



REGION 2

NEW YORK, N.Y. 10007

June 11, 2025

SENT VIA EMAIL – REQUEST DELIVERY RECEIPT

JChan@optimaxsi.com

Junel Chan
Environmental, Health and Safety Specialist
Optimax Systems, Inc.
6367 Dean Parkway
Ontario, NY 14519-8939

**Re: Notice of Violation
RCRA 3007 Information Request
Optimax Systems, Inc.
EPA ID # NYR000112953**

Dear Ms. Chan:

The United States Environmental Protection Agency (EPA) is charged with the protection of health and the environment under Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. § § 6901, 6928.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 Code of Federal Regulations (C.F.R.) Parts 260-272. For the purposes of this Notice of Violation, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

On or about June 6, 2024, a duly authorized representative of EPA conducted an inspection of Optimax Systems, Inc. (hereafter referred to as the facility) located at 6367 Dean Parkway, Ontario, NY 14519-8939. This inspection was performed pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to evaluate your compliance with RCRA.

NOTICE OF VIOLATION / RCRA 3007 INFORMATION REQUEST
OPTIMAX SYSTEMS, INC.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

Attached you will find a copy of the inspection report prepared by the authorized EPA representative (Attachment I), originally emailed to you on August 15, 2024. The Regulatory Concerns detailed in Section III of the inspection report, titled Areas of Concern, are hereby incorporated by reference as the Notice of Violation (NOV) portion of this letter which is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. § § 6901 and 6928. Issuance of this Notice of Violation and compliance with its terms do not preclude EPA from taking any other formal enforcement action against you and/or your company under Section 3008 of RCRA, 42 U.S.C. § § 6901 and 6928, or any other applicable regulation or statute.

If you have not already done so, you must take immediate action to correct the violations described in the NOV portion of this letter, contained in Enclosure I. (EPA acknowledges that most, if not all, of the cited violations were expeditiously addressed following the inspection).

Also enclosed is a request for additional information (Enclosure II) pertaining to the management of hazardous waste at the facility. The request for information is made pursuant to the provisions of Section 3007, 42 U.S.C. § 6927, which requires that you provide the information requested in Enclosure II to this letter using the instructions and definitions included in Enclosure III. This information is required to evaluate the full regulatory and compliance status of the facility. The information requested in Enclosure III must be submitted no later than thirty (30) calendar days from receipt of this letter. The response must include the Certification of Answers (Enclosure IV) which must be signed by a responsible official or agent of your organization.

Requests for additional time to provide this information must be justified and made within ten (10) calendar days of receipt of this letter.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. Please also note that any information you provide may be used in an administrative, civil judicial, or criminal action. This information request is not subject to the requirements of the Paperwork Reduction Act (PRA) as amended, 44 U.S.C. § 3501 et seq.

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. This claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 C.F.R. § 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to

NOTICE OF VIOLATION / RCRA 3007 INFORMATION REQUEST
OPTIMAX SYSTEMS, INC.

determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. If you contend that some or all of the submitted information is entitled to confidential treatment, specify which portions of the information you consider confidential. For each item or class of information that you identify as being subject to your claim, please answer the questions in Enclosure V, giving as much detail as possible. Please note that you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination.

The response to this letter with the signed Certification of Answers (Enclosure IV) must be emailed to Plossl.Carl@epa.gov or mailed to the following addressee:

Carl Plössl, Senior Enforcement Specialist
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st floor
New York, New York 10007-1866

If you have any questions regarding this matter, please contact Mr. Carl Plössl at (212) 637-4088 or Plossl.Carl@epa.gov.

Failure to respond in full to this request for information is a violation of RCRA Section 3007 and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Such penalties may be up to \$37,500 per day per violation.

If you have any questions regarding this matter, please contact Mr. Carl Plössl at (212) 637-4088 or Plossl.Carl@epa.gov.

