

ATTACHMENT I
Notice of Violation

DCN Administrative & Recycling Corp.
Ref. No. CEPD-RCRA-22-0425
EPA ID No. PRN008026791

On or about August 18, 2022, a duly authorized representative of EPA conducted a RCRA compliance evaluation inspection (the “RCRA Inspection”) at the DCN Administrative & Recycling Corp. located in Bo. Martin Gonzalez, Sector La Palmita, PR Road - 887, km 0.9 Carolina, Puerto Rico (the “Facility”), pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to determine your facility’s compliance with certain federal hazardous waste accumulation, storage, and disposal regulations. Based on a review of the information obtained during and after this RCRA Inspection, the following specific violations of the requirements for small and large quantity hazardous waste generators were found:

General Requirements (40 CFR § 262 Subpart A)

1. 40 CFR § 262.11 requires that a person who generates a solid waste, must determine if that waste is a hazardous waste using the following method:
 1. First determine if the waste is excluded from regulations under 40 CFR § 261.4.
 2. If not excluded, then determine if the waste is listed as a hazardous waste in Subpart D of 40 CFR Part 261.

Prior to the RCRA Inspection, DCN Administrative & Recycling Corp. had been generating wastes without making a hazardous waste determination. Some of the wastes identified by EPA as a potentially hazardous waste (and their generating waste streams) include:

- a. Waste fuels, predominantly gasoline with some diesel (including fuel filters), was generated from the handling, crushing, and long-term storage of automobiles and other vehicles. As the crushing/bailing and junker storage (leaking fluids) operations were conducted directly over soil with no overhead cover (such as a roof), significant quantities of motor vehicle fluids were disposed of directly to the soil, washed onto the soil by rain, and, to a certain extent, evaporated to the ambient air. The portion of waste auto fluids that were collected during crushing/bailing commingled “crusher fluid” waste streams were mixed with other used oils and were sent to used oil reclaiming facilities. Approximately, 250-300 gallon of used oil is disposed of monthly and hauled by Ruben Martinez Oil Collection Services. No drainage of car fluids or parts removal is conducted at the site. Spent/discarded gasoline is both an ignitable hazardous waste (D001) and a toxicity characteristic waste for benzene (D018). Some discarded diesels #2 fuel is possibly an ignitable hazardous waste (D001);
- b. Waste antifreeze/coolant is generated from the handling, crushing, and long-term storage of automobiles and other vehicles. As the crushing/bailing and junker storage (leaking fluids) operations were conducted directly over soil with no overhead cover (such as a roof), significant quantities of motor vehicle fluids were disposed of directly to the soil, washed onto the soil by rain, and, to a certain extent, evaporated to the ambient air. This waste stream is a portion of the commingled “crusher fluid” waste stream disposed of with other used oils and were sent to used oil reclaiming facilities. Antifreeze/coolant is comprised primarily of water

and ethylene glycol or propylene glycol. Ethylene glycol is a non-RCRA toxic substance (though EPCRA-reportable). Antifreeze/coolant is known to become contaminated during use with benzene, PCE/TCE, and metals, such as lead, cadmium, or mercury;

