

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Quality Electroplating Corp.
Sakura State Road 1 Km 34.2
Villa Blanca Industrial Park
Caguas, Puerto Rico 00725
EPA ID. No. PRD090592544

Respondent

Docket No. RCRA-02-2024-7203

**EXPEDITED SETTLEMENT AGREEMENT
AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The United States Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (herein alternatively referred to as “the Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act (“RCRA”) and 40 C.F.R. § 22.13(b).
2. By copy of this letter, EPA is providing the Commonwealth of Puerto Rico Department of Natural and Environmental Resources with notice of the referenced violations of Subtitle C of RCRA.
3. Quality Electroplating Corp. (“Respondent”) is the owner or operator of the facility located at Sakura State Road 1 Km 34.2, Villa Blanca Industrial Park, Caguas, Puerto Rico (“Facility”). EPA conducted a RCRA Compliance Evaluation Inspection on March 30, 2023 (“March 2023 CEI”). EPA alleges that Respondent violated the following large quantity generator (“LQG”) requirements of the RCRA hazardous waste management program.
 - a. 40 CFR § 262.17(a)(1)(ii), which requires that if a container holding hazardous waste is not in good condition, or if it begins to leak, the LQG 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. During the March 2023 CEI, the EPA inspector observed containers holding hazardous waste in the 90-day Hazardous Waste Accumulation Area (“90-day HWAA”), that were corroded and/or bulging, or with broken lids.

- b. 40 CFR § 262.17(a)(1)(iv)(A), which requires that a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste. During the March 2023 CEI, the EPA inspector observed open containers in the Manufacturing Area and at the 90-day HWAA. Within the 90-day HWAA, open containers were observed at the Subarea 1 of the Hazardous Waste Satellite Accumulation Area (“SSA HW-1 Subarea”), the Characterization in Progress Subarea, and the Silver Sludge Subarea. Within the Manufacturing Area, a container with regular waste mixed with aerosol cans was observed open.
- c. 40 CFR § 262.17(a)(5)(i)(A), which requires that a LQG must mark or label its containers with the words “Hazardous Waste.” During the March 2023 CEI, the EPA inspector observed containers without the hazardous waste label in the SAA HW-1 subarea, the Subarea 2 of the Hazardous Waste Satellite Accumulation Area (“SSA HW-2 Subarea”), and the Silver Sludge Subarea of the 90-day HWAA.
- d. 40 CFR § 262.17(a)(5)(i)(B), which requires that a LQG must mark or label its containers with the following: 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). During the March 2023 CEI, the EPA inspector observed containers without indication of the hazard of the content and/or the appropriate pictographic label in the Mechanical Shop Subarea of the Manufacturing Area, and the 90-day HWAA. Within the 90-day HWAA, containers without indication of the hazard of the content and/or the appropriate pictographic label were observed in the SAA HW-2 Subarea, the Characterization in Progress Subarea, and the Silver Sludge Subarea.
- e. 40 CFR § 262.17(a)(5)(i)(C), which requires that the date upon which each period of accumulation begins clearly be visible for inspection on each container. During the March 2023 CEI, the EPA inspector observed containers in the SAA HW-1 Subarea, SAA HW-2 Subarea, and the Silver Sludge Subarea of the 90-day HWAA without their respective start accumulation dates.
- f. 40 CFR § 262.17(a)(7)(iv)(D), which requires records to be maintained at the facility that document that facility personnel has received and has successfully completed training (or job experience), such as, but not limited to, (1) procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; (2)

key parameters for automatic waste feed cut-off systems; (3) communications or alarm systems; (4) response to fires or explosions; (5) response to ground-water contamination incidents; and (6) shutdown of operations. The required training is to ensure the ability of the facility personnel to respond effectively to emergencies. During the March 2023 CEI, the EPA inspector requested documentation of such training, which was not provided. On March 31, 2023, the EPA inspector requested the information not provided during the CEI via electronic mail. The Respondent never submitted the documentation for EPA's evaluation.

