



CERTIFIED MAIL NO. CERTIFIED MAIL NO. 7016 0600 0000 7331 2332

January 9, 2018

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

Re: Administrative Completeness Review
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 Dr. Ramesh:

On March 1, 2017, the Department of Environmental Protection (“DEP”) received the above referenced Phase II RCRA Part B permit application (“the 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 within the Keystone Industrial Port Complex (former United States Steel Fairless Works site) in Falls Township, Bucks County. DEP conducted an administrative completeness review of the Application and determined that it was not administratively complete. DEP notified Elcon of the deficiencies in the Application by letter dated May 30, 2017.

On October 13, 2017, DEP received an administrative completeness review response (“the Response”), submitted by IES Engineers on behalf of Elcon. The Response was intended to address the deficiencies noted in DEP’s May 30th, letter and supplemented the Application by providing additional information and/or revisions to pages, forms, reports or drawings submitted in the Application.

DEP has conducted an administrative completeness review of the Response and has determined that the Application as supplemented by the Response (collectively “the Phase II Application”), is not administratively complete or accurate for the following reasons:

1. The Phase II Application is neither accurate nor is it complete because Elcon signed the Part A and Part B application forms as the sole landowner or owner of record, when it is not the sole owner of record of the land, including surface and subsurface areas.

2. The Phase II Application is not accurate because Elcon represented itself in the compliance history Form HW-C as the property owner or owner of record of surface and subsurface areas within the proposed permit area, nor is it complete because Elcon failed to provide the requested general, specific and compliance background information for all related parties, including property owners or owners of record of surface and subsurface areas within the proposed permit area.
3. The Phase II Application is not complete because it does not include a form, prepared and furnished by DEP (Form HW-E, Contractual Consent of Landowner), providing the required written consent of the landowner to entry upon the land to be affected by the proposed facility.

Section 502(b) of the Solid Waste Management Act, 35 P.S. § 6018.502(b), states that “The application for a permit to operate a hazardous waste storage, treatment or disposal facility shall also be accompanied by a form, prepared and furnished by the department, containing the written consent of the landowner to entry upon any land to be affected by the proposed facility by the Commonwealth and by any of its authorized agents prior to and during operation of the facility and for 20 years after closure of the facility,” Section 270.10(b) of the Code of Federal Regulations, 40 CFR 270.10(b), incorporated by reference pursuant to 25 Pa. Code § 270a.1, requires both the owner and the operator to sign the permit application. Pursuant to 25 Pa. Code § 270a.10(c)(2), DEP will not begin the processing of a permit until the applicant complies with the application requirements for that permit.

For the reasons noted above, Elcon has not complied with all the application requirements for a commercial hazardous waste storage and treatment facility, and the Phase II Application remains administratively incomplete.

We also note that Elcon’s claim for confidential business information (“CBI”) is still unresolved. DEP is reviewing Elcon’s December 22, 2017, response to its November 27, 2017, letter to Elcon on this subject and will address that claim separately from administrative completeness review.

In accordance with Section 309(d) of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.309(d), DEP is returning the Phase II Application. You may resubmit your application by providing one original and nine hardcopies, and one electronic copy, of your response addressing the deficiencies noted above. Please include the revision date on any pages, forms, reports, or drawings submitted as part of your response. Also, please include a signed certification verifying that the electronic version of Elcon’s response is an accurate copy and contains the same information as the hardcopy response.

Please submit a response addressing the deficiencies noted above within **ninety days** from receipt or DEP may deny the Phase II Application. Except for issues related to Elcon's claim for CBI, no further DEP review will be conducted on the Phase II Application unless and until Elcon submits a response to the noted deficiencies within ninety days, at which time a new ninety-day administrative review period will commence.

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
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