



REGION 2 CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

GUAYNABO, PR 00968

November 19, 2024

VIA EMAIL

Ms. Frances Correa
Health, Safety and Environmental Manager
MM Packaging Puerto Rico, Inc. – Guaynabo
Street C, Lots 1-3
Los Frailes Industrial Park
Guaynabo, Puerto Rico 00970
frances.correa@mm.group

RE: RCRA § 3008 – NOTICE OF VIOLATION, CEPD-RCRA-25-0000-3008-001

Dear Ms. Correa:

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

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 October 28, 2024, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of MM Packaging Puerto Rico, Inc. located in Guaynabo, 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. §§ 262.262(b) and 273.13(d)(1) of the RCRA Regulations.

This Notice of Violation (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 Mr. Carlos J Colombani, Enforcement Officer at colombani.carlos@epa.gov or (787) 977-5862.

Sincerely,
HECTOR
VELEZ-CRUZ
Carmen R. Guerrero Pérez
Director

Digitally signed by
HECTOR VELEZ-CRUZ
Date: 2024.11.25
08:40:19 -04'00'

ENCLOSURES

1. Notice of Violation

cc: 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: MM Packaging Puerto Rico, Inc. Guaynabo
EPA ID: PRD987370830
CEPD-RCRA-25-0000-3008-001

On or about October 28, 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 the MM Packaging Puerto Rico, Inc. located at Street C, Lots 1-3, Los Frailes Industrial Park, Guaynabo, 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.

i. [40 C.F.R. § 262.262\(b\)](#)

At the time of the CEI, the Facility failed to comply with 40 C.F.R. § 262.262(b) which requires that “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.”

Field observation

At the time of the CEI, the Facility did not have a quick reference guide.

Corrective action: On October 30, 2024, Health, Safety & Environmental Manager Ms. Frances Correa from MM Packaging Puerto Rico, Inc., emailed the guide that was prepared, alongside the evidence it was submitted to local response agencies.

ii. [40 C.F.R. § 273.13\(d\)\(1\)](#)

At the time of the CEI, the Facility failed to comply with 40 C.F.R. § 273.13(d)(1) 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 time of the inspection, a cylinder cardboard box accumulating used fluorescent lamps at the central accumulation area was found open.