- c. Waste lead wheel weights are generated from the handling, crushing, and long-term storage of automobiles and other vehicles. While wheel and tires should be removed by the Facility prior to crushing, no effort to remove, segregate, or otherwise properly manage lead wheel weights was made. These lead weights will exhibit the toxicity characteristic for lead (D008);
- d. No effort was made by the Facility to remove, segregate, or otherwise properly manage lead cable ends, which were left with junkers after batteries were removed. The lead present in junker radiators, heater cores, steering columns, and in any soldered parts, such as circuit boards and in electronic components was also not separated or otherwise managed as hazardous waste. These lead components will exhibit the toxicity characteristic for lead (D008);
- e. Junked, removable, mercury-containing auto components are not inspected for, identified, removed, segregated, or otherwise properly managed by the Facility. Such removable, mercury-containing auto components include:
 - (1) Light switches (e.g., tilt switches used on under-hood and truck lighting);
 - (2) Anti-lock braking systems;
 - (3) Active ride control or ride leveling sensors;
 - (4) High intensity discharge systems (headlights, tail lamps); and,
 - (5) Virtual image instrument panels.Mercury may cause these components to exhibit the toxicity characteristic for hazardous waste (D009);
- f. Discarded airbag cartridges and seatbelt pre-tensioners, containing sodium azide or other explosive compounds, were not inspected for, identified, removed, segregated, or otherwise properly managed by the Facility. Vehicles with airbags remaining in place or residues can trigger explosions inside the crusher. The crushing and long-term storage of automobiles and other vehicles containing airbag cartridges could release sodium azide directly to the soil and, to a certain extent, to the ambient air as a toxic dust. Other, airbag cartridge explosive compounds include nitroguanidine, phase-stabilized ammonium nitrate (NH_4NO_3) or other nonmetallic oxidizer, and a nitrogen-rich fuel different from azide (e.g., tetrazoles, triazoles, and their salts). Sodium azide in its commercial chemical form, is a RCRA acutely hazardous waste for toxicity. Discarded airbag and other auto cartridges, regardless of their chemical composition, are likely either a reactive (D003) and/or an ignitable (oxidizer, D001) hazardous waste;
- g. Spent high intensity discharge systems (headlights, tail lamps), fluorescent light bulbs, and high intensity (i.e., sodium, halide, etc.) discharge exterior lamps were generated and disposed of as a solid waste or erroneously reclaimed as scrap metals. Spent fluorescent bulbs and other high intensity lamps can be a toxicity characteristic hazardous waste for mercury (D009). Spent high intensity metal halide lamps can be a toxicity characteristic hazardous waste for mercury (D009) and lead (D008); and,

- h. Chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs), from auto air conditioners, scrapped refrigerators, and home/business air conditioners (ACs), were not inspected, removed or managed for proper reuse, treatment, or disposal; rather, they were uncontrolled released/vented to the atmosphere in the scrapping process. Refrigerants include dichlorodifluoromethane (R-12), chlorodifluoromethane (R-22), and 1,1,1,2-tetrafluoroethane (R-134A). Certain discarded refrigerants may be an ignitable hazardous waste (D001). Others may exhibit a toxicity characteristic for carbon tetrachloride (D019) or chloroform (D022).
2. 40 CFR § 262.18 requires generators who treat, store, dispose of, transport, or offer for transportation hazardous wastes to obtain an EPA identification number including:
- a. A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.
 - b. A generator who has not received an EPA identification number must obtain one by applying to the Administrator using EPA Form 8700-12. Upon receiving the request the Administrator will assign an EPA identification number to the generator.
 - c. A generator must not offer its hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

At the time of the RCRA Inspection, DCN Administrative & Recycling Corp. had not requested or otherwise obtained an EPA identification number. Subsequently after the Inspection, EPA assigned PRN008026791 to DCN Administrative & Recycling Corp.

Preparedness and Prevention (40 CFR § 262 Subpart A)

3. 40 CFR § 262.16(b)(8)(vi) (A) and (B) requires arrangements with local authorities including:
- a. The small 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.
 - b. 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.

At the time of the RCRA Inspection, DCN Administrative & Recycling Corp. did not provide any records documenting prior arrangements with the local authorities in case of a fire incident or an emergency.

Where the Commonwealth or local authorities decline to enter such arrangements, the owner or operator must document the refusal in the operating record. Additionally, DCN Administrative & Recycling Corp. had made no arrangements with any local hospital.

4. 40 CFR § 262.16(b)(9)(ii) - requires emergency procedures for small quantity generators for those areas of the generator facility where hazardous waste is generated and accumulated including:
 - a. The small quantity generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:
 - (1) The name and emergency telephone number of the emergency coordinator;
 - (2) Location of fire extinguishers and spill control material, and, if present, fire alarm; and
 - (3) The telephone number of the fire department, unless the facility has a direct alarm.

At the time of the RCRA Inspection, the required emergency information was not posted next to the phones, as required.

5. 40 CFR § 262.16(b)(9)(iii) - requires emergency procedures for small quantity generators for those areas of the generator facility where hazardous waste is generated and accumulated including:
 1. The small quantity generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies; and,

At the time of the RCRA Inspection, all employees were not familiar with proper waste handling and emergency procedures regarding the management of hazardous waste potential hazards during normal facility operations and the fire incident emergency, as required.