Sincerely,

Voo, Leonard

Digitally signed by Voo,
Leonard
Date: 2025.06.11 15:20:37
-04'00'

Leonard Voo, Manager
RCRA Compliance Branch
Enforcement and Compliance Assurance Division

Enclosures: Enclosure I - Notice of Violation
 Enclosure II - Information Request
 Enclosure III - Instructions and Definitions
 Enclosure IV - Certification of Answers
 Enclosure V - Substantiation of Confidential Business Information Claim
 Enclosure VI - Inspection Report and Photo Album

NOTICE OF VIOLATION / RCRA 3007 INFORMATION REQUEST
OPTIMAX SYSTEMS, INC.

Enclosure I
Notice of Violation

On or about June 6, 2024, a duly authorized representative of EPA conducted an inspection of Optimax Systems, Inc. (hereafter referred to as the facility), located at 6367 Dean Parkway, Ontario, NY 14519-8939. This inspection was performed pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to evaluate your compliance with RCRA. At the time of the inspection, your facility was found to be out of compliance with certain of the hazardous and universal waste regulations at 6 NYCRR SUBPARTS 372 - 374. (Slide numbers indicated below are in reference to the Inspection Photo Album section of the Inspection Report).

The following specific violations were among those observed:

General Requirements

1. 6 CRR-NY SUBPART 372.2(a)(2) Hazardous waste determination: The generator must make a determination as to whether or not their solid waste is a hazardous waste.
 - a. Determination had not yet been made for waste sludge/paste observed in a centrifuge basket (Slide 7).
 - b. Determination had not yet been made for certain expired chemicals (Slide 60).

Accumulation Area Requirements - 372.2(a)(8)(i)

2. 6 CRR-NY SUBPART 372.2(a)(2): All containers except those in use must be closed.
 - a. Not all containers in an accumulation area were closed. See Slide 7.
3. 6 CRR-NY SUBPART 372.2(a)(8)(i)(a)(2) Labeling: Containers must be marked with the words "Hazardous Waste" and with other words that identify the contents of the containers.
 - a. Some containers were not labeled as "hazardous waste" or with contents. See example in Slide 7.

90-Day Storage - 372.2(a)(8)(ii)

4. 6 CRR-NY SUBPART 372.2(a)(8)(ii). All wastes in containers and tanks must be shipped off-site to an authorized treatment, storage or disposal facility (TSDF) in 90 days or less.
 - a. Numerous hazardous waste drums lacked accumulation start dates and may have been in storage for more than 90 days. See Slides 16, 22, 26, 39, 40, 41, 42, 43, 44, 45, 47, & 50.
 - b. One drum was labeled with an accumulation start date of "2-2-24" (2 Feb 2024), 35 days past the 90-day limit. See Slide 31.
 - c. Another drum was labeled with an accumulation start date of "11-27" (27 Nov 2023), 102 days past the 90-day limit. See Slide 48.
5. 6 CRR-NY SUBPART 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)(c)(2), 373-1.1(d)(1)(iv)(d). The date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container and tank.

NOTICE OF VIOLATION / RCRA 3007 INFORMATION REQUEST
OPTIMAX SYSTEMS, INC.

- a. Numerous hazardous waste drums lacked accumulation start dates. See Slides 16, 22, 26, 39, 40, 41, 42, 43, 44, 45, 47, & 50.
6. 6 CRR-NY SUBPART 373.9(d)(1): All containers except those in use must be closed.
 - a. Not all containers in the storage area were closed. See Slide 26.
7. 6 CRR-NY SUBPART 373.9(d)(3): Labeling: Containers must be marked with the words "Hazardous Waste" and with other words that identify the contents of the containers.
 - a. The clarity of certain of the hazardous waste labels that identify the contents was lacking. See examples in Slides 29, 31, 32, & 47.
 - b. Some containers were not labeled as "hazardous waste." See example in Slide 26.

