

US Environmental Protection Agency – Region 2
 Caribbean Environmental Protection Division
 Response and Remediation Branch
 Resource Conservation and Recovery Act (RCRA)
 Compliance Evaluation Inspection



Facility Name:	Adcon Environmental LLC (Charles Hardwood Memorial Complex)		
EPA ID Number:	VIR000001842		
Date of Inspection:	September 5, 2023 and September 8, 2023		
Generator Status in Record:	VSQG (Non-Notifier)/Transporter Hazardous Wastes		
Generator Status at the time of inspection:	VSQG		
RCRA Permitted:	No		
Basis for Inspection:	Core Program		
Corrective Action:	No		
Project ID	CEPD-RCRA-23-0438		
Facility Physical Location: (Municipality, VI, zip code)	P7WP+557, East St, Christiansted, St Croix, U.S.V.I. 00821 (Demolition Site Project)		
Geographical Coordinates:	17°44'43.235"N, 64°42'52.214"W		
Demolition Site Project Owner:	Mr. Jeffrey Pilipczuk, Project Manager jpilipczuk@lemartec.com	(305) 273-8676 (315) 272-6989 (Cel.)	
	Mailing address: Lemartec Corporation, 3390 Mary St. Suite 166, Miami, Florida 33133		
Subcontractor Site Operator:	Mr. Addison P. Christian, General Manager adonstx@gmail.com	(340) 713-1703	
	Mailing address: Adcon Environmental Services 9K Estate Cottage, Christiansted, St. Croix, U.S.V.I.		
NAICS:	562112 - Hazardous Waste Collection 562211 - Hazardous Waste Treatment and Disposal		
SIC:	SIC Code 4953 - Hazardous Waste Treatment and Disposal		
Area:	2.10 acres on Plot No. 11-F Penitentiary Land1Property		
Number Employees:	Approximately 15 Construction Worker on Site Project		
Personnel participating in inspection:			
Eduardo R. Gonzalez, P.E.	EPA Region 2-CEPD	Enforcement Officer	(787) 977-5839 gonzalez.eduardo@epa.gov
Jeffrey Pilipczuk	Lemartec Corporation	Project Manager	(315) 272-6989
Status:	Final		
Record Schedule:	1044(c)		
Multi-media Checklist: ATTACHMENT # N/A		Referral: No	
EPA Lead Inspector Signature/Date	X <u>Eduardo Gonzalez</u> 12/20/2023		
Supervisor Signature/Date	DAVID CUEVAS X MIRANDA Digitally signed by DAVID CUEVAS-MIRANDA Date: 2023.12.20 12:25:12 -04'00' David N. Cuevas Miranda, Ph.D.		

1 INTRODUCTION

On September 5, 2023, and September 8, 2023¹, a Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (the “Inspection”) was conducted at Charles Hardwood Memorial Complex (“Charles Memorial Complex,” “Adcon Environmental Services,” or the “Facility”), pursuant to Section 3007 of RCRA. The Facility is located on East St, Christiansted, St Croix, U.S.V.I. 00821.

As part of the Inspection, an opening meeting, walkthrough, documents review and closing meeting were conducted to evaluate Facility’s compliance with the requirements that govern hazardous waste generators, universal waste handlers and used oils as per RCRA. Adcon Environmental Services (Hazard Materials Demolition Project Subcontractor) is designated in the RCRAInfo² database as a “Non-Notifier,” and Handler and Transporter of Universal Wastes Accumulation and Management including batteries, lamps, mercury containing equipment, and consumer electronics. The Facility was inspected as a result of concerns brought by citizens regarding an apparent bulb crushing activity at the Facility.

According to EPA records, only one RCRA inspection (one-EPA) has been conducted at the Facility during the last 5-years. The Facility was last inspected by EPA on September 5 and 8, 2023 in the areas of general generator requirements, and universal waste handlers and potential RCRA violations were found at the time of EPA Inspection at the Charles Hardwood Memorial Complex Demolition Site.

