



REGION 2 CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

GUAYNABO, PR 00968

November 26, 2024

VIA ELECTRONIC MAIL

Mr. Hector Ramos
Director of Operations
Henkel PR, Inc.
Quillinchini Avenue 9
Sabana Grande, PR 00637
hector.amos@henkel.com

Resource Conservation and Recovery Act Section 3008 Notice of Violation: Henkel PR, Inc. facility with EPA ID: PRD090506239

Dear Mr. Ramos:

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 August 7, 2024, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Henkel PR, Inc., located at Quillinchini Avenue 9 Sabana Grande, Puerto Rico 00637 (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 40 C.F.R. §§ 262.15(a)(5)(i)(ii) and 262.17(a)(7)(iv)-(B) 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 II to this letter.

Your response to the information request in Enclosures I and II must be sent through email to the following email address vazquez.khrystian@epa.gov and can also be mailed to the following address:

Khrystian M Vazquez, Enforcement Officer
Response and Remediation Branch
Caribbean Environmental Protection Division
US Environmental Protection Agency
City View Plaza II, Suite 7000
#48 PR-165 Km 1.2 Guaynabo, Puerto Rico 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 or need any additional information, please feel free to contact Carmen Guerrero, Director of the Caribbean Environmental Protection Division, at (787) 977-5875 or guerrero.carmen@epa.gov, or have your staff contact Khrystian M. Vazquez, Environmental Scientist at vazquez.khrystian@epa.gov or (787) 977-5860.

Sincerely,

HECTOR
VELEZ-CRUZ

Digitally signed by
HECTOR VELEZ-
CRUZ
Date: 2024.11.26
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Héctor L. Vélez Cruz
Acting Director

ENCLOSURE

I. RCRA § 3008 Notice of Violation

cc: Lorna Rodriguez, Chief PRDNER, lornarodriguez@drna.pr.gov
David N Cuevas Miranda, Supervisor USEPA, cuevas.david@epa.gov

ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

On August 7, 2024, a duly authorized representative of the U.S. Environmental Protection Agency (EPA) conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of Henkel PR Inc., located at Quillinchini Avenue 9, Sabana Grande, Puerto Rico 00637, 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.

General (40 C.F.R. Part 262 Subpart A)

➤ **40 C.F.R. § 262.15(a)(5)(i)(ii)**

(5) A generator must mark or label its container with the following:

(i) The words “Hazardous Waste” and

(ii) 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 C.F.R. 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 C.F.R. § 1910.1200](#); or a chemical hazard label consistent with the National Fire Protection Association code 704).

At the time of the CEI the Bulk Anaerobic and Resin SAA had a secondary container labeled SAA for ANA with a HW labeled that read hazardous substance liquid n.o.s. (Chromium) (DBE waste). Characterization label was missing on the container. At the time of the inspection the key to unlock the padlock was not available

➤ **40 C.F.R. § 262.17(a)(7)(iv)-(B)**

(A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

(B) A written job description for each position listed under [paragraph \(a\)\(7\)\(iv\)\(A\)](#) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

At the time of the CEI the job descriptions of all SHE division office personnel lacked employee signature on the document.