



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

March 7, 2023

Cesar Castillo, LLC
PO BOX 191149
SAN JUAN, PUERTO RICO, 00919
C/O: Mr. Cesar E. Castillo

SENT VIA EMAIL TO:

cecastillo@cesarcastillo.com
yjordan@cesarcastillo.com
rrivera@cesarcastillo.com
jmenay@cesarcastillo.com

RE: RCRA § 3008 – NOTICE OF VIOLATION
Cesar Castillo, LLC
EPA ID: PRR000024935
CEPD-RCRA-23-0000-3008-004

Dear Mr. Cesar E. Castillo:

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 December 8, 2022, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of the Cesar Castillo, LLC. Facility located in Guaynabo, 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 §§ 262.256(a), 262.256(b); 262.261(c); 262.261(e); 262.262(a), and 262.262(b) of the RCRA Regulations.

This Notice of Violation (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 violation noted in Enclosure I, (2) documentation that the violation has been corrected, and (3) a description of the procedures that will be put into place to prevent such violation 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 send through email to the following email address caballer.rosana@epa.gov and can also be mailed to the following address:

Rosana Caballer-Cruz, 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 Ms. Rosana Caballer-Cruz, from my staff, at 787-977-5880 or via e-mail at caballer.rosana@epa.gov.

Sincerely,

**CARMEN
GUERRERO PEREZ**

Digitally signed by
CARMEN GUERRERO PEREZ
Date: 2023.03.07 13:12:33
-04'00'

Carmen R. Guerrero Pérez
Director

Enclosures: Enclosure I - Notice of Violation

cc: Ms. Lorna Rodríguez, RCRA Enforcement Section Chief
Puerto Rico Dept. Natural & Environmental Resources



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ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

Cesar Castillo, LLC
EPA ID: PRR000024935
CEPD-RCRA-23-0000-3008-004

On or about December 8, 2022, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the CESAR CASTILLO, LLC (CASTILLO) located at SECTOR LA MUDA CARR 1 KM 21.1 - GUAYNABO, 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. § 262.256(a)

At the time of the inspection, CASTILLO failed § 262.256(a) which required *“The large quantity generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.”*

The facility failed to comply with this requirement. Although the facility provided information related to a fire drill, conducted in May 2021, and a copy of a visitor pass from Mr. David Rivera, from “Manejo de emergencias-Guaynabo” who visited the facility on April 23, 2021, none of the documents presented and evaluated have information and/or arrangements with the first responders which included information and/or taking into account the types and quantities of hazardous wastes handled at the facility. In addition, for the mentioned visitor pass document, the reason, purpose, and/or information related to his visit could not be determined as part of the information provided.

ii. 40 C.F.R. § 262.256(b)

At the time of the inspection, CASTILLO failed § 262.256(b) which required *“The large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include*

documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.”

The facility failed to comply with this requirement. Although the facility provided information related to a fire drill, conducted in May 2021, the event documented was related to a fire in the administrative office area of the facility, not in the 90-day hazardous waste accumulation area and/or any area where handling, storing, and/or disposing of hazardous wastes activities are conducted. Furthermore, hazardous waste information and or types and quantities of hazardous wastes information were not included as part of the fire drill document. In addition, a copy of a visitor pass from Mr. David Rivera, from “Manejo de emergencias-Guaynabo who visited the facility on April 23, 2021, was also provided for evaluation. Nevertheless, for the mentioned visitor pass document, the reason, purpose, and/or information related to his visit could not be gathered as part of the information provided.

iii. 40 C.F.R. § 262.261(c)

At the time of the inspection, CASTILLO failed § 262.261(c) which required *“The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to § 262.256.”*

The facility failed to comply with this requirement. The facility’s contingency plan (in their case the BCP) did not include information related to the arrangements agreed to with the first responders, as required by the Regulated cited above.

iv. 40 C.F.R. § 262.261(e)

At the time of the inspection, CASTILLO failed § 262.261(e) which required *“The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.”*

The facility failed to comply with this requirement. Although the facility provided an emergency equipment list, the latter is from a fire equipment perspective and did not include all the emergency equipment, such as spill control equipment, communications, alarm system, and decontamination

equipment. In addition, a brief outline of the equipment capabilities was not included as part of the document provided for evaluation.

v. 40 C.F.R. § 262.262(a)

At the time of the inspection, CASTILLO failed § 262.262(a) which required *“The large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.”*

The facility failed to comply with this requirement. As part of the document review section, I asked the facility representatives if they provided a copy of their contingency plan (in their case, the BCP) to the first responders and they replied that a copy of the mentioned document was not provided to them.

vi. 40 C.F.R. § 262.262(b)

At the time of the inspection, CASTILLO failed § 262.262(b) which required *“A large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements:...”*

The facility failed to comply with this requirement. As part of the facility’s contingency plan evaluation (in their case, BCP), the quick reference guide was not found or was not available for review. Furthermore, information related to the Regulation reference was provided to the facility representatives since they were not aware that this requirement was needed in order to comply with the Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators - Copies of contingency plan section.