

US Environmental Protection Agency – Region 2
 Caribbean Environmental Protection Division
 Response and Remediation Branch



Resource Conservation and Recovery Act (RCRA)
 Compliance Evaluation Inspection

Facility Name:	Home Depot Store #8201	
EPA ID Number:	VIR000000752	
Date of Inspection:	June 5, 2024	
Generator Status in Record:	Small Quantity Generator (SQG)	
Generator Status at the time of inspection:	Small Quantity Generator (SQG)	
RCRA Permitted:	No	
Basis for Inspection:	Core Program	
Corrective Action:	No	
Facility Physical Location: (Municipality, PR, zip code)	1-2 Donoe Rd 4000 U.S. Virgin Islands, 00802.	
Geographical Coordinates:	18.337966, -64.900167	
Facility Contact:	Mr. Curtis Joseph	786-657-1079
	Store Manager	
	Email: curtis_b_joseph@homedepot.com	
	Mailing address: 1-2 Donoe RD 4000, St. Thomas, USVI, 00802	
Facility Contact:	Ms. Shawan Williams	340-777-1077 X 501 or 502
	Specialty Assistant Store Manager	
	Email: shawan_v_williams1@homedepot.com	
	Mailing address: 1-2 Donoe RD 4000, St. Thomas, USVI, 00802	
Facility Contact:	Ms. Jillian Hutchinson	410-845-3727
	Receiving Supervisor	
	Email: receiving_8201@homedepot.com	
Facility Contact:	Mailing address: 1-2 Donoe RD 4000, St. Thomas, USVI, 00802	
	Ms. Marian Michael	305-213-7390
	Human Resources Manager	
	Email: marian_a_michael1@homedepot.com	
NAICS ¹ :	423220 - Home Furnishing Merchant Wholesalers	
	444120 - Paint and Wallpaper Retailers	
Area:	One (1) building plus garden area	
Number Employees:	Approximately 200 employees	
Personnel participating in inspection:		

¹ This information was not available at the CEI. Reference: <https://www.naics.com/company-profile-page/?co=3592>

*Resource Conservation and Recovery Act
Home Depot Store #8201
VIR000000752*

Inspector's Name	EPA Region 2-CEPD	Enforcement Officer	{phone/email}
Rosana Caballer-Cruz	EPA Region 2-CEPD	Enforcement Officer	787-977-5880 caballer.rosana@epa.gov
Status:	FINAL		
Record Schedule:	1044(c) {unless landmark or precedent}		
Multi-media Checklist: ATTACHMENT # N/A		Referral: N/A	
EPA Inspector Signature/Date	X ROSANA CABALLER-CRUZ Digitally signed by ROSANA CABALLER-CRUZ Date: 2024.07.22 15:19:07 -04'00'		
Supervisor Signature/Date	X DAVID CUEVAS- MIRANDA Digitally signed by DAVID CUEVAS-MIRANDA Date: 2024.07.23 07:10:51 -04'00' David N. Cuevas Miranda, Ph.D.		

1 INTRODUCTION

On June 5, 2024, a Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (inspection) was conducted at Home Depot Store #8201 (the facility), pursuant to Section 3007 of RCRA. As part of the inspection, I explained to the facility representatives that an opening meeting, walkthrough, and document review would be conducted in order to evaluate the facility's compliance with the requirements that govern hazardous waste generators, universal waste handlers, and used oil generators, as applicable.

The facility is located at 1-2 Donoe RD 4000, St. Thomas, U.S. Virgin Islands. The last inspection was conducted by the Agency on July 23, 2018. I arrived at the facility around 9:50 a.m. A cloudy then, rainy day, with hot temperatures and humidity, were the weather conditions that remained through the CEI.