2 OPENING MEETING

An opening meeting was held between Mr. Jeffrey Pilipczuk, Project Manager, from Lemartec Corporation and me. I identified myself as EPA RCRA Enforcement Officer and told the Facility representatives that the purpose of my visit was to conduct a RCRA Inspection at the Facility to evaluate its hazardous and universal waste management practices and compliance. I discussed the objectives of my Inspection, and the requirements under RCRA for a potential Very Small Quantity Generator (VSQG – “Non-Notifier”) and/or handler of universal wastes. Mr. Pilipczuk said that the abatement and demolition of the existing Charles Harwood Complex and various annex buildings on the property is the first project in a multi project phased approach to building the new Charles Harwood Public Health Medical Facility. It was also discussed that the Charles Hardwood Complex belongs to VI Department of Health (DOH), and the Federal Emergency Management Agency (FEMA) awarded \$291 million for the reconstruction of the complex after being devastated by the pass of Hurricanes Irma and Maria in 2017. He stated that Lemartec Corporation was contracted by DOH to complete the demolition work in three phases which also included a pre-demolition phase of the project for the abatement and removal of the hazardous asbestos and lead-containing materials and clearing the structures on site.

I explained that specific reason for EPA’s Inspection was a complaint about alleged “bulb-crushing” activities of fluorescent lamps at the site. Mr. Pilipczuk replied that Lemartec had subcontracted Adcon

¹ On September 8, 2023, a second day Inspection was performed to follow-up on corrective actions undertaken by Lemartec and Adcon Environmental Services regarding the management of universal wastes at the Charles Memorial Complex (Demolition Site).

² RCRA Info and ECHO, EPA’s Enforcement Compliance and History Online system

Environmental Services for the removal of the hazardous asbestos, lead-containing materials, fluorescent lamps, ballasts, and any other mercury containing materials. I stated that a recent visit by a contractor noticed that a subcontractor was hired to perform abatement of lead and asbestos was planing to conduct a “bulb crushing” activity using a bulb-crusher of the fluorescent lamps found at the site. I stated that several constituents of fluorescent lamps, such as cadmium and mercury, are typically known to exhibit properties of a toxic characteristic hazardous waste, and bulb crushing is considered an illegal treatment if they do not have a RCRA permit. It was also indicated that the subcontractor has a permit issued by EPA to conduct the bulb-crushing activity, and the Department of Planning and Natural Resources (DPNR) has the authority to issue permits. As I stated, DPNR was unaware of issuing a permit to any local entity to conduct bulb-crushing activities nor EPA. Therefore, I needed to conduct an Inspection to corroborate that no bulb-crusher of the fluorescent lamps activities are conducted at the site, and fluorescent lamps are being managed and disposed of according to 40 Code of Federal Regulations (CFR) Part § 273 - “Standards for Universal Waste Management.”

2.1 FACILITY PHYSICAL DESCRIPTION AND OPERATION

The Charles Harwood Memorial Complex was a “clinic” facility where people can obtain certificates of birth and death, perform laboratory tests, and a variety of other services that do not require the need for a full-service hospital. The Charles Harwood Hospital was constructed around 1952–1953 and was the main hospital for St. Croix until 1982 when Juan F. Luis Hospital was built. After 1982 the VI Health Department decided to utilize the Juan F. Luis Hospital as its primary medical facility.

The Charles Harwood Memorial Complex³ was severely damaged during the 2017 hurricanes and deemed replaceable by the Federal Emergency Management Agency (FEMA). FEMA awarded the Territory \$291 million for the reconstruction of the complex, which will be rebuilt to meet national construction codes and standards. The VI Department of Health spent several months working through the local approval processes, including a historic preservation review.

Lemartec USVI, the company contracted for the demolition, completed the initial phase of the project, which included asbestos and lead-containing materials removal, and clearing structures on site. The demolition will be carried out in three phases and is expected to be completed by the fourth quarter of 2023.

According to Casey McIntyre⁴, senior project manager for Lemartec USVI, the demolition is being conducted in three phases. Phase 1 will begin at the northeast corner of the campus and will include the Old Club House and two other buildings located at the back of the property. Phase 2 will incorporate the annex building and Phase 3 will include the main building.

