



REGION 3

PHILADELPHIA, PA 19103

July 5, 2024

Via Electronic Mail

Linda Herbert, EHS Manager
Pyromet LLC
5 Commerce Drive
Aston, Pennsylvania 19014
EHS@pyromet999.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 Pyromet LLC
EPA ID No. PAD049617822
Reference Number: C24-010

Dear Ms. Herbert:

The U.S. Environmental Protection Agency, Region 3 ("EPA") is requesting to supplement information obtained during EPA Region 3's Compliance Evaluation Inspection ("CEI") of the Pyromet LLC, located at 5 Commerce Drive, in Aston, Pennsylvania, ("Pyromet" or the "Facility") on April 17, 2024. The inspection report generated based on the CEI was sent to the Facility, via email, on June 12, 2024 (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.), and the authorized Pennsylvania Hazardous Waste Management Regulations ("PaHWR"), 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a.

Please provide the information requested below:

Information Request

1. During the 4/17/2024 CEI, the EPA inspector observed in-use aerosol cans in the maintenance parts trailer (see EPA Inspection Report page 7). According to the Facility personnel, waste aerosol cans are put in a 55-gallon drum for recycling. At the time of the CEI, the 55-gallon drum with waste aerosol cans was not observed. With respect to the Facility's aerosol can use and management, please answer the following:
 - a. Please provide a detailed description of the process or processes which utilize aerosol can products at the Facility.
 - b. Submit the Safety Data Sheets for each of the aerosol can products used by the Facility.
 - c. Please state whether a "waste determination" and "LDR determination" have been made for each waste aerosol can generated throughout the Facility.
 - d. If a "waste determination" and "LDR determination" have been made for the Facility's aerosol can waste item, state when such determinations were made.
 - e. Were any of the Facility's waste aerosol cans determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste.

- f. If a hazardous waste determination was made, state whether the hazardous 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 determination, and provide any supporting documentation.
 - g. Please provide a detailed narrative explaining how the Facility manages its waste aerosol cans from the time it is generated until it is shipped off-site.
 - h. If the Facility's waste aerosol can waste stream has been disposed of in the regular trash, please provide the name, address, and phone number of the municipal landfill that has been receiving the Facility's waste aerosol can waste stream. In addition, please submit copies of all bills of lading, manifests (including hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied the off-site shipment of the used aerosol cans from April 1, 2021 to the present.
 - i. If the Facility's waste aerosol can waste stream has been shipped off-site to a RCRA permitted treatment, storage and/or disposal (TSD) facility, provide copies of all bills of lading, manifests (including hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied the off-site shipment of the waste aerosol cans from April 1, 2021 to the present.
 - j. If the Facility's waste aerosol can waste stream has been shipped off-site to any other entity for recycling, provide copies of all bills of lading, manifests (including hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied the off-site shipment of the used aerosol cans from April 1, 2021 to the present.
2. With respect to the methanol wipes generated by the Facility's lab (see EPA Inspection Report page 8), please answer the following:
 - a. Provide a detailed description of the process or processes that generate the methanol wipes.
 - b. Please provide a detailed narrative describing any and all systems, agreements, and/or procedures (e.g., Standard Operating Procedure) the Facility has or had in place that show how the Facility manages the methanol wipes from the time the methanol wipes are generated/received until it is shipped off-site. Please submit any and all supporting documentation (e.g., SOPs, Tolling Agreements).
 - c. Please state whether or not a "waste determination" and "LDR determination" have been made for the methanol wipes.

