



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

September 1, 2023

SENT VIA EMAIL

PLAZA PROVISION - GUAYNABO
PO BOX 363328,
SAN JUAN, PUERTO RICO, 00936
C/O: Mr. Oscar Rodriguez
Email: orodriguez@plazaprovision.com

**RE: RCRA § 3007 – REQUEST FOR INFORMATION
RCRA § 3008 – NOTICE OF VIOLATION
PLAZA PROVISION - GUAYNABO
EPA ID: PRR000027847
CEPD-RCRA-23-3007-3008-012**

Dear Mr. Oscar Rodriguez:

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 and Notice of Violation (NOV), the hazardous waste rules were promulgated in 1980 and amended by HSWA in 1984.

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 request for information 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 information requested in Enclosures I and II must be submitted no later than thirty (30) calendar days from receipt of this letter. Requests for additional time to provide the information requested in Enclosure II must be justified and must be made in writing within ten (10) calendar days of receipt of this letter. 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.

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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.

The responses to the information request in Enclosure I and Enclosure II must be provided by email or mailed to the following address:

Rosana Caballer-Cruz, Enforcement Officer
Response and Remediation Branch
U.S. Environmental Protection Agency - Region 2
Caribbean Environmental Protection Division
City View Plaza II, Suite 7000
#48 PR-165 Km 1.2
Guaynabo, Puerto Rico 00968
Email: caballer.rosana@epa.gov

If you have any questions regarding this matter, please contact Rosana Caballer-Cruz, from my staff, at 787-977-5880 or via e-mail at caballer.rosana@epa.gov.

Sincerely,

CARMEN
GUERRERO PEREZ

Digitally signed by
CARMEN GUERRERO PEREZ
Date: 2023.09.01 17:37:57
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Carmen R. Guerrero Pérez
Director



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CITY VIEW PLAZA II BUILDING, 7TH FLOOR
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ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

PLAZA PROVISION - GUAYNABO
EPA ID: No. PRR000027847
CEPD-RCRA-23-3007-3008-012

On or about June 27, 2023, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the PLAZA PROVISION - GUAYNABO (PLAZA PROVISION) located at CARR 165 ESQUINA 28, GUAYNABO, 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 C.F.R. § 262.17(a)(7)(i)(A)

At the time of the inspection, PLAZA PROVISION failed § 262.17(a)(7)(i)(A) which requires “*Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.*”

- At the time of the inspection, the facility failed to comply with this requirement since the facility personnel had not completed a program or training related to hazardous waste management.

2. 40 C.F.R. § 262.17(a)(7)(iv)(B)

At the time of the inspection, PLAZA PROVISION failed § 262.17(a)(7)(iv)(B) which requires “*A written job description for each position listed under paragraph (a)(7)(iv)(A) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.*”

- At the time of the inspection, the facility failed to comply with this requirement. Although the facility representative has available for evaluation the Compliance & Facilities Supervisor, Handyman job description, which includes the following statement: “Supports building security systems and emergency preparation plans for fire evacuations and possible disaster response”, information about hazardous waste management and/or training in RCRA or hazardous waste provisions were not included.

3. 40 C.F.R. § 262.261(b)

At the time of the inspection, PLAZA PROVISION failed § 262.261(b) which requires *“if the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with part 112 of this chapter, or some other emergency or contingency plan, it need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this part. The generator may develop one contingency plan that meets all regulatory standards. EPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance (“One Plan”).”*

- At the time of the inspection, the facility failed to comply with this requirement. Although the facility has a document identified as “Plan de Emergencia y Continuidad de Negocio” which, indeed, included some information such as the emergency response team names, the evacuation map, and routes, the location of facility emergency equipment (i.e., fire extinguishers), and the external emergency response/agency contact numbers, this document did not incorporate sufficient hazardous waste management provisions to comply with the standards of this part. Hence, the document evaluated did not meet all regulatory standards required by the Regulation.

4. 40 C.F.R. § 262.261(c)

At the time of the inspection, PLAZA PROVISION failed § 262.261(c) which requires *“The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to § 262.256.”*

- At the time of the inspection, the facility failed to comply with this requirement since the information requested in the citation above was not found in the document provided and evaluated.

5. 40 C.F.R. § 262.261(d)

At the time of the inspection, PLAZA PROVISION failed § 262.261(d) which requires *“The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see § 262.264), and this list must be kept up to date...”*

- At the time of the inspection, the facility failed to comply with this requirement. During the documents review section, the facility’s emergency response phone numbers were not available at the document evaluated.

6. 40 C.F.R. § 262.261(e)

At the time of the inspection, PLAZA PROVISION failed § 262.261(e) which requires *“The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.”*

- At the time of the inspection, the facility failed to comply with this requirement. Although the document provided for evaluation includes the map with the location of the facility's fire extinguishers, the physical description of the item and a brief outline of its capabilities were not found in the document. Likewise, information related to additional facility emergency equipment; with its corresponding location, physical description, and a brief outline of its capabilities was not found either in the document evaluated.

7. 40 C.F.R. § 262.262(a)

At the time of the inspection, PLAZA PROVISION failed § 262.262(a) which requires *“The large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.”*

- At the time of the inspection, the facility failed to comply with this requirement since evidence that the facility has submitted a copy of the contingency plan to all local emergency responders was not found as part of the evaluation of the document.

8. 40 C.F.R. § 262.262(b)

At the time of the inspection, PLAZA PROVISION failed § 262.262(b) which requires *“A large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee...”*

- At the time of the inspection, the facility failed to comply with this requirement since a quick reference guide was not found as part of the evaluation of the document.

9. 40 C.F.R. § 279.22(c)(1)

At the time of the inspection, PLAZA PROVISION failed § 279.22(c)(1) which requires *“Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil””*.

