



CERTIFIED MAIL

Article No. 9214 8969 0099 9790 1411 1072 48

March 6, 2018

Ms. Kathy Adams
Greenville Women's Clinic, PA
1142 Grove Road
Greenville, SC 29605

Re: Notice of Alleged Violation / Notice of Enforcement Conference
SC23-0410G
Greenville County, South Carolina

Dear Ms. Adams:

Please find enclosed a Notice of Alleged Violation/Notice of Enforcement Conference. This informal conference will provide representatives of Greenville Women's with the opportunity to disprove the alleged violations noted in the NOAV and to present any extenuating information to the South Carolina Department of Health and Environmental Control (Department) that may mitigate the gravity of the violations noted therein.

Also enclosed is a document entitled *An Overview of the Administrative Enforcement Process*. This document is designed to provide general information about the civil enforcement process.

Please feel free to contact me at your convenience should you have any questions or concerns either by phone at (803) 898-0490 or by email at caswellh@dhec.sc.gov.

Respectfully,

Lorria H. Caswell
Enforcement Section
Division of Compliance and Enforcement
Bureau of Land and Waste Management

ec: Kimberly Noonan, Infectious Waste, SCDHEC (via electronic mail)
Etta R. Williams Linen, Esquire, Office of General Counsel, SCDHEC (via electronic mail)

**STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**IN RE: GREENVILLE WOMEN'S CLINIC PA
SC23-0410G
GREENVILLE COUNTY**

NOTICE OF ALLEGED VIOLATION/NOTICE OF ENFORCEMENT CONFERENCE

GREENVILLE WOMEN'S CLINIC PA (GREENVILLE WOMEN'S) IS HEREBY NOTIFIED that an enforcement conference has been scheduled for Thursday, March 22, 2018, at 10:00 am in the offices of the Bureau of Land and Waste Management, Room 1380, Sims Aycock Building, 2600 Bull Street, Columbia, South Carolina. Representatives of Greenville Women's can be present at this conference to discuss the alleged violations of the South Carolina Infectious Waste Management Regulations, S.C. Code Ann. Regs. 61-105 (Supp. 2012), promulgated pursuant to the South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-30 (2002) cited herein.

Representatives of Greenville Women's may be accompanied at the conference by legal and/or technical counsel. The possibility of a Consent Order may be discussed.

This Notice is based upon the following findings of the South Carolina Department of Health and Environmental Control (Department):

1. Greenville Women's provides services at its facility located at 1142 Grove Road, Greenville South Carolina, and has been registered in South Carolina as a generator of infectious waste since December 5, 1992.
2. Greenville Women's registration on file with the Department states it generates between 50 and 999 pounds of infectious waste in a calendar month. Therefore, the Department considers it a large quantity generator.
3. On December 8, 2017, the Department received a complaint alleging that Greenville Women's transported infectious waste to the Quick Trip gas station located at 1509 Grove Road, Greenville, South Carolina on June 21, 2017, October 4, 2017, and October 18, 2017, and that the waste was transferred to Stericycle, Inc. (Stericycle), a registered South Carolina infectious waste transporter.
4. The Department investigated the complaint to determine Greenville Women's compliance with the South Carolina Infectious Waste Management Regulations, S.C. Code Ann. Regs. 61-105 (Supp. 2012) (SCIWMR), promulgated pursuant to the South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-30 (2002). During the investigation, the Department discovered and documented violations of the SCIWMR. These violations are stated in the following paragraphs of this section.

