



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

April 24, 2017

CERTIFIED MAIL NO. 7001 2510 0005 9957 8717

Dr. Rengarajan Ramesh
Elcon Recycling Services, LLC
11 LeParc Drive
Princeton, NJ 08550

Re: Assertion of Confidential Business Information
Elcon Recycling Services, LLC
Phase II RCRA Part B Application
Falls Township, Bucks County
ID No. PAR 000 544 486
APS No. 872052, AUTH No. 1075413

Dear Dr. Ramesh:

By letter dated March 16, 2017, the Department of Environmental Protection (“DEP”) requested additional justification for the claim for confidential business information (“CBI”) asserted by Elcon Recycling Services, LLC (“ELCON”) in the above referenced Phase II RCRA Part B application. By letter dated March 30, 2017, we received a response from Fox Rothschild LLP, submitted on behalf of ELCON, providing additional information on ELCON’s CBI claim.

DEP has reviewed the March 30, 2017, response and believes ELCON’s claim for CBI is still deficient. While ELCON describes the measures, it takes to guard against undesired disclosure and indicates that it has filed a Patent Cooperation Treaty Patent Application, ELCON does not explain why the information contained in the three piping and instrumentation diagrams and the one process flow diagram is CBI. ELCON should explain, for each diagram, what specific information contained in that diagram is considered confidential and what it is about that specific information that would cause a competitive disadvantage, particularly given the other information provided in the application relating to the flash evaporative distillation process for which confidentiality has not been claimed or asserted.

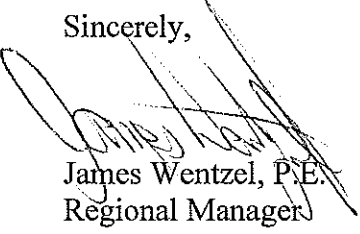
We note that ELCON has made a separate claim for CBI to the United State Environmental Protection Agency (“EPA”). ELCON’s claim for CBI to EPA includes information (Table D-6, Appendix D-9/Table 2) not claimed as confidential in ELCON’s application to DEP. To the extent that ELCON intended to make a claim for CBI on those tables in its original

application submittal to DEP and failed to do so, the Department has already made those tables available to the public, in accordance with 25 Pa. Code § 270a.12.

In order for DEP to finalize its evaluation of ELCON's claim for confidentiality, please address the deficiencies noted above and provide your response within **two weeks** of receipt of this letter. During the interim, we will continue to maintain the copies of the subject diagrams as if they were confidential until a final determination can be made.

We await your response.

Sincerely,



James Wentzel, P.E.
Regional Manager
Waste Management

cc: Re 30 (rw17wm)114.1