



RCRA Compliance Branch
INSPECTION REPORT

Inspection Date(s):	2/29/2024	Inspection Announced: No
Facility or Site Name:	Kearny Steel Container Corporation	
Facility/Site Physical Location:	401 South Street	
(city, state, zip code)	Newark, New Jersey 07105	
Mailing address (if different from above):	Same as above.	
(city, state, zip code)		
Facility/Site Contact:	Michael Verzaleno	Owner
	mike.verzaleno@kearnysteel.com	
	(973) 589 - 2070	
RCRA ID Number:	NJD981142797	
Facility/Site Personnel Participating in Inspection:		
Michael Verzaleno	Owner	mike.verzaleno@kearnysteel.com
Musy Abraham	EHSS Director	mabraham@kearnysteel.com
Craig Goodman	Operator	craiggksc@aol.com
Inspector(s):		
Brook McKeown (ERG [EPA Contractor])	Brook McKeown Digitally signed by Brook McKeown Date: 2024.09.17 12:39:11 -04'00'	
EPA Supervisor		
Derval Thomas (EPA Region 2)	DERVAL THOMAS Digitally signed by Derval Thomas Date: 2024.09.18 21:14:02 -04'00'	
Inspection Report Authors: Brook McKeown		

SECTION I – INTRODUCTION**Purpose of the Inspection Objective**

EPA Region 2 identified Kearny Steel Container Corporation (“Kearny Steel”) as a target for a compliance evaluation inspection (CEI). The purpose of the inspection was to determine the facility’s compliance with the Resource Conservation and Recovery Act (RCRA). The inspection was conducted by Brook McKeown (ERG).

Opening Conference

The inspector arrived at Jersey Cooperage at approximately 10:25 am on February 29th, 2024, for an unannounced RCRA inspection. Inspector McKeown first met with Musy Abraham (EHSS Director) and Michael Verzaleno (Owner). Brook McKeown presented their RCRA inspector credentials to Mr. Abraham and Mr. Verzaleno and informed them that this was an EPA RCRA CEI that covered all RCRA regulations. Inspector McKeown inquired about any permitting requirements for the use of equipment that is not intrinsically safe in the process area and explained Kearny Steel’s right to claim confidential business information (CBI). Kearny Steel indicated that no information included in this report was claimed as CBI. The inspection report and attachments present the results of the CEI.

Facility/Site Description

Kearny Steel reconditions steel drums and scraps steel drums, poly drums and poly totes. Mr. Abraham stated that the facility will only accept RCRA-empty containers, and primarily those that were previously used to store flavors, fragrances, alcohols, and pharmaceutical products. Kearny Steel will obtain SDSs for the material previously stored in the container as well as pictures prior to accepting containers from a new customer. If a container received on-site is not RCRA empty, the facility will reportedly alert the customer to pick up the container. There is no specific list of materials for residuals in containers that cannot be received by Kearny Steel, except for containers of acutely hazardous wastes, which must be triple washed prior to arrival on-site.

The reconditioning process for steel drums begins with the reception and unloading of containers from customers. Steel drums, non-conforming steel drums, poly drums and poly totes are segregated. Next, facility personnel will determine if each container is RCRA empty. Containers that are not RCRA empty are identified qualitatively by facility personnel (e.g. if the container is heavy or by visual inspection of the contents). Facility personnel label non-RCRA empty containers with a rejection sticker and notify the customer that they need to collect and manage the container. RCRA-empty containers are inspected for dents, rust, or other defects to determine if facility personnel can recondition them.

Steel drums that are accepted for recycling are sent to the cutting area via conveyor, where the tops are removed, and the edges are rolled. Containers are then sent via conveyor to the natural gas-fired incinerator to burn off any residual material present in the drums. During this process, some residual material may fall beneath the incinerator line. The exhaust from the combustion chamber is captured with a dust collector. Ash generated from the incineration is collected in open top containers, which are subsequently transferred to roll-off containers. Each roll-off container is sampled prior to shipment off-site and is generally managed as non-hazardous waste. Previously, due to the paint used on drums from certain customers, Kearny Steel managed the furnace ash as hazardous for lead and chromium; however, the facility no longer accepts those containers for reconditioning. Regardless, all roll-off containers are managed as containing potentially hazardous wastes until waste testing confirms the contents are non-hazardous.