6. 40 CFR § 262.16(b)(9)(iv) – requires the emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:
 - a. In the event of a spill, the small quantity generator is responsible for containing the flow of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the hazardous waste and any contaminated materials or soil. Such containment and cleanup can be conducted either by the small quantity generator or by a contractor on behalf of the small quantity generator; and,
 - b. In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the small quantity generator has knowledge that a spill has reached surface water, the small quantity generator must immediately notify the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include the following information:
 - (1) The name, address, and U.S. EPA identification number of the small quantity generator;
 - (2) Date, time, and type of incident (e.g., spill or fire);

- (3) Quantity and type of hazardous waste involved in the incident;
- (4) Extent of injuries, if any; and
- (5) Estimated quantity and disposition of recovered materials, if any.

At the time of the RCRA Inspection, DCN Administrative & Recycling Corp.'s representative indicated that no notification was made to the NRC regarding the fire incident at the Facility. It was also observed by the EPA Inspector that contaminated car fluids from the abandoned vehicles and other materials at the Facility which were not properly managed prior and after the fire incident that either percolated into the onsite soil or flowed off the property, percolating into the offsite soil or flowing into an unnamed Creek located northwest of the Facility.

Manifest, Pre-Transport Requirements, Recordkeeping and Reporting (40 CFR § 262 Subparts B, C and D)

- 7. 40 CFR § 262.10(a)(3) – requires a generator shall not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in § 260.10 of this chapter, or not otherwise authorized to receive the generator's hazardous waste.
- 8. 40 CFR § 262.20(a)(1) - requires a generator that transports or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A.
- 9. 40 CFR §§ 262.30, 262.31, 262.32, & 262.33 - requires a generator to ensure that their hazardous waste is properly packaged, labeled, marked and placarded before shipment offsite

Prior to the RCRA Inspection, DCN Administrative & Recycling Corp. has regularly shipped commingled “crusher fluid” containing hazardous waste to used oil reclaiming facilities that are not designated facilities. Additionally, other hazardous waste streams (e.g., mercury (D009), lead (D008), reactive (D003) and/or ignitable (oxidizer, D001) were mixed and erroneously shipped as scrap metals.

Maintenance and Operation of Facility (40 CFR § 262 Subpart A)

- 10. 40 CFR § 262.16(b)(8)(i) – requires a small 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.

While operating and maintaining its Facility, DCN Administrative & Recycling Corp. employed unsafe hazardous waste and hazardous waste constituent storage and management practices, including:

- a. Failed to remove, and did not have procedures in place for removing, all fluids (such as gasoline and diesel fuel) and parts (such as mercury containing light switches, high intensity discharge systems {e.g., headlights and tail lamps}), and mercury containing G-force sensors in anti-lock brake systems from partially crushed, junked automobiles prior to receiving and storing such

vehicles, potentially resulting in the release of liquid hazardous waste and/or hazardous waste constituents into the environment from such fluids and parts;

- b. Failed to properly manage contaminated stormwater runoff from the crushing and storage of vehicles and other materials. Instead, runoff is allowed to either percolate into the onsite soil or flow off property, where it either percolates into the offsite soil or flows through a residential community toward an unnamed creek which discharges into the Blasina Channel to the northwest of the property. Runoff would be expected to contain transmission fluids, gasoline, diesel, motor oil, antifreeze/coolant, windshield washer fluid, refrigerants, brake fluid, lead, and mercury. Sampling done by EPA at a similar facility demonstrated significant levels of contamination from gasoline, diesel, and other VOCs, chlorinated VOCs, and metals;
- c. Stored, crushed and bailed motor vehicles were handled in a manner that allowed fluids which may contain hazardous waste or hazardous waste constituents to be released directly onto the soil and air at the Facility; and,
- d. Failed to avoid or control a fire incident occurred at the Facility releasing hazardous waste or hazardous waste constituents to air, soil, or surface water. It was estimated that over 300 junked cars were burned along with ferrous and nonferrous scrap metals temporary accumulated before crushing operations. The fire incident initiated at the pile of junker cars due to probably to a spark from the scrapyard crane during picking-up junked cars at the Facility. Several piles of mixed destroyed and burned scrap metals were accumulated at the site including motor engines, car fragments, spent tires, alloy wheels, seats, dashes, steel frames, PVC pipes, steel beams, auto batteries, metal cables, car plastic bumpers, brake parts, lead weighs and junked car carcass leaking fluids and staining the soil ground. Fluids leaking on the soils and pavement areas flowing toward the entrance and nearby unnamed creek situated northwest of the Facility.

