



REGION 2

NEW YORK, N.Y. 10007

October 9, 2024

SENT VIA EMAIL – REQUEST DELIVERY RECEIPT

mike.verzaleno@kearnysteel.com

Mr. Michael Verzaleno
Facility Owner
Kearny Steel Container Corporation
401 South Street
Newark, New Jersey 07105

**Re: Notice of Violation/RCRA 3007 Information Request
Kearny Steel Container Corporation
EPA ID #: NJD981142797**

Dear Mr. Verzaleno:

The United States Environmental Protection Agency 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, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

On or about February 29, 2024, a duly authorized representative of EPA conducted an inspection of Kearny Steel Container Corporation (hereafter referred to as the facility) located at 401 South Street, Newark, New Jersey 07105. 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 a copy of the inspection report prepared by the authorized EPA representatives (Enclosure I). The Regulatory Concern(s) detailed in Section III of the inspection report, titled Areas of Concern, are hereby incorporated by reference as the Notice of Violation (NOV) which is issued

pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the HSWA and RCRA, 42 U.S.C. § 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. § 6928, or any other applicable regulation or statute.

If you have not already done so, you must take immediate action to correct the violations described in the Areas of Concern section of the inspection report. Please submit within thirty (30) calendar days of receipt of this Notice of Violation, a response which includes for each regulatory concern either:

- A detailed rebuttal explaining why the violation did not exist at the time of the inspection, or
- a description of the actions you have taken to correct the violation.

In either case, please provide supporting documentation (e.g., photographs, inspection records, operating records, manifest copies) demonstrating that each violation either did not exist or was corrected. The response must be signed by a responsible official or agent of your company using Enclosure III. The response to this letter with the signed Certification of Answers (Enclosure III) must be emailed to wilk.john@epa.gov.

Also enclosed is a request for additional information (Enclosure II) pertaining to the management of hazardous waste at the facility. This request for information is made pursuant to the provisions of Section 3007, 42 U.S.C. § 6927, and requires that you provide the requested information which is required to evaluate the full regulatory and compliance status of the facility.

If you have any questions regarding this matter, please contact Mr. Wilk at 212-637-1475.

Sincerely,

LEONARD VOO Digitally signed by LEONARD
VOO
Date: 2024.10.09 15:15:07 -04'00'

Leonard Voo, Manager
RCRA Compliance Branch

- Enclosure I – Inspection Report
- Enclosure II – Information Request
- Enclosure III – Instructions & Definitions
- Enclosure IV – Certification of Answers
- Enclosure V – List of Attachments

cc: Bob Gomez, Bureau Chief
New Jersey Department of Environmental Protection
Hazardous Waste Compliance & Transportation Oversight
9 Ewing Street
Mailcode 09-01
P.O. Box 420
Trenton, New Jersey 08624-420
Robert.Gomez@dep.nj.gov

**Enclosure I
Inspection Report
Kearny Steel Container Corporation**

See attached inspection report.

Enclosure II Information Request

On or about February 29, 2024, a duly authorized representative of EPA conducted an inspection of Kearny Steel Container Corporation (hereafter referred to as the facility) located at 401 South Street, Newark, New Jersey 07105. This inspection was performed pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to evaluate your compliance with RCRA. Based on a review of the information obtained during this RCRA inspection (the "Inspection"), we have determined that the following information is required to evaluate compliance of Kearny Steel Container Corporation.

1. With regards to the violations cited in the above Notice of Violation (Enclosure I), please provide (1) a description of the actions taken to correct the violations cited and provide documentation, including photographs (where applicable), verifying that each violation has been corrected; or (2) a rebuttal of the violations including any supporting documentation.

Enclosure III 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 Kearny Steel Container Corporation. The signatory must sign the attached Certification of Answers (Enclosure IV) 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 number listed in Enclosure II.
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 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 Kearny Steel Container Corporation.
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. A large quantity generator of hazardous waste is a hazardous waste generator which generates 1000 kilograms or greater of non-acute hazardous waste, or more than one quart of acute hazardous waste listed in 261.33(e), in a calendar month.

13. A small quantity generator is a hazardous waste generator which generates greater than 100 kilograms but less than 1000 kilograms of non-acute hazardous waste in a calendar month in accordance with 40 C.F.R. § 262.34(d).

14. A conditionally exempt generator is a hazardous waste generator which generates no more than 100 kilograms and never accumulates 1000 kilograms or more of non-acute hazardous waste at any time in accordance with 40 C.F.R. § 261.5 (2015).

15. *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).

16. *Manage* is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.

17. *Hazardous Constituents* is defined, for the purposes of this Request for Information, as those substances listed in 40 CFR Part 261 Appendix VIII. 17. The term *Solid Waste Management Unit (SWMU)* is defined, for the purposes of this Request for Information, as any landfill, surface impoundment, land application area, waste pile, incinerator, tank, injection well, transfer station, waste recycling operation, tank, or container storage area that currently or formerly was used to manage a solid waste.

**Enclosure IV
Certification of Answers
Kearny Steel Container Corporation**

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 fine and imprisonment.

Name (print or type)

SIGNATURE

DATE

TITLE

Enclosure V
List of Attachments
Kearny Steel Container Corporation

List of Attachments:

- 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