TCEQ Complaint Report

05/31/2011
5:00:45PM

Incident No: 151576
Media Type: Waste
Start Date: Unknown
Received Date: 03/04/2011
Method : WALK IN

Staff Member:
Status: Closed
Status Date: 05/31/2011
Priority: Within 30 Calendar Days

Regulated Entity: Whole Womans Health Of Mcallen Llc
RN106097959
Address: 802 S Main St
Mcallen, Hidalgo County, TX 78501
Physical Location:

Responsible Party: Whole Womans Health Of Mcallen Llc
Address: 802 S Main St, Mcallen, TX 78501
Work Phone: (956)686-2137
Fax: (956)686-2149
E-Mail: ericka@wholewomanshealth.com

Title: Clinic Manager

Number Complaining: 1
Frequency: Current
Alleged Source: Whole Womans Health Of Mcallen Llc

Program Group: Municipal Solid Waste - High Level
Nature: Mswnonindu
Effect: Environmental

Initial Problem

COMPLAINANT ALLEGES THAT WHOLE WOMEN'S HEALTH 802 S. MAIN IN MCALLEN WAS DUMPING MEDICAL WASTE INTO A DUMPSTER FROM THEIR OPERATIONS.

Action Taken

THE COMPLAINT WAS ASSIGNED TO MR. TO BE INVESTIGATED.

Closure Comments

On March 11, 2011, Texas Commission on Environmental Quality (TCEQ) Work Leader/Environmental Investigator conducted an unannounced municipal solid waste (MSW) complaint investigation at the Whole Woman's Health of McAllen, LLC (referred to as "regulated entity" or "entity") located at 802 South Main Street in McAllen (Hidalgo County), Texas. The investigation was conducted in response to a walk-in complaint received on March 4, 2011, at the Harlingen Region Office alleging the disposal of medical waste in a dumpster by Whole Woman's Health of McAllen, LLC located at 802 South Main Street in McAllen, Texas.

It is the responsibility of the generator to ensure that their medical waste is treated and disposed of in accordance with treatment methods outlined in 25 TAC §1.136(a)(4) as required under 30 Texas Administrative Code (TAC) §330.1219(b)(3). Therefore, it is documented that the regulated entity failed to prevent the treatment and disposal of medical waste at an unauthorized facility Specifically, this is a violation of 30 TAC 330.1219(b)(3) which states that treated recognizable human body parts, tissues, fetuses, organs, and the products of human abortions, spontaneous or induced, shall not be disposed of in a municipal solid waste landfill and that these items shall be

disposed of in accordance with the provisions of 25 TAC §1.136(a)(4). This is also a violation of the General Prohibitions as per 30 TAC §330.15. It should be noted that based on this evidence the regulated entity is being referred to formal enforcement This action is consistent with the TCEQ Enforcement Initiation Criteria (EIC) guidance document Revision No. 13, effective September 1, 2010. A Notice of Enforcement (NOE) will be sent to the regulated entity and entity representatives mentioned in this report via first class and certified mail via the United States Postal Service (USPS).

A final complaint letter will be sent to the complainant A letter acknowledging receipt of the Citizen Collected Evidence (CCE) will also be sent to the complainant

Investigation #: 905782