Steel drums receive surface finishing in a shotblast unit that utilizes a steel shot media. Fines and spent blast media are collected in 55-gallon drums and managed as non-hazardous waste with Clean Earth. If the drum does not pass leak detection testing or quality checks, the facility recycles the container as scrap metal. Otherwise, the drums go through additional reshaping operations and are then sent to a spray paint booth for surface coating. After the coating has dried, the drums are loaded into different shipping containers and trailers and delivered to customers. The paints used at the facility to coat drums are water-based, low-volatile organic compound (VOC) pre-mixed paints. The facility does not use any solvents for paint mixing or drum wipe-down. When paint filters for the paint booths are changed, they are disposed of in the general trash.

Non-conforming steel drums are managed as scrap. These drums are defined as containers that have different dimensions or volume than a standard 55-gallon drum. Historically, the facility did not accept non-conforming steel drums, but began the practice around 2017-2019. The drums are placed on a conveyor belt and transferred to the second floor of a production warehouse, where they are gravity drained into a drip pan that feeds an open-top plastic tote on the first floor. The collected material will be pumped into closed poly totes and stored in the Central Accumulation Area. The drainage from the steel drums is managed as a hazardous waste for ignitability (D001) and the waste is also listed under waste codes F003 and F005 for solvent content. After being drained, the steel drums are triple rinsed, crushed, and managed as scrap metal.

Poly drums received at the facility are triple rinsed with a series of water baths. The poly drums are then shredded and collected into plastic totes. The shredded material is sold for recycling. Poly totes received on-site are removed from their metal cage, turned over and gravity drained. The tote heels collected are mixed with sawdust and sent off-site as a non-hazardous waste. The poly totes are then triple-rinsed and shredded for scrap. New plastic totes are purchased and brought on-site to be placed in the metal cages for sale to customers.

Wash water, once it can no longer be used, is neutralized with sodium hydroxide to keep the pH close to 7. The wash water is managed as a non-hazardous waste stream and sent off-site via tanker truck and transported to a local public treatment facility. Universal waste lamps and batteries, as well as used oil, are stored near the maintenance area and are sent off-site approximately once per year.

The site is currently operating as a Large Quantity Generator (LQG) of hazardous waste. Drainage from steel drums is managed as ignitable and F-listed hazardous waste in poly totes. Hazardous drum draining waste stored in poly totes is transferred to tanker truck and transported off-site by Lacy's Express, Inc. (NJD046555033) to Veolia ES Technical Solutions (NJD002454544) at their Middlesex, NJ facility for fuel blending. After receiving test results, furnace ash is typically managed as non-hazardous waste and transported off-site in a roll-off container by IWT Transport, Inc. (NJR986628162) to Clean Earth New Jersey (NJD991291105) in Kearny, NJ. Spent shot blast media and fines are also shipped to Clean Earth New Jersey. Tote heel is managed as non-hazardous waste and transported off-site by Republic Environmental Systems (PAD982661381) to their Hatfield, PA facility (PAD085690592). Neutralized wash water is transported off-site by WM P. McGovern, Inc. to Delcora wastewater treatment facility in Chester, PA. Veolia reportedly manages universal wastes (batteries, bulbs, used oil) for the facility on an annual basis. Paint filters are disposed of in the general trash. The facility has three central accumulation areas (CAAs) and several satellite accumulation areas (SAAs).

Kearny Steel operates under a NJDEP air major source permit.

Kearny Steel currently employs approximately 70 full-time employees. The facility operates four days a week, with one shift running from 6:30 am to 4:00 pm.