Permits for Treatment, Storage, or Disposal of Hazardous Waste (Section 3005 of the Act and 42 U.S.C. 6925)

Section 3005 of the Act, 42 U.S.C. § 6925, and 40 CFR § 270.1 requires that the owners or operators of hazardous waste management facilities have a permit or interim status for the treatment, storage, or disposal of hazardous waste.

DCN Administrative & Recycling Corp., in the course of, or as a result of, dismantling, storing, crushing, and bailing motor vehicles, routinely deposited, disposed of, dumped, spilled and/or leaked (hereafter collectively referred to as “released”) to the Facility soil and ambient air:

- a. Automotive fluids (including gasoline, diesel, antifreeze/coolant, and used oil);
- b. Fuel filters; lead wheel weights; lead ends of battery cables; automobile components that may contain mercury (including light switches, anti-lock brake systems, ride leveling sensors, headlights and taillights, and virtual image instrument panels); and/or airbag cartridges that may contain sodium azide or other explosive and toxic compounds; and,

- c. Refrigerants, including hazardous waste constituents (e.g., chlorinated fluorocarbons).

In addition, the Facility regularly disposed of commingled “crusher fluid” containing hazardous waste at non authorized hazardous waste facilities, and shipped other hazardous waste streams (e.g., mercury (D009), lead (D008), reactive (D003) and/or ignitable (oxidizer, D001) mixed erroneously with as scrap metals.

Used Oil Management (40 CFR § Part 279)

At the time of the RCRA Inspection, DCN Administrative & Recycling Corp. was in violation of the following used oil requirements.

- 11. 40 CFR 279.22(c) - requires that containers and above-ground tanks used to store used oil must be labeled or marked clearly with the words “Used Oil.”

The Facility must have all containers used to store used oil labeled or clearly marked with the words, “Used Oil.” EPA inspectors observed that some drums containing used oil were not labeled or marked clearly with the words “Used Oil.”

Among the observations of concern to the EPA Inspector during the RCRA Inspection include:

- a. Compacting Aluminum Accumulation Area
 - 1. Two (2) 55-gallon steel drums open with used oil waste content not properly labelled with the words, “Used Oil,” and surrounded with scrap metals heavily impacted with used oil; and,
 - 2. Two (2) 5-gallon plastic containers with used oil not properly labeled with the words, “Used Oil.”
- b. Machine Shop Area
 - 3. One (1) 5-gallon plastic container open and with used oil not properly labeled with the words, “Used Oil,”
- c. Fire Incident Scrapyard Site Area
 - 4. Four (4) 55-gallon steel drums with used oil waste content not properly labeled with the words, “Used Oil” (see Picture 38); and,

All drums and the containers were not labeled with the words “Used Oil.”

- 12. 40 CFR § 279.81 - specifies that used oil that is not recycled, but will be disposed of, is subject to the hazardous waste regulations, if applicable. Therefore, any material soaked with used oil that is disposed of is a solid waste and may be a hazardous waste.

Since the rags used to clean-up minor used oil spills and other impacted material (i.e., cardboard matter) are discarded, they meet the definition of a solid waste. Pursuant to the hazardous waste regulations, specifically 40 C.F.R. § 262.11, a person who generates a solid waste must determine if that waste is a hazardous waste by either applying knowledge of the waste or through an analysis of a representative sample of the waste. The generator must be able to support the determination by documenting the

generator's knowledge of the waste or by documenting the analytical results. This hazardous waste determination must be repeated whenever the waste stream has changed.

If the impacted material is a hazardous waste, it must be disposed of by an authorized hazardous waste treatment, storage and/or disposal Facility and transported by a transporter with an EPA Identification Number. If it is not a hazardous waste, it must be disposed of in accordance with 40 C.F.R. § 258 and the Commonwealth of Puerto Rico requirements which cover disposal in municipal solid waste landfills.

