



REGION 2

NEW YORK, N.Y. 10007

November 13, 2024

SENT VIA EMAIL – REQUEST DELIVERY RECEIPT

Fermin.Rodriguez@PHRT.com

Mr. Fermin Rodriguez
Vice President and Refinery Manager
Port Hamilton Refining and Transportation LLLP
1 Estate Hope
Christiansted, Virgin Islands 00820-5652

Re: Notice of Violation/RCRA 3007 Information Request
Port Hamilton Refining & Transportation LLLP
EPA ID #: VIR000002238

Dear Mr. Rodriguez:

The United States Environmental Protection Agency (EPA) is charged with the protection of health and the environment under Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. § § 6901, 6928.

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, as well as the regulations governing universal waste set forth in 40 C.F.R. Part 273.

On or about April 2–11, 2024, duly authorized representatives of the EPA conducted an inspection of Port Hamilton Refining and Transportation LLLP (hereafter referred to as the facility), located at 1 Estate Hope, Christiansted, Virgin Islands 00820. This inspection was performed pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to evaluate your compliance with RCRA.

The United States Virgin Islands are not authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and are not authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the United States Virgin Islands.

Enclosed you will find a copy of the inspection report prepared by the authorized EPA representatives (Enclosure I). Based on the inspection, EPA identified violations listed below which are hereby incorporated by reference as the Notice of Violation (NOV) issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. § 6928. Issuance of this Notice of Violation and compliance with its terms do not preclude EPA from taking any other formal enforcement action against you and/or your company under Section 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

The violations are: 1) Failure to demonstrate the length of time universal waste lamps and universal waste batteries were accumulated in violation of 40 C.F.R. § 273.15(c); 2) Accumulation of universal waste batteries and universal waste mercury switches for longer than one year in violation of 40 C.F.R. § 273.15(a); 3) Failure to store universal waste lamps in a structurally sound container or package adequate to prevent breakage, and compatible with the contents of the lamps in violation of 40 C.F.R. § 273.13(d)(1); 4) Failure to comply with the prohibition on treatment of universal waste by crushing universal waste lamps in violation 40 C.F.R. § 273.11; and 5) Failure to mark a 55 gallon container storing hazardous waste crushed filters in a satellite accumulation area with a hazard description (i.e. toxic) as required 40 C.F.R. § 262.15(a)(5)(ii).

If you have not already done so, you must take immediate action to correct the violations described above. Please submit within thirty (30) calendar days of receipt of this Notice of Violation, a response which includes for each violation either:

- A detailed rebuttal explaining why the violation did not exist at the time of the inspection, or
- a description of the actions you have taken to correct the violation.

In either case, please provide supporting documentation (e.g., photographs, inspection records, operating records, manifest copies) demonstrating that each violation either did not exist or was corrected.

Also enclosed is a request for additional information (Enclosure II) related to the inspection of the facility. This request for information is made pursuant to the provisions of Section 3007, 42 U.S.C. § 6927, and requires that you provide the requested information which is required to evaluate the full regulatory and compliance status of the facility. Instructions and Definitions are set forth in Enclosure III. Please submit your response within 30 calendar days of your receipt of this Information Request. The response must be signed by a responsible official or agent of your company using Enclosure IV. The response to this letter with the signed Certification of Answers (Enclosure IV) must be emailed to wilk.john@epa.gov.

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. This claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 C.F.R. § 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the

confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

If you have any questions regarding this matter, please contact Mr. Wilk at 212-637-1475.

Sincerely,

LEONARD
VOO



Digitally signed by
LEONARD VOO
Date: 2024.11.13
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Leonard Voo, Manager
RCRA Compliance Branch

Enclosures: Enclosure I – Inspection Report
 Enclosure II - Information Request
 Enclosure III – Instructions and Definitions
 Enclosure IV – Certification of Answers

Enclosure I
Inspection Report
Port Hamilton Refining and Transportation LLLP

See attached inspection report.

Enclosure II
Information Request

On or about April 2-11, 2024, duly authorized representatives of EPA conducted an inspection of Port Hamilton Refining and Transportation LLLP, located at 1 Estate Hope, Christiansted, Virgin Islands 00820. This inspection was performed pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to evaluate your compliance with RCRA. Based on a review of the information obtained during this RCRA inspection (the "Inspection"), we have determined that the following information is required to fully evaluate compliance of Port Hamilton Refining and Transportation LLLP.

