



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

May 16, 2023

VIA EMAIL: bpino.dlubak@gmail.com; mpino@dlubak.com

Brian Pino
Dlubak Glass
EHS Manager
1018 W. 14th St.
Okmulgee, Oklahoma 74447

Re: Request for Information pursuant to Section 3007 of Resource Conservation and Recovery Act regarding operations of Dlubak Glass Company in Okmulgee, Oklahoma.

Dear Mr. Pino:

Enclosed is an Information Request Letter ("Request") issued to Dlubak Glass Company, ("Dlubak") for its location at 1018 W. 14th Street, Okmulgee, Oklahoma. This request is being made pursuant to the authority set forth in Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927. Pursuant to this authority, the Environmental Protection Agency, Region 6 (the "EPA" or "Agency") may require persons with information relevant to the generation, storage, treatment, transportation, disposal, and/or otherwise handling of Hazardous Waste, or Hazardous Secondary Material, or Recyclable Materials to submit information to EPA to determine compliance with RCRA 42 U.S.C. §§ 6921 – 6992k at its location in Okmulgee, Oklahoma.

EPA is conducting an investigation and records review of Dlubak's management practices for Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material it receives, stores and/or transports from sources, including, but not limited to, waste shipped from Dlubak facilities in Arizona and Texas to the Dlubak Glass facility in Oklahoma transported to American Wonder Porcelain in Lebanon, Tennessee. The predicate for this investigation and records review is supported by the on-site inspection EPA conducted March 22, 2023, that confirmed Dlubak's shipment of Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material (i.e., Cathode Ray Tube Glass) from Dlubak's facility in Okmulgee, OK, to the American Wonder Porcelain's facility in Lebanon, TN.

Please respond to this Request within fifteen days (15) calendar days of receipt. Compliance with this Request is mandatory. Failure to respond fully and truthfully to the Request or to adequately justify such failure to respond can result in enforcement action by EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

This Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et. seq.* Your response to this Request should be electronically transmitted to Debra Pandak at the following email address, pandak.debra@epa.gov.

Please direct technical questions to Ms. Debra Pandak of the Waste Enforcement Branch at (214) 665-7565, and legal questions to Mr. Lawrence Pittman of the Office of Regional Counsel at (214) 665-8381. Thank you for your attention to this matter.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosures

cc:

Christopher Robinson: Christopher.Robinson@deg.ok.gov

Mike Edwards: Mike.Edwards@deq.ok.gov

Alicia Chen: Alicia.Chen@deq.ok.gov

ENCLOSURE A

INFORMATION REQUEST

The Environmental Protection Agency, Region 6 (“EPA”) is investigating Dlubak Glass Company’s (Dlubak or Dlubak’s) compliance with the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6921 – 6992k, at its facilities. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, you are hereby required to follow the instructions and provide responses to the information required by the questions in this Information Request (“Request”). You are required to submit the requested information to EPA for each facility identified in question 4 below, within thirty (30) days from the date you receive this Request.

If you anticipate that you will be unable to fully respond to this Request for each facility, you must submit a sworn affidavit or declaration by a responsible corporate official within ten (10) calendar days of receipt of this Request specifying what information will be provided within the specified 15 calendar day time period, describing what efforts have been/are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based on such affidavit or declaration, EPA may extend the time in which Dlubak must provide the responsive information. Please note, as well, that EPA retains its right to obtain additional information beyond what is sought in this Request.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Dlubak. A Statement of Certification making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001, and 42 U.S.C. § 6928(d). Furthermore, failure to fully comply with this Request may subject Dlubak to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

In accordance with Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), the records, reports, and information requested in this Request must be submitted, whether or not you regard part or all of it as a trade secret or confidential. You may, if you desire, assert a business confidentiality claim for all or part of the information submitted in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. If you do assert a business confidentiality claim, you must follow the procedures set forth in Section I - Instructions.