2 OPENING MEETING

I met with Mr. Curtis Joseph, Store Manager², and Ms. Shawan Williams, Approbations, for the opening meeting³. I identified myself as an EPA RCRA enforcement officer and told the facility representatives that the purpose of my visit was to conduct a CEI at the facility to evaluate its hazardous waste, universal waste, and used oil management practices and compliance. In addition, I told them that RCRA, universal wastes, and/or used oil documents would be requested as part of this CEI⁴. As part of the inspection, I told them that I needed to take photos related to any RCRA-related issues. The facility representatives allowed me to take photos during the inspection. Finally, I also explained that we needed to visit the waste generation areas in the facility.

² Mr. Joseph is also the Store Manager for the Home Depot Store #8622, located in St. Croix.

³ Additional personnel joined us during the latter: Ms. Jillian Hutchinson, Receiving Supervisor.

⁴ For additional information on this item, please refer to Section 4 of this Report.

2.1 FACILITY PHYSICAL DESCRIPTION AND OPERATION

Home Depot Store #8201 is one of the more than 2,300 stores in three countries⁵. According to the facility representatives, this facility was built to boast this Home Depot Store and has been in business for approximately 20 years. The facility representatives explained that this store is mainly subdivided into two (2) big areas: the storeroom, per se, and the garden area. Also, they told me that the activities conducted at this facility are the same as the other ones within the company⁶. Likewise, they told me that this store's main clientele comes from St. Thomas and St. John, respectively. Additionally, the facility boasts one (1) building and a garden area and has approximately 200 employees who work from 6:00 am to 9:00 pm^{7 8}.

2.2 AERIAL PHOTOGRAPH

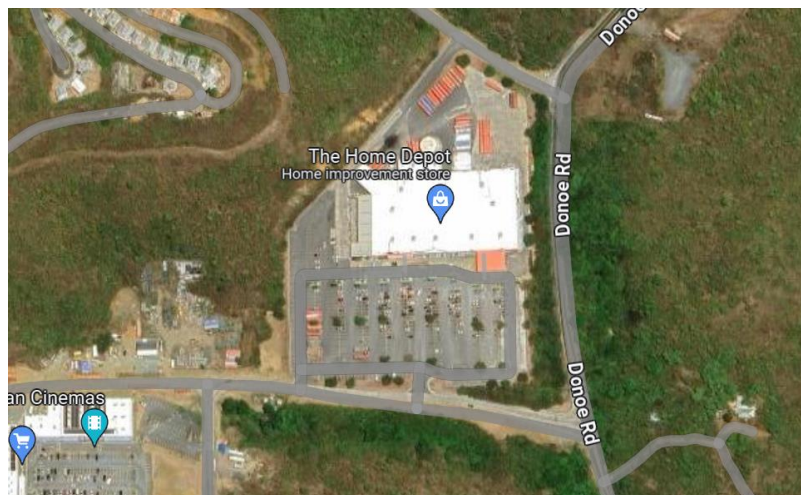


Figure 1: Home Depot Store #8201 facility location.

2.3 SOLID AND HAZARDOUS WASTE GENERATION

According to the facility representatives, they are currently generating mainly spent cleaning supplies and paint debris waste as hazardous waste. Likewise, the facility representatives told me that hazardous waste is generated in the facility's 180-day Hazardous Waste Accumulation Area (HWAA), and the garden area, respectively. VI Regulated Waste is the hauler company that provides pick-up services, and the last disposal conducted by the facility was in April 2024.

Also, I asked the facility representatives about their universal waste and used oil generation, handling, and/or disposal activities. According to them, they are generating just fluorescent lamps as universal

⁵ For additional information please refer to: <https://corporate.homedepot.com/page/home-where-our-story-begins>

⁶ "[to provide a] "huge variety of merchandise at great prices and with a highly trained staff. Employees would not only be able to sell, but they would also be able to walk customers at every skill level through most any home repair or improvement." Reference: <https://corporate.homedepot.com/page/home-where-our-story-begins>

⁷ This is a summary, a very general description of the facility activities, and may not include all activities that occur at this site.

⁸ This schedule is the biggest length schedule of the facility, but the store schedule changes almost every weekday.

waste⁹, and no used oil is currently generated at the facility. Likewise, information related to any spills and/or chemical releases in their facility was also asked. According to them, spills nor chemical releases in their facility have occurred. Finally, I provided the facility representatives with an orientation and information related to NRC¹⁰, such as but not limited to the phone number.

