



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

March 16, 2017

CERTIFIED MAIL NO. 7001 2510 0005 9957 6850

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 Department of Environmental Protection (DEP) received the above referenced Phase II RCRA Part B application, submitted by IES Engineers on behalf of 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. That application is currently undergoing administrative review, the results of which will be relayed to ELCON at a later date, in accordance with Section 309(d) of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.309(d).

ELCON claimed that certain information in its application constitutes confidential business information under Section 270a.12 of the Department's Hazardous Waste Regulations, 25 Pa. Code § 270a.12, and the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.102, 67.708(b)(11). Specifically, ELCON claimed, as confidential business information, three piping and instrumentation diagrams and one process flow diagram located in Section D of the application.

In order for DEP to evaluate ELCON's claim for confidentiality, please substantiate the claim by more fully describing the nature of the substantial harm to ELCON's competitive position that disclosure of the information would cause, the reasons it should be viewed as substantial, and the relationship between the disclosure and the harm, in accordance with the requirements of 25 Pa. Code § 270a.12(2)(vi). Please provide this information within **two weeks** of receipt of this letter so that we may complete our evaluation of ELCON's claim for confidential business information. During the interim, we will maintain the copies of the subject diagrams as if they were confidential until a final determination can be made.

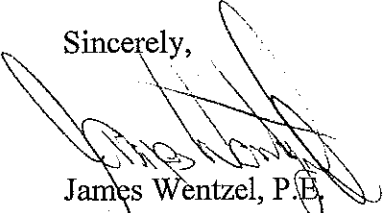
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In addition, the Pennsylvania Right-to-Know Law does not provide a separate basis for a claim that records constitute confidential business information in the context of the submittal and review of an RCRA application. The Pennsylvania Right-to-Know Law allows for information that is considered confidential business information under a separate substantive statute to be withheld as such when a request for a record is submitted under that law.

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). We are required to provide a copy of the referenced application to the United States Environmental Protection Agency ("USEPA"). In your response to this letter, please also advise how you wish DEP to handle the diagrams that are subject to ELCON's claim of confidentiality when transmitting a complete copy of the application to the USEPA.

We await your response.

Sincerely,



James Wentzel, P.E.
Regional Manager
Waste Management

cc: Re 30 (rw17wm)069.4