



## REGION 2

NEW YORK, N.Y. 10007

November 21, 2024

### SENT VIA EMAIL – REQUEST DELIVERY RECEIPT CONFIRMATION

[RNapier@vinelandcity.org](mailto:RNapier@vinelandcity.org)

Robert A. Napier, PE, Superintendent of Electric Distribution  
Electric Distribution Division  
Vineland Municipal Electric Utility  
415 NW Ave, Vineland, NJ 08360

**Re: Notice of Violation  
RCRA 3007 Information Request  
Vineland Municipal Electric Utility  
EPA ID # NJD000558155**

Dear Superintendent Napier:

The United States Environmental Protection Agency (EPA) is charged with the protection of health and the environment under Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. § § 6901, 6928.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 Code of Federal Regulations (C.F.R.) Parts 260-272. For the purposes of this Notice of Violation and Information Request, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

On or about April 17, 2024, a duly authorized representative of EPA conducted an inspection of Vineland Municipal Electric Utility facility (hereafter referred to as the "facility"), located at 415 NW Ave, Vineland, NJ 08360. This inspection was performed pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to evaluate your compliance with RCRA.

The State of New Jersey is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New Jersey.

Enclosed you will find copies of the inspection report prepared by the authorized EPA representative (Enclosure I). The Regulatory Concerns detailed in Section III of the inspection report, titled Areas of Concern, have been incorporated, in part, into the Notice of Violation (NOV) portion of this letter, contained in Enclosure II, which is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. § § 6901 and 6928. Issuance of this Notice of Violation and compliance with its terms do not preclude EPA from taking any other formal enforcement action against you and/or your company under Section 3008 of RCRA, 42 U.S.C. § § 6901 and 6928, or any other applicable regulation or statute.

New Jersey's hazardous waste regulations are found at N.J.A.C. 7:26G-1 et seq., adopted October 21, 1996, and announced at 28 NJR 4606. By this adoption, the Department "incorporated by reference" (with limited exception) the July 1, 1993, version of the Federal hazardous waste regulations at 40 CFR Parts 124, 260-266, 268 and 270, mandated by the Resource Conservation and Recovery Act of 1976 (RCRA) and amended by the 1984 Hazardous and Solid Waste Amendments (HSWA). Effective January 19, 1999, the Department amended the regulations to allow for prospective incorporation by reference, which means that all provisions of 40 CFR Parts 124, 260-266, 268 and 270 incorporated by reference are continually automatically updated in order to maintain consistency with the most current Federal rules.

If you have not already done so, you must take immediate action to correct the violations described in the NOV portion of this letter, contained in Enclosure II. Please submit within thirty (30) calendar days of receipt of this Notice of Violation, a response for each regulatory concern as specified in Enclosure II.

Also enclosed is a request for additional information (Enclosure III) pertaining to the management of hazardous waste at the facility. The request for information is made pursuant to the provisions of Section 3007, 42 U.S.C. § 6927, which requires that you provide the information requested in Enclosure III to this letter using the instructions and definitions included in Enclosure IV. This information is required to evaluate the full regulatory and compliance status of the facility. The information requested in Enclosure III must be submitted no later than thirty (30) calendar days from receipt of this letter. The response must include the Certification of Answers (Enclosure V) which must be signed by a responsible official or agent of your organization.

Requests for additional time to provide this information must be justified and made within ten (10) calendar days of receipt of this letter.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. Please also note that any information you provide may be used in an administrative, civil judicial, or criminal action. This information request is not subject to the requirements of the Paperwork Reduction Act (PRA) as amended, 44 U.S.C. § 3501 et seq.

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. This claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential". The claim should

set forth the information requested in 40 C.F.R. § 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. If you contend that some or all of the submitted information is entitled to confidential treatment, specify which portions of the information you consider confidential. For each item or class of information that you identify as being subject to your claim, please answer the questions in Enclosure VI, giving as much detail as possible. Please note that you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination.