Based on the conditions observed during the RCRA Inspection there was one (1) 55-gallon drum open and with rags heavily impacted with used oil not properly labeled with the words, "Used Oil," at the Fire Incident Scrapyard Site Area. The drum or impacted material was not properly identified and no determination had been made as to whether it was hazardous waste or non-hazardous waste, as required by the applicable regulations.

13. 40 CFR § 279.22(d) - requires that upon detection of a release of used oil to the environment, a generator must stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials, and prevent future releases by repairing or replacing leaking used oil storage containers or tanks.

At the time of the RCRA Inspection, there were dismantled motor engines with no control or prevention of releases of used oil throughout the Facility. In addition, stormwater run-off contaminated with transmission fluids, motor oil, and brake fluids from maintenance and cleaning activities of the regular dismantling or crushing/bailing activities were observed on the floor area of the Facility and outside on the ground running offsite through a residential community toward an unnamed creek which discharges into the Blasina Channel to the northwest of the property.

Among the observations of concern to the EPA Inspector during the RCRA Inspection include:

- a. Entrance Gate and Weighting Scale Station Area
 1. Dismantled motor engines with no control or prevention of releases of used oil or stormwater run-off contaminated with transmission fluids, gasoline, diesel, and other motor oil fluids
- b. Compacting Aluminum Accumulation Area
 2. There was evidence of numerous leaks and spills incidents on the concrete floor that appear to contain used oil from crushing machines and heavily impacting soils in the backyard with used oil.
- c. Material Processing & Storage Area
 3. There was evidence of numerous leaks and spill incidents on the concrete floor that appear to contain motor engine fluids that migrated and heavily impacted with used oils the backyard soils near the property perimeter fence.
- d. Machine Shop Area
 4. Dismantled motor engines with no control or prevention of releases of used oil or stormwater run-off contaminated with transmission fluids, gasoline, diesel, and other motor oil fluids.

- e. Ferrous Metal Collection Area
 - 5. Two (2) abandoned heavy equipment machine “Sky Tracks” leaking engine motor fluids on soil grounds, and,
 - 6. Piles of scrap metals placed on bare soils and being operated by an excavator leaking oily fluids on the ground
- f. DCN Administrative & Recycling Corp.’s crushing of vehicles directly over the soil, without first removing all of the used oil from the vehicles, resulted in the release and/or disposal of used oil onto the soil at the Facility. Crushed vehicles were then stored directly on the soil thereby allowing releases of used oil from crushed cars onto bare soils.

Based on the conditions observed during the RCRA Inspection, the Facility was in violation of the above regulation. The Facility must immediately clean up all releases of used oil to the environment, properly manage them and send them off-site for disposal.

In addition to the above violations, the EPA Inspector identified the following concern and potential violation.

Although storing drums and containers of used oil outdoors without any lids is not a violation of the used oil management regulations, it is considered good practice to keep these containers closed and in good condition, except when in use to add additional used oil, so as to prevent used oil releases to the environment.

If you have any questions regarding these or related matters, please contact Mr. Eduardo R. Gonzalez at (787) 977 - 5839. Please also refer to the EPA publications:

- Manejando sus Residuos Peligrosos: Una Guía para Empresas Pequeñas, Managing Your Hazardous Waste: A Guide for Small Businesses, and Hazardous Waste Requirements for Large Quantity Generators. These publications may be used to improve your understanding of the EPA’s Hazardous Waste Program as it applies to all hazardous waste generators;
 - <https://www.epa.gov/hwgenerators/managing-your-hazardous-waste-guide-small-businesses> (Spanish and English)
 - <https://www.epa.gov/hwgenerators/fact-sheet-requirements-large-quantity-generators-hazardous-waste>
- The EPA’s Small Business Compliance website. This site provides compliance assistance and pollution prevention information sources geared toward small businesses:
 - <https://www.epa.gov/compliance/small-business-compliance>
- U.S. EPA Small Business Resources Information Sheet
 - <https://www.epa.gov/sites/production/files/2015-05/documents/smallbusinessinfo.pdf>
- Fluorescent Lamp Disposal and Recycling in EPA Region 2: A Guide for Businesses in NJ, NY, PR and VI:
 - <http://www.epa.gov/region02/waste/spent-lamp.pdf>

Internet links to these publications are included.

