



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

November 16, 2023

Cary A. Ramos, Facilities Engineer – Health & Safety Manager
Auro PR Inc – Caguas
Caguas West Industrial Park
Caguas, Puerto Rico, 00725

RE: RESOURCE CONSERVATION AND RECOVERY ACT
§ 3007 – REQUEST FOR INFORMATION
§ 3008 – NOTICE OF VIOLATION
Auro PR Inc – Caguas
EPA ID: PRD987369766
CEPD-RCRA-24-3007-3008-001

Dear Ms. Ramos:

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 Commonwealth of Puerto Rico 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 Commonwealth of Puerto Rico.

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, 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 § 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

This RFI is made pursuant to the provisions of § 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 II** 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 colombani.carlos@epa.gov, and can also be mailed to the following address:

Carlos J Colombani, 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 regarding this matter, please contact Mr. Colombani from my staff at 787- 977-5862 or via e-mail at colombani.carlos@epa.gov.

Sincerely,

CARMEN

GUERRERO PEREZ

Carmen R. Guerrero Pérez, Director
Caribbean Environmental Protection Division

Digitally signed by CARMEN
GUERRERO PEREZ
Date: 2023.11.16 14:46:13 -04'00'

Enclosures

- I. Notice of Violation
- II. Request for Information
- III. Instructions and Definitions
- IV. Certification of Answers to Responses

cc: Lorna Rodríguez, Chief
Hazardous Waste Enforcement Program
Puerto Rico Department of Natural & Environmental Resources
8838 Street, Km 6.3, Sector El Cinco
Rio Piedras, PR 00936
lornarodriguez@drna.pr.gov

ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

Auro PR Inc – Caguas

EPA ID: No. PRD987369766

CEPD-RCRA-24-3007-3008-001

On August 30, 2023, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of Auro PR Inc (the Facility), located at Caguas West Industrial Park, Caguas, 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.

1. [40 CFR § 262.260\(a\)](#)

At the time of the inspection, Auro Pr Inc. – Caguas failed § 262.260(a) which requires *“A large quantity generator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.”*

- The Facility provided a contingency plan for Mylan LLC (prior plant owner/operator) dated August 2018, not for Auro PR, Inc – Caguas which is the current owner and operator at the site.

2. [40 CFR § 262.262\(b\)](#)

At the time of the inspection, Auro Pr Inc. – Caguas failed § 262.262(b) which requires a large quantity to *“prepare a quick reference guide and submit it to the local emergency responders.”*

- The Facility provided a quick reference guide for Mylan LLC (prior plant owner/operator) dated August 2018, not for Auro PR, Inc – Caguas which is the current owner and operator at the site.

3. [40 CFR § 262.17\(a\)\(7\)\(iii\)](#)

At the time of the inspection, Auro Pr Inc. – Caguas failed § 262.17(a)(7)(iii) which requires *“Facility personnel must take part in an annual review of the initial training.”*

- The Facility provided RCRA personnel training records for Mr. Pedraza, Mr. Rodriguez, and Mr. Muñoz for calendar year 2020. RCRA personnel training for calendar years 2021 and 2022 were not provided.

ENCLOSURE II – RCRA § 3007 REQUEST FOR INFORMATION

On August 30, 2023, a duly authorized representative of EPA conducted a RCRA Hazardous Waste Compliance Evaluation Inspection of Auro PR Inc (the Facility) at Caguas West Industrial Park, Caguas, Puerto Rico, 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 Auro PR Inc - Caguas. If the company has used any other names, please provide them. Provide the date the Facility started business at Caguas West Industrial Park, Caguas, Puerto Rico.
- 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 conducted on August 30, 2023, please provide information about any other inspection conducted by any other State or Federal agency, since 2020.
- e. Do you have any knowledge of any State or Federal agency (EPA, Department of Justice, etc.) actions (complaints, suits, investigations, etc.) against Auro PR Inc - Caguas? If yes, explain and elaborate your answers.
- f. Please certify if Auro PR Inc - Caguas has filed for bankruptcy at any time under its current or any previous name.

2. Violations

Please provide:

- a. description of the actions you have taken to correct the violations noted in Enclosure I.
- b. documentation that the violations have been corrected.
- c. a description of the procedures that will be put into place to prevent such violations from occurring in the future.

3. Specific Information

a. Waste Analysis/Determination

- i. Please provide a waste analysis/determination for the twenty-four (24) 30-gallon drums labeled as bupirone hydrochloride (UN2811 toxic solid, organic, not otherwise specified [N.O.S.]) labeled as toxic that were being accumulated at the Central Accumulation Area.
- ii. Please provide the accumulation times of the twenty-four (24) 30-gallon drums labeled as bupirone hydrochloride (UN2811 toxic solid, organic, not otherwise specified [N.O.S.]) awaiting waste determination.

b. Personnel Training

- i. Provide specific job titles and names of persons filling positions related to hazardous waste management.
- ii. Provide a description, in writing, skills, education, or qualification, and duties associated with each job title related to hazardous waste management.
- iii. Provide a written description of type and amount of introductory and continuing training related to hazardous waste management.

c. Manifests

- i. Provide the following hazardous waste manifests that were shipped between January 2022 and September 2022:
 - 015721541FLE shipped on January 27, 2022;
 - 015721452FLE shipped on January 27, 2022;
 - 017088351FLE shipped on January 27, 2022;
 - 017088383FLE shipped on February 25, 2022
 - 017088430FLE shipped on March 31, 2022;
 - 015271790FLE shipped on May 12, 2022;
 - 015721791FLE shipped on May 12, 2022;
 - 015721829FLE shipped on May 12, 2022;
 - 017086954FLE shipped on July 1, 2022

- 017088354FLE shipped on July 1, 2022;
- 017087339FLE shipped on August 25, 2022;
- 017087343FLE shipped on August 25, 2022;
- 017087344FLE shipped on August 25, 2022; and
- 017086162FLE shipped on September 8, 2022.

ii. Provide a copy of the following hazardous waste manifests with the handwritten signature of the owner or operator of the designated facility:

- 015728964FLE shipped on November 17, 2022;
- 015728992FLE shipped on November 17, 2022;
- 018199452FLE shipped on May 26, 2023; and
- 018199181FLE shipped on June 15, 2023.

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 violation, 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 Auro PR Inc at Caguas West Industrial Park, Caguas, Puerto Rico.
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- 24-3007-3008-001) 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.

Name (Print or Type)

Title (Print or Type)

Signature

Date (Print or Type)

Auro PR Inc - Caguas
EPA ID: PRD987369766