Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Camden, New Jersey Drum Reconditioner Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and Patrick J. Kelly Drums, Inc. ("PJKD") entered into a February 27th Consent Agreement and Final Order ("CAFO") addressing alleged violations of the Resource Conservation and Recovery Act ("RCRA") regulations. See Docket No. RCRA-02-2025-7104.

The CAFO provides that PJKD reconditions and remanufactures metal drums at a facility in Camden, New Jersey.

The facility reconditions and remanufactures plastic drums/totes, and for those unsuitable for reuse as totes, shreds them as high-density polyethylene which is sold for reuse.

In carrying out such activities, the facility is stated to be generating and continuing to generate solid waste as defined in 40 C.F.R. § 261.2. Further, such activities are stated to result in the generation of hazardous waste as defined in 40 C.F.R. § 261.3.

Designated representatives of the EPA are stated to have conducted an inspection of the facility on July 18, 2023. Based on such inspections and EPA's request for information, the federal agency is stated to have determined that the facility failed to comply with certain hazardous waste requirements:

- Failure to determine if the solid waste the facility generated constituted a hazardous waste for any characteristics beyond ignitability.
- Storage of hazardous waste without maintaining sufficient aisle space.

The CAFO requires that PJKD comply with RCRA and all applicable federally-authorized New Jersey hazardous waste regulations relating to the generation, storage, and management of hazardous waste at the facility. Certification is required at the time of the execution of the CAFO that the facility is in compliance with the applicable RCRA requirements.

A civil penalty of $7,500.00 is assessed.

A copy of the CAO can be downloaded here.