ATTACHMENT II
RCRA § 3007 Information Request

DCN Administrative & Recycling Corp.
Ref. No. CEPD-RCRA-18-0407
EPA ID No. PRN008026791

On or about August 18, 2022, a duly authorized representative of EPA conducted a RCRA compliance evaluation inspection (the “RCRA Inspection”) at the DCN Administrative & Recycling Corp. located in Bo. Martin Gonzalez, Sector La Palmita, PR Road - 887, km 0.9 Carolina, Puerto Rico (the “Facility”), pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, in order to determine your Facility’s compliance with certain federal hazardous waste accumulation, storage and disposal regulations.

Based on a review of the information obtained during and after the RCRA Inspection, we have determined that certain information is required to fully evaluate the compliance of this Facility. You are hereby required to answer the following questions and provide the following information:

1. With regard to the violations cited in the above Notice of Violation (Enclosure I), please provide the following:
 - a. A description of the actions taken, or that will be taken, to correct the specific violations cited in items 1 through 13 (inclusive) of the NOV. Be specific (e.g., when actions were started and finished, how much was removed, etc.);
 - b. Documentation verifying that the violations have been corrected, including photographs, where applicable; and
 - c. An account of changes in Facility management practices sufficient to prevent a recurrence of the violations. Include a facility “Work Plan” addressing operational changes, as detailed in Attachment VI, if DCN Administrative & Recycling Corp. will continue to receive and process automobiles (junkers).
2. Please provide the full legal name, address, and legal status (e.g., corporation, not-for-profit corporation, individual owner, partnership) of the current and past owner and/or owners, since 1970, of the Facility located in located in Martin Gonzalez Ward, Sector La Palmita, PR Road - 887, km 0.9 Carolina, Puerto Rico. Also, provide:
 - a. The name(s) and official title(s) of each of the officer(s) (or the proprietor(s), if not a corporation) of all current and past owners; and,
 - b. The month/day/year all current and past owners began ownership of the Facility.
3. Please provide the full legal name, address, and legal status (e.g., corporation, not-for-profit corporation, individual owner, partnership) of the current and past operators, contractors and/or tenants, since 1980, of the Facility located in located in Martin Gonzalez Ward, Sector La Palmita, PR Road - 887, km 0.9 Carolina, Puerto Rico. Also, provide:

- c. The name(s) and official title(s) of each of the officer(s) (or the proprietor(s), if not a corporation) of all current and past operators, contractors and/or tenants;
 - d. The month/day/year all current and past operators, contractors and/or tenants began operations at the Facility; and,
 - e. Describe the relationship between all current and operators, contractors and/or tenants and all current and past owner(s) of the Facility.
4. Please provide the full legal name, address, and legal status (*e.g.*, corporation, not-for-profit corporation, individual owner, partnership) of the current and past owner and/or owners of the real property (real estate), since 1970, on which the Facility is located in located in Martin Gonzalez Ward, Sector La Palmita, PR Road - 887, km 0.9 Carolina, Puerto Rico. Also, provide:
- f. The name(s) and official title(s) of each of the officer(s) (or the proprietor(s), if not a corporation) of all current and past real property owners;
 - g. The month/day/year of all current and past owners began ownership of the property began;
 - h. The month/day/year and state of incorporation, if applicable, of all current and past owners of the property;
 - i. Describe the relationship between all current and past owner(s) of the real property and all current and past owner(s) of the Facility; and
 - j. Please provide a narrative and illustrated map describing the location and changes in operations over the properties associated with the Facility's past and current operations.
5. When submitting your response, please attach to the Certification of Answers to Request for Information (Attachment IV, below) a list of persons by name, position or title, department, and company who prepared or assisted in the preparation of the responses to this information request. Please also provide a brief description of the nature of their work. If any person is not an employee, please also provide a short account of the basis for their association with you and/or the Facility in question.
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ATTACHMENT III
Instructions & 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/corporation to whom this is addressed.
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, as necessary, with all present and former employees and agents of the company/corporation 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, state 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. For the purposes of this Request for Information, companies, corporation and/or institution are all the operations conducted by you or your company at the Facility located in located in Martin Gonzalez Ward, Sector La Palmita, PR Road - 887, km 0.9 Carolina, Puerto Rico.
11. 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) and in 40 C.F.R., Section 261.3.
12. Hazardous constituents shall be defined as those substances listed in 40 C.F.R. Part 261, Appendix VIII.

