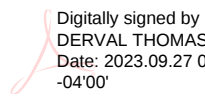


## RCRA Compliance Branch INSPECTION REPORT

|                                                             |                                                                                                                                                                                |                                 |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Inspection Date(s):</b>                                  | 7/20/2023                                                                                                                                                                      | <b>Inspection Announced:</b> No |
| <b>Facility or Site Name:</b>                               | West Virginia Paint and Tank Co.                                                                                                                                               |                                 |
| <b>Facility/Site Physical Location:</b>                     | 71 Cutters Dock Road                                                                                                                                                           |                                 |
| <b>(City, state, zip code)</b>                              | Woodbridge Township, NJ 07095                                                                                                                                                  |                                 |
| <b>Mailing address (if different from above):</b>           | 1051 Paulison Ave, Clifton, NJ 07011                                                                                                                                           |                                 |
| <b>Facility/Site Contact:</b>                               | David M. Kopala<br><a href="mailto:davidkopala@wvapaint.com">davidkopala@wvapaint.com</a><br>(800) 982 – 6565; (973) 772- 6565                                                 | OSHA trainer                    |
| <b>RCRA ID Number:</b>                                      | NJR000073163                                                                                                                                                                   |                                 |
| <b>Facility/Site Personnel Participating in Inspection:</b> |                                                                                                                                                                                |                                 |
| David M. Kopala                                             | See above                                                                                                                                                                      | See above                       |
| Mike Yeneic                                                 | Facilities Manager                                                                                                                                                             | (862) 221- 0044                 |
| Adrin Cardona                                               | Truck Driver                                                                                                                                                                   |                                 |
| <b>Inspector:</b>                                           |                                                                                                                                                                                |                                 |
| Areeba Khan                                                 | AREEBA KHAN<br><br>Digitally signed by AREEBA KHAN<br>Date: 2023.09.27 09:07:00 -04'00'     |                                 |
| <b>Supervisor:</b>                                          |                                                                                                                                                                                |                                 |
| Derval Thomas                                               | DERVAL THOMAS<br><br>Digitally signed by Derval THOMAS<br>Date: 2023.09.27 09:48:58 -04'00' |                                 |

### SECTION I – INTRODUCTION

#### Purpose of the Inspection Objective

The purpose of the inspection was to perform a Resource Conservation and Recovery Act (RCRA) comprehensive evaluation inspection (CEI) at this facility. The inspection was conducted by EPA RCRA inspector Areeba Khan.

#### Opening Conference

EPA Region 2 RCRA inspector Areeba Khan arrived at West Virginia Paint Corporation on July 20, 2023, for an unannounced inspection. I walked into the facility, and no one was inside the

facility. I called the facility main branch in Clifton, NJ and let them know I was on site. The receptionist over the phone explained that the employees are on the road and will meet with me shortly. An hour later, I met with David M. Kopala the OSHA trainer, Mike Yeneic the facilities manager, Adrin Cardona a truck driver in front of the facility. I presented my credentials to Mr. Kopala, Mr. Yeneic, and Mr. Cardona; and informed them that this was an EPA inspection to determine the facility's compliance with RCRA regulations. The scope of the inspection was to conduct a compliance evaluation inspection (CEI).

### **Facility/Site Description**

West Virginia Paint and Tank is an industrial painting and tank lining service located in New Jersey. The facility's main branch is located in Clifton, NJ. The location I went to was their storage facility in Woodbridge Township, NJ. This location is used to store their paints and equipment used by the facility paint crew members on their contracted site jobs. The crew members travel to different parts of the United States of America to work on tank lining projects. The paints are stored in trailers which are then attached to trucks which are taken to contract job sites. The hazardous waste generated at the facility is used epoxy paints. The hazardous waste is stored in 55-gallon drum. Hazardous waste at the facility is picked up by Ross Transportation Services every 6 months. After review of the manifest information and statements made by the facility representatives, the facility was determined to be a Small Quantity Generator (SQG) of hazardous waste at the time of the inspection. The facility does not generate universal waste.

## **SECTION II – OBSERVATIONS**

### Central Storage Area

For the Central Storage Area, the following was observed:

- One 55-gallon drum filled with of hazardous waste with no label or date. The facility representatives put a label with date in front of me.
- One 55-gallon drum being filled with hazardous waste with no label and no accumulation date.
- No signage stating this was a hazardous waste area. The facility representatives stated that there were no signs because the containers were outdoors.
- Fire Extinguisher
- No weekly inspections
- No phone numbers in the central storage area
- The facility representatives stated that depending on how much paints are left over in the container they would either put the paint into a 55-gallon drum. Or if the paint container is half or less full, they would mix the paint with a hardener and let it harden outside. Once the paint is hardened, they put it into a 20-yard dumpster that goes to Coventa. The

facility representative showed me the paint buckets with the paint dried up. At the time of the inspection there were two 5-gallon hardened paint buckets.

### Records Review

- Basic Plan

At the time of the inspection, there was no plan in place.