The response to this letter with the signed Certification of Answers (Enclosure IV) must be emailed to Plossl.Carl@epa.gov or mailed to the following addressee:

Carl Plössl, Senior Enforcement Specialist  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency - Region 2  
290 Broadway, 21st floor  
New York, New York 10007-1866

Failure to respond in full to this request for information is a violation of RCRA Section 3007 and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Such penalties may be up to \$52,752 per day per violation.

If you have any questions regarding this matter, please contact Mr. Carl Plössl at (212) 637-4088 or Plossl.Carl@epa.gov.

Sincerely,

**LEONARD  
VOO**

Digitally signed by  
LEONARD VOO  
Date: 2024.11.21 17:37:33  
-05'00'

Leonard Voo, Manager  
RCRA Compliance Branch  
Enforcement and Compliance Assurance Division

Enclosure I - Inspection Report  
Enclosure II - Notice of Violation  
Enclosure II - Information Request  
Enclosure IV - Instructions and Definitions  
Enclosure V - Certification of Answers  
Enclosure VI - Substantiation of Confidential Business Information Claim

cc: [Robert.Gomez@dep.nj.gov](mailto:Robert.Gomez@dep.nj.gov)

**Enclosure I**  
**Inspection Report**  
**Vineland Municipal Electric Utility**

A copy of the EPA's April 17, 2024, Inspection Report was emailed to you on June 25, 2024. A second copy is attached to this email.

**Enclosure II**  
**Notice of Violation**  
**Vineland Municipal Electric Utility**

On or about April 17, 2024, a duly authorized representative of EPA conducted an inspection of Vineland Municipal Electric Utility facility, located at 415 NW Ave, Vineland, NJ 08360. This inspection was performed pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to evaluate your compliance with RCRA. At the time of the inspection, your facility was found to be out of compliance with certain hazardous and universal waste regulations.

The following specific violations were among those observed:

Waste Determination

1. 40 C.F.R. § 262.11. A person who generates a 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 wastes are properly managed according to applicable RCRA regulations. At the time of the inspection, no hazardous waste determination had been made on the following wastes:
  - a. The welding gas cylinders/tanks (described by facility personnel as “bad”), stored behind warehouse in the newly constructed used oil, other wastes, and material storage building.
  - b. The soil contaminated with transformer oils, stored in the newly constructed used oil, other wastes, and material storage building.
  - c. Spent parts washer solvents (based on likely contamination by chlorinated spray solvents in regular use in the vehicle storage/maintenance area).
  - d. Spent aerosol cans.
  - e. Spent hazardous waste lamps, located during the inspection in an open roll-off/dumpster, were managed and designated for disposal as non-hazardous scrap metal.

Used Oil

2. 40 C.F.R. § 279.22(c)(1), Container Management: Used oil containers and tanks must be labeled as “Used Oil”.

Used oil was being accumulated in containers without being labeled as “Used Oil” in the vehicle storage/maintenance area.

Universal Waste

3. 40 C.F.R. § 273.15(c), General Requirements: Must demonstrate the length of time that the universal waste has been accumulated.

Used battery and waste lamp containers lacked an indication of their length of accumulation.

4. 40 C.F.R. § 273.13(d)(1), Lamps: 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.

Some universal waste lamps were not stored in containers. Others were stored in open containers.

5. 40 C.F.R. § 273.14(e), Labeling/marking: 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).

Universal waste lamps were stored in unlabeled containers.

6. 40 C.F.R. § 273.14(a), Labeling/marking: Individual batteries or their containers must be labeled "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)"-273.14(a).

Waste batteries were stored in unlabeled containers.

7. 40 C.F.R. § 273.16, General Requirements: Must train employees responsible for management of universal waste in proper handling and emergency procedures.

Employees responsible for management of universal waste were not trained in proper handling.