SECTION II – OBSERVATIONS

The inspection team arrived at the Kearny Steel facility in Newark on the morning of February 29th, 2024. Following the opening conference and a discussion of the facility processes, the inspection team conducted a walkthrough starting at approximately 11:30 am. The inspection team observed the steel drum refurbishing area, container unloading and staging area, non-conforming steel drum processing area, poly tote processing area, waste storage areas, and the maintenance shop. The inspection team ended the walkthrough at 1:10 pm.

All photographs taken during the walkthrough are provided in Attachment 1. The photograph numbers in this report correspond to the numbers in Attachment 1. Further details regarding each of the areas observed during the walkthrough are discussed in the sections below.

Steel Drum Refurbishing

The inspection team observed the steel drum refurbishing process areas, including furnace, shot blast units, paint booths and other equipment. During the initial processing step, the lids are removed from any closed top drums on a conveyor line. The inspection team observed this

process, and looked inside several drums as they moved past, but did not observe any drums that appeared to contain liquids or other residuals. At the entrance to the furnace, the drums are turned upside down on the conveyor line. The inspection team observed some liquid residual and ash on and beneath the conveyor line, as shown in Photograph 15. The liquid residual may originate from drums that are turned upside-down on the line. Kearny Steel personnel could not say whether the material beneath the line is cleaned at a certain frequency.



View of liquids and solids collecting beneath the conveyor line that leads into the furnace.
{Photograph 15, Attachment 1}

Adjacent to the furnace is an open-top hopper where furnace ash is collected from a baghouse. The hopper of furnace ash serves as a central accumulation area since the volume of the hopper is greater than 55 gallons. The hopper present during the walk-through was labeled as a hazardous waste with an accumulation start date of February 28, 2024, and with hazardous waste codes D001 (ignitability), F003 (spent non-halogenated solvents and solvent mixtures), and F005 (spent non-halogenated solvents). However, the potential hazard associated with the furnace ash is toxicity from chromium or lead. The hopper was not labeled with the correct

indication of the hazards of its contents. Analytical testing is performed to determine if each shipment of furnace ash is hazardous, but in the event that it is hazardous, this container would not be appropriately labeled.



View of furnace ash hopper located near the furnace. The hazardous waste label lists waste codes D001, F003, and F005, which are not accurate for the potential hazards for this waste stream. {Photograph 11, Attachment 1}

From the furnace ash hopper, the waste is transferred to another central accumulation area, where two covered roll-off containers are used to store furnace ash. The containers are stored in a covered area to prevent water from entering. Kearny Steel keeps two roll-off containers on-site so they can switch to the back-up container once the first one is filled. The roll-off container currently being filled is labeled as a hazardous waste, since the material is pending analysis, with an accumulation start date of February 20, 2024, and an indication of lead and chromium hazards (see Photographs 2 and 3, Attachment 1).

Container Unloading and Storage Area

The inspection team observed the container unloading and storage area, where drums are received and unloaded from trailers on the southeastern side of the site. A large number of containers were observed in the area, and it was unclear how long the containers had been stored there; however, facility personnel stated that the containers move quickly at the site. In

this area, the inspection team observed three different drums that did not appear to be RCRA-empty and had labeling indicative of hazardous waste. One white plastic drum was labeled as “Alcohol” with drum number “PRO-4971T-004”. Observing the drum from a few feet away, it appeared that there was approximately three inches of material in the container (Photograph 8, Attachment 1). Following the inspection, Mr. Abraham provided a statement that the drum did not actually contain liquid and was RCRA-empty, however, it was stained such that it appeared that way (Attachment 12).

One blue 55-gallon drum was labeled as “Hazardous Waste Liquid, N.O.S. (Selenium), Generator Name “Elmet Technologies””, with drum number “PRO-O0830-022” (Photograph 6, Attachment 1). The drum felt heavy, and upon opening the lid, liquid was observed in the drum, and it was not RCRA-empty (Photograph 5, Attachment 1). Additional information on this drum was provided after the inspection by the facility and it is discussed further in the document review section of this report.



