



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

December 21, 2023

Via Electronic Mail

Ms. Vimarís Ortíz and Mr. Luis Rivas
Coopervision Manufacturing Puerto Rico LLC
500 PR-584 Amuelas Industrial Park
Juana Diaz, Puerto Rico 00795
vortizrodriguez@coopervision.com; lrviasburgos2@coopervision.com

**RE: RCRA § 3008 – NOTICE OF VIOLATION
COOPERVISION MANUFACTURING PUERTO RICO LLC – JUANA DIAZ
EPA ID: PRR000010918
CEPD-RCRA-24-0000-3008-003**

Dear Mr. Vimarís Ortíz and Mr. Luis Rivas:

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 September 14, 2023, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Coopervision Manufacturing Puerto Rico LLC, located in Juana Diaz, 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 40 CFR § 262.17(a)(5)(i), 40 CFR § 262.251, and 40 CFR § 262.263(d) 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 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 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,

**HECTOR
VELEZ-CRUZ**

Digitally signed by
HECTOR VELEZ-CRUZ
Date: 2023.12.21
17:08:30 -04'00'

Héctor L. Vélez Cruz, Esq,
Acting Director

Enclosures: Enclosure I - Notice of Violation

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



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

COOPERVISION MANUFACTURING PUERTO RICO LLC – JUANA DIAZ

EPA ID: PRR000010918

CEPD-RCRA-24-0000-3008-003

On or about September 14, 2023, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the COOPERVISION MANUFACTURING PUERTO RICO LLC – JUANA DIAZ (COOPERVISION) located at 500 PR-584 AMUELAS INDUSTRIAL PARK, JUANA DIAZ, 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)(5)(i)

At the time of the inspection, COOPERVISION failed § 262.17(a)(5)(i) which required *“A large quantity generator must mark or label its containers with the following: (A) the words “Hazardous waste”; (B) An indication of the hazards of the contents...; and (C) The date upon which each period of accumulation begins clearly visible for inspection on each container .”*

The facility failed to comply with this requirement in the SA-01-07 Subarea and the 90-day Hazardous Waste Accumulation Area (HWAA). In the SA-01-07 Subarea, although the containers were observed physically segregated and each area had a pictographic label, none of the containers stored at this location had its hazardous waste label, and a pictographic label and/or indication of the hazard was not available. Likewise, in the 90-day Hazardous Waste Accumulation Area (HWAA), none of the containers observed inside the yellow cabinet had their hazardous waste label, their pictographic label, and/or indication of the hazard; and none were dated.

ii. 40 CFR § 262.251

At the time of the inspection, COOPERVISION failed § 262.251 which required *“A large quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any*

unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment”

The facility failed to comply with this requirement in the SA-01-07 Subarea and the 90-day Hazardous Waste Accumulation Area (HWAA). In the SA-01-07 Subarea, although an inventory log was available inside the metal cabinet, the latter was not up to date, and it was confirmed with the facility representatives that additional information on the containers inside this cabinet was not available. Likewise, in the 90-day Hazardous Waste Accumulation Area (HWAA), an inventory log was available, but not up to date. Moreover, at the time of the inspection, the facility representative indicated that the lab pack subarea was empty. Nevertheless, once he opened the cabinet, containers were observed inside the yellow cabinet. It was confirmed with the facility representative that he was not aware that those containers were placed at this location.

iii. 40 CFR § 262.263(d)

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

The facility failed to comply with this requirement. The contingency plan needs to be updated since the table with the company's general information requirements, the internal emergency contacts information, and the Quick Reference Guide still have information and contact information of a former employee. It was confirmed by the facility representatives that this former employee has not longer working at the site since May 2023. Although the facility is currently in the hiring process, and according to the facility representatives some employees are currently conducting responsibilities from former employees, the contingency plan did not have such information available, and/or an update to the latter was not conducted.