

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

<b>IN THE MATTER OF:</b>	)	<b>Docket No RCRA-02-2023-7702</b>
	)	
	)	
<b>Olein Recovery Corporation</b>	)	
	)	<b>EXPEDITED SETTLEMENT AGREEMENT</b>
	)	<b>AND</b>
	)	<b>FINAL ORDER</b>
<b>Respondent</b>	)	
_____	)	

**EXPEDITED SETTLEMENT AGREEMENT**

1. The United States Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (hereafter referred to as “Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended (“RCRA”) and 40 C.F.R. § 22.13(b).
2. By copy of this letter, the 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. Olein Recovery Corporation (hereafter “Respondent”) is the owner or operator of the facilities located at Road 901, Km. 2.7 (Site 1) and at 500 Ernesto Carrasquillo (Site 2), both in Yabucoa, Puerto Rico. The EPA conducted a RCRA Inspection on December 16, 2020, and reviewed files and after a fire incident occurred on August 4, 2020, conducted a visual inspection at both facilities regarding the facilities compliance with the RCRA requirements that govern hazardous waste generators, universal waste handlers and used oil generators. The EPA alleges that Respondent violated the following requirements of the RCRA and EPA’s hazardous waste management program.
4. EPA has determined that Respondent failed to comply with 40 C.F.R. § 262.18 to have an EPA identification number prior to transporting or offering for transport hazardous waste from its Facility. Specifically, after the fire incident on August 4, 2020, at Road 901, Km. 2.7 (Site 1), the Respondent transferred its manufacturing operations at 500 Ernesto Carrasquillo (Site 2) and generated and shipped hazardous waste from its Facility using hazardous waste manifest(s) without having received an EPA identification number from EPA.
5. EPA has determined that Respondent violated 40 C.F.R. §§ 262.230-262.233 which contains the conditions for the Respondent to temporarily change its generator category as a result of an unplanned episodic event and to operate under streamlined regulations. The Respondent was required to notify EPA within 72 hours on the first day of the unplanned event on August 4, 2020, and promptly follow up with an EPA identification number using

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EPA Form 8700-12. In addition, the Respondent was required to complete its cleanup, and manage the hazardous waste within 60 days under an unplanned episodic event and sends all waste for HW management by October 3, 2020. The Respondent submitted to EPA its petition in writing (Form 8700-12) on November 10, 2020, for an unplanned event due to an emergency scenario (Fire) in its operations to manage primarily wastewater (5,300 gallons) with flammable characteristics. The wastewater was shipped as hazardous waste from its Facility using hazardous waste manifest on January 4, 2021.

6. EPA has determined that Respondent failed to comply with 40 C.F.R. § 273.14 which requires that universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, must be labeled or marked clearly with the words, "Universal Waste - Aerosol Cans." EPA visually inspected the Facility on December 16, 2020, and observed various containers filled with used aerosol cans and plastic spray bottles that were not labeled with words "Universal Waste - Aerosol Cans." According to Respondent, the aerosol cans had have been rejected, punctured and drained and were considered empty containers under 40 CFR §261. 7. Nevertheless, a small quantity handler of universal waste which punctures and drains its aerosol cans must recycle the empty punctured aerosol cans pursuant to 40 CFR § 273.13(e)(4) and 40 C.F.R. § 273.14. EPA noticed that this violation also occurred in four universal waste accumulation areas located in Site 1, and Site 2, respectively.
7. EPA has determined that Respondent violated 40 C.F.R. § 279.22(c) which requires that containers used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." EPA visually inspected the Facility on December 16, 2020, and observed various containers filled with used oils and used oil filters and impacted materials which were not labeled with the word, "Used Oil." EPA noticed that this violation was also repeated in four used oil accumulation areas located in Site 1, and Site 2, respectively.
8. EPA has determined that Respondent failed to comply with 40 C.F.R. § 262.16 (b)(6)(i) which requires that a generator must mark or label its hazardous waste containers with the following:
  - a. The words "Hazardous Waste;"
  - b. An indication of the hazards of the contents (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 C.F.R. § 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 C.F.R. § 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.

EPA visually inspected the Facility on December 16, 2020, and observed various hazardous waste containers of which at least one was not labeled with the words, "Hazardous Waste," three did not have an indication of the hazards of their contents (i.e.,

pictograms), and two were not clearly marked with their accumulation start dates in the hazardous waste storage areas located in Site 1, and Site 2, respectively.

9. The EPA and Respondent agree that settlement of this matter for a civil penalty of **twenty thousand dollars (\$20,000.00)** is in the public interest.
10. In signing this Agreement, Respondent: (1) admits that it is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as described herein; (3) neither admits nor denies the EPA determination contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing pursuant to Section 3008(b) of RCRA to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement; and (7) consents to electronic service of the final Agreement.
11. By its signature below Respondent certifies that no portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement will be claimed by Respondent as a deduction for federal income tax purposes.
12. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) it has now complied with the regulatory requirements cited in Paragraphs 4 thru 8 above, and (2) Respondent has submitted proof of payment of the civil penalty in connection with this Agreement.
13. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and to execute and legally bind Respondent to it. Respondent consents to service of the Expedited Settlement Agreement and Final Order upon it by an employee of EPA other than the Regional Hearing Clerk and consents to service by email.
14. Full payment of the penalty described in Paragraph 8 above shall only resolve Respondent's liability under RCRA for federal civil penalties for the violations and facts described in Paragraphs 4 thru 8. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive relief or other equitable relief or criminal sanctions for any violation of law.
15. Each party shall bear its own costs and fees, if any.
16. 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 Final Order with the Regional Hearing Clerk for EPA, Region 2.


IT IS SO AGREED,

**RESPONDENT:**

Olein Recovery Corporation

Name of individual signing (type or print):

Jorge Gonzalez Camp

  
Name (Signature)

Date: 8/29/2023

President  
Title (print)

  
CRG

**In the Matter of Olein Recovery Corporation  
Docket Number RCRA-02-2023-7702**

**COMPLAINANT:**

\_\_\_\_\_  
**Carmen R. Guerrero Pérez, Director  
Caribbean Environmental Protection Division**

Date: September 6, 2023

**In the Matter of Olein Recovery Corporation  
Docket Number RCRA-02-2023-7702**

**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:

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

Date: \_\_\_\_\_