³ The Virgin Island Consortium Newspaper - Charles Harwood Memorial Complex Demolition Set to Begin April 24 Community Center, published On April 14, 2023 (https://viconsortium.com/vi-community_center/virgin-islands-charles-harwood-memorial-complex-demolition-set-to-begin-on-april-24).

⁴ The Source Virgin Islands Newspaper - Demolition of the Charles Harwood Memorial Complex Begins, published on May 4, 2023 (<https://stthomassource.com/content/2023/05/04/demolition-of-the-charles-harwood-memorial-complex-begins/>).

During the Phase 1, no blasting is planned during the demolition and mitigation measures have been implemented to include privacy and dust screens around the work areas, the use of a water dust suppression machine and wind direction monitoring. Lemartec USVI has also developed a Storm Water Pollution Prevention Plan (SWPPP) and will use best management practices such as silt fencing, storm drain sediment covers and track-out prevention, and will monitor and prepare for inclement weather.

The V.I. Department of Health is committed to monitoring for the highest standards of safety, quality, and environmental responsibility throughout the project.

Charles Harwood Memorial Complex was among the first projects deemed eligible for replacement meaning the department is building a brand-new structure. The demolition is expected to be complete by December 2023 and the reconstruction is slated for completion in 2026.

2.2 PHYSICAL SETTING

The site is located at approximately 93 feet above mean sea level. **Figure 1** presents the site location on a portion of the US Geological Service (USGS) Topographical Map. **Figure 2** presents an aerial photograph of the site. The closest superficial water body is the Atlantic Ocean located approximately 0.30 miles to the north of the site (see **ATTACHMENT I**).

2.3 SOLID AND HAZARDOUS WASTE GENERATION

On July 12, 2011, Adcon Environmental Services (Hazardous Materials Demolition Project Subcontractor) submitted its notification to EPA as a “Non-Notifier,” and Transporter of Hazardous Waste Collection and Hazardous Waste Treatment and Disposal for Federal Hazardous Waste D-Codes including D001-Ignitable, D008-Lead, and D009-Mercuy. Adcon also reported State Hazardous Waste S-Codes including S001-Waste Oils, S002-Polychlorinated Biphenyls (PCBs) and S003-Other Regulated Wastes including diesel fuel, gasoline, home heating oil, and asbestos.

The Facility also generates universal waste (mainly fluorescent lamps) from building removal, batteries, ballasts, and mercury containing equipment from their demolition activities. Also, construction debris (C&D), and green wastes are generated from building project.

3 FACILITY WALKTHROUGH

Mr. Pilipczuk, Project Manager, from Lemartec accompanied me during the Facility walkthrough. During the Facility walkthrough the Main Building Entrance Area, 2nd Level Main Building, and Universal Waste Storage Trailer were inspected since they were areas where Universal Waste activities were undertaken as described below. The observations for each area are described below. Refer to **Appendix 1** for pictures taken during the Inspection.

RCRA INSPECTION DAY 1- SEPTEMBER 5, 2023

3.1 MAIN BUILDING ENTRANCE AREA

The first area inspected was the Main Building Entrance Area which was used for the collection, accumulation, placement, and packaging of universal wastes including fluorescent lamps, and ballast containing mercury (see **Picture 1**). In this area I observed the following:

- Various broken fluorescent lamps on the floor mixed with aluminum frames and ballasts without control or containment showing evidence of breakage, leakage, and damage that caused releases of mercury or other hazardous constituents to the area (see **Picture 2**).
- Thirty-six (36) square cardboard boxes (1'x1'x 4') packing over sixty (60) 4-foot spent fluorescent lamps, some open and not labeled with the words, "Universal Waste," or dated (see **Picture 3**).
- Three (3) square cardboard boxes (1'x1'x 4') containing broken 4-foot spent fluorescent lamps, open, not labeled with the words, "Universal Waste" or dated (see **Picture 4**).
- Four (4) 55-gallon black steel drums with lids containing "Ballast" which were removed from aluminum frames. None of the drums were clearly labeled with the words, "Universal Waste-Mercury Containing Equipment," or dated (see **Picture 5**).

