



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

March 1, 2024

Via Electronic Mail

Theodore H. Braswell Jr.
Senior Director
Caribbean Refrescos Inc.
Rd 172 Km 13.4 Bo Montellano
Cidra, Puerto Rico, 00739
tbraswell@coca-cola.com

RE: **RCRA § 3008 – NOTICE OF VIOLATION**
Facility Name: Caribbean Refrescos Inc.
EPA ID: PRD090235573
CEPD-RCRA-FY-0000-3008-008

Dear Mr. Braswell:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq. Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 Code of Federal Regulations (C.F.R.) Parts 260-272. For the purposes of this Notice of Violation (NOV), the hazardous waste regulations governing the generation of hazardous waste 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 and to enforce RCRA under Section 3006 of RCRA, 42 U.S.C. § 6926.

On or about February 21, 2024, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Caribbean Refrescos Inc., located in Cidra, Puerto Rico, (the "Facility") pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. A copy of the inspection report is enclosed for your reference (Enclosure I). As a result of the CEI, EPA representative found the Facility in violation of Sections 262.255, 262.42(a)(2)(i)&(ii), and Section 273.13(d)(1) of the RCRA Regulations.

This NOV (Enclosure II) 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 II. 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 II, (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 II to this letter.

Your response to this NOV can 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
U.S. Environmental Protection Agency - Region 2
Caribbean Environmental Protection Division
City View Plaza II, Suite 7000
#48 PR-165 km 1.2
Guaynabo, PR 00968-8069

Failure to respond in full to the above requirements may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. If you have any questions regarding this matter, please contact Mr. Colombani, of my staff, at 787-977-5862 or via e-mail at colombani.carlos@epa.gov.

Sincerely,

HECTOR

VELEZ-CRUZ

Digitally signed by
HECTOR VELEZ-CRUZ

Date: 2024.03.01
16:24:46 -04'00'

Hector L. Velez-Cruz, Esq.
Acting Director

Enclosures:

- I. Enclosure I – Compliance Evaluation Inspection Report
- II. Enclosure II – Notice of Violation

cc: Lorna Rodríguez, Chief
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EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

ENCLOSURE II – RCRA § 3008 NOTICE OF VIOLATION

Facility Name: Caribbean Refrescos Inc.
EPA ID: PRD090235573
CEPD-RCRA-24-0000-3008-008

On or about February 21, 2024, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the Caribbean Refrescos Inc. (the Facility) located at Rd 172 Km 13.4 Bo Montellano in Cidra, 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.

i. 40 C.F.R. § 262.255

At the time of the inspection, the Facility failed § 40 C.F.R. § 262.17(a)(5)(i)(B) which required that *“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.”*

Field Observation

The Internal CAA lacked aisle space between the lab-pack pallets that are used to accumulate the hazardous waste. This did not allow for an unobstructed movement of personnel.

ii. 40 C.F.R. § 262.42(a)(2)(i)&(ii)

At the time of the inspection, the Facility failed § 262.261(d) which required *“a large quantity generator must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include: a legible copy of the manifest for which the generator does not have confirmation of delivery; and a cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.”*

Observation

The Facility did not submit an Exception Report to the EPA Regional Administrator within 45 days of not receiving a copy of the manifest with the handwritten signature of the owner or operator of the designated facility for the following hazardous waste manifest: 015722024FLE. The manifest was shipped on March 4, 2022, and the copy was received/signed on April 20, 2022. The number of days between the shipment and the receipt date equals to 47 days.

iii. 40 C.F.R. § 273.13(d)(1)

At the time of the inspection, the Facility failed § 262.261(e) which required *“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.”*

Field Observation

At the external CAA, a box accumulating used bulbs was found open.