



EPA REGION 2  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

May 13, 2024

**Via Email with Delivery and Read Receipt Requested:**

Mr. Elvin Rosario  
Facilities Manager-EHS  
Bard Shannon Ltd  
San Gerónimo Industrial Park Lote #1 Carr #3, km 77.5  
Humacao, Puerto Rico, 00791  
[elvin.rosario@bd.com](mailto:elvin.rosario@bd.com)

RE: **RCRA § 3008 – NOTICE OF VIOLATION**  
**Facility Name: Bard Shannon Ltd**  
**EPA ID: PRR000017962**  
**CEPD-RCRA-24-0000-3008-009**

Dear Mr. Rosario:

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 March 21, 2024, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Bard Shannon Ltd facility located in Humacao, 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 Sections 262.17(a)(1)(iv)(A) and 262.263(d) of the RCRA Regulations.

This NOV (Enclosure I) 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 I. 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 I, (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 I to this letter.

Your response to this NOV can be sent to the following electronic mail [caballer.rosana@epa.gov](mailto:caballer.rosana@epa.gov) and/or can be mailed to the following address:


Rosana Caballer-Cruz, Enforcement Officer  
RCRA & Revitalization Section  
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 a 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 Ms. Rosana Caballer-Cruz, from my staff, at 787-977-5880 or via e-mail at [caballer.rosana@epa.gov](mailto:caballer.rosana@epa.gov).

Sincerely,

**Guerrero,  
Carmen**

Carmen R. Guerrero Pérez  
Director

 Digitally signed by Guerrero,  
Carmen  
Date: 2024.05.13 15:57:55  
-04'00'

Enclosures:

I. Enclosure I - 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](mailto:lornarodriguez@drna.pr.gov)

Yesika Fernandez, EHS Specialist  
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Carlos Negroni, Plant Manager  
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EPA REGION 2  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

## ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

Bard Shannon Ltd  
EPA ID: PRR000017962  
CEPD-RCRA-24-0000-3008-009

On or about March 21, 2024, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the BARD SHANNON LTD (the Facility) located at San Gerónimo Industrial Park Lote #1 Carr #3, km 77.5, Humacao, 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 CFR § 262.17(a)(1)(iv)(A)**

At the time of the inspection, the Facility failed 40 CFR § 262.17(a)(1)(iv)(A) which required “A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste”.

The facility failed to comply with this requirement in the 90-day HWAA. At this location, a blue tray that contained a plastic bag with small bottles inside was observed open. At the time the observation was made, proper handling activities were not being performed.

**ii. 40 CFR § 262.263(d)**

At the time of the inspection, the Facility failed 40 CFR § 262.263(d) which required “The contingency plan must be reviewed, and immediately amended, if necessary, whenever: (d) The list of emergency coordinators changes.”

The facility failed to comply with this requirement. Although the facility’s integrated contingency plan provided for evaluation has available the list of emergency coordinators, the latter was not updated. It was confirmed with the facility representatives that, since October 2023, one of their contacts on such list is no longer an employee at the facility.