



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PUERTO RICO 00968

August 10, 2023

VIA ELECTRONIC MAIL TO: migdelis.huertas@boehringer-ingenelheim.com

Ms. Migdelis Huertas
Principal Specialist, Environmental Health & Safety
Boehringer Ingelheim Animal Health Puerto Rico LLC
Rd 2 Km 56.7 Bo Trinidad
Barceloneta, PR 00617

RE: RCRA § 3008 – NOTICE OF VIOLATION
Facility Name: Boehringer Ingelheim Animal Health Puerto Rico LLC
EPA ID: PRR000025189
CEPD-RCRA-23-0000-3008-010

Dear Ms. Huertas:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq. Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 Code of Federal Regulations (C.F.R.) Parts 260-272. For the purposes of this Notice of Violation (NOV), the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984. The Commonwealth of Puerto Rico is not authorized by the EPA to conduct a hazardous waste program and to enforce RCRA under Section 3006 of RCRA, 42 U.S.C. § 6926.

On or about July 19, 2023, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Boehringer Ingelheim Animal Health Puerto Rico LLC, located in Barceloneta, Puerto Rico, (the "Facility") pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. As a result of the CEI, EPA representative found the Facility in violation of §§ 262.15(a)(5)(i) and 262.15(a)(5)(ii) of the RCRA Regulations. A copy of the CEI report is enclosed for your convenience (Enclosure I).

This Notice of Violation (Enclosure II) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. §§ 6901 and 6928. Issuance of this NOV and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your company, including a monetary penalty, under Section 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

If you have not already done so, you must take immediate action to correct the violations described in Enclosure II. Please submit, within thirty (30) days of the receipt of this letter, a response which includes (1) a description of the actions you have taken to correct the violations noted in Enclosure II, (2) documentation that the violations have been corrected, and (3) a description of the procedures that will be put into place to prevent such violations from occurring in the future. For consistency, please provide your answers in a format which is keyed to the sections as outlined in Enclosure II to this letter.

Your response to this NOV can be send through email to the following email address colombani.carlos@epa.gov and can also be mailed to the following address:

Carlos Josue Colombani, Enforcement Officer
Response and Remediation Branch
U.S. Environmental Protection Agency - Region 2
Caribbean Environmental Protection Division
City View Plaza II, Suite 7000
#48 PR-165 km 1.2
Guaynabo, PR 00968-8069

Failure to respond in full to the above requirements may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. If you have any questions regarding this matter, please contact Mr. Carlos Josue Colombani, from my staff, at 787-977-5862 or via e-mail at colombani.carlos@epa.gov.

Sincerely,

**CARMEN
GUERRERO PEREZ**

Digitally signed by
CARMEN GUERRERO PEREZ
Date: 2023.08.10 07:02:11
-04'00'

Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection Division

Enclosures:

- I. Enclosure I – CEI Report
- II. Enclosure II – Notice of Violation

cc: Lorna Rodríguez, Chief
Hazardous Waste Enforcement Program
Puerto Rico Department of Natural & Environmental Resources
8838 Street, Km 6.3, Sector El Cinco
Rio Piedras, PR 00936
lornarodriguez@drna.pr.gov



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ENCLOSURE II – RCRA § 3008 NOTICE OF VIOLATION

Boehringer Ingelheim Animal Health Puerto Rico LLC
EPA ID: PRR000025189
CEPD-RCRA-23-0000-3008-010

On or about July 19, 2023, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the Boehringer Ingelheim Animal Health Puerto Rico LLC (the Facility) located at Rd 2 Km 56.7 Bo Trinidad, Barceloneta, Puerto Rico, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. As a result of the CEI, EPA has identified the following violations of the RCRA regulations.

i. 40 C.F.R. § 262.15(a)(5)(i)

At the time of the inspection, Boehringer Ingelheim Animal Health Puerto Rico LLC failed § 40 C.F.R., § 262.15(a)(5)(i) which required a generator to mark or label its container with the following: *“the words “Hazardous Waste...”*”.

The Facility failed to comply with this requirement in the F6 Satellite Accumulation Area (SAA) and in the Paint Shop SAA. At the F6 SAA, a 5-gallon container of isopropyl alcohol waste was not marked and/or labeled with the words “hazardous waste” and at the Paint Shop SAA, a 55-gallon drum of waste paint was not marked and/or labeled with the words “hazardous waste”.

ii. 40 C.F.R. § 262.15(a)(5)(ii)

At the time of the inspection, Boehringer Ingelheim Animal Health Puerto Rico LLC failed § 40 C.F.R., § 262.15(a)(5)(ii) which required a generator to mark or label its container with the following: *“An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at [49 CFR part 172 subpart E](#) (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at [29 CFR 1910.1200](#); or a chemical hazard label consistent with the National Fire Protection Association code 704).”*

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The Facility failed to comply with this requirement in the F6 SAA and in the Paint Shop SAA. At the F6 SAA, a 5-gallon container of isopropyl alcohol waste was not marked and/or labeled with an indication of the hazards of the contents and at the Paint Shop SAA, a 55-gallon drum of waste paint was not marked and/or labeled with an indication of the hazards of the contents.