



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

August 16, 2024

VIA EMAIL

Ms. Tamara Z. Pérez-Torres
Environmental Health and Safety Specialist
Lufthansa Technik Puerto Rico LLC
102 San Antonio Rd
Aguadilla, Puerto Rico 00604
tamara-zoe.perez-torres@lht-puertorico.com

RE: RCRA § 3008 – NOTICE OF VIOLATION, CEPD-RCRA-24-0000-3008-015

Dear Ms. Pérez-Torres:

Greetings from the Caribbean Environmental Protection Division (CEPD) of the US Environmental Protection Agency (EPA) Region 2.

The 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 July 17, 2024, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Lufthansa Technik Puerto Rico LLC, located in Aguadilla, 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 40 C.F.R. §§ [262.15\(a\)\(5\)\(ii\)](#), [262.17\(a\)\(5\)\(i\)\(C\)](#), [262.17\(a\)\(7\)\(ii\)](#), [262.17\(a\)\(7\)\(iv\)\(C\)](#), [262.261\(a\)](#), [262.261\(c\)](#), [262.262\(a\)](#), [262.262\(b\)](#), [262.263\(d\)](#), [273.13\(d\)\(1\)](#), and [273.15\(c\)](#).

This NOV (Enclosure 1) 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 1. 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 1, (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 1 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 or need any additional information, please contact me at 787-977-5865 or guerrero.carmen@epa.gov or have your staff contact Carlos J. Colombani, Enforcement Officer at colombani.carlos@epa.gov or (787) 977-5862.

Sincerely,
**CARMEN
GUERRERO
PEREZ**

 Digitally signed by
CARMEN GUERRERO PEREZ
Date: 2024.08.16 13:29:54
-04'00'

Carmen R. Guerrero Pérez
Director

ENCLOSURE

1. Notice of Violation

cc: Edgardo Gonzalez, Lufthansa Technik PR LLC, edgardo.gonzalez-colombani@lht-puertorico.com
Lorna Rodriguez, Chief PRDNER, lornarodriguez@drna.pr.gov
David N Cuevas Miranda, Supervisor USEPA, cuevas.david@epa.gov

ENCLOSURE 1 – RCRA § 3008 NOTICE OF VIOLATION

Facility Name: Lufthansa Technik Puerto Rico LLC

EPA ID: PRR000025429

CEPD-RCRA-24-0000-3008-015

On or about July 17, 2024, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the Lufthansa Technik Puerto Rico LLC (the Facility) located at 102 San Antonio Rd, Aguadilla, 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. § 262.15\(a\)\(5\)\(ii\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R. § 262.15(a)(5)(ii) which requires a generator to mark or label its container with *“an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at [49 CFR part 172 subpart E](#) (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at [29 CFR 1910.1200](#); or a chemical hazard label consistent with the National Fire Protection Association code 704).”*

Field observation

At the time of the inspection, twenty-three (23) 55-gallon drums of solid material, three (3) 55-gallon drums of jet fuel, two (2) 55-gallon drums of liquid waste paint and a 55-gallon drum of solid waste paint at various satellite accumulation areas (SAAs) were not labeled with an indication of the hazard of its content. Below is a list of where the drums were observed:

Bay 1

- four (4) 55-gallon drums of solid material
- a 55-gallon drum of jet fuel

Bay 2

- four (4) 55-gallon drums of solid material
- a 55-gallon drum of jet fuel

Bay 3

- four (4) 55-gallon drums of solid material

Bay 4

- four (4) 55-gallon drums of solid material

Bay 5

- four (4) 55-gallon drums of solid material
- a 55-gallon drum of jet fuel

Paint Shop

- a 55-gallon drum of solid waste paint
- two (2) gallon drums of liquid waste paint

Composite Shop

- a 55-gallon drums of solid material

Interior Shop

- a 55-gallon drums of solid material

Sheet Metal Shop

- a 55-gallon drums of solid material

Corrective action: The facility labeled the 55-gallon drums with an indication of the hazard of its content after the observation was raised.

ii. [40 C.F.R. § 262.17\(a\)\(5\)\(i\)\(C\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R. § 262.17(a)(5)(i)(C) which requires that a large quantity generator to mark or label its container with *“the date upon which each period of accumulation begins clearly visible for inspection on each container.”*

Field observation

At the time of the inspection, a 55-gallon drum of adhesive paint located at the central accumulation area (CAA) only had a month (June) listed as its accumulation start date, and not the exact date of which the period of accumulation began.