View of 55-gallon drum stored in the unloading area. The label Hazardous Waste Liquid, N.O.S. (Selenium), Generator Name “Elmet Technologies””. The label indicated that hazardous waste was stored in the container and the drum was not RCRA-empty. {Photograph 6, Attachment 1}

One black 55-gallon plastic drum was observed that was labeled as a corrosive and toxic hazardous waste containing hydrochloric acid and lead, with drum number “PRO-O8874-003”

(Photograph 9, Attachment 1). The drum was very heavy when it was pushed, indicating that the container was not RCRA-empty. Additional information on this drum was provided after the inspection by the facility and it is discussed further in the document review section of this report.



View of 55-gallon drum in the drum unloading area that was labeled as hazardous waste. When the container was pushed, it felt heavy, indicating that it was not RCRA-empty. {Photograph 9, Attachment 1}

An additional 55-gallon blue plastic drum was observed in this area that was not RCRA-empty (Photograph 7, Attachment 1), however the drum did not have a lid and it had rained the night before, so that container was assumed to hold rainwater.

Non-Conforming Steel Drum Processing

The inspection team observed the area where non-conforming steel drums are processed. The drums are moved via conveyor belt to a second story balcony, where they are turned upside down on a drip pan. The drip pan gravity drains to an open-top poly tote. The drainage material is managed as hazardous waste for ignitability and F-listed solvents. Although there were drums actively being drained at the time of the inspection, the top of the poly tote was cut off, such that the container could not be closed, even when drums were not actively being drained. On

the balcony, an additional poly tote accumulating hazardous waste was observed (Photograph 23, Attachment 1). The tote was used to drain buckets or smaller containers of drainage material. The tote was not labeled as hazardous waste or with an indication of the hazards. Additionally, the container was not actively being filled, but the container was open.



View of accumulation container for hazardous drum drainage waste. The container was not labeled as hazardous waste and was open, despite no active loading occurring.

{Photograph 23, Attachment 1}

Poly Tote Processing

The inspection team observed the poly tote processing area. Any heels present in the poly totes are drained into a drip pan (Photograph 20, Attachment 1). Prior to disposal, the tote heel is mixed with sawdust and the mixture is managed as a non-hazardous waste.

Waste Storage Areas

The inspection team observed the primary CAA for the site, where totes of hazardous drum drainage material is stored before it is pumped into a tanker truck for off-site storage. During

the inspection, nine full totes of hazardous waste were observed, with the earliest accumulation date listed as January 26, 2024.

Maintenance Shop

The inspection team observed the maintenance shop, where minor maintenance is performed on delivery trucks and other mobile equipment. Outside of the maintenance shop, one used oil and one used antifreeze tote was observed. Both totes were labeled as to their contents. Adjacent to the used antifreeze tote was at least four used lead-acid batteries, which were not properly labeled (Photograph 29, Attachment 1).



View of used antifreeze, used oil and used batteries, stored adjacent to the maintenance shop.
The used batteries are not labeled.
{Photograph 29, Attachment 1}

Records Review

The inspection team reviewed the following compliance documents as part of the records review:

Contingency Plan and Quick Response Guide: In response to a request to provide the Contingency Plan, Kearny Steel provided a copy of their Emergency Action Plan (EAP) and Spill

Prevention Plan (SPP), which also includes emergency response procedures. Both plans are dated April 3, 2023, as the review date. The EAP and SPP are provided as Attachment 2. Additionally, the facility provided a copy of their Quick Reference Guide, which is undated. The Quick Reference Guide is included as Attachment 3.

The EAP provides lists of key management personnel and indicates that the EHS Director is the Plan Administrator. The EAP also states that “Musy Abraham – EHS Director has the full authority to decide to implement the EAP if he believes an emergency might threaten human health”. The SPP states that the emergency response coordinator should be contacted in the event of a spill of less than 10 gallons and indicates that the “Facility Manager” fills this role. The Quick Reference Guide provides four names of individuals who can serve as the emergency coordinator. In the EAP, these individuals are referenced as having roles as the “President”, “Vice President”, “Operations Manager” and “EHS Director”, but no one is listed at the “Facility Manager”. The EAP does not clearly indicate who the emergency coordinators are for the facility and who is the primary emergency coordinator, and the information presented in the SPP and Quick Reference Guide about who fills the role of emergency coordinators is conflicting.