All information responsive to this Request should be electronically transmitted to the following:

Ms. Debra Pandak
Waste Enforcement Branch (6ECDSR)
Enforcement and Compliance Assurance Division
U.S. EPA - Region 6
1201 Elm St, Suite 500
Dallas, TX 75270
Email: pandak.debra@epa.gov
Phone: 214-665-7565

I. INSTRUCTIONS

1. The enclosed Statement of Certification (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to this Request.
2. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
3. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. Please submit all information for each question in one logically sequenced electronic format (i.e., electronic copy) and one logically sequenced bound format (i.e., paper copy). The terms "document" and "documents" shall mean any object that presents information, both electronic and tangible.
4. All terms used in the Request will have their ordinary meaning unless such terms are defined in RCRA, 40 C.F.R. Parts 260 - 280, and the federally authorized States Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material program. In addition to the regulatory definition for "Facility", the term "Facility" or "Facilities" shall also mean Dlubak locations owned and/or operated by Dlubak in EPA Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas) that receive, store and/or transport Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material in the form of cathode ray tube glass.
5. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret," "proprietary," or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document in which you assert a claim of business confidentiality, please answer the questions below.
 - a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
 - b. For what period of time do you request the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
 - c. What measure(s) have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If yes, why is the information still considered confidential?

- d. Is the information contained in any publicly accessible forums or materials such as the Internet, databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- e. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- g. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish answers to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely answers as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

II. INFORMATION REQUESTED

- 1. Identify the person(s) answering these questions on behalf of Dlubak.
- 2. Provide the following information about Dlubak:
 - a. Dlubak's legal corporate name;
 - b. Where is Dlubak incorporated and years of operation;
 - c. Provide an overview of Dlubak's general operations and include your Standard Industrial Code ("SIC") or North American Industry Classification System ("NAICS") code for each Facility located in EPA Region 6;
 - d. Provide the name and locations by address, of each Dlubak facility location, and of any subsidiaries, affiliates, or partnerships of Dlubak's;
 - e. Provide a narrative of the operations for the companies listed **in response to 2d. above**, detailing the Facility type and/or specified work function/operations. Operations in this case refers to: (a) the receipt and/or storage of, (b) processing of, and (c) the sale or marketing of, Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material (i.e., Cathode Ray Tube Glass);

- f. Provide a copy of the initial and any subsequent Notification of Regulated Waste Activity (Form 8700-12) and RCRA Subtitle C site identification forms filed with the EPA and/or the appropriate State agency for any Dlubak Facility located in EPA Region 6.
- 3. Provide information specific to the management, storage, processing, sale and distribution of Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material (i.e., Cathode Ray Tube Glass):
 - a. For Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material (i.e., Cathode Ray Tube Glass) shipped from Dlubak's Arizona and Texas Facilities to Dlubak's Okmulgee, OK Facility, provide the names and addresses of customers and Dlubak Facilities, that Dlubak sold or shipped to, that: 1) stored such wastes/materials, and/or 2) received such wastes/materials. Please include amount sold in pounds, dates of purchase, dates of shipment, and length of time stored;
 - b. Provide all shipping papers to include manifests, bills of lading, and weigh tickets for all shipments of Hazardous Waste, or Hazardous Secondary Material, or Recyclable Materials (i.e., Cathode Ray Tube Glass) originating from the Dlubak Oklahoma Facility to customers and other Dlubak Facilities;
 - c. Provide information of customer required specifications of the Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material (i.e., Cathode Ray Tube Glass) that must be met for the customer to buy the waste/material. Specifications may include blending criteria, types of glass, percentages of elements etc. Provide detail on how Dlubak met those customer specification for the waste/material sold to customers identified **in response to 3a. above;**
 - d. Provide information regarding Dlubak's understanding of how each customer utilizes or treats the Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material (i.e., Cathode Ray Tube Glass) received from Dlubak Facilities. Provide the basis for this understanding, to include email communications, company brochures, contractual agreements, etc.;
 - e. Provide copies of any agreements and/or contracts and sales receipts between Dlubak and customers inquiring about, or receiving Hazardous Waste, or Hazardous Secondary Material, or Recyclable Material (i.e., Cathode Ray Tube Glass) from Dlubak Facilities since 2017.

ENCLOSURE B

STATEMENT OF CERTIFICATION

Dlubak Glass Company

I certify that I am authorized to respond to this information request on behalf of Dlubak Glass Company and I certify under penalty of perjury that the foregoing is true and correct. Executed on _____, 2023.

(Signature)

(Name)

(Title)