I stated that spent fluorescent lamps must immediately be cleaned up and placed in containers for any lamp that is broken or shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment pursuant to 40 CFR § 273.13(d)(2). I also stated that mercury-containing ballast must be managed in a way that prevents releases of any universal waste or component of a universal waste to the environment and must be placed in a container as a universal waste mercury-containing equipment that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions pursuant to 40 CFR §273.13(c)(1).

I stated that each drum containing mercury-containing equipment must be labeled or marked clearly with the words, "Universal Waste-Mercury Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment." Similarly, each lamp or a container or package in which lamps are contained must be labeled or marked clearly with the words, "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

3.2 2ND LEVEL MAIN BUILDING (LOWER LEVEL)

I proceeded to inspect the 2nd Level Main Building (Lower Level) which was also used for the collection, accumulation, placement, and packaging of universal wastes including fluorescent lamps, and ballast containing mercury. In this area I observed the following:

- Fifteen (15) square cardboard boxes (1'x1'x 4') packing over sixty (60) 4-foot spent fluorescent lamps, some open, other containing broken lamps, and not labeled with the words, "Universal Waste," or dated (see **Pictures 6 and 7**).
- Three (3) 55-gallon black steel drums with lids containing "Ballast" which were removed from aluminum frames. None of the drums were clearly labeled with the words, "Universal Waste-Mercury Containing Equipment," or dated (see **Pictures 8 and 9**).

I stated again that each drum containing mercury-containing equipment must be labeled or marked clearly with the words, “Universal Waste-Mercury Containing Equipment,” “Waste Mercury-Containing Equipment,” or “Used Mercury-Containing Equipment.” Similarly, each lamp or a container or package in which lamps are contained must be labeled or marked clearly with the words, “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

RCRA INSPECTION DAY 2- SEPTEMBER 8, 2023

3.3 UNIVERSAL WASTE STORAGE TRAILER (PARKING AREA)

I proceeded to inspect the Universal Waste Storage Trailer located at the Facility Parking Area where all packed spent fluorescent lamps, and ballast-containing mercury equipment were stored inside the 53’ Trailer. In this area I observed the following:

- Fifty-one (51) square cardboard boxes (1’x1’x 4’) packing over sixty (60) 4-foot spent fluorescent lamps, closed, and labeled with the words, “Universal Waste,” and dated as August 7, 2023 (21-boxes), August 8, 2023 (10-boxes), August 10, 2023 (10-boxes), August 11, 2023 (10-boxes), respectively (see **Picture 10**).
- Seven (7) 55-gallon black steel drums with lids containing “Ballast” which were removed from aluminum frames labeled with the words, “Universal Waste,” and dated as August 22, 2023 (2-drums), August 24, 2023 (3-drums) and August 25, 2023 (2-drums) (see **Picture 11**).
- One (1) cylindrical cardboard box (3’dia x5’tall) containing broken 4-foot spent fluorescent lamps, closed, and labeled with the words, “Universal Waste” or dated as August 7, 2023 (see **Picture 12**).

According to Mr. Pilipczuk, all Universal Wastes are disposed of through a contract with Adcon Environmental Services.

4 DOCUMENTS REVIEW

The following documents were reviewed as required by the RCRA Program after the walkthrough Inspection and on a follow-up Inspection on September 8, 2023:

4.1 PERMIT RECORDS

The Facility provided a Record of Permits form the VI Department of Planning and Natural Resources (DPNR) as follows:

- DPNR Permit No. DP0027-22 (8/3/2023): Granted to Lemartec USVI GVI Charles Harwood Memorial Complex – Full Demolition to include Phase 2 Main and Annex Building (\$6,900,000)
- DPNR Permit No. DP0027-22 (3/24/2023): Granted to Lemartec USVI GVI Charles Harwood Memorial Complex – Main and Annex Building to include five outer building and underground, utilities, foundation, and cistern (\$1,766,627)