Additionally, The EAP includes a list of emergency equipment and support including fire extinguishers, manual pull-box fire alarms, water hoses, eye wash stations, first aid kits, spill containment kits and PPE, however the Plan does not include the location of these items or an outline of its capabilities.

The Quick Reference Guide does not identify on-site notification systems such as fire alarms.

The inspection team also requested documentation that the latest versions of the Contingency Plan and Quick Reference Guide has been submitted to local emergency responders. Kearny Steel provided several copies of certified mail receipts for various submissions to local agencies; however, it is not clear what information was provided in these submissions. Kearny Steel provided a certified mail receipt from November 2020 submitted to the City of Newark Department of Public Safety. Certified mail receipts from January 2024 submitted to the City of Newark Office of Hazmat, Essex County Department of Health and Rehabilitation and Newark Police Department were also provided by Kearny Steel and labeled as “Proof Emergency Coordinators”. Kearny Steel also provided email correspondence documenting the submission of the “KSC Emergency Evac for Explosion” and “KSC Emergency Evac for Fire” to the Newark Fire Department on December 18, 2018. Additionally, the SPP dated 3/31/2022 and the EAP dated 12/19/2022 were submitted to the City of Newark Office of Hazmat on December 28, 2022. Since the facility did not document what information was provided with the certified mail receipts, it appears that Kearny Steel has not submitted their EAP and SPP, which reportedly serve as their contingency plans, since 2022 to the Fire Department (same organization as the City of Newark Office of Hazmat). Additionally, there is no documentation that the Quick Reference Guide has ever been submitted to local emergency responders. Copies of the

documentation of the submission of the facility's contingency plan to local emergency responders is provided as Attachment 4.

Training Records: Kearny Steel provided the sign-in sheets for the annual RCRA hazardous waste training for the past three years. Trainings were conducted on February 26, 2021, April 12, 2022 and April 18, 2023. The training sign-in sheets are provided as Attachment 5.

Safety Data Sheets for Paints: Kearny Steel provided SDS sheets for 21 paints used in paint booths at the facility to coat drums. TK-40193, TK-40194, TK-40557, TK-40564, TK-40603, TK-40763 contain n-butyl alcohol and 407-21-R24 and 117-21-C34 contain isobutanol, F-listed solvents. However, these constituents are part of the paint formulation and not just a solvent mixture. None of the paints are listed as ignitable based on their SDSs. Safety data sheets are included as Attachment 6.

Waste Profiles: Kearny Steel provided the current waste profiles for the "Flammable Still Bottoms/Sludge" dated February 7, 2024, Furnace Ash dated 10/27/2023 and "IBC Tote Heel" dated May 12, 2023. The Flammable Still Bottoms profile indicates that hazardous waste codes D001 (ignitability), F003 and F005 (listed solvent waste) are applicable. The composition of the waste stream is indicated as containing acetone, ethyl acetate, alcohol, methanol, toluene, and solvent sludge, each at 10-25% concentration by weight and the flash point is listed as less than 80 degrees Fahrenheit.

The profile for the Furnace Ash is indicated as non-hazardous and RCRA metals for toxicity are listed as below the regulatory limit based on generator knowledge.

The profile for the non-hazardous IBC Tote Heel waste stream indicates that the waste is comprised of inorganic solids, the pH is between 4 and 10 and the flash point is higher than 200 degrees Fahrenheit. Waste profiles are provided at Attachment 7.

Waste Analytical: Analytical testing for the furnace ash, tote heel, ignitable waste, and paint filters. Furnace ash testing from February 2024 and September 2016 were reviewed. In the February 2024 sample, lead was detected at 3.41 parts per million (ppm), which is below the toxicity threshold for hazardous waste of 5 mg/L. Additionally, the pH was measured to be 10.5 and the low positive result for oxidizers was returned. The inspection team requested additional information on the oxidizer test. Kearny Steel provided an email from a representative of their waste hauler, Clean Earth, who stated that the test that had a positive result was a screening test, and subsequently a more accurate oxidizer test was run and it was determined that no oxidizers were present.

