



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

April 11, 2017

Ms. Sara Kinslow, MSAG
Office of RCRA Programs (3LC32)
Land and Chemicals Division
U.S. EPA Region 3
1650 Arch Street
Philadelphia, PA 19103

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

Dear Ms. Kinslow:

By letter, dated March 16, 2017, the Pennsylvania Department of Environmental Protection (DEP) requested further substantiation from Elcon Recycling Services, LLC (Elcon), regarding its claim of confidentiality for certain information in Elcon's recent application for a Resource Conservation and Recovery Act (RCRA) Part B Permit for a proposed commercial hazardous waste storage and treatment facility to be located at 100 Dean Sievers Place within the Keystone Industrial Port Complex (former United States Steel Fairless Works site) in Falls Township, Bucks County. In our March 16, 2017 letter, we also asked Elcon to provide direction on how it wanted DEP to handle the information claimed as confidential when transmitting that information to the Environmental Protection Agency (EPA), as any confidentiality determination made by DEP would not be binding on other federal or state agencies.

On March 31, 2017, DEP received Elcon's response to our March 16, 2017 letter. The DEP is currently reviewing Elcon's response. In its response, Elcon also provided a second letter, addressed to the EPA, and requested that DEP forward that letter when transmitting the information claimed as confidential. Included in Elcon's letter addressed to EPA are three attachments: Elcon's Part B application transmittal letter to DEP in which it made a claim for confidentiality for certain information in its application; a copy of DEP's March 16, 2017, letter seeking additional information regarding Elcon's claim; and, a copy of Elcon's March 30, 2017, response to DEP's March 16, 2017 letter. Elcon's letter, asserting a claim of confidentiality to the EPA, is enclosed for your review and consideration. DEP is also enclosing the four diagrams claimed by Elcon, in its application to DEP, to be confidential and separately provided to DEP as confidential business information.

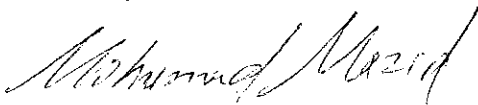
There are discrepancies between the information claimed by Elcon to be confidential in Elcon's respective letters to DEP and EPA. On page 4 of Elcon's March 1, 2017, Part B application transmittal letter to DEP, Elcon claims, as confidential, three process and instrumentation diagrams and one process flow diagram, all located in Appendix D-7 or D-8 of its application. These drawings were redacted by Elcon in its application and copies of the non-redacted information separately provided to DEP. We note that, on page 2 of the enclosed Elcon letter addressed to EPA, Elcon claims, as confidential, the three process and instrumentation diagrams but not the process flow diagram. Elcon also claims, in its letter addressed to EPA, that Table D-6 and Appendix D-9/Table 2 are confidential business information.

Please be aware that Elcon has made no such claim to DEP for confidentiality for Table D-6 or Appendix D-9/Table 2. Elcon did not redact either of these tables or mark them as confidential in either paper or electronic copies of their Part B application as provided to DEP. Copies of the application have already been distributed to local municipalities and have otherwise been made available to the public, including posting on a DEP web page. Accordingly, DEP has not treated either of these tables as confidential information, nor has Elcon made any such assertion to DEP.

DEP hand delivered the RCRA Part B permit application to the EPA Region 3 office on March 21, 2017. With this letter, DEP is now transmitting the information Elcon is asserting is confidential in its application to DEP, along with a letter from Elcon addressed to EPA asserting a claim of confidentiality for information separate from the claim made to DEP.

If you have any questions, please feel free to contact me via email at mmazid@pa.gov or by telephone at 484.250.5768.

Sincerely,



Mohamad M. Mazid, Ph.D., P.E.
Chief, Technical Services
Waste Management Program

Enclosures: Elcon's Assertion of Confidential Business Information Letter to EPA
Four Diagrams Asserted by Elcon to DEP as Confidential Business
Information

cc: Dr. Ramesh - Elcon Recycling Services, LLC
Mr. Bolstein, Esq. - Fox Rothschild, LLP
Ms. Fitzpatrick - IES Engineers
Re 30 (rc17wm) 101.3