



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

SENT VIA EMAIL – REQUEST DELIVERY RECEIPT

davidkopala@wvaint.com

David M. Kopala
OSHA Trainer
West Virginia Paint and Tank Company
1051 Paulison Avenue
Clifton, NJ 07011

**Re: Notice of Violation
West Virginia Paint and Tank Co
EPA ID # NJR000073163**

Dear Mr. Kopala:

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, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

On or about July 20, 2023, a duly authorized representative of EPA conducted an inspection of West Virginia Paint and Tank Co (hereafter referred to as the facility) located at 71 Cutters Dock Road, Woodbridge Township, NJ 07095. 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 representative (Enclosure I). The Regulatory Concern detailed in Section III of the inspection report, titled Areas of Concern, is 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 violation 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 II. The response to this letter with the signed Certification of Answers (Enclosure II) must be emailed to khan.areeba@epa.gov. If you are unable to email your response, you may mail it to the following addressee after informing the addressee via email or phone that you are doing so:

Areeba Khan, Compliance Officer
Hazardous Waste Compliance Section
RCRA Compliance Branch
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st floor
New York, New York 10007-1866

If you have any questions regarding this matter, please contact Ms. Khan at 212-637-3580 or khan.areeba@epa.gov.

Sincerely,

Voo, Leonard  Digitally signed by Voo, Leonard
Date: 2023.09.27 12:18:00 -04'00'

Leonard Voo, Manager
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures: Enclosure I - Inspection Report
Enclosure II - Certification of Answers

Enclosure I
Inspection Report
West Virginia Paint and Tank Company

ENCLOSURE II
CERTIFICATION OF ANSWERS
West Virginia Paint and Tank Company

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