3 FACILITY WALKTHROUGH

Just after the opening meeting, we started the facility walkthrough. Mr. Joseph and Ms. Williams accompanied me during the latter¹¹. The areas inspected were (1) the Central Accumulation Area, and (2) the Garden Area. The observations for the areas inspected are described below. Refer to Appendix 1 for pictures taken during the inspection.

3.1 CENTRAL ACCUMULATION AREA

Description of the Area	This was the first area inspected and it is located at the backside of the facility, at the receiving area. This area boasts the facility's central accumulation area which consists of two (2) subareas: two (2) open metal shelves, separated steps away one from another. Here, Ms. Jillian Hutchinson, Receiving Supervisor, joined us at the inspection. Additional information is as follows.
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3.1.1 FIRST SUBAREA

The facility representatives walked me to the first subarea. The subarea consists of an open metal shelf with a concrete floor that was observed with, what appears to be, paint stains (Picture #1). The latter was identified, as well. Additionally, I observed a fire extinguisher¹². Inside the latter, I observed approximately nine (9) 5-gallon plastic containers and one (1) 55-gallon steel container (Picture #2). Additional information is as follows:

- (a) Nine (9) 5-gallon plastic containers – At the time of the inspection, were observed closed, labeled as hazardous waste and each one had the indication of the hazard available. Nevertheless, aisle space and physical segregation were not observed between them.
- (b) One (1) 55-gallon steel container – At the time of the inspection, the container with aerosol cans was observed labeled as hazardous waste and has the pictographic label and/or indication of the hazard available. Nevertheless, it was observed with its lid open and with corrosion.

⁹ Information related to the facility's universal waste hauler company was not available.

¹⁰ Acronym stands for National Response Center.

¹¹ Additional personnel joined us throughout the CEI.

¹² Information related to the last inspection conducted on this equipment was not attached to the latter. I asked the facility representatives about this, and they replied that the last inspection conducted was approximately two (2) weeks prior to the CEI activity. When I asked about the inspection information, I was told that the contractor would be returned to the facility in order to place the equipment tag with the inspection information. According to them, this is the regular protocol.

- (c) One cardboard box with fluorescent lamps – At the time of the inspection, the cardboard box was observed above¹³ the open metal shelf. The latter was not labeled, and not dated (Picture #3).

3.1.2 SECOND SUBAREA

Located a few steps from the right side of the First Subarea inspected, an open metal shelf and concrete floor were observed. At the time of the inspection, the facility representatives told me that this subarea consisted of the red metal shelf observed inside the subarea, per se¹⁴. At the time of the CEI, the shelf was identified as hazardous material and as flammable. The shelf was observed closed, but not locked (Picture #4). Once opened by the facility representatives, I observed five (5) red containers, one (1) gasoline container¹⁵, and one (1) 55-gallon black steel container identified as non-hazardous. Also, additional red plastic containers were observed in front of the metal shelf. As observed in the first subarea, aisle space and physical segregation were not observed between them, as well. Additional information is as follows:

3.1.2.1 CONTAINERS OBSERVED INSIDE THE RED METAL SHELF

- (a) One (1) gasoline container – according to the facility representatives, an approximately 10-gallon red plastic container with gasoline was observed. At the time of the inspection, the latter was observed closed, nevertheless, it was not labeled, and not dated (Picture #5).
- (b) One (1) 5-gallon black plastic container with red zone¹⁶. At the time of the inspection, it was observed closed and labeled as non-hazardous waste. As a result, I asked them about this misplaced container. They replied that the container was misplaced by the staff since it was supposed to be placed at the side of the shelf, not inside the latter.
- (c) One (1) 5-gallon black plastic container with Lanco mineral spirits. At the time of the inspection, it was observed closed, labeled, and dated 5/6/2024.
- (d) One (1) 5-gallon black plastic container inside a clear plastic bag. At the time of the CEI, the latter was identified as non-hazardous waste-hazard ignitable and was dated 5/29/2024 (Picture #6).
- (e) One (1) 5-gallon black plastic container with Bernzomatic¹⁷ propane fuel. At the time of the inspection, the container was observed closed, labeled as ignitable, had the hazard information

¹³ It was placed on the second level of the open metal shelf.

