



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 2  
CARRIBEAN ENVIRONMENTAL PROTECTION DIVISION  
CITY VIEW PLAZA II BUILDING, 7<sup>TH</sup> FLOOR  
ROUTE 165 GUAYNABO, PUERTO RICO 00968

March 7, 2023

HFC Prestige Intl. P.R. LLC  
PARK #8 STREET 1  
GUAYNABO, PUERTO RICO, 00969-1717  
C/O: Mr. José Lugo

**SENT VIA EMAIL TO:**

jose.l.lugo@dhl.com  
lorna.decastro@dhl.com  
eric.m\_montanez@dhl.com  
eduardo\_toneloto@cotyinc.com

**RE: RCRA § 3008 – NOTICE OF VIOLATION**  
**HFC Prestige Intl. P.R. LLC**  
**EPA ID: PRR000027268**  
**CEPD-RCRA-23-0000-3008-003**

Dear Mr. José Lugo:

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 November 17, 2022, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of the HFC Prestige Intl. P.R. LLC. Facility located in Cataño, Puerto Rico, (the "Facility") pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. As a result of the CEI, EPA representative found the Facility in violation of §§ 262.15(a)(4), 262.40(b), 262.262(b), and 262.261(e) of the RCRA Regulations.

This Notice of Violation (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 violation noted in Enclosure I, (2) documentation that the violation has been corrected, and (3) a description of the procedures that will be put into place to prevent such violation 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.

Your response to this NOV can be send through email to the following email address [caballer.rosana@epa.gov](mailto:caballer.rosana@epa.gov) and can also be 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, 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 Ms. Rosana Caballer-Cruz, from my staff, at 787-977-5880 or via e-mail at [caballer.rosana@epa.gov](mailto:caballer.rosana@epa.gov).

Sincerely,

**CARMEN  
GUERRERO PEREZ**

Digitally signed by  
CARMEN GUERRERO PEREZ  
Date: 2023.03.07 13:16:37  
-04'00'

Carmen R. Guerrero Pérez  
Director

Enclosures: Enclosure I - Notice of Violation

cc: Ms. Lorna Rodríguez, RCRA Enforcement Section Chief  
Puerto Rico Dept. Natural & Environmental Resources



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## ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

HFC Prestige Intl. P.R. LLC  
EPA ID: PRR000027268  
CEPD-RCRA-23-0000-3008-003

On or about November 17, 2022, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the HFC PRESTIGE INTL. P.R. LLC (HFC) located at PARK #8 STREET 1 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.

### **40 C.F.R. § 262.15(a)(4)**

At the time of the inspection, HFC failed § 262.15(a)(4) which required “*A container holding hazardous waste must be closed at all times during accumulation, except: (i) When adding, removing, or consolidating waste; or (ii) When temporary venting of a container is necessary (A) For the proper operation of equipment, or (B) To prevent dangerous situations, such as build-up of extreme pressure.*”

The facility failed to comply with this requirement at the Satellite Accumulation Area (SAA) Subarea. Here, although the container’s lid was placed above the 55- gallon black metal container, the latter was not properly closed.

### **40 C.F.R. § 262.40(b)**

At the time of the inspection, HFC failed § 262.40(b) which required “*A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.*”

The facility failed to comply with this requirement. During the documents review section, supportive documents were available. Nevertheless, the Biennial Report document “per se” was not available for review at the time of the CEI. As a result, during the closing meeting, the latter was requested to be submitted NLT on December 8, 2022. On December 7, 2022, an email from Mr. Toneloto was received with one supportive document. On the same date, I replied to him, via email, explaining that the document submitted was not the one requested. In addition, information related to the representative who signed their biennial report was provided. Finally, the facility did not comply with the due date established to submit the latter, and additional communication, related to this item, has not been received from the facility representatives.

**40 C.F.R. § 262.262(b)**

*At the time of the inspection, HFC failed § 262.262(b) which required “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. The quick reference guide must include the following elements:...”*

The facility failed to comply with this requirement. As part of the facility’s contingency plan evaluation, the quick reference guide was not found or not available for review.

**40 C.F.R. § 262.261(e)**

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

The facility failed to comply with this requirement. As part of the facility’s contingency plan evaluation, information related to the emergency equipment location, physical description of each item on the list, and a brief outline of its capabilities were not found or not available for review.