13. Other definitions, for the purposes of this Request for Information, are as defined in 40 C.F.R. Part 260, Subpart B.
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ATTACHMENT IV
Certification of Answers

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Information Request) and all documents submitted herewith, and that I believe 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. I am also aware that I am under a continuing obligation to supplement my response to EPA's Information Request if any additional information relevant to the matters addressed in EPA's Information Request or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

ATTACHEMENT V
Substantiation of Confidential Business Information Claim

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to Question 1, immediately above?
3. What measures have you taken to protect the information claimed as confidential and to guard against undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has EPA or any other governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to result in substantial harmful effects on the business or to its competitive position. Explain the specific nature of those harmful effects; why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

ATTACHMENT VI
Copies of Compliance Assistance Publications
Auto Salvage Operations

Work Plan to Address Operational Changes

The Auto Salvage Yard will create a work plan, in English and in Spanish, addressing the following operational changes at its facility, and will institute on an ongoing basis the procedures set out in the work plan. The work plan will address the following:

1. Procedures to inspect incoming vehicles for fluids. In general:
 - a. The facility must recover any fluids using approved fluid handling equipment and methods, or physically confirm and document prior recovery or loss of any fluids for each received vehicle.
2. Waste management guidelines. The following waste management approach shall apply for hazardous wastes and used oil from vehicle crushing activities at the facility and all remote vehicle crushing operations:
 - a. All vehicle fluids, components listed below, and other potential hazardous wastes that are contained in or are part of the vehicle must be removed, collected and managed in compliance with all applicable hazardous and solid waste regulations.
 - b. If the preceding conditions have been met, the “crusher fluid” may be managed as used oil under the requirements of 40 CFR Part 279 in lieu of hazardous waste requirements.
 - c. If all subject fluids and components are not removed prior to crushing for each vehicle, all crusher fluid must be managed presumptively as hazardous waste.
3. Vehicle storage before crushing. Vehicles must be stored on a bermed concrete surface until the vehicle is drained of all fluids.
4. Procedures to decommission vehicles before crushing:
 - a. Fluids and refrigerants must be drained before crushing.
 - i. Refrigerants cannot be intentionally released (vented) to the environment and must be recovered and managed in accordance with EPA requirements set forth in the Clean Air Act (CAA).¹ A qualified Facility employee or its agent, certified under Section 609 of the Clean Air Act, must recover any refrigerants using approved refrigerant handling equipment, or physically confirm and document prior recovery or loss of any refrigerants for each received vehicle.

¹ See: EPA Regulatory Requirements for Motor Vehicle A/C System Servicing @ <https://www.epa.gov/mvac/epa-regulatory-requirements-motor-vehicle-ac-system-servicing>

- ii. Vehicles must be fully drained, employing industry standard methods (or equivalent approved by EPA), prior to crushing (see *Further Guidance*, below). Fuel filters must be removed, with the fuel drained and collected. Oil filters must be removed and hot drained, then punctured, crushed, disassembled or emptied by air pressure or comparable means. (While spent oil and fuel filters may be managed together after draining, they may not be drained together and their liquid contents may not be mixed). A qualified facility employee or its agent must recover all auto fluids and filters, or physically confirm and document prior recovery of, absence of, or release of any auto fluids and filters for each received vehicle.
- iii. Fluids such as fuel, used oil, transmission fluid, antifreeze/coolant, etc. must be stored in separate containers that are properly labeled.
- b. Other Toxic Materials Must Be Removed Before Crushing
 - i. Batteries, including lead acid, must be removed and recycled.
 - ii. All accessible lead components, including wheel weights and battery cable ends, must be removed before crushing and recycled.
 - iii. All detachable, mercury-containing auto components must be removed before crushing and managed as either universal waste or hazardous waste.
 - iv. Airbag cartridges must be removed before crushing and are subject to hazardous waste identification and management if not viable for resale, unless already discharged before acceptance at the facility (*i.e.*, in a motor vehicle accident.)
 - v. Each of the above removed materials shall be stored in separate containers that are properly labeled, closed, and secured.