¹⁴ The facility representatives made this clarification since this subarea is also aimed to store the non-hazardous waste generated at the facility. At the time of the inspection, containers identified as non-hazardous waste were observed at this location.

¹⁵ At the time of the inspection, the facility representatives did not know that this container was placed inside this shelf. This information was confirmed once I notified them that as soon as they opened the shelf door, a petroleum-like smell poured out of the latter.

¹⁶ According to the facility representatives, this is an internal classification that indicates that is a non-hazardous waste.

¹⁷ The name of this waste could not be the correct one. The name on the label was difficult to read.

available, and was dated 11/2/2023.

- (f) One (1) 2-gallon¹⁸ black plastic container with weld wood contact cement. At the time of the inspection, it was observed closed, labeled as non-hazardous waste-ignitable-toxic, had the indication of the hazard available, and dated 5/8/2024. The container was observed dirty.
- (g) One (2) gallon¹⁹ black plastic container with weld wood contact cement. At the time of the inspection, it was observed closed, labeled as non-hazardous waste-ignitable-toxic, had the indication of the hazard available, and dated 3/13/2024. The container was observed dirty, as well.

3.1.2.1 CONTAINERS OBSERVED OUTSIDE THE RED METAL SHELF

Here, an additional three (3) 5-gallon red plastic containers were observed in front of the metal shelf. At the time of the inspection, all of them were identified as non-hazardous waste (Refer to Picture #4). Nevertheless, when I asked the facility representatives about these containers and why they were placed at this location, they confirmed that all of them were, indeed, hazardous waste and that they handled them as hazardous waste, as well. Additional information is as follows:

- (h) One (1) 5-gallon red plastic container with NADA²⁰-non-hazardous waste-Red Zone – terminate ant killer. At the time of the inspection, the container was observed closed, labeled as non-hazardous waste, had the hazard information available, and was dated 4/16/2024. The container was observed dirty.
- (i) One (1) 5-gallon red plastic container with non-hazardous waste-NONE. At the time of the inspection, the container was observed closed, labeled as non-hazardous waste with ortho home defense, had the hazard information available, and dated 4/29/2024. The container was observed dirty.
- (j) One (1) 5-gallon red plastic container with non-hazardous waste-Shell Rotella. At the time of the inspection, the container was observed closed, labeled as non-hazardous waste-toxic, had the hazard information available, and was dated 5/3/2024. The container was observed dirty, as well.

Additionally, I asked the facility representatives about the emergency equipment available in this subarea. They replied that they have available an additional fire extinguisher^{21 22}, and that a sprinkler

¹⁸ Approximately.

¹⁹ Approximately.

²⁰ According to the facility representatives, it seems that this word was print in Spanish language.

²¹ Placed at the right side of the Second Subarea.

²² Information related to the last inspection conducted on this equipment was not attached to the latter. I asked the facility representatives about this, and they replied that the last inspection conducted was approximately two (2) weeks prior to the

system is available at the ceiling of the facility. In addition, the emergency contact information is available²³. I asked them how many employees are authorized to work at this central accumulation area. They replied that approximately seven (7) employees are authorized to work here. Also, the facility's personnel authorized to work at this location used cell phones as their communication device.

Finally, when we were returning to the First Subarea inspected in order to continue with the facility walkthrough, I noticed a new container that was placed into the First Subarea inspected. I asked the facility representatives if the latter was, indeed, a new container at this location, and they replied that this container was just placed inside the First Subarea. As a result, I inspected the latter. Additional information is as follows:

- (k) One (1) 55-gallon black steel container. At the time of the inspection, it was observed closed, labeled as non-hazardous waste, has the hazardous information available, and was dated 6/5/2024²⁴. The container's lid was observed with corrosion, as the one previously observed in this subarea.

