



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

July 26, 2018

CERTIFIED MAIL NO.: 7016 0600 0000 73340 3015

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:

On March 1, 2017, the Pennsylvania Department of Environmental Protection (“DEP”) received the above-referenced Phase II RCRA Part B permit application from Elcon Recycling Services, LLC (“Elcon”) for a proposed commercial hazardous waste storage and treatment facility to be located at 100 Dean Sievers Place in Falls Township, Bucks County.

As part of the application, Elcon asserted as confidential business information (“CBI”) certain information involving three piping and instrumentation diagrams, one process flow diagram, and the Real Estate Sales Agreement, and the Eighth Amendment of same, between Elcon and United States Steel Corporation (“USS”).

In response to comments from DEP, Elcon modified its CBI claims by revising the four diagrams in its October 13, 2017, supplemental submission (Attachment L of the October 2017 supplement) and by providing redacted copies of both the Real Estate Sales Agreement and the Eighth Amendment in its May 9, 2018, supplemental submission (Attachment E of the May 2018 supplement).

DEP has determined that the information provided adequately demonstrates that the information is confidential, in accordance with 25 Pa. Code § 270a.12(2). DEP will not make the information marked confidential available to the public unless required to release the information by other applicable statutes or regulations.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A.

The Board’s address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Please note that any determination made by DEP on this issue is not binding on other federal or state agencies. Please refer to 25 Pa. Code §270a.12(4). Elcon has asserted similar CBI claims to the U.S. Environmental Protection Agency Region III office, which will make its own determination regarding Elcon's assertion of confidentiality.

Sincerely,



Patrick L. Patterson
Regional Director
Southeast Regional Office

cc: Mr. Gray, Falls Township
Ms. Kostick, Bucks County Health Department
Ms. Kinslow, U.S.E.P.A., Region 3
Ms. Fitzpatrick, IES Engineers
Mr. Bolstein, Esq.
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