



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

June 12, 2023

**SENT VIA EMAIL:**

[maribel.suarez@pr.abb.com](mailto:maribel.suarez@pr.abb.com); [jaimero.romero@pr.abb.com](mailto:jaimero.romero@pr.abb.com); [esther.hernandez.colon@pr.abb.com](mailto:esther.hernandez.colon@pr.abb.com)

Industrial C & S of PR LLC – Arecibo  
129 KM 41.0 ZONA INDUSTRIAL ZENO GANDIA,  
ARECIBO, PUERTO RICO, 00612  
C/O: Ms. Maribel Suárez

**RE: RCRA § 3008 – NOTICE OF VIOLATION**  
**Industrial C & S of PR LLC - Arecibo**  
**EPA ID: PRR000026351**  
**CEPD-RCRA-23-0000-3008-008**

Dear Ms. Maribel Suárez:

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 April 13, 2023, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Industrial C & S of PR LLC., located in Arecibo, 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 §§ 262.261(c), 262.261(e), and 262.262(b) 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 violations noted in Enclosure I, (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 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**

Carmen R. Guerrero Pérez,  
Director

Digitally signed by CARMEN  
GUERRERO PEREZ

Date: 2023.06.12 12:35:46  
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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

Industrial C & S of PR LLC – Arecibo  
EPA ID: PRR000026351  
CEPD-RCRA-23-0000-3008-008

On or about April 13, 2023, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the INDUSTRIAL C & S OF PR LLC – ARECIBO (Industrial) located at PR 129 KM 41.0 ZONA INDUSTRIAL ZENO GANDIA, ARECIBO, 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. § 262.261(c)**

At the time of the inspection, Industrial failed § 40 C.F.R. § 262.261(c) which required *“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.”*

The facility failed to comply with this requirement. The description of the arrangements agreed with the local responder were not included in the contingency plan.

**ii. 40 C.F.R. § 262.261(e)**

At the time of the inspection, Industrial 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. The document evaluated did not include information related to the equipment description and capabilities.

**iii. 40 C.F.R. § 262.262(b)**

At the time of the inspection, Industrial 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 facility failed to comply with this requirement. During the documents review section, the quick reference guide was not available for evaluation.