- g. 40 CFR § 262.251, which requires that a LQG must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. During the March 2023 CEI, the Facility Operator, without any previous notice or any safety protocol, and even when EPA warned him not to do so, attempted to open a 55-plastic bulging container in the 90-day HWAA. Such container was not labeled, lacked a pictographic label or indication of the hazard material, and there was no information related to its contents or why it was bulging.
- h. 40 CFR § 262.255, which requires that the LQG 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. During the March 2023 CEI, the EPA inspector observed approximately thirty-two (32) 2,000-lb bags without any aisle space in the 90-day HWAA. As a result of the lack of aisle space in the 90-day HWAA, a visual inspection could not be conducted on all the available bags and the information on each bag could not be gathered. Further, due to the lack of aisle space, the EPA inspector observed the Facility Operator, walking over some of the 2,000 lbs bags while he was working in the 90-day HWAA.
- i. 40 CFR § 262.256(b), which requires that the LQG shall maintain records documenting the arrangements made with the local fire department as well as any other organization necessary to respond to an emergency. This must include documentation in the operating record that either confirms that such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made. During the March 2023 CEI, the EPA inspector requested documentation of the arrangement made with the local fire department as well as any other organization necessary to respond to an emergency, which was not provided. On March 31, 2023, the EPA inspector requested the information not provided during

- the CEI via electronic mail. Respondent never submitted the documentation for EPA's evaluation.
- j. 40 CFR § 262.261(e), which requires that the contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities. During the March 2023 CEI, the EPA inspector requested documentation showing compliance with these contingency plan requirements, which was not provided. On March 31, 2023, the EPA inspector requested the information not provided during the CEI via electronic mail. Respondent never submitted the documentation for EPA's evaluation.
 - k. 40 CFR § 262.261(f), which requires that the contingency plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This contingency 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). During the March 2023 CEI, the EPA inspector requested documentation showing compliance with these contingency plan requirements, which was not provided. On March 31, 2023, the EPA inspector requested the information not provided during the CEI via electronic mail. Respondent never submitted the documentation for EPA's evaluation.
 - l. 40 CFR § 262.262(b), which requires that a LQG that first becomes subject to these provisions after May 30, 2017 or a LQG that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders, such as police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services, or, as appropriate, the Local Emergency Planning Committee. During the March 2023 CEI, the EPA inspector requested documentation showing compliance with these contingency plan requirements, which was not provided. On March 31, 2023, the EPA inspector requested the information not provided during the CEI via electronic mail. Respondent never confirmed that the quick reference guide was submitted to the local emergency responders.
4. The EPA and Respondent agree that settlement of this matter for a civil penalty of **fifteen thousand dollars (\$15,000.00)** is in the public interest.

5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the filed Agreement.
6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected; (2) Respondent has submitted true and accurate documentation of such correction; and (3) Respondent will be submitting proof of payment of the civil penalty with this Agreement.
7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it. Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
8. EPA reserves all its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
9. Each party shall bear its own costs and fees, if any.
10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), shall be effective upon the filing of the Expedited Settlement Agreement and Final Order with the Regional Hearing Clerk for EPA, Region 2.

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. §6938(a), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

11. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$15,000.00 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.
12. Within 24 hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

Karen Maples, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
maples.karen@epa.gov

and

Rosana Caballer-Cruz, Enforcement Officer
U.S. Environmental Protection Agency, Region 2
caballer.rosana@epa.gov

13. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Expedited Settlement Agreement and Final Order shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.

IT IS SO AGREED,

FOR RESPONDENT: QUALITY ELECTROPLATING CORP.

Name of representative of Respondent: Jeannette Miranda
(type or print)

Title of representative of Respondent: Environmental Manager
(type or print)

Signature of representative of Respondent: *Jeannette Miranda*

Date: 9/24/2024

FOR COMPLAINANT: UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Carmen R. Guerrero Perez DATE: November 19, 2024

CARMEN R. GUERRERO PEREZ, DIRECTOR
Caribbean Environmental Protection Division
United States Environmental Protection Agency
Region 2

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Expedited Settlement Agreement. This Agreement, entered into by the parties to this matter, is hereby approved, incorporated herein, and issued as an Order pursuant to Section 3008 of the Act and 40 C.F.R. § 22.18(b)(3). The Effective Date of this Order shall be the date of its filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York. 40 C.F.R. § 22.31 (b).

IT IS SO ORDERED:

Helen Ferrara, Regional Judicial Officer
U.S. Environmental Protection Agency – Region 2
290 Broadway
New York, New York 10007-1866

Date: _____

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing fully executed Expedited Settlement Agreement and Final Order bearing docket number RCRA-02-2024-7203, in the following manner to the respective electronic addresses listed below:

Karen Maples
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency Region 2
maples.karen@epa.gov

Ms. Jeannette Miranda, ES Manager
Quality Electroplating Corp - Caguas
jeannettemirandapr@hotmail.com

Dated: November 20, 2024
Guaynabo, Puerto Rico

David N. Cuevas-Miranda, Supervisor RCRA and
Revitalization Section