



EPA REGION 2  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

August 6, 2024

**VIA EMAIL**

Mr. Curtis Joseph  
Store Manager  
Home Depot Store #8201  
1-2 Donoe Rd 4000  
St. Thomas, U.S. Virgin Islands, 00802  
[curtis\\_b\\_joseph@homedepot.com](mailto:curtis_b_joseph@homedepot.com)

**RE: RCRA § 3007 – REQUEST FOR INFORMATION  
RCRA § 3008 – NOTICE OF VIOLATION  
Facility Name: Home Depot Store #8201  
EPA ID: VIR000000752  
CEPD-RCRA-24-3007-3008-013**

Dear Mr. Joseph:

Greetings from the Caribbean Environmental Protection Division (CEPD) of the US Environmental Protection Agency (EPA) Region 2.

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. § 6901, 6928. Pursuant to RCRA, as amended by HSWA, EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 CFR Parts 260-272. For the purposes of this Request for Information (RFI) and Notice of Violation (NOV), the hazardous waste rules were promulgated in 1980 and amended by HSWA in 1984.

The Territory of the U.S. Virgin Islands is not authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926, and is not authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the Territory of the U.S. Virgin Islands.

The NOV portion of this letter (**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.

This RFI is made pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, which requires that you provide the information requested in Enclosure II to this letter using the instructions and definitions included in Enclosure III. This information is required to evaluate the full regulatory and compliance status of the facility. The response to Enclosure IV must be signed by a responsible official or agent of your facility, using the form in Enclosure IV to this letter.

Failure to respond to Enclosures I and II truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Please also note that all information you provide may be used in an administrative, civil judicial or criminal action. This information is not subject to the requirements of the Paperwork Reduction Act as amended, 44 U.S.C. § 3501 et seq.

You may, if you desire, assert a business confidentiality claim covering all or part of the information herein requested. This claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret”, “proprietary”, or “company confidential”. The claim should set forth the information requested in 40 C.F.R. § 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion challenge the confidentiality claim pursuant the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be available to the public by EPA without further notice you.

Your response to the information request in Enclosures I and II must be sent through email to the following email address [caballer.rosana@epa.gov](mailto:caballer.rosana@epa.gov), and can also be mailed to the following address:

Rosana Caballer-Cruz, 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

If you have any questions or need any additional information, please contact me at 787-977-5865 or [guerrero.carmen@epa.gov](mailto:guerrero.carmen@epa.gov) or have your staff contact Rosana Caballer-Cruz at [caballer.rosana@epa.gov](mailto:caballer.rosana@epa.gov) or (787) 977-5880.

Sincerely,

**HECTOR  
VELEZ-  
CRUZ** Digitally signed  
by HECTOR  
VELEZ-CRUZ  
Date: 2024.08.06  
08:28:08 -04'00'  
Hector L. Velez Cruz for  
Carmen R. Guerrero Pérez  
Director

ENCLOSURES

1. RCRA § 3008 Notice of Violation
2. RCRA § 3007 Request for Information
3. Instructions and Definitions
4. Certification of Answers to Responses

cc: Hon. Jean-Pierre L. Oriol, Commissioner Department of Planning and Natural Resources  
[jp.oriol@dpr.vi.gov](mailto:jp.oriol@dpr.vi.gov)

Mariam A. Michael, Home Depot #8201  
[marian\\_a\\_michael1@homedepot.com](mailto:marian_a_michael1@homedepot.com)

Ms. Jillian Hutchinson, Home Depot #8201  
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David N Cuevas Miranda, Supervisor USEPA,  
[cuevas.david@epa.gov](mailto:cuevas.david@epa.gov)

## ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

On June 5, 2024, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of Home Depot Store #8201, located at 1-2 Donoe Rd 4000, St. Thomas, U.S. Virgin Islands, 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.

### 1. 40 CFR § 262.16(b)(2)(i)

40 CFR § 262.16(b)(2)(i) states *“If a container holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.”*

The facility failed to comply with this requirement at the Central Accumulation Area. Here, the lids of the two (2) 55-gallon steel containers placed in this area were observed with signs of corrosion.

### 2. 40 CFR § 262.16(b)(2)(iii)(A)

40 CFR § 262.16(b)(2)(iii)(A) states *“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 at the Central Accumulation Area. Here, one (1) 55-gallon steel container with aerosol cans was not observed closed.

### 3. 40 CFR § 262.16(b)(6)(i)

40 CFR § 262.16(b)(6)(i) states *“A small 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 (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 CFR 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 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); 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 Central Accumulation Area. Here, one (1) approximately 10-gallon red plastic container with gasoline was not observed labeled as hazardous waste, did not have a pictographic label and or indication of the hazard available, and was not dated.

#### **4. 40 CFR § 262.16(b)(8)(v)**

40 CFR 262.16(b)(8)(v) states *“the small quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.”*

The facility failed to comply with this requirement in the Central Accumulation Area. Here, at both subareas, a lack of aisle space was observed and not provided, as required, to the containers placed at these locations.

#### **5. 40 CFR § 262.16(b)(8)(vi)(B)**

40 CFR § 262.16(b)(8)(vi)(B) states *“A small 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. During the inspection, information related to preparedness and prevention, and emergency procedures was requested to the facility representatives. Although information related to the emergency procedures was available during the inspection, information related to records that document the arrangements made with local emergency responders was not able to be evaluated, as required by this citation.