5. Crushing Operations

- a. Vehicle crushers, including mobile crushers, must be situated on a bermed concrete surface under a roof and protected from the weather. The floor surface shall be sloped to contain fluids, with provision for fluid collection and management. Crushers must be positioned near the center of the surface or concrete pad rather than along the edge.
- b. Containers for fluid capture must be fitted to the crusher.
- c. Each crusher and adjacent areas shall be inspected daily for leaks, spills, and equipment maintenance issues. Inspections shall include fluid capture connections and containers. A written or electronic log must be kept of all inspections, any inspection findings, and any repairs.
- d. Fluids collected or spilled during crushing operations (*i.e.*, crusher fluids), including from any pads or underdrain systems, must be managed as hazardous waste unless all removable fluids and potential hazardous wastes were previously removed as per previous paragraphs of this section.
- e. After careful and thorough removal of all fluids and potential hazardous wastes prior to crushing, whether or not identified above, the residual crusher fluid collected as a result of vehicle crushing may, at the facility's discretion, be managed either as regulated used oil or as hazardous waste.

6. Vehicle Storage After Crushing

- a. Crushed vehicles must be stored on a bermed concrete pad. The floor surface shall be sloped to route fluids to a collection bin..
- b. The storage areas shall be inspected daily for leaks and spills. A written or electronic log must be kept of all inspections, findings, and repairs.
- c. Spills and other fluids collected must be managed as hazardous waste unless all removable fluids and potential hazardous wastes were previously removed as per section 4, above.

Further Guidance

Further guidance may be found at **ECAR Center, Environmental Compliance for Automotive Recyclers**, a website designed by and for people in the automotive recycling business. EPA partnered with the Automotive Recyclers Association to develop this compliance assistance center for the automobile recycling industry:

- <http://www.ecarcenter.org/>

The ECAR fact sheets are designed to assist automotive recyclers with operating their businesses and managing their wastes in compliance with the environmental laws. The ECAR Fact Sheet for Iowa, which, like Puerto Rico, is regulated directly under Federal RCRA requirements, can provide additional compliance assistance:

- <http://www.ecarcenter.org/IA/virtualtour.cfm>

Various companies produce and market vehicle draining systems designed for the auto salvage industry. *Automotive Recyclers of Canada* and *American Recycler* surveyed the field of vehicle draining system manufacturers in the below, linked articles:

- <http://autorecyclers.blogspot.com/2009/09/auto-drainage-systems.html>
- <http://americanrecycler.com/8568759/index.php/feature-articles/equipment-spotlight/1009-spotlight-515>

Examples of vehicle draining system manufacturer websites referenced by the *Automotive Recyclers of Canada* and *American Recycler* include:

- <http://www.vortexdepollution.com/>
- <http://autodrain.net/>
- <http://www.crowenvironmental.co.uk/>
- <http://www.ironax.com/>
- <http://www.seda-international.com/us/>
- <http://www.superior-recycling.com/>
- <http://gascaddies.com/>

Managing Your Hazardous Waste: A Guide for Small Businesses and *Hazardous Waste Requirements for Large Quantity Generators*. These publications may be used to improve your understanding of the EPA's Hazardous Waste Program as it applies to all hazardous waste generators. These publications are available through:

- http://www.epa.gov/epaoswer/osw/gen_trans/generate.htm

The EPA's *Some Used Lamps are Universal Wastes* fact sheet Internet site at:

- http://www.epa.gov/epawaste/hazard/downloads/fs_lamps.pdf

For more information on spent fluorescent light bulb management, please see the EPA's *Hazardous Waste Lamps Final Rule* Internet site at:

- <http://www.epa.gov/epaoswer/hazwaste/id/merc-emi/merc-emi.htm>

For certain information on "CFC Regulations," see the EPA's *Complying With The Section 608 Refrigerant Recycling Rule*. Specific information is available in 40 C.F.R. Part 82, Subpart F:

- <http://www.epa.gov/ozone/title6/608/608fact.html>