



## REGION 2

NEW YORK, N.Y. 10007

### **SENT VIA EMAIL – REQUEST DELIVERY RECEIPT CONFIRMATION**

[Christina M Quigley@homedepot.com](mailto:Christina_M_Quigley@homedepot.com)

Christina Quigley, Manager

Home Depot Store #0975

421 Absecon Blvd.

Absecon, NJ 08201

**Re: Notice of Violation  
RCRA 3007 Information Request  
Home Depot Store #0975  
EPA ID # NJR000048009**

Dear Ms. Quigley:

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 18 and 19, 2024, a duly authorized representative of EPA conducted an inspection of Home Depot Store #0975 (hereafter referred to as the facility), located at 421 Absecon Blvd., Absecon, NJ 08201. 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 reports, 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 III.

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 V) must be emailed to [Plossl.Carl@epa.gov](mailto: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, 21<sup>st</sup> 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 \$37,500 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](mailto:Plossl.Carl@epa.gov).

Sincerely,

**LEONARD  
VOO**

Digitally signed by  
LEONARD VOO  
Date: 2024.12.17 17:34:44  
-05'00'

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

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

**Enclosure I**  
**Inspection Reports**  
**Home Depot Store #0975**

A copy of the April 18 and 19, 2024, Inspection Report was emailed to you on June 26, 2024. A second copy is attached to this email.

## Enclosure II

### Notice of Violation Home Depot Store #0975

On or about April 18 and 19, 2024, a duly authorized representative of EPA conducted an inspection of Home Depot Store #0975 (hereafter referred to as the facility), located at 421 Absecon Blvd., Absecon, NJ 08201. 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 of the hazardous and universal waste regulations.

The following specific violations were among those observed:

#### Preparedness/Prevention and Training

1. 40 C.F.R. § 262.16(b)(9)(ii) Emergency Posting: Generator must post emergency coordinator's name and phone number, fire department's phone number, and locations of fire extinguishers and spill control equipment near the phone.

The emergency coordinator's name and phone number, fire department's phone number, and locations of fire extinguishers and spill control equipment were not posted near the phone in the Container Accumulation Area nor in the equipment rental operations area.

#### Container Accumulation Area

2. 40 C.F.R. § 262.16(b)(6)(i)(C), Container Management: Containers must be marked with accumulation start dates.

Hazardous waste containers in the container accumulation area were not labeled with the accumulation start dates.

#### Satellite Accumulation Area

3. 40 C.F.R. § 262.15(a)(5)(i), Container Management: Containers must be labeled as "Hazardous Waste".

In the equipment rental operations area, the flammable/ignitable storage cabinet included hazardous waste containers with contaminated gasoline (EPA hazardous waste codes D001/D018), not labeled as hazardous waste. In this area, there was no labeled distinction between hazardous waste, *i.e.*, contaminated gasoline/oil mixtures, and still usable product. *i.e.*, uncontaminated gasoline, and used oil.

4. 40 C.F.R. § 262.16(b)(6)(i)(C), Container Management: Containers must be marked with accumulation start dates.

Hazardous waste containers in the satellite accumulation area were not labeled with the accumulation start dates.

#### Used Oil

5. 40 C.F.R. § 279.22(c)(1), Container Management: Used oil containers and tanks must be labeled as "Used Oil".

In the equipment rental area, there was no labeled distinction between hazardous waste, *i.e.*, contaminated gasoline/oil mixtures, and still usable product. *i.e.*, uncontaminated gasoline, and oil.

#### Universal Waste

6. 40 C.F.R. § 273.15(c), General Requirements: Must demonstrate the length of time that the universal waste has been accumulated.

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

7. 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.

Universal waste lamps were stored, some loosely, in an open, unlabeled container.

8. 40 C.F.R. § 273.14(e), Labeling/markings: 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, some loosely, in an open, unlabeled container.

9. 40 C.F.R. § 273.14(a), Labeling/markings: 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 an open, unlabeled container.

- 10.** 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**

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 copies of all manifests, invoices, and other disposal records for all universal waste shipments from the Facility from January 1, 2022, through the present.

**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 Home Depot Store #0975. 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 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 Home Depot Store #0975.
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**

**Home Depot Store #0975**

Home Depot Store #0975

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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 Request for Information, 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 VI

### SUBSTANTIATION OF CONFIDENTIAL BUSINESS INFORMATION CLAIM

#### Home Depot Store #0975

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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.