#### **6. 40 CFR § 273.13(d)(1)**

40 CFR § 273.13(d)(1) states *“A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.”*

The facility failed to comply with this requirement at the Central Accumulation Area and in the Garden Area. At the Central Accumulation Area, one cardboard box with fluorescent lamps was not observed closed. In the Garden Area, a wood panel that contained open cardboard boxes with fluorescent lamps was observed covered with a blue tent.

#### **7. 40 CFR § 273.14(e)**

40 CFR § 273.14(e) states *“Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”.*

The facility failed to comply with this requirement at the Central Accumulation Area and in the Garden Area. At the Central Accumulation Area, one cardboard box with fluorescent lamps was not labeled. In

the Garden Area, each fluorescent lamp and or the wood panel that contained open cardboard boxes with fluorescent lamps were not observed labeled.

**8. 40 CFR § 273.15(c)**

40 CFR § 273.15(c) states *“A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.”*

The facility failed to comply with this requirement at the Central Accumulation Area and in the Garden Area. In both areas, information related to the length of time that the universal waste has been accumulated from the date it becomes a waste or it was received was not available.

## ENCLOSURE II– RCRA § 3007 REQUEST FOR INFORMATION

On or about June 5, 2024, a duly authorized representative of EPA conducted a RCRA Hazardous Waste Compliance Evaluation Inspection of the Home Depot Store #8201 (the Facility) at 1-2 Donoe Rd 4000, St. Thomas, U.S. Virgin Islands, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. Based on the information obtained during the inspection, EPA determined that the following information is required to determine the compliance status of the Facility.

### 1. General Information

- a. Provide the full legal name of Home Depot Store #8201. If the company has used any other names, please provide them.
- b. Provide the management structure of the company (President/Owner, Partners, General Manager, etc.). If the company is a subsidiary, indicate the parent company.
- c. Provide the type of company (corporation, partnership, etc.), employer identification number, Department of State certificate number, DUNS number, and business licenses, if any.
- d. Besides the EPA inspection performed on or about June 5, 2024, please provide information about any other inspection conducted by any other State or Federal agency, since 2019.
- e. Do you have any knowledge of any State or Federal agency (EPA, Department of Justice, U.S. Virgin Islands Department of Natural and Environmental Resources, etc.) actions (complaints, suits, investigations, etc.) against Home Depot Store #8201? If yes, explain and elaborate your answers.
- f. Please certify if Home Depot Store #8201 has filed for bankruptcy at any time under its current or any previous name.

### 2. Specific Information

- a. Non-Hazard-Hazardous waste labels conflictive information
  - i. As part of the inspection activity, an issue related to the labeling was raised. Containers with non-hazardous waste labels were observed as part of the facility's central accumulation area. Although at least one of them was confirmed by the facility representative that was misplaced, it was raised that some of the containers that, indeed, contain hazardous waste, were labeled as non-hazardous. Additionally, it was explained that they used a

program that generates for them the labels that would then be placed in the container. It was also raised that some of the information available is in Spanish and they are not familiar with the language. As a result, the facility representatives told me that they would contact their environmental consultant in order to attend to/understand this issue.

Consequently, additional information on this issue was requested to the facility representatives during the inspection and via email, on June 7, 2024, respectively. Is our understanding that this information has not been received. As a result, please describe and provide information related to, but not limited to a narrative that explains the issue raised during the inspection, the information gathered from the facility's environmental consultant, and how the facility addressed this issue in order to avoid future misunderstanding related to the waste labels observed in the containers placed in the facility's central accumulation area.

- ii. Please include information on how the facility addressed this issue and what better practices, and/or actions were implemented in order to avoid recurrence.

b. Fluorescent lamps observed near the gardening area

- i. As part of the inspection activity, an issue related to the fluorescent lamps observed near the gardening area was raised. Please describe and provide information related to, but not limited to where these fluorescent lamps were generated, the time that the latter have been stored at this location, handling and disposal activities, hauler company that will pick up them, among others.
- ii. Please include information on how the facility addressed this issue and what better practices, and/or actions were implemented in order to avoid recurrence.

## **ENCLOSURE III – Instructions and Definitions**

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The signatory must complete and return the attached Certification of Answers to Responses (**ENCLOSURE IV**).
2. A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is Home Depot Store #8201 at 1-2 Donoe Rd 4000, St. Thomas, U.S. Virgin Islands.
11. A generator of hazardous waste for the purposes of this Request for Information shall be defined as any person (which includes this facility), by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

12. Solid waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(27) of RCRA, as amended, 42 U.S.C. Part 6903(27).
13. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5).
14. Manage shall be defined for the purposes of this Request for Information as to market, generate, treat, store, dispose or otherwise handle.
15. Used oil shall be defined for the purposes of this Request for Information as any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

## ENCLOSURE IV – Certification of Answers to Responses

I certify, under penalty of law, that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information CEPD-RCRA-24-3007-3008-013) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

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Name (Print or Type)

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Title (Print or Type)

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Signature

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Date (Print or Type)

Home Depot Store #8201

EPA ID: VIR000000752