



REGION 2 CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

GUAYNABO, PR 00968

November 26, 2024

VIA EMAIL

Mr. Enrique Corujo
Home Depot Store #6408
State HWY 52 SR 842 Monte Hiedra Town CTR
San Juan, Puerto Rico, 00928.
cxm_6408@homedepot.com

**RE: RCRA § 3007 – REQUEST FOR INFORMATION
RCRA § 3008 – NOTICE OF VIOLATION
Facility Name: Home Depot Store #6408
EPA ID: PRR000019331
CEPD-RCRA-25-3007-3008-003**

Dear Mr. Corujo:

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 C.F.R. 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 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.

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, and can also be mailed to the following address:

Rosana Caballer-Cruz, Enforcement Officer
RCRA & Revitalization Section
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 feel free to contact Carmen Guerrero, Director of the Caribbean Environmental Protection Division, at (787) 977-5875 or guerrero.carmen@epa.gov, or have your staff contact Rosana Caballer-Cruz at caballer.rosana@epa.gov or (787) 977-5880.

Sincerely,

HECTOR
VELEZ-CRUZ

Digitally signed by
HECTOR VELEZ-CRUZ
Date: 2024.11.26
15:03:47 -04'00'

Héctor L. Vélez Cruz
Acting 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: Mr. Javier Silva, Assistant Manager
asm_6408@homedepot.com

Ms. Michelle O'Brien, Manager - Regulatory Compliance
MICHELLE_A_OBRIEN@homedepot.com

Ms. Lorna Rodríguez, Chief Hazardous Waste Enforcement Program
Puerto Rico Department of Natural & Environmental Resources
lornarodriguez@drna.pr.gov

Mr. David N Cuevas Miranda, Supervisor USEPA,
cuevas.david@epa.gov

ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

On October 24, 2024, a duly authorized representative of the U.S. Environmental Protection Agency (EPA) conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of Home Depot Store #6408, located at State HWY 52 SR 842 Monte Hiedra Town CTR, San Juan, Puerto Rico (Facility), 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 C.F.R. § 262.17(a)(1)(vii)(C)

40 C.F.R. § 262.17(a)(1)(vii)(C) states *“A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.”*

The Facility failed to comply with this requirement in the HAZMAT Area. At this location, 5-gallon black plastic containers identified as ignitable, toxic and/or corrosives were not separated from other 5-gallons black plastic containers identified as ignitable, toxic and/or corrosives by any dike, berm, wall, or other device.

2. 40 C.F.R. § 262.255

40 C.F.R. § 262.255 states *“The large 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 HAZMAT Area. Aisle space was not available and was not provided, as required, to the containers placed at this location.

3. 40 C.F.R. § 273.13(d)(1)

40 C.F.R. § 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 in the HAZMAT Area. One (1) cardboard box with fluorescent lamps was observed open.

4. 40 C.F.R. § 262.251

40 C.F.R. § 262.251 states *“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 at the HAZMAT Area. At this location, the emergency equipment which must be accessible in case of an emergency was obstructed. Additionally, waste was placed above the container’s lid where the waste is supposed to be poured.

ENCLOSURE II– RCRA § 3007 REQUEST FOR INFORMATION

On or about October 24, 2024, a duly authorized representative of EPA conducted a RCRA Hazardous Waste Compliance Evaluation Inspection of the Home Depot Store #6408 (the Facility) at State HWY 52 SR 842 Monte Hiedra Town CTR, San Juan, 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 Home Depot Store #6408. 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 October 24, 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, Puerto Rico Department of Natural and Environmental Resources, etc.) actions (complaints, suits, investigations, etc.) against Home Depot Store #6408? If yes, explain and elaborate your answers.
- f. Please certify if Home Depot Store #6408 has filed for bankruptcy at any time under its current or any previous name.

2. Specific Information

- a. HAZMAT Area
 - i. During the inspection, black plastic containers were observed in the black zone area. Some of them were labeled as corrosive, some ignitable, and some toxic. All of them were observe nearby and/or stacked without aisle space and/or segregation. When asked, the Facility representatives replied that they place the containers according to the Facility's program, which states that all of them could be placed at the same black zone area.

- ii. Please provide a narrative that explains the determination made and how this storing activity complies with 40 C.F.R. § 262.17(a)(1)(vii)(C).
- iii. Also, please provide the information that recommends that the wastes observed in the HAZMAT Area are not incompatible between them.
- iv. Additionally, please provide information explaining how the facility representatives handle the containers identified with the words “non-hazardous waste” or “desecho no peligroso” as hazardous waste, and why these containers are identified with the words “non-hazardous waste” but have a hazardous description (i.e. corrosive, toxic, ignitable).
- v. Finally, if the containers are indeed non-hazardous waste, please explain why they are placed together with the hazardous waste containers stored at the facility's HAZMAT Area.

b. Gasoline container

- i. One (1) gas caddy was observed in the HAZMAT Area. The latter was identified as “off spec gasoline non-hazardous waste” and the label stated that this container should be stored in the facility’s tools rental center, nevertheless, a tools rental center is not available in this facility.
- ii. Please provide a narrative that explains this inconsistency.
- iii. Additionally, please provide information related to the handling, storage, and disposal activities related to the gasoline contained in the gas caddy and provide information on how the facility made the waste determination for the latter.

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 #6408 at State HWY 52 SR 842 Monte Hiedra Town CTR, San Juan, 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. § 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. § 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-25-3007-3008-003) 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)

Home Depot Store #6408

EPA ID: PRR000019331