



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852**

Via Electronic Mail

Michelle Given, EHS Manager
Optima Belle, LLC
901 W. Dupont Ave., Bldgs 114 & 216
Belle, West Virginia 25015
mgiven@optimachemc.com

RE: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, U.S.C. §6927(a), Regarding Generation and Management of Hazardous Waste by Optima Belle, LLC
EPA ID No. WVR000533646
Reference Number: C23-007

Dear Ms. Given:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting to supplement information obtained during EPA Region 3's Compliance Evaluation Inspection ("CEI") of the Optima Belle, LLC, located at 901 W. Dupont Ave., Bldgs. 114 & 216, Belle, West Virginia, ("Optima" or "the Facility") on April 11, 2023 (report sent on 06/05/2023 – referred to as "EPA Inspection Report"). EPA is requesting this information pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), regarding generation and management of hazardous waste. EPA requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including documents responsive to such requests.

Section 3007(a) of the Resource Conservation and Recovery Act

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term “document” means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, tolls receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained and translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), or the authorized West Virginia Hazardous Waste Management Regulations (“WVHWMR”), Title 33, Leg. Rule, Division of Environmental Protection, Office of Waste Management, Series 20, Parts 33-20-1 through 33-20-15.

Please provide the information requested below:

Information Request

1. During the April 11, 2023 EPA inspection, the inspectors observed a 2-gallon bucket (“container”), labeled “GLYPURE”, with a few inches of fluid under a “GP lance”. Please refer to Photos #14 & #15 from the EPA Inspection Report. With respect to the fluid in the container, please answer the following:
 - a. Provide a detailed description of the process or processes that generated the fluid within the container.
 - b. It was explained in post-inspection correspondence that the fluid would be returned to the glycolic acid process. Provide a detailed description of how the container’s fluid would be returned to the glycolic acid process.
 - c. Provide any and all standard operating procedures (“SOP”) that were in place on April 11, 2023 regarding the management of the fluid within the container.
2. During the April 11, 2023 EPA inspection, the inspectors observed a row of four (4) 275-gallon totes in Building 114. The totes had contained fluid drained from the FWT tank. According to Ms. Given, the totes are pending lab analyses. With respect to the fluid in the totes, please answer the following:
 - a. Please state whether or not a “waste determination” and “LDR determination” have been made for the fluid.
 - b. If a “waste determination” was made for the fluid, state whether the waste determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the

generator's knowledge, provide a narrative explanation of the scientific basis for such documentation, and provide any supporting documentation.

- c. Was the fluid determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with such hazardous waste.
 - d. If the fluid was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of such material.
3. During the April 11, 2023 EPA inspection, the inspectors observed a blue 55-gallon drum containing an unknown pink fluid. Please refer to Photos #33 & #34 from the EPA Inspection Report. With respect to the unknown pink fluid, please answer the following:
- a. Please state the length of time the blue drum with the unknown pink fluid has been at the hazardous waste accumulation area in Building 114.
 - b. Please state whether or not a "waste determination" and "LDR determination" have been made for the unknown pink fluid.
 - c. If a "waste determination" was made for the unknown pink fluid, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such documentation, and provide any supporting documentation.
 - d. Was the unknown pink fluid determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with such hazardous waste.
 - e. If the fluid was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of such fluid.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928 authorize EPA to pursue penalties for failure to comply with Section 3007(a) of RCRA respectively. In addition, Section 3007(a) of RCRA, 42 U.S.C. § 6928 authorizes EPA to pursue penalties for failure to respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings. **Your response must include the following signed and dated certification:**

I certify under penalty of law that I have personally examined and am familiar with the informing submitted in this and all attached documents and that based on my inquiry of those individuals

immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature: _____
Date: _____
Name: _____
Title: _____

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your Facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response electronically to:

Jeremy Dearden (3ED22)
Dearden.jeremy@epa.gov
U.S. Environmental Protection Agency
Region III
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Dearden, Enforcement Officer, at (215) 814-5351 or dearden.jeremy@epa.gov.

Sincerely,

JEANNA HENRY

Digitally signed by JEANNA
HENRY
Date: 2023.07.07 15:53:10
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Jeanna R. Henry, Branch Chief
Air and RCRA Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region III

cc: Jeremy Dearden (3ED22)
Pauline Belgiovane (3ED20)
Joe Sizemore, WVDEP
Pat Glarrow, Optima (pglarrow@optimachem.com)