I told the facility representatives the following:

- Universal waste – Universal waste regulation and citations were discussed with the facility representatives. This includes but is not limited to open cardboard box, content outside container, and lack of label and date, among others.
- Mislabeled – A discussion was held about the containers observed with a discrepancy in their labels (i.e., labeled as toxic – non-hazardous waste, some labels have the information in Spanish language and other labels in the English language)^{25 26}, particularly at this location, the issue raised was more frequently observed. In this inspection, containers with non-hazardous waste labels were observed as part of the facility's central accumulation area. Although at least one of them was confirmed by the facility representative that was misplaced, it was raised that some of the containers that, indeed, contain hazardous waste, were labeled as non-hazardous. As a result, I asked the facility representatives about this issue. They explained that they used a program that generates for them the labels that would then be placed in the container. It was also raised that some of the information available is in Spanish and they are not familiar with the language²⁷. As a result, I told them that we need to identify if this situation is a determination issue or if it's a labeling (program) issue. As a result, I told them that additional information would be requested in order to attend to this issue raised during the inspection. The facility representative agreed to provide the latter in order to attend to the issue raised.

CEI activity. When I asked about the inspection information, I was told that the contractor would be returned to the facility in order to place the equipment tag with the inspection information. According to them, this is the regular protocol.

²³ The latter was up to date and included emergency contact information of external first responders.

²⁴ Inspection date.

²⁵ I told Mr. Joseph that this issue was also raised during Home Depot Store #8622's inspection, as discussed.

²⁶ Home Depot Store #8622 was inspected as part of the RCRA FY'24 core program on May 1, 2024. Information related to this item was discussed during the inspection, and the inspection closing meeting, which was conducted on May 1, 2024.

²⁷ The facility representatives told me that this issue was as a result of a language barrier since they were not familiar with the Spanish language.

- Misplaced containers – At least one (1) container in this area was observed misplaced. Information related to this item was discussed during the inspection.
- Aisle space – During the inspection of this area, it was discussed with the facility representatives about the lack of aisle space and physical segregation of the containers observed.
- Containers – Information related to the condition of the containers (i.e., lids observed with corrosion), and containers observed open were discussed with the facility representatives.
- Date – I told the facility representatives that dates need to be available at the containers stored in the facility's Central Accumulation Area in order to comply with the Regulation.

3.2 GARDEN AREA

Description of the Area	This was the last area inspected. Located in the facility's Garden Area, this area is used to store and sell gardening-related items, such as, but not limited to plants and flowers in pots, hoses, gardening soils, gardening tools, and gardening kits, among others. As part of the CEI, we visited another area, located near the facility's garden area and the facility's parking lot. Additional information in this area is as follows.
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Here, I observed the garden products available for the facility's clients. During the walkthrough of this area, I asked the facility representatives if it is available a gardening SAA^{28 29}. At the time of the CEI, the facility representatives told me that they thought that an SAA was not available in this area. Nevertheless, they walked me to an additional area, which is located near the facility's garden area and the facility's parking lot trying to identify an area that could be the SAA that we were looking for. The area visited was observed fenced and without a ceiling. The facility representatives provide me access to the latter.

Once inside, I observed various wood pallets placed above the concrete floor covered with a blue tent which contained what appears to be fluorescent lamps. At the time of the inspection, they were observed without a container, not labeled, and without dates (Picture #7). Additionally, some open boxes were also observed above these wood pallets. I asked the facility representatives about them. They told me that they were identified as waste since the store would not be selling them anymore (Picture #8). As a result, I asked them how long they were placed at this location. Although this information was not available at the time of the CEI, the facility representatives told me that a work order was already in place in order to pick up them. I told the facility representatives that additional

²⁸ Acronym stands for Satellite Accumulation Area.

²⁹ This information was asked since Home Depot Store #8622, located in St. Croix, USVI has one SAA available.

information would be requested related to this item. Additionally, I told them that if the fluorescent lamps observed were, indeed, determined to be waste, the conditions observed during the inspection were not appropriate. I explained to them that they needed to be placed inside a container, that needs to be identified as hazardous waste or as universal waste³⁰, and needs to be dated.

