



pennsylvania

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

October 20, 2017

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 October 13, 2017, the Department of Environmental Protection (DEP) received a response to DEP's May 30, 2017, administrative completeness review letter regarding 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 response 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).

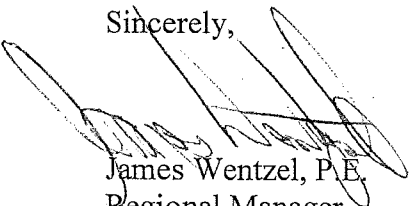
In its response, Elcon claims that certain information in its application constitutes confidential business information under Section 270a.12 of the Department's Hazardous Waste Regulations, 25 Pa. Code § 270a.12, and the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.102, 67.708(b)(11). Specifically, Elcon claims, as confidential business information, the entire original Real Estate Sales Agreement, and the eighth amendment of same, between Elcon and United States Steel Corporation. Elcon is asserting a similar claim to the U.S. Environmental Protection Agency Region III office, which is being forwarded a copy of the referenced agreement and amendment by copy of this letter.

DEP is currently evaluating Elcon's claim for confidentiality. During the interim, we will maintain the referenced agreement and amendment as if they were confidential until a final determination can be made.

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). As requested, we are providing a copy of the referenced agreement and amendment to the U.S. Environmental Protection Agency Region III office, which will make its own determination regarding Elcon's assertion of confidentiality.

Sincerely,



James Wentzel, P.E.
Regional Manager
Waste Management

cc: Ms. Barbieri - U.S. EPA, Region 3 (w/Real Estate Sales Agreement
and 8th Amendment)
Re 30 (rc17wm) 291.2