

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 1, 2011

Re: Investigation Request at  
Whole Woman's Health of McAllen, LLC, 802 South Main Street, McAllen (Hidalgo  
County), Texas

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) Harlingen Region Office has completed a final investigation in response to your concern regarding the alleged disposal of medical waste in a dumpster by the aforementioned entity. Enclosed is a copy of the final report indicating the results of the investigation. For your information, any reference to your name or address has been omitted in an effort to enhance confidentiality. Also, the TCEQ Harlingen Region Office acknowledges and thanks you for your submittal of Citizen Collected Evidence (CCE). However, at this time the TCEQ is returning the CCE to you as the information submitted will not be used as evidence to support a violation.

Thank you for contacting the TCEQ with your concerns. If you have questions feel free to contact Mr. Francisco J. Chavero, Jr. of my staff at (956) 430-6033.

Sincerely,

A handwritten signature in cursive script that reads "David A. Ramirez".

David A. Ramirez, Regional Director  
Harlingen Region Office

DAR/fjc

Enclosures: Incident Report  
*Do You Want to Make an Environmental Complaint? Do You Have Information  
or Evidence?*

# 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:** FCHAVERO  
**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. FRANCISCO CHAVERO JR TO BE INVESTIGATED.

## Closure Comments

On March 11, 2011, Texas Commission on Environmental Quality (TCEQ) Work Leader/Environmental Investigator Francisco J. Chavero, Jr. 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

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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**