iii. [40 C.F.R. § 262.17\(a\)\(7\)\(ii\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R. § 262.17(a)(7)(ii) which requires that *“facility personnel must successfully complete the program required in [paragraph \(a\)\(7\)\(i\)](#) of this section within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees must not work in unsupervised positions until they have completed the training standards of [paragraph \(a\)\(7\)\(i\)](#) of this section.”*

Observation

After a record review, Ms. Tamara Perez did not take part of the initial program training within six (6) months of the employment or assignment to the Environmental Health and Safety Coordinator role. Ms. Perez began the role in March 2021 and the job description lists one of the essential responsibilities of the role is to assist the coordination of waste management (hazardous, non-hazardous, and recycling). Ms. Perez completed the initial program training in 2023.

iv. [40 C.F.R. § 262.17\(a\)\(7\)\(iv\)\(C\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R. § 262.17(a)(7)(iv)(C) which requires that a large quantity generator must maintain the following documents and records at the facility *“a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under [paragraph \(a\)\(7\)\(iv\)\(A\)](#) of this section.”*

Observation

After a record review, the job descriptions and the Emergency Action Plan (EAP) provided by the Facility did not include a written description of the type and amount of both introductory and continuing training that will be given for each position.

v. [40 C.F.R. § 262.261\(a\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R. § 262.261(a) which requires *“the contingency plan must describe the actions facility personnel must take to comply with [§§ 262.260](#) and [262.265](#) in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.”*

Field observation

The EAP did not describe the actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or its constituents to air, soil, or surface water at the facility.

Corrective action: On July 31, 2024, the Facility provided the RCRA Contingency and Operation Plan (2024) and it includes information on actions the facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or its constituents to air, soil, or surface water at the facility.

vi. [40 C.F.R. § 262.261\(c\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R. § 262.261(c) which requires that the contingency 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](#).”*

Field observation

While the EAP does have an approval stamp from the local fire department dated March 2018, it does not describe any agreed arrangements (if arrangements were made) with local response agencies.

Corrective action: On July 31, 2024, the Facility provided the RCRA Contingency and Operation Plan (2024) with a section that describes arrangements with emergency management agencies.

vii. [40 C.F.R. § 262.262\(a\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R. § 262.262(a) which required “*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.*”

Field observation

At the time of the inspection, the Facility provided evidence (stamped approval page) that the 2017 EAP was submitted to the local fire department but not to police departments, hospitals, and local emergency response teams.

Corrective action: On July 31, 2024, the Facility provided the RCRA Contingency and Operation Plan (2024) with evidence it was submitted to the local police department, fire department and a hospital.

viii. [40 C.F.R. § 262.262\(b\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R. § 262.262(b) which requires the facility to prepare a quick reference guide of the contingency plan and submit it to emergency response agencies.

Field observation

At the time of the inspection, the Facility was not able to provide a quick reference guide. The representatives stated that one is currently being drafted by Enviro-Safety Compliance Alternative.

Corrective action: On July 31, 2024, the Facility provided the Quick Reference Guide that was being prepared by Enviro-Safety, alongside evidence it was submitted to local response agencies.

ix. [40 C.F.R. § 262.263\(d\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R. § 262.263(d) which required the facility to review, and immediately amend the contingency plan whenever the list of emergency coordinators changes.

Observation

The EAP revised in 2017 listed the following emergency coordinators:

- Mr. Abniel Feliciano (primary emergency coordinator); and
- Mr. Luis Perez (secondary emergency coordinator).

Since 2019, Mr. Feliciano no longer serves the primary emergency coordinator role, and Mr. Perez is no longer an employee at Lufthansa Technik Puerto Rico LLC. At a minimum, the EAP should have been revised in 2019.

Corrective action: On July 31, 2024, the Facility provided the RCRA Contingency and Operation Plan (2024) with an updated list of the primary emergency coordinator.

x. [40 C.F.R. § 273.13\(d\)\(1\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R, § 273.13(d)(1) which requires that *“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 time of the inspection, a cardboard box accumulating universal waste lamps in the CAA was not closed.

Corrective action: The facility closed the cardboard box after the observation was raised.

xi. [40 C.F.R. § 273.15\(c\)](#)

At the time of the inspection, the Facility was in violation of 40 C.F.R, § 273.15(c) which required *“a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.”*

Field observation

At the time of the inspection, three (3) cardboard boxes accumulating universal waste lamps at the CAA were not dated with accumulation start dates.

Corrective action: The facility labeled the cardboard boxes with its respective accumulation start dates after the observation was raised.