- At the time of the inspection, the facility failed to comply with this requirement in the Mechanical Shop Area. At this area, aka the A-1 Forklift Repairs and Services Area, a 55-gallon black steel container was not labeled as used oil.

ENCLOSURE II – RCRA § 3007 REQUEST FOR INFORMATION

On or about June 27, 2023, a duly authorized representative of EPA conducted a RCRA Hazardous Waste Compliance Evaluation Inspection of the PLAZA PROVISION - GUAYNABO (PLAZA PROVISION) at CARR 165 ESQUINA 28, GUAYNABO, 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 PLAZA PROVISION - GUAYNABO.

1. General Information

- a. Provide the full legal name of PLAZA PROVISION - GUAYNABO. If the company has used any other names, please provide them. Provide the date that PLAZA PROVISION - GUAYNABO started business at CARR 165 ESQUINA 28, GUAYNABO, 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 performed on June 27, 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 PLAZA PROVISION - GUAYNABO? If yes, explain and elaborate your answers.
- f. Please certify if PLAZA PROVISION - GUAYNABO has filed for bankruptcy at any time under its current or any previous name.

2. Specific Information

- a. Waste Generation
 - i. Please describe each activity conducted at PLAZA PROVISION - GUAYNABO that has generated solid and/or hazardous wastes (as defined in 40 C.F.R. Part 261) from 2020 to the present.
 - ii. Please list the solid and/or hazardous wastes generated from each activity indicated in response to Question 2.a.i above (i.e., spent solvent, leftover chemical mixtures, discarded and/or expired chemical products, discarded laboratory reagents, used oil, used oil filters, used oil impacted materials, spent lead-acid batteries, spent paint brushes/rolls, spent rags impregnated with paints/solvents,

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spent lacquer thinner, spent diesel, spent fluorescent light bulbs, etc.). Please indicate the monthly quantity of each such waste in kilograms generated from 2020 to the present.

b. Waste Determination

- i. For each waste indicated in response to Question 2.a.ii above, that was determined to be a hazardous waste, please indicate the EPA hazardous waste number and describe how the waste was determined to be a hazardous waste. For each such waste please include copies of all analytical results and/or documentation used in determining that the waste was a hazardous waste. If generator knowledge of the waste(s) was used to determine that the waste was a hazardous waste, please provide a narrative which details the knowledge employed in such determination.
- ii. For each waste indicated in response to Question 2.a.ii above, that was determined not to be a hazardous waste, please describe how the waste was determined not to be a hazardous waste. For each such waste please include copies of all analytical results and/or documentation used in determining that the waste was not a hazardous waste. If generator knowledge of the waste(s) was used to determine that the waste was not a hazardous waste, please provide a narrative which details the knowledge employed in such determination.
- iii. Provide copies of the Safety Data Sheet of the chemicals used at the facility.
- iv. For each hazardous and each non-hazardous waste described in response to Question 2.b.i and 2.b.ii above, please provide copies of any documentation of the treatment or disposal of such waste since 2020 to present, including copies of hazardous waste manifests used. If no such documentation is available, please provide the name, address, and representative, if known, for each corporate or municipal entity involved in the disposal of the waste.
- v. Please provide a description of the process (preparing batch products, dispensing of the product, management of leftover product, etc.) performed at the facility. Indicate in which part of the process waste is generated and what type of waste it is.
- vi. During the inspection conducted at your facility, information related to hazardous waste disposed at the facility was asked, including but not limited to the last three (3) years of hazardous waste manifests for evaluation. It was agreed that this information would be sent, via email, at a later date. Although the facility representative diligently provided information via email, as agreed, the document received was related to one (1) non-hazardous waste manifest, identified as 20194, with the date 06/13/2023. According to this document, the hauler company, Stericycle, picked up to 12 yards of alkaline batteries (AAA), that according to the waste stream document provided, were not EPA-hazardous.

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Related to this document, please provide a narrative and information related to the waste determination or waste analysis conducted on these alkaline batteries (AAA) and how the facility made the determination. Additionally, if the facility has made the determination, by knowledge, for such a waste stream, please provide information on how the facility has determined that these alkaline batteries (AAA) were non-hazardous waste.

- vii. During the inspection conducted at your facility, information related to hazardous waste disposed at the facility was asked, including but not limited to the last three (3) years of hazardous waste manifests for evaluation. It was agreed that this information would be sent, via email, at a later date. However, we received one (1) non-hazardous waste manifest, identified as 20194, with the date 06/13/2023. Nevertheless, according to our records, there are five (5) hazardous waste manifests associated with this facility. Information is as follows:

EPA ID No.	Manifest No.	Date	Total Quantity (P)	Signed by
VSQG	015989407JJK	10/29/2020	870	Oscar Rodriguez
Left in blank	023032037JJK	4/13/2021	6,600	Edgar Tricoche
Left in blank	023032047JJK	4/7/2021	12,000	Luis Cedeño
PRR000027847	024071686JJK	3/22/2022	7,450	Oscar Rodriguez
PRR000027847	024071687JJK	3/23/2022	5,250	Oscar Rodriguez

- viii. Related to the information provided on the manifests associated with your facility, and with the information provided in Question 2.b.vii above, please submit certification and/or any related documents which evidence that the facility representatives who signed each manifest have been trained in hazardous waste by the time the indicated facility representative signed the manifest.
- ix. Related to the information provided on the manifests associated with your facility, please submit information related to the transporter(s) and/or haulers company that provided the hauling services for the information provided in Question 2.b.vii above.

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 PLAZA PROVISION - GUAYNABO at CARR 165 ESQUINA 28, GUAYNABO, 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).

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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-23-3007-3008-012) 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)

PLAZA PROVISION - GUAYNABO

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