Analytical testing of the tote heel waste stream from February 2020 had detections of 1,1,1-trichloroethane at 730 ppm and cis-1,3-dichloropropene at 51,346 ppm. 1,1,1-Trichloroethane is an F-listed solvent, and it is unknown what the source of this material is in the waste stream.

Kearny Steel provided the lab testing from August 2024 to January 2024, which Veolia performs on each waste shipment for acceptance of the hazardous ignitable waste. The tests include pH, specific gravity, percent water, non-volatile residue and solubility. The inspection team requested analytical testing or other documentation to support the development of the hazardous ignitable waste profile and the hazardous waste codes that were assigned however, this information was not provided.

Analytical testing on the paint booth filters for both painting lines was provided, including TCLP for RCRA metals, pH, reactivity, and ignitability. Testing was conducted in November 2017. It is unknown if the facility has made significant changes in the paints utilized at the facility since this time. Based on the results, the paint filters do not appear to meet the criteria for a characteristic hazardous waste.

Analytical testing for waste streams is included as Attachment 8.

Manifests: The inspection team reviewed hazardous and non-hazardous waste manifests provided by Kearny Steel and viewed on RCRAInfo. The ignitable waste is transferred by Lacy's Express, Inc. (NJD046555033) to Veolia ES Technical Solutions (NJD002454544) at their Middlesex, NJ facility. Ignitable waste stored in totes at Kearny Steel is transferred to a tanker truck for transport off-site, with approximately 5,000 gallons shipped one or twice a month. The waste is transferred to a fuel blending facility.

Furnace ash is managed as non-hazardous waste and transported off-site in a roll-off container by IWT Transport, Inc. (NJR986628162) to Clean Earth New Jersey (NJD991291105) in Kearny, NJ. Tote heel is managed as non-hazardous waste and transported off-site by Republic Environmental Systems (PAD982661381) to their Hatfield, PA facility (PAD085690592). Example manifests are provided in Attachment 9.

Weekly CAA Inspections: Kearny Steel provided their year-to-date weekly CAA inspection log for the area where ignitable waste totes are stored at the facility. Additionally, the inspection team obtained an example of one of the furnace ash weekly CAA inspections. As the furnace ash is assumed to potentially be hazardous until analytical testing is received to confirm, Kearny Steel conducts weekly inspections on the roll-off containers of furnace ash. Weekly inspection records are provided as Attachment 10.

Empty Container Certification: Kearny Steel provided the "Empty Container Certification" that all customers sign and certify stating that all containers delivered are "empty" as defined by 40 CFR 261.7 and have properly been prepared for transportation under 49 CFR 173.29. Additionally, the certification states that to be considered empty, a container under 119 gallons must be "drip dry", such that no material could be poured out of the container. Containers that previously held P-listed, acutely hazardous materials are accepted at the site, provided that the

container has been triple rinsed. A copy of the customer certification is provided as Attachment 11.

Testing for Containers Observed During Inspection: The inspection team observed three containers from customers during the site inspection that did not appear to be RCRA empty and were labeled to indicate that the contents could be hazardous. In response to a request from the inspection team, Kearny Steel provided additional information on these containers. The facility stated that each of the three containers had been brought to the site within five days of the inspection, however, additional information or a means to document the timing was not provided. Kearny Steel confirmed that one drum labeled as “Alcohol” was truly RCRA-empty, and that the container appeared to be full due to staining on the drum. For two other containers that were labeled as hazardous waste and were not RCRA-empty, Kearny Steel tested the contents of each container for RCRA metals, pH and ignitability. Although these two containers were not RCRA-empty, these tests indicated that the materials were not hazardous. Each container was reportedly triple-rinsed and shredded. The test results and other information from Kearny Steel on these three drums are provided as Attachment 12.

SECTION III – AREAS OF CONCERN

The presentation of areas of concern does not constitute a formal compliance determination or violation.

