



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

May 13, 2024

Via Email with Delivery and Read Receipt Requested:

Ms. Blanca Prieto
Facility Director
Hato Rey Pathology Assoc. Inc.
300 Manuel Domenech Ave.
San Juan, Puerto Rico 00918
bprieto@hrplabs.com

RE: RCRA § 3008 – NOTICE OF VIOLATION
Facility Name: Hato Rey Pathology Assoc. Inc
EPA ID: PRR000027227

Dear Ms. Blanca Prieto:

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 December 28, 2023, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Hato Rey Pathology Assoc. Inc. facility (HRP) located in San Juan, 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. §§ 262.13, 262.17, 262.18, 262.27 and 262.41 of the RCRA Regulations.

This NOV (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 the following: (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 sent through email to the following email address vazquez.khrystian@epa.gov and can also be mailed to the following address:

Khrystian M. Vazquez, 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. Khrystian M Vazquez, from my staff, at 787-977-5860 or via e-mail at vazquez.khrystian@epa.gov.

Sincerely,

Guerrero, Carmen

Digitally signed by Guerrero,
Carmen
Date: 2024.05.13 15:43:33 -04'00'

Carmen R. Guerrero Pérez
Director

Enclosures:

- I. Enclosure I - Notice of Violation

cc: Lorna Rodríguez, Chief
Hazardous Waste Enforcement Program
Puerto Rico Department of Natural & Environmental Resources
8838 Street, Km 6.3, Sector El Cinco
Rio Piedras, PR 00936
lornarodriguez@drna.pr.gov



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

Facility Name: Hato Rey Pathology Assoc. Inc
EPA ID: PRR000027227

On or about 28 December 2023, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the HATO REY PATHOLOGY ASSOC INC. (the Facility) located at 300 Manuel Domenech Ave. San Juan, 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. § 262.13

At the time of the inspection, the Facility failed § 40 C.F.R, § § 262.13- Generator category determination, which require “A generator to determine its generator category. A generator's category is based on the amount of hazardous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a very small quantity generator, a small quantity generator, or a large quantity generator for a particular month...”

According to our records, and as the facility representatives stated during the initial opening meeting, the facility has designated itself as a Small Quantity Generator (SQG). However, at the time of inspection, Hazardous Waste Manifests revealed that the facility is generating hazardous waste as a Large Quantity Generator (LQG). The Facility must re-evaluate its hazardous waste generation and comply with the abovementioned regulations.

ii. 40 C.F.R. § 262.16

At the time of the inspection, the Facility failed § 40 C.F.R, § 262.16(6)(i)(B) which required “*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)...*”

The 180-Days Hazardous Waste Accumulation Area had three (3) containers; and the Cytology Lab had two (2) bottles that lacked any hazardous waste characteristic, hazard indication, statement or pictograms.

iii. 40 C.F.R. § 262.17(a)(1)(v)

At the time of the inspection, the Facility failed § 262.17 Conditions for exemption for a large quantity generator that accumulates hazardous waste; which required *Inspections*. At least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors....”

As a LQG, the facility failed with the requirement to perform weekly inspections at its Central Accumulation Area.

iv. 40 C.F.R. § 262.18 (d)(2)

At the time of the inspection, the Facility failed § 262.18 EPA identification numbers and re-notification for small quantity generators and large quantity generators; which required “A large quantity generator must re-notify EPA by March 1 of each even-numbered year thereafter using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its Biennial Report...”

Hazardous Waste Manifest evaluation during the CEI showed that the Facility is generating as a LQG. Therefore, the Facility failed to notify change in hazardous waste generation from SQG to LQG.

v. 40 C.F.R. § 262.27(b)

At the time of the inspection, the Facility failed § 262.27 Waste minimization certification, which required “A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest...”

As a LQG, the facility failed with the requirement of the Waste Minimization Plan.

vi. 40 C.F.R. § 262.41

At the time of the inspection, the Facility failed § § 262.41 (A) which required Biennial report for large quantity generators. A generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year and must cover generator activities during the previous year.

As a LQG, the facility failed with the requirement of the Biennial Report.