- Manifests and Land Disposal Restrictions

At the time of the inspection, there was no manifests record on site. The facility representatives stated that all their manifest records are in the main office. The facility representatives stated that they will follow up with the manifest records.

- Personnel Training

At the time of the inspection, there was no personal training record. The facility representatives stated that all of their personnel training records are in the main office. The facility representatives stated that they will follow up with the training records.

- Arrangement with Local Authority

At the time of the inspection, the facility only had made arrangement with the local fire department and not with the local police or local hospital. The facility representatives stated that they will follow up with the arrangements with local authority.

## **SECTION III – AREAS OF CONCERN**

### Regulatory Concerns

1. Pursuant to 40 C.F.R § 262.34(a)(3), as incorporated by N.J.A.C 7:26G-6.1, while being accumulated on-site, each container and tank is labeled or marked clearly with the words, “Hazardous Waste.”

At the time of the inspection, there were two 55-gallon drum of hazardous waste that did not have a hazardous waste label. The facility representatives put a label in front of me on one of the drums that was full.

2. Pursuant to 40 C.F.R § 262.34(a)(2), as incorporated by N.J.A.C 7:26G-6.1, the generator must mark or label its containers with the following: the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
  - a. At the time of the inspection, there was one full 55-gallon drum of hazardous waste with no accumulation start date. The facility representatives put the date on the label in front of me.

- b. At the time of the inspection, there was one 55-gallon drum being filled with no accumulation start date.
3. Pursuant to 40 CFR 262.16(b)(9)(iii), as incorporated by N.J.A.C 7:26G-6.1, the small quantity generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

At the time of the inspection, there was no personal training record. The facility representatives stated that they all get annual trainings according to DOT regulations and that their personal training records are in the main office. The facility representatives stated that they will follow up with the training records.

On July 21, 2023, Mr. Kopala followed up in an email regarding the area of concerns. The email included documents demonstrating compliance with this concern.

4. Pursuant to 40 C.F.R § 264.37(a) (1 and 4), as incorporated by N.J.A.C 7:26G-6.1, the small quantity generator must attempt to make arrangements with the local police department, fire department, other emergency response teams and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility.

At the time of the inspection, the facility only had an arrangement with the local fire department and not with the local police or local hospital. The facility representatives stated that they will follow up with the arrangements with local authority.

5. Pursuant to 40 C.F.R § 265.174, as incorporated by N.J.A.C 7:26G-6.1, the owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

At the time of the inspection, there was no weekly inspections conducted.

6. 40 CFR 270.1(c): *Scope of the RCRA permit requirement.* RCRA requires a permit for the “treatment,” “storage,” and “disposal” of any “hazardous waste” as identified or listed in 40 CFR part 261. The terms “treatment,” “storage,” “disposal,” and “hazardous waste” are defined in § 270.2. Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit. Owners and operators of surface impoundments, landfills, land treatment units, and waste pile units that received waste after July 26, 1982, or that certified closure (according to § 265.115 of this chapter) after January 26, 1983, must have post-closure permits, unless they demonstrate closure by removal or decontamination as provided under § 270.1(c)(5) and (6), or obtain an enforceable document in lieu of a post-closure permit, as provided under paragraph (c)(7) of this section. If a post-closure permit is required, the permit must

address applicable 40 CFR part 264 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements of this chapter. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

The facility representatives stated depending on how much paints are left over in the container they would either put the paint into the 55-gallon drum. Or if the paint container is half or less full, they would mix the remaining paint with a paint hardener and let it harden outside. Once the paint is hardened, they put it into a 20-yard dumpster that goes to Coventra. At the time of the inspection, the facility representative showed me two paint buckets with hardened paint.

7. Pursuant to 40 C.F.R § 262.34(d)(5)(ii)(A)(C), as incorporated by N.J.A.C 7:26G-6.1, the generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: (A) The name and telephone number of the emergency coordinator; (C) The telephone number of the fire department, unless the facility has a direct alarm.

At the time of the inspection, there were no name and telephone numbers of the emergency coordinator, and no telephone number of the fire department near central storage area.

8. Pursuant to 40 C.F.R § 262.40(a), as incorporated by N.J.A.C 7:26G-6.1, A generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

At the time of the inspection, there was no manifests record on site. The facility representatives stated that all their manifest records are in the main office. The facility representatives stated that they will follow up with the manifest records.

On July 26, 2023, Mr. Kopala followed up in an email regarding this area of concerns. The email included documents demonstrating compliance with this concern.

#### General Concerns

Hazardous waste signage was not observed in the hazardous waste storage area.

## **Closing Conference**

The closing conference was conducted by EPA inspector Areeba Khan and the facility representatives David M. Kopala the OSHA trainer, Mike Yeneic the Facilities Manager and Adrin Cardona the truck driver. Inspector Khan explained to the facility representative the areas of concerns. The facility representatives stated that they will follow up and tend to the areas of concern immediately.