Regulatory Concerns

1. 40 CFR 265.173(a), as referenced by 40 CFR 262.34(a)(1)(i), states “a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste”. The inspection team observed a poly tote used to accumulate hazardous drum drainage waste on the balcony where steel drums are drained. The top of the poly tote was cut off, such that it was open even when waste was not actively being added or removed (see Photograph 23, Attachment 1). Additionally, the inspection team observed an open poly tote that was used to accumulate by gravity draining hazardous drum drainage waste outside of the poly container and off-spec steel drum processing building. The top of the poly tote was completely cut off, such that it was open even when waste was not actively being added or removed (see Photograph 19, Attachment 1). Also, the furnace ash hopper, which is the accumulation container of furnace ash prior to transfer to a roll-off container, was open-top (see Photograph 11, Attachment 1).
2. Pursuant to 40 CFR 262.34(a)(3), while being accumulated on-site, each container and tank must be clearly labeled or marked with the words “Hazardous Waste”. The inspection team observed a poly tote used to accumulate hazardous drum drainage waste on the balcony where steel drums are drained. The tote was not labeled as “hazardous waste” (see Photograph 23, Attachment 1).
3. 40 CFR 273.14 states that “universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any of the

following phrases: “Universal Waste – Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies)”. The inspection team observed waste batteries stored in an exterior area adjacent to the maintenance shop that were not properly labeled.

4. 40 CFR 265.52(d), as referenced by 40 CFR 262.34(a)(4), states that “the [contingency] plan must list names and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility as alternates. The EAP and SPP were provided to represent Kearny Steel’s Contingency Plan (see Attachment 2). The EAP does not clearly indicate who the emergency coordinators are for the facility and who is the primary emergency coordinator, and the information presented in the SPP and Quick Reference Guide about who fills the role of emergency coordinators is conflicting.
5. 40 CFR 265.52(e), as referenced by 40 CFR 262.34(a)(4), states that “the 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 plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities”. The facility’s EAP includes a list of emergency equipment and support including fire extinguishers, manual pull-box fire alarms, water hoses, eye wash stations, first aid kits, spill containment kits and PPE, however the Plan does not include the location of these items or an outline of their capabilities.
6. 40 CFR 265.53(b), as referenced by 40 CFR 262.34(a)(4), states that “the large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders”. 40 CFR 262.262(a) states that “the large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders”. Kearny Steel provided several copies of certified mail receipts for various submissions to local agencies; however, it is not clear what information was provided in these submissions (see Attachment 4). Since the facility did not document what information was provided with the certified mail receipts, it appears that Kearny Steel has not submitted their EAP and SPP, which reportedly serve as their contingency plans, since 2022 to the Fire Department (same organization as the City of Newark Office of Hazmat).
7. 40 CFR 262.11 states that “a person who generates solid waste, as defined in 40 CFR 261.2 must make an accurate determination as to whether that waste is a hazardous waste in order to ensure waste are properly managed according to applicable RCRA regulations”. The inspection team reviewed analytical testing of the tote heel waste stream from February 2020, which had a detection of 1,1,1-trichloroethane at 730 ppm. 1,1,1-Trichloroethane is an F-listed solvent, and as such the facility should evaluate if the tote heel waste stream qualifies as a listed hazardous waste.

8. 40 CFR 262.11(d) states that “The person then must also determine whether the waste exhibits one or more hazardous characteristics as identified in subpart C of 40 CFR part 261 by following the procedures in paragraph (d)(1) or (2) of this section, or a combination of both”. The inspection team requested the analytical testing or generator’s knowledge that was used to develop the waste profile and assign the D001, F003 and F005 waste codes to the hazardous drum drainage waste. Kearny Steel provided some fingerprint analyses that are performed on each shipment of the waste, but what is tested is extremely limited. Kearny Steel has not maintained adequate information to document their waste determination of the drum drainage waste.