Finally, Mr. Joseph told me about the issue this facility has related to the hauling services. He explained that for them, and various other facilities in the USVIs, is difficult to have hauler services for their hazardous waste.

I told the facility representatives the following:

- Fluorescent lamps – Additional information related to the issue raised would be requested. Information such as but not limited to where these lamps were generated, the time that the latter have been stored at this location, handling and disposal activities, hauler company which will pick up them, among others. The facility representatives agreed to provide the information requested at a later date.

4 DOCUMENTS REVIEW

I explained to the facility representative that, as part of the CEI activities, an evaluation of documents would be conducted. I asked them for the following documents for review: (1) basic training information (2) basic contingency plan information, (3) manifests, and (4) waste minimization program³¹. This evaluation was conducted after the facility walkthrough. Some of the documents requested were available for review. Information related to each document is presented below:

Documents Requested	Requested during CEI	Available during CEI?	Description
1. Basic training information	YES	YES	Training evidence was available for review.
2. Basic contingency plan information	YES	- <i>Preparedness and prevention: No</i> - <i>Emergency procedures: YES</i>	
3. Manifests	YES	YES	Seven (7) manifests were provided for review.

³⁰ As appropriate and as determined by the facility. I explained the hazardous waste and the universal waste regulations and shared the citations with them. Additional information was also shared with them, via email, at a later date. For additional information on this item, please refer to Section 7 and Section 8 of this Report.

³¹ Good faith effort.

4. Waste minimization	YES	YES	A verbal explanation was provided.
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4.1 BASIC TRAINING INFORMATION

Information related to the training provided to the facility's HAZMAT personnel was provided, via email, on a later date³². According to the information submitted, the following training is provided to their associates every 3 to 4 months: (1) HHM³³ orientation- class 4265, (2) Designated HHM Associates-class 4266, (3) Transporting Hazardous Materials-class 4267, and (4) Annual safety training-annual certification for class 4260, respectively.

4.2 BASIC CONTINGENCY PLAN INFORMATION

At the time of the inspection, the facility representatives told me that this information is the one (1) page document available at the Central Accumulation Area. Nevertheless, although the Emergency procedures were covered in the mentioned document, the latter does not include information related to the preparedness and prevention section.

4.3 MANIFESTS

I asked the facility representatives if they could provide the last three (3) years of manifest. They replied that they have it available electronically. As a result, we agreed to provide them at a later date³⁴. The information was provided, as agreed. The timeframe submitted for evaluation was from February 27, 2022, to April 12, 2024, respectively. After evaluation of the documents, it was confirmed that item 20 of each Manifest (Certification of receipt of hazardous materials box) was filled.

4.4 WASTE MINIMIZATION

Information related to the facility's waste minimization plan was requested. The facility representatives told me that, as their waste minimization activities in the store, the company provided space inside their facility in order for their customers to have available a battery collection spot. As a result, a verbal explanation of the activity conducted at this location was provided³⁵. It was explained by Mr. Joseph that the facility has available three (3) containers in which every of them three (3) different types of battery are collected.

5 CLOSING MEETING

On June 5, 2024, the closing meeting was conducted with the facility representatives, at the facility. I

³² Information was provided on June 7, 2024.

³³ Acronym was not provided during the CEI. Nevertheless, it was defined in Home Depot Store #8622 CEI conducted in St. Croix, USVI. The acronym stands for Handling Hazardous Material.

³⁴ Information was provided, via email, on June 7, 2024.

³⁵ I asked for information about those batteries. They replied that they take care of the batteries collected.

indicated that the purpose of the closing meeting was to inform them about the CEI observations raised³⁶. As part of the closing meeting, I told the facility representatives that additional information would be sent for their reference and that additional information would be requested³⁷. The latter was sent, as agreed, on June 7, 2024. For more information, please refer to Section 7 and Section 8 of this Report.