5. The Department performed a thorough review of the information and documentation provided for the complaint against Greenville Women's, and found the following:
- a. On June 21, 2017, a representative of Greenville Women's transported infectious waste from Greenville Women's to the Quick Trip gas station in an unlabeled, black Toyota Tacoma pickup truck, license plate number MEX793. The representative of Greenville Women's removed a biohazard marked box from the passenger seat of the vehicle, and the Stericycle driver accepted the waste for transportation and loaded it onto the transport vehicle. According to Manifest MDCA00H0WE, dated June 21, 2017, Stericycle picked up and transported infectious waste generated by Greenville Women's for treatment and disposal. The information provided was obtained from a complainant, who wishes to remain anonymous, and who provided pictures, written documentation and a video to the Department;
 - b. On October 4, 2017, a representative of Greenville Women's transported infectious waste from Greenville Women's to the Quick Trip gas station in an unlabeled, blue Jeep Grand Cherokee SUV. The representative of Greenville Women's removed a biohazard marked box from the back of the vehicle, and the Stericycle driver accepted the waste for transportation and loaded it onto the transport vehicle number C6131035. According to Manifest MDCA00HHL8, dated October 4, 2017, Stericycle picked up and transported infectious waste generated by Greenville Women's for treatment and disposal. The information provided was obtained from a complainant, who wishes to remain anonymous, and who provided pictures, written documentation and a video to the Department;
 - c. On October 18, 2018, a representative of Greenville Women's transported infectious waste from Greenville Women's to the Quick Trip gas station in an unlabeled, black Toyota Tacoma pick-up truck, license plate number MEX793. The representative of Greenville Women's removed a biohazard marked box from the passenger seat of the vehicle, and the Stericycle driver accepted the waste for transportation and loaded it onto the transport vehicle. According to Manifest MDCA00HJYV, dated October 18, 2017, Stericycle picked up and transported infectious waste generated by Greenville Women's for treatment and disposal. The information provided was obtained from a complainant, who wishes to remain anonymous, and who provided pictures, written documentation and a video to the Department; and,
 - d. On January 10 and January 31, 2018, a representative of Greenville Women's transported infectious waste from Greenville Women's to the Quick Trip gas station, and the Stericycle driver accepted the waste for transportation and loaded it onto the transport vehicle. According to Manifests MDCA00HXFD, dated January 10, 2018 and MDCA00I0S4, dated January 31, 2018, Stericycle picked up and transported infectious waste generated by Greenville Women's for treatment and disposal. The information provided was obtained from a complainant, who wishes to remain anonymous, and who provided written documentation to the Department.

6. Greenville Women's transferred infectious waste from its transport vehicle to the Stericycle transport vehicle at the Quick Trip gas station, which is not a designated (permitted) transfer facility (location).
7. Greenville Women's was not registered with the Department as an infectious waste transporter and had not paid the annual transporter fees.
8. Greenville Women's did not have an infectious waste management plan nor did it submit a draft of the plan along with an application to register as an infectious waste transporter.

From the above findings, the Department alleges that Greenville Women's has violated South Carolina Infectious Waste Management Regulations, S.C. Code Ann. Regs. 61-105 (Supp. 2012) promulgated pursuant to the South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-30 (2002) as follows:

1. §44-93-140, in that Greenville Women's, after the promulgation of regulations, generated, stored, and transported infectious wastes in this State without complying with the procedures described in such regulations;
2. R.61-105.N(1), in that Greenville Women's, as a transporter of infectious waste, failed to not transport infectious waste within South Carolina without being registered with the Department;
3. R.61-105.N(2), in that Greenville Women's, as a generator of infectious waste, who transports their own waste offsite, except for when they qualify as a small quantity generator in Section G of this regulation, failed to comply with all the applicable transporter requirements of this regulation;
4. R.61-105.N(3)(a), in that Greenville Women's, as a transporter of infectious waste, failed to ensure that infectious waste is only transferred from one vehicle to another at a designated transfer facility;
5. R.61-105.N(6), in that Greenville Women's, as a transporter of infectious waste, failed to develop a written infectious waste management plan;
6. R.61-105.N(7), in that Greenville Women's, as a transporter of infectious waste, failed to ensure that a draft of the plan required in Section N(6) accompany the annual registration application;
7. R.61-105.O (1), in that Greenville Women's, as a generator of infectious waste who engaged in transporting infectious waste, failed to register with the Department;
8. R.61-105.O(2), in that Greenville Women's, as a generator of infectious waste, failed to not engage in the transportation of infectious waste (except as outlined in Section N(2)) in South

Carolina unless they register annually with the Department as an infectious waste transporter, and pay applicable fees as outlined in Section DD; and,

9. R.61-105.Q(1)(a, d, g-h) in that Greenville Women's, as a transporter of infectious waste, failed to ensure that each vehicle used to transport infectious waste meet these requirements: (a) have a fully enclosed, leak resistant cargo-carrying body which protects the waste from animals, vectors, weather conditions, and minimizes exposure to the public; (d) have a cargo-carrying body be designed to prevent discharges of infectious waste, especially fluids into the environment; (g) have identification that is permanently affixed to the cargo-carrying body on two sides and the back in letters that at a minimum are three (3) inches in height which state the name of the transporter, the transporter's Department issued registration number, and the words INFECTIOUS WASTE, MEDICAL WASTE, or BIOHAZARDOUS WASTE; and, (h) have the biohazard symbol sign permanently affixed to the cargo-carry body on two sides and the front and back.

GREENVILLE WOMEN'S CLINIC PA IS FURTHER NOTIFIED that failure to attend the scheduled enforcement conference may result in the issuance of an Administrative Order without your consent. Such an Order may contain the above findings and may impose monetary penalties.

This Notice is made pursuant to South Carolina Infectious Waste Management Act §44-93-130, which authorizes the Department to issue Orders and assess monetary penalties.

March 6, 2018



Lorria H. Caswell
Enforcement Section
Division of Compliance and Enforcement
Bureau of Land and Waste Management