Non-Regulatory Concerns

1. Kearny Steel requires customers to sign an “Empty Container Certification” to certify that the containers sent to the facility meet the requirements in 40 CFR 261.7 and are RCRA-empty (see Attachment 11). Facility personnel stated that they have a process to identify any containers that are not RCRA-empty to return them to their customers. During the site inspection, the inspection team observed two drums that were not RCRA-empty and were labeled as hazardous waste in the drum unloading area (see Photographs 5, 6, and 9). Although analytical testing conducted by the facility on the contents of these drums reportedly indicated the materials were not hazardous wastes (see Attachment 12), employees had not flagged these drums as non-RCRA-empty containers for return to their customers.
2. The following concerns related to EPA’s 2016 Hazardous Waste Generator Improvement Rule were identified. The State of New Jersey has adopted these regulations but has not yet been authorized by EPA to implement them. Kearny Steel should be aware the State of New Jersey may seek enforce the following requirements against it and which are currently unenforceable at the federal level for the aforementioned reason:
 - a. 40 CFR 262.17(a)(5)(i)(B) states that “a large quantity generator must mark or label its containers with... an indication of the hazards of the contents...”. The inspection team observed a hopper of furnace ash that was not labeled with the correct indication of the hazards of its contents. The label on the drum showed hazardous waste codes D001 (ignitability), F003 (spent non-halogenated solvents and solvent mixtures), and F005 (non-halogenated solvent mixtures) (see Photograph 11, Attachment 1). However, based on statements from facility personnel about how this waste was historically manifested and the labeling on other furnace ash containers, the potential hazard associated with this waste is toxicity from chromium and lead.
 - b. 40 CFR 262.262(b)(7) states that “the quick reference guide must include the following elements...the identification of on-site notification systems (*e.g.*, a fire alarm that rings off site, smoke alarms)”. Kearny Steel’s Quick Reference Guide does not identify on-site notification systems such as fire alarms.

- c. 40 CFR 262.262(b) states that “a large quantity generator that first becomes subject to these provisions after May 30, 2017, or a large quantity generator 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...”. Kearny Steel provided several copies of certified mail receipts for various submissions to local agencies; however, it is not clear what information was provided in these submissions (see Attachment 4). There is no documentation that Kearny Steel’s Quick Reference Guide has ever been submitted to local emergency responders.

Closing Conference

The closing conference took place on February 29, 2024, at approximately 2:00 pm. Attending from the facility were Michael Verzaleno, Musy Abraham and Craig Goodman. Inspector McKeown was in attendance for the closing conference. Inspector McKeown discussed preliminary areas of concern and reviewed the list of documents requested by the inspection team as follow-up to the inspection. The closing meeting ended at approximately 2:30 pm on February 29, 2024.

List of Attachments

These attachments are referenced throughout this report:

- Attachment 1: Photolog
- Attachment 2: Emergency Action Plan and Spill Prevention Plan
- Attachment 3: Quick Reference Guide
- Attachment 4: Contingency Plan Submission Documentation
- Attachment 5: Training Records
- Attachment 6: Paint SDSs
- Attachment 7: Waste Profiles
- Attachment 8: Waste Testing
- Attachment 9: Waste Manifests
- Attachment 10: CAA Weekly Inspection Records
- Attachment 11: Empty Drum Certification
- Attachment 12: Testing for Containers Observed During Inspection

Post-Inspection Facility Correspondence

Following the inspection, ERG provided a file transfer protocol (FTP) link to Kearny Steel to allow them to upload pending documents requested during the inspection. Documents were uploaded by the facility, with the final documents uploaded on March 22, 2024.

Attachment 01

Photographic Log

Attachment 02

Emergency Action Plan and Spill Prevention Plan

Attachment 03

Quick Reference Guide

Attachment 04

Contingency Plan Submission Documentation

Attachment 05

Training Records

Attachment 06

Paint Safety Data Sheets

Attachment 07

Waste Profiles

Attachment 08

Waste Testing

Attachment 09

Waste Manifests

Attachment 10

CAA Weekly Inspection Records

Attachment 11

Empty Drum Certification

Attachment 12

Testing for Containers Observed During Inspection