



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

August 6, 2024

VIA EMAIL

Mr. Victor Vega
Plant Manager
Aluminios de PR, LLC
PR-3 Km 77.4 Barrio Rio Abajo, Solar 5
Humacao, Puerto Rico 00791
info@aluminiospr.com

RE: RCRA § 3008 – NOTICE OF VIOLATION, CEPD-RCRA-24-0000-3008-014

Dear Mr. Vega:

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 April 24, 2024, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Aluminios de PR, LLC located in Humacao, 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 Sections 262.17(a)(7)(v), 262.261(f), 262.262(b), and 262.262(b)(7) 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 Carlos J Colombani, Enforcement Officer at colombani.carlos@epa.gov or (787) 977-5862.

Sincerely,

HECTOR
VELEZ-CRUZ

Digitally signed by
HECTOR VELEZ-CRUZ
Date: 2024.08.06
08:12:02 -04'00'

Hector L. Velez Cruz for
Carmen R. Guerrero Pérez
Director

ENCLOSURE

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: Aluminios de PR, LLC

EPA ID: PRR000026443

CEPD-RCRA-24-0000-3008-014

On or about April 24, 2024, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of the Aluminios de PR, LLC (the Facility) located at PR-3 Km 77.4 Barrio Rio Abajo Solar 5, Humacao, Puerto Rico, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. As a result of the CEI and a Request for Information (RFI) letter issued on June 11, 2024, EPA has identified the following violations of the RCRA regulations.

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

The Facility failed § 40 C.F.R. § 262.17(a)(7)(v) which required that *“training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.”*

Observation

For the employees listed below, the Facility was not able to provide the following training records.

- Alfredo Cintron
 - Training records for calendar years 2021, 2022, and 2023 were not provided.
- Angel Mendez
 - Initial training record was not provided. The employee was assigned duties managing hazardous waste on August 22, 2022.
- Bryan Ojeda
 - Training record for calendar year 2023 was not provided.
- Carmelo Pinto Burgos
 - Initial training record was not provided. The employee was assigned duties managing hazardous waste on April 26, 2023.
- John Carrasquillo
 - Initial training record was not provided. The employee was assigned duties managing hazardous waste on September 20, 2023.
- Jose Casanova
 - Training records for calendar years 2021, 2022 and 2023 were not provided.
- Jose Pagan
 - Training record for calendar year 2023 was not provided.
- Manuel Gonzalez
 - Training record for calendar year 2023 was not provided.

- Miguel Garcia Rucci
 - Initial training record was not provided. The employee was assigned duties managing hazardous waste on January 1, 2021.
 - Training records for calendar years 2022 and 2023 were not provided.
- Ricardo Aquino
 - Training record for calendar year 2023 was not provided.
- Wilfredo Garcia
 - Initial training record was not provided. The employee was assigned duties managing hazardous waste on June 22, 2022.
 - Training record for calendar year 2023 was not provided.

ii. [40 C.F.R. § 262.261\(f\)](#)

The Facility failed § 262.261(f) which required the contingency plan to *“...include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).”*

Observation

The contingency plan provided with the Facility’s RFI response, on July 10, 2024, did not include an evacuation plan nor signals to be used to begin an evacuation, and evacuation routes.

iii. [40 C.F.R. § 262.262\(b\)](#)

The Facility failed § 262.262(b) which required to *“...submit a quick reference guide of the contingency plan to the local emergency responders...”*

Observation

As stated by the Facility within the RFI response, evidence that the quick reference of the contingency plan was submitted to local emergency responders is not available.

iv. [40 C.F.R. § 262.262\(b\)\(7\)](#)

The Facility failed § 262.262(b)(7) which required the quick reference guide to include the following element *“the identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms).”*

Observation

The quick reference guide provided with the Facility’s RFI response, on July 10, 2024, did not include identifications of on-site notification systems.