1. Regarding Observations 1, 3, 4 and 5:

- A. Do any of the materials referenced in Observations 1, 3, 4 and/or 5 constitute solid waste pursuant to 40 C.F.R. 261.2? If so, please explain the regulatory basis for each solid waste determination. If not, please explain why not. Please provide any relevant documentation to support your explanation.
- B. If any of the materials referenced in Observations 1, 3, 4 and/or 5 constitute a solid waste, please indicate if they also constitute regulated hazardous waste. Please provide the regulatory basis and relevant documentation.

2. Regarding Observation 7:

- A. Was any of the material referenced in Observation 7 sent off-site as hazardous waste? If so, please specify which material and provide documentation.
- B. At any time prior to or after NEIC's inspection, did PHRT sample and analyze any of the following material referenced in observation 7: i) the leaked TOLAD 500 additive; and/or ii) the crystalline chemical residues on the ground near the containers of hydrochloric acid? If so, please provide the analytical results.

3. Regarding Observation 8

- A) The used lamp roll-off container referenced in Observation 8 was not marked with an accumulation date. Pursuant to 40 C.F.R. 273.15(c), a small quantity handler of 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. Did PHRT keep track of the accumulation date(s) for the universal waste lamps in the roll-off container using any of the methods listed in 40 CFR 273.15(c) (2)-(6)? If so, please provide documentation.
- B) PHRT had accumulated crushed lamps and crushed lamp filters (identified as crushed bulbs and crushed bulb filters) in hazardous waste drums dated March 18, 2024 and April 1, 2024, respectively. Please indicated whether or not this material has been shipped off-site as hazardous waste and provide appropriate documentation.

- C) Please indicate whether the drum containing crushed lamp filters is/was marked with a hazard description as required 40 C.F.R. § 262.15(a)(5). Please provide any available documentation.
- D) Please confirm that PHRT has permanently ceased crushing used lamps, and that used lamps generated and accumulated at the PHRT facility are now being managed as universal waste.

4. Regarding Observation 9:

- A) Four drums containing universal waste batteries referenced in Observation 9 were not marked with accumulation dates. Did PHRT track the length of time the universal waste in these drums had been accumulated using any of the methods listed 40 C.F.R. 273.15(c)(2)-(6)? If so, please provide documentation.
- B) Please indicate if any of the universal waste referenced in Question 4.A above is still being accumulated on-site and/or the extent to which it has been sent off-site as a universal waste. Please provide documentation.
- C) If the universal waste referenced in Question 4.A above is or was accumulated on-site for more than one year, please indicate why and provide appropriate documentation. Universal waste may only be accumulated for more than one year if necessary to facilitate treatment or disposal pursuant to 40 C.F.R. 273.15(a).
- D) Two 55 gallon drums and three 5 gallon buckets containing universal waste batteries and/or universal waste mercury switches referenced in Observation 9 were marked with accumulation dates of greater than one-year. Please indicate why the universal waste in each of these drums and containers was accumulated for more than one year and provide appropriate documentation. Additionally, please indicate if this material is still being accumulated on-site and/or the extent to the material has been sent off-site as a universal waste. Please provide documentation.

Enclosure III
Instructions and Definitions

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of Port Hamilton Refining and Transportation LLLP (facility). The signatory must sign the attached Certification of Answers (Enclosure IV) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Information Request. Identify each answer with the corresponding number listed in Enclosure II.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number or letter of the question to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request For Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The facility, for the purposes of this Request for Information, is Port Hamilton Refining and Transportation LLLP located at 1 Estate Hope, Christiansted, Virgin Islands 00820.
11. A hazardous waste generator is defined, for the purposes of this Request for Information, as any person (which includes this facility) whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
12. A large quantity generator of hazardous waste is a hazardous waste generator which generates 1000 kilograms or greater of non-acute hazardous waste per calendar month as defined at 40 CFR § 262.13.
13. A small quantity generator of hazardous is a hazardous waste generator which generates more than 100 kilograms, but less than 1000 kilograms per calendar month as defined at 40 CFR § 262.13.
14. Hazardous waste is defined, for the purposes of this Request for Information, as it is defined in Section 1004(5) of RCRA, as amended, 42 USC Part 6903(5).

15. Manage is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.
16. Hazardous Constituents is defined, for the purposes of this Request for Information, as those substances listed in 40 CFR Part 261 Appendix VIII.
17. The term Solid Waste Management Unit (SWMU) is defined, for the purposes of this Request for Information, as any landfill, surface impoundment, land application area, waste pile, incinerator, tank, injection well, transfer station, waste recycling operation, tank, or container storage area that currently or formerly was used to manage a solid waste.

Enclosure IV
Certification of Answers
Port Hamilton Refining and Transportation LLLP

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Notice of Violation and Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print or type)

SIGNATURE

DATE

TITLE