- DPNR No-Objection Letter (8/2/2023); Adcon Environmental Services on Demolition Clearance 3500 Estate Richmond, Charles Harwood Memorial Complex, (Phase 2 Main and Annex Building) Christiansted, St. Croix. DPNR was in receipt of correspondence from the abatement contractor Adcon Environmental Services to Lemartec indicating that all lead and asbestos and other materials were removed from the project site and taken to their waste facility at 9X Estate Cottage on St Croix for temporary storage and shipped to shipped off to Chemical Waste Management's processing facility at 36964 Alabama Highway 17 North in Emile, Alabama.

4.2 CONTINGENCY AND EMERGENCY PLAN

There was a list of contacts and hospitals listing in case to respond to an emergency incident at the Charles Hardwood Memorial Complex.

5 CLOSING MEETING

After completion of the walkthrough and document review, I met with Mr. Jeffrey Pilipczuk, Project Manager, from Lemartec Corporation. I indicated that the purpose of the closing meeting is to inform the Facility's representatives about the RCRA observations. I indicated based on the RCRA requirements for a Small Quantity Handler of Universal Waste there were observations that needed to be addressed in order to reach a full compliance determination of the RCRA program. On September 5 and 8, 2023, I discuss the following EPA's observation:

I emphasized that any broken spent fluorescent lamps must immediately be cleaned up and placed in containers that show evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment pursuant to 40 CFR § 273.13(d)(2). I also emphasized that mercury-containing ballast must be managed in a way that prevents releases of any universal waste or other hazardous constituents of a universal waste to the environment and must be placed in a container as a universal waste mercury-containing equipment that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions pursuant to 40 CFR §273.13(c)(1).

I reiterated that each drum containing mercury-containing equipment must be labeled or marked clearly with the words, "Universal Waste-Mercury Containing Equipment," and each lamp or a container or package in which lamps are contained must be labeled or marked clearly with the words, "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

At the time of the EPA Inspection, the Facility had failed to comply with this requirement. Several "Waste Lamps" (i.e., universal waste lamps) were found placed over boxes and unpacked. In addition, cardboard containers with "Waste Lamps" were observed in the universal waste accumulation areas, in some cases, these were not suitable for the safe management of the universal waste lamps. The mentioned containers were oversized and allow the free movement of the universal waste lamps, which eases the breakage. Similar conditions were found managing mercury-containing ballast that were not properly labeled.

6 COMPLIANCE ASSISTANCE

The EPA inspector discussed with Lemartec Corporation's representatives the specific RCRA program regulations pursuant 40 CFR §273, "Standards for Universal Waste Management." for Small Quantity Handler of Universal Wastes,(<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-273>) that apply to the Facility, and how to stay in compliance in case they decide to minimize or recover waste streams and implement waste minimization/pollution prevention procedures as required by RCRA.

7 CONCLUSION & FOLLOW-UP ACTIONS

As a result of the abovementioned concerns, I provided the Facility a 2-day period to submit undertake corrective measures to resolve the accumulation status of the universal waste lamps and the measures that needed to be taken to prevent its reoccurrence. On September 8, 2023, Lemartec and Adcon Environmental Services presented the actions that were undertaken to address the concerns associated with the accumulation of universal waste lamps.

After responding to EPA's observations, inspection of regulated areas and completion of a document session, EPA determined that the hazardous waste management program at Charles Hardwood Memorial Complex was not satisfactory since they did not comply with the requirements of several "Waste Lamps" (i.e., universal waste lamps) that were placed over boxes and unpacked. In addition, cardboard boxes and lose spent lamps were not labeled as "Waste Lamps." In addition, Charles Hardwood Memorial Complex failed to properly label with the words, "Hazardous Waste," and/or "Universal Waste-Mercury Containing Equipment," and date each container holding Universal Wastes at Facility.

8 ATTACHMENTS

- I. Figure 1- Facility Location Map and Figure -2 Aerial Photograph
- II. Photolog and Camera Roll (include all pictures taken during the inspection)