



## REGION 2 CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

GUAYNABO, PR 00968

November 26, 2024

### **Via electronic mail**

Mr. Gilbert Colón  
Assistant Manager  
Home Depot Store #6403  
Expreso 52 Salida #18, Las Catalinas Mall  
Caguas, Puerto Rico, 00726  
[Specialtyasm\\_6403@homedepot.com](mailto:Specialtyasm_6403@homedepot.com)

### **RE: RCRA § 3008 – NOTICE OF VIOLATION**

**Facility Name: Home Depot Store #6403**

**EPA ID: PRR000019307**

**CEPD-RCRA-25-0000-3008-002**

Dear Gilbert Colón:

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 9, 2024, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of Home Depot Store #6403, located in Caguas, 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. §§ 262.17(a)(1)(vii)(C), 262.255, and 273.13(d)(1) 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 sent 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  
RCRA & Revitalization Section  
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 feel free to contact Carmen Guerrero, Director of the Caribbean Environmental Protection Division, at (787) 977-5875 or [guerrero.carmen@epa.gov](mailto:guerrero.carmen@epa.gov), or have your staff contact Ms. Rosana Caballer-Cruz,

Environmental Engineer, at [caballer.rosana@epa.gov](mailto:caballer.rosana@epa.gov) or (787) 977-5880.

Sincerely,

HECTOR  
VELEZ-  
CRUZ

Digitally signed by  
HECTOR VELEZ-  
CRUZ  
Date: 2024.11.26  
13:18:36 -04'00'

Héctor L. Vélez Cruz  
Acting Director

#### ENCLOSURES

1. Enclosure I - Notice of Violation

cc: Lorna Rodríguez, Chief Hazardous Waste Enforcement Program  
Puerto Rico Department of Natural & Environmental Resources  
[lornarodriguez@drna.pr.gov](mailto:lornarodriguez@drna.pr.gov)

Michelle O'Brien, CHMM Manager - Regulatory Compliance  
Home Depot Store  
[michelle a obrien@homedepot.com](mailto:michelle_a_obrien@homedepot.com)



EPA REGION 2  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

## ENCLOSURE I – RCRA § 3008 NOTICE OF VIOLATION

Home Depot Store #6403  
EPA ID: PRR000019307  
CEPD-RCRA-25-0000-3008-002

On or about October 9, 2024, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of Home Depot Store #6403, located in Caguas, 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. § 262.17(a)(1)(vii)(C)**

At the time of the inspection, the Facility failed 40 C.F.R. § 262.17(a)(1)(vii)(C), which required *“A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device”*.

The Facility failed to comply with this requirement in the HAZMAT Area. At this location, a 55-gallon blue plastic container with aerosols, identified as ignitable, was not separated from the other 5-gallon black plastic containers, identified as corrosives, by any dike, berm, wall, or other device.

**ii. 40 C.F.R. § 262.255**

At the time of the inspection, the Facility failed 40 C.F.R. § 262.255, which required *“The large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.”*

The Facility failed to comply with this requirement in the HAZMAT Area. At this location, aisle space was not available and was not provided, as required, to allow the unobstructed movement of personnel and equipment.

**iii. 40 C.F.R. § 273.13(d)(1)**

*At the time of the inspection, the Facility failed 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”.*

The Facility failed to comply with this requirement in the HAZMAT Area. At this location, two (2) cardboard boxes with fluorescent lamps were observed open. In addition, a 5-gallon black plastic container with alkaline batteries was observed open.