for

treatment from at least 2011 through 2013. Further, EPA has determined that the amount of Memorial Hermann's hazardous waste generation likely triggers the small quantity generator requirements of RCRA.

From our investigation, EPA has identified several preliminary violations and areas of concern. At a minimum, EPA has identified the following preliminary violations of RCRA by Memorial Hermann:

- i. Failure to comply with RCRA notification requirements, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a); and
- ii. Failure to operate within the stated generator status and/or without complying with the small and/or large quantity generator requirements in violation of 30 TEX. ADMIN. CODE Chapter 335, Subchapter C, implementing regulations found in 40 C.F.R. § 262.

EPA is prepared to meet and discuss these potential violations with Memorial Hermann, along with any additional areas of concern, with the aim of resolving this matter through a timely settlement process.

An Option for Resolution

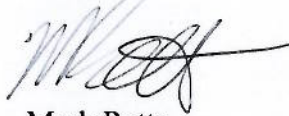
If Memorial Hermann is interested in resolving this matter through settlement, please inform EPA by letter or email addressed to the attorney assigned to this matter, Mr. Matthew Trawick (6RC-ER), by January 26, 2016. Thereafter, Mr. Trawick will make arrangements to meet with Memorial Hermann either at the EPA office in Dallas, Texas or via a conference call. During the settlement process, EPA will provide Memorial Hermann with a draft Consent Agreement and Final Order ("CAFO"), which sets forth the nature of the violations and the supporting facts. Additionally, during this initial meeting or conference, Memorial Hermann will have the opportunity to address the potential violations and present any evidence that contravenes EPA's findings. The main goal of this option is to bring Memorial Hermann into timely compliance with the applicable environmental laws and regulations.

Timetable for Resolution

Given the nature of the potential violations, listed above, and the current evidence that EPA has in support of these violations, EPA estimates that if Memorial Hermann avails itself of the settlement process that EPA is now offering, the parties, working amicably together, could have an agreed CAFO by April 2016. If Memorial Hermann decides not to accept this streamlined option for settlement, they should notify the EPA of its decision in writing to Mr. Trawick by January 26, 2016. Thereafter, the EPA will exercise its other options for ensuring Memorial Hermann's timely compliance with RCRA and the regulations promulgated thereunder.

Please direct technical questions to Ms. Tripti Thapa of the Hazardous Waste Enforcement Branch at (214) 665-7563, and legal questions to Mr. Matthew Trawick of the Office of Regional Counsel at (214) 665-8142. You may also contact Mr. Trawick at his email address, trawick.matthew@epa.gov. Thank you for your attention to this matter.

Sincerely,



Mark Potts
Associate Director for
Hazardous Waste Enforcement Branch

Enclosure

cc: James Gradney, MC 128
Waste Enforcement Section
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Texas Commission on Environmental Quality

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