**Enclosure III  
Request for Information  
Vineland Municipal Electric Utility**

1. For each of the violations cited in the above Notice of Violation (Enclosure II), please provide:
  - a. a description of the actions taken to correct the violation, and documentation such as operating records, photographs (where applicable), etc., verifying that each violation has been corrected; or
  - b. a rebuttal of the violation, including any documentation supporting your contention that the violation did not exist at the time of the inspection.
2. Provide clear, readable copies of all manifests, land restriction disposal (LDR) forms, process source, and any associated waste analyses for all hazardous waste shipments from the facility from January 1, 2023, through the present, including:

Manifest Date	Waste Qty	Units	Waste (kg)	Waste Codes	TSDf ID	MTN*
12/15/2023	9,200	Pounds	4,173	D001 D008 D018 D039	OHD066060609	024947263JJK
9/11/2023	20	Pounds	9	D001 D002	OHD066060609	024947230JJK
9/11/2023	250	Pounds	113	D001 D007	OHD066060609	024947230JJK
9/11/2023	110	Pounds	50	D002	OHD066060609	024947230JJK
9/11/2023	40	Pounds	18	D005 D011 D040 U226	OHD066060609	024947230JJK
9/11/2023	2,000	Pounds	907	U228	OHD066060609	024947230JJK
8/28/2023	800	Pounds	363	D007	OHD066060609	024947230JJK
8/28/2023	10	Pounds	5	D001	OHD066060609	024947175JJK
8/28/2023	10	Pounds	5	D001 D003	OHD066060609	024947175JJK
8/28/2023	10	Pounds	5	D001 D007	OHD066060609	024947175JJK
8/28/2023	305	Pounds	138	D002	OHD066060609	024947175JJK
8/28/2023	2	Pounds	1	D003 P098	OHD066060609	024947175JJK
5/30/2023	453	Pounds	205	D002 D008	PAD987367216	025305017JJK
5/10/2023	140	Pounds	64	D018	NJD002200046	025123346JJK
5/10/2023	800	Pounds	363	D018	NJD002200046	025123347JJK
4/24/2023	2,102	Pounds	953	D002 D008	PAD987367216	025307657JJK

3. Provide a copy of the facility contingency plan in effect on December 1, 2023 (as per 40 C.F.R. § 262.260(a)).
4. Provide a list and description of all other Vineland Municipal Electric Utility facilities that generate hazardous wastes, including universal wastes. Include for each facility: the facility's RCRA Identification Number (if any), address, contact personnel (including names, titles, phone numbers, and email addresses), a brief description of the facility and its functions, and the types, quantities accumulated, and monthly rate of generation of each hazardous and universal waste and a description of how each waste is managed and disposed of.

## Enclosure IV Instructions and Definitions

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the Vineland Municipal Electric Utility. The signatory must sign the attached Certification of Answers (Enclosure V) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Information Request. Identify each answer with the corresponding question number in Enclosure III.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number or letter of the question in Attachment III to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The facility, for the purposes of this Request for Information, is the Vineland Municipal Electric Utility.
11. A hazardous waste generator is defined, for the purposes of this Request for Information, as any person (which includes this facility) whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
12. *Hazardous waste* is defined, for the purposes of this Request for Information, as it is defined in Section 1004(5) of RCRA, as amended, 42 USC Part 6903(5).
13. *Manage* is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.
14. *Battery and Lamp* are defined, for the purposes of this Request for Information, as defined in 40 C.F.R. § 273.9.

15. *Universal Waste* and *Universal Waste Handler* are defined, for the purposes of this Request for Information, as defined in 40 C.F.R. § 273.9.
16. *Used Oil* is defined, for the purposes of this Request for Information, as defined in 40 C.F.R. § 279.1.

**Enclosure V**  
**Certification of Answers**  
**Vineland Municipal Electric Utility**

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**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Notice of Violation, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE

**Enclosure VI**  
**Substantiation of Confidential Business Information Claim**  
**Vineland Municipal Electric Utility**

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1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to Question 1, immediately above?
3. What measures have you taken to protect the information claimed as confidential and to guard against undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has EPA or any other governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to result in substantial harmful effects on the business or to its competitive position. Explain the specific nature of those harmful effects; why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.