6 POTENTIAL AREAS OF CONCERN

6.1 GENERATORS

On February 2, 2023, the facility notified of its hazardous waste activities as a Small Quantity Generator. Based on the observations and information gathered during the inspection, the following areas of concern were identified:

6.1.1 CONDITIONS FOR EXEMPTION FOR A SMALL QUANTITY GENERATOR THAT ACCUMULATES HAZARDOUS WASTE (40 CFR § 262 Subpart A)

- i. According to 40 CFR § 262.16(b)(2)(i), which states that *“If a container holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.”*

At the time of the inspection, the facility failed to comply with this requirement at the Central Accumulation Area. Here, each lid of the two (2) 55-gallon steel containers placed in this area was observed with signs of corrosion.

- ii. According to 40 CFR § 262.16(b)(2)(iii)(A), which states that *“A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.”*

At the time of the inspection, the facility failed to comply with this requirement at the Central Accumulation Area. Here, one (1) 55-gallon steel container with aerosol cans was not observed closed.

- iii. According to 40 CFR § 262.16(b)(6)(i), which states that *“A small quantity generator must mark or label its containers with the following: (A) The words “Hazardous Waste”; (B) 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*

³⁶ The information and observations shared at this meeting were already discussed as part of the facility walkthrough.

³⁷ The due date for the latter was June 27, 2024.

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); and (C) The date upon which each period of accumulation begins clearly visible for inspection on each container.”

At the time of the inspection, the facility failed to comply with this requirement in the Central Accumulation Area. Here, one (1) approximately 10-gallon red plastic container with gasoline was not observed labeled as hazardous waste, did not have a pictographic label and or indication of the hazard available, and was not dated.

- iv. According to 40 CFR § 262.16(b)(6)(i), which states that *“the small 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.”*

At the time of the inspection, the facility failed to comply with this requirement in the Central Accumulation Area. Here, at both subareas, a lack of aisle space was observed and was not provided, as required, to the containers placed at these locations.

- v. According to 40 CFR § 262.16(b)(8)(vi)(B), which states that *“A small quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.”*

At the time of the inspection, the facility failed to comply with this requirement. During the inspection, information related to preparedness and prevention, and emergency procedures was requested to the facility representatives. Although information related to the emergency procedures was available during the inspection, at the time of the inspection, information related to records that documented the arrangements made with local emergency responders was not able to be evaluated, as required by this citation.

6.1.2 PART 273—STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

- vi. According to 40 CFR § 273.13(d)(1), which states that *“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”.*

At the time of the inspection, the facility failed to comply with this requirement at the Central Accumulation Area and at the Garden Area. At the Central Accumulation Area, one cardboard box with fluorescent lamps was not observed closed. In the Garden Area, a wood panel that contains open cardboard boxes with fluorescent lamps was observed covered with a blue tent.

- vii. According to 40 CFR § 273.14(e), which states that *“Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”*

At the time of the inspection, the facility failed to comply with this requirement at the Central Accumulation Area and at the Garden Area. At the Central Accumulation Area, one cardboard box with fluorescent lamps was not labeled. In the Garden Area, each fluorescent lamp and or the wood panel that contains open cardboard boxes with fluorescent lamps was not observed labeled.

- viii. According to 40 CFR § 273.14(e), which states that *“A small quantity handler of universal waste who accumulates 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 or is received.”*

At the time of the inspection, the facility failed to comply with this requirement at the Central Accumulation Area and at the Garden Area. In both areas, information related to the length of time that the universal waste has been accumulated from the date it becomes a waste or it was received was not available.

7 FOLLOW-UP ACTIONS

As expressed in Section 5 of this Report, an email to the facility representative was sent on June 7, 2024. The email included the due date in order to submit the information requested during the closing meeting³⁸ and included direct links that provide information related to the RCRA Regulation (40 CFR §§ 260 to 265), Universal Waste (40 CFR § 273), and Used Oil (40 CFR § 279), among other direct links with specifics, such as aerosol cans, satellites accumulation areas (SAAs), aisle space, etc. In addition, the Managing Your Waste, A Guide for Small Business, English version, the Como manejar sus residuos peligrosos, una guía para la pequeña empresa, Spanish version, and one page with additional links that provide direct links for specific items for the RCRA Regulation were sent for their future reference.