- d. If a “waste determination” was made for the methanol wipes, 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 determination, and provide any supporting documentation.
 - e. Were the methanol wipes determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with such hazardous waste.
 - f. From April 1, 2021 up to the present, please (1) state the method of disposal for the methanol wipes, and (2) submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that have accompanied the off-site shipment of the methanol wipes.
3. During the 4/17/2024 CEI, the EPA inspector observed two, 350-gallon totes (“containers”), in the Can Area, containing NOx scrubber (see EPA Inspection Report page 7). With respect to the NOx scrubber in the containers, please answer the following:
- a. Provide a detailed description of the process or processes that generated the NOx scrubber.
 - b. Provide the date on which the NOx scrubber was first generated into each container and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year.
 - c. State the amount (weight and volume) of NOx scrubber in the container at the time of the CEI.
 - d. Indicate how long (i.e., days, weeks, months) it took to fill the container. If an exact amount of time cannot be determined, please estimate the average, how long it takes to fill the container and explain the basis for such estimate.
 - e. State whether or not a “waste determination” and “LDR determination” were made for the NOx scrubber.
 - f. If a “waste determination” was made for the NOx scrubber, 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 each such determination, and provide any supporting documentation.

- g. Was the NOx scrubber determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with the NOx scrubber that was determined to be hazardous waste.
 - h. If the two containers with NOx scrubber still remain on-site, please state where the containers are currently located within the Facility and how the NOx scrubber is currently being managed.
- 4. During the 4/17/2024 CEI, the EPA inspector observed two tanks, in the Can Area, that were labeled “Tank 1” and “Tank 2” (see EPA Inspection Report page 6). Provide the following information regarding the contents in the tanks:
 - a. A description of the tanks’ contents and the process(es) that generated the contents.
 - b. The amount of material (weight and volume) in each tank at the time of the CEI.
 - c. State the date on which the contents were first placed into each of the tanks and state the basis of your knowledge. If an exact date cannot be determined, estimate the generation month and year.
 - d. State whether a “waste determination” and “LDR determination” has been made for the material.
 - e. If a “waste determination” and “LDR determination” has been made, state when such a determination was made and the results of such determination.
 - f. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
 - g. State whether any hazardous waste determination made for such material was based on the generator’s knowledge of the process that generated the material, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - h. State the date(s) of installation of each tank.
- 5. With respect to the sludge generated from the waste water treatment unit located in the Electrolytical Room (see EPA Inspection Report pages 5), please answer the following:
 - a. State whether or not a “waste determination” and “LDR determination” were made for the sludge.

- b. If a “waste determination” was made for the sludge, 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 each such determination, and provide any supporting documentation.
 - c. Was the sludge determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with the content(s) of the container that was determined to be hazardous waste.
 - d. For the period of April 1, 2021 up to the present, please (1) state the method of disposal for the sludge and (2) submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that have accompanied the off-site shipment of the sludge.
6. During the 4/17/2024 CEI, a Facility representative explained that cupels, which contain lead, are generated by fire assays (see EPA Inspection Report pages 8 – 9) performed by the Facility’s lab personnel. It was further explained that the cupels contain trace amounts of silver and are accumulated in a gaylord container with slag and shipped offsite for the reclamation of silver. With respect to the cupels, please answer the following:
 - a. Please state whether or not a “waste determination” and “LDR determination” have been made for the cupels.
 - b. If a “waste determination” was made for the cupels, 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 determination, and provide any supporting documentation.
 - c. Was the cupels determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with such hazardous waste.
 - d. The regulations of 40 C.F.R. § 266.70 apply to recyclable materials that are reclaimed to recover “economically significant amounts” of silver. This regulation applies to each waste stream prior to combining with additional waste streams. Please indicate if the quantity of silver within the cupel is an “economically significant amount”. Please provide a narrative explanation as to the basis to your response.
 - e. For the time period of April 1, 2021 up to the present, please provide the name, address, and phone number of each entity that received the cupels. In addition, please submit copies of all bills of lading, manifests (including hazardous waste manifests),

shipping invoices, LDR notices, and any certifications that accompanied each off-site shipment of cupels.

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 information 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 3
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 R. Henry
Branch Chief
Air and RCRA Branch
Enforcement and Compliance Assurance Division

cc: Jeremy Dearden (3ED22)
Pauline Belgiovane (3ED20)
Melissa Gross, PADEP (melgross@pa.gov)
Randy Klein, Pyromet (randy@pyromet999.com)