³⁸ Due date: June 27, 2024. The facility representatives provided some of the information requested, as agreed, by the due date established.

7.1 INFORMATION PROVIDED TO THE FACILITY REPRESENTATIVES

Information Requested	Link	Enclosed
1. RCRA (Hazardous Waste)	√	
2. Summary of Requirements for Very Small Quantity Generators (VSQGs)	√	
3. Summary of Requirements for Small Quantity Generators (SQGs)	√	
4. Summary of Requirements for Large Quantity Generators (LQGs)	√	
5. Universal Waste	√	
6. Used Oil	√	
7. Aerosol cans	√	
8. Satellite Accumulation Areas	√	
9. Condition of containers	√	
10. Aisle space	√	
11. Alternative Standards for Episodic Generation	√	
12. National Response Center	√	
13. Hazardous Waste Generator Regulations Compendium	√	
14. Defining Hazardous Waste	√	
15. P-waste	√	
16. Subpart P—Hazardous Waste Pharmaceuticals	√	
17. Healthcare facility (definition)	√	
18. Managing your waste, A Guide for Small Business, English version	√	√
19. Como manejar sus residuos peligrosos, una guía para la pequeña empresa, Spanish version	√	√
20. One page with additional links that provide direct links for specific items for the RCRA Regulation	√	√

8 ATTACHMENTS

- I. CAMERA ROLL
- II. SITE PICTURES
- III. OTHERS

Resource Conservation and Recovery Act
Home Depot Store #8201
VIR000000752

ATTACHMENT I: CAMERA ROLL



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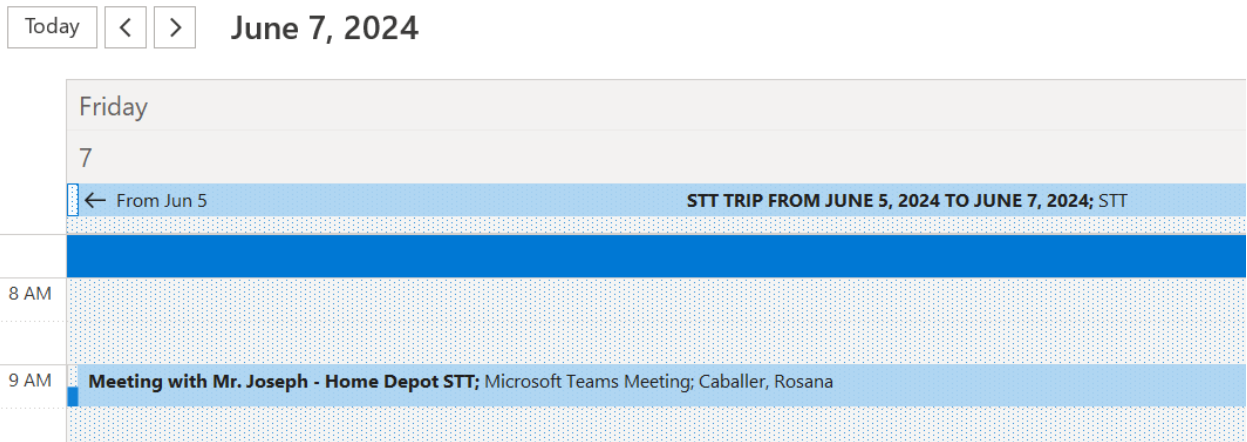
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ATTACHMENT III:

OTHERS

- 1. Email: 2024 06 07 Additional information related to June 5, 2024, CEI conducted in St. Thomas
 - a. Sent on 06/07/2024 (Enclosure)
- 2. Print screen of the calendar with information related to Mr. Joseph's meeting via Microsoft Teams.



- 3. Print screen of the email communications with Mr. Joseph