Personnel Training - 373-3.2(g)

6. 6 CRR-NY SUBPART 373-3.2(g)(4)(i) Job Title: The job title for each position related to hazardous waste management and the name of the employee filling each job must be maintained at the facility.
7. 6 CRR-NY SUBPART 373-3.2(g)(4)(ii) Job Description: A written job description for each position related to hazardous waste management must be maintained at the facility.
8. 6 CRR-NY SUBPART 373-3.2(g)(4)(iii) Training: a written description of the type and amount of both introductory and continuing training that will be given to each person related to hazardous waste management must be maintained at the facility.
9. 6 CRR-NY SUBPART 373-3.2(g)(4)(iv) Training Records: Records that document that the training or job experience required has been given to and completed by facility personnel must be maintained at the facility.
10. 6 CRR-NY SUBPART 373-3.2(g)(3) Annual Review: Facility personnel must have taken part in an annual review of the initial training required.
 - a. Based on a review of documents provided to EPA during and post inspection, the requirements of this section were not fully met at the time of the inspection.

Preparedness and Prevention - 373-3.3

11. 6 CRR-NY SUBPART 373-3.3(d): Facility communications or alarm systems, fire protection equipment, and spill control equipment must be tested and maintained as necessary to assure their proper operation in time of emergency.
 - a. As discussed during the inspection, facility fire extinguisher inspections lacked consistency.

Contingency Plan - 373-3.4

12. 6 CRR-NY SUBPART 373-3.4(c)(4). The names, addresses and office and home phone numbers of all persons qualified to act as emergency coordinator must be included in the contingency plan.
 - a. The facility Plan lacked addresses and office phone numbers.

Tank Storage Requirements - 373-3.10

13. 6 CRR-NY SUBPART 373 Appendix E - 373-3.10(c) Assessment of Tank Systems or Components Installed after 7/14/86:

NOTICE OF VIOLATION / RCRA 3007 INFORMATION REQUEST
OPTIMAX SYSTEMS, INC.

- a. 373-3.10(c)(1). The owner or operator must have obtained a written assessment reviewed and certified by an independent P.E. attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.
 - b. 373-3.10(c)(2). This assessment must include, at a minimum, the requirements of 373-3.10(c)(1)(i) through 373-3.10(c)(1)(v)(c).
 - i. At the time of the inspection, the facility did not meet these requirements regarding the experimental tank and treatment system.
14. 6 CRR-NY SUBPART 373 Appendix E - 373-3.10(d) through 373-3.10(m) Additional Tank Systems Requirements: Generators must comply with Appendix E, including:
- a. Secondary Containment Requirements - 373-3.10(d),
 - b. Annual Leak Test or Tank Integrity Examination - 373-3.10(d)(9),
 - c. General Operating Requirements - 373-3.10(e),
 - d. Inspections - 373-3.10(f), and
 - e. Air Emission Standards requirements - 373-3.10(m)
 - i. At the time of the inspection, the facility did not meet these requirements regarding the experimental tank treatment system.

Universal Waste - 374-3.2

- 15. 6 CRR-NY Subpart 374-3.2(4)(i) Lamps: A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
- 16. 6 CRR-NY Subpart 374-3.2(e)(5) Labeling/marking: Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: Universal Waste-Lamp(s), or Waste Lamp(s), or Used Lamp(s).
- 17. 6 CRR-NY Subpart 374-3.2(g) Employee training: A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.
 - a. A variety of spent light bulbs, including tube and compact fluorescent and halogen were being accumulated in an open plastic bin labeled as "Light Bulbs." See Slides 61 and 65.

NOTICE OF VIOLATION / RCRA 3007 INFORMATION REQUEST
OPTIMAX SYSTEMS, INC.

Enclosure II
Request for Information

1. With regards to the violations cited in the above Notice of Violation (Enclosure I), please provide:
 - a. A description of the actions taken to correct the violations cited, and documentation such as contingency plans, operating records, photographs (where applicable), etc., verifying that each violation has been corrected; or
 - b. A rebuttal of the violations including any documentation supporting your contention that the violation did not exist at the time of the inspection.
2. With regards to the violations addressed in the above Paragraph 1. for which you have not presented a substantiated rebuttal, please state how the actions taken ensure that any reoccurrence of the cited violation does not occur or, if that is not practicable, that its reoccurrence is rendered unlikely.
3. Provide a detailed plan for bringing (or if already accomplished describe how you brought) the Facility's NYS Pollution Prevention Institute Project (*i.e.*, the experimental tank treatment project) into compliance with all applicable design, construction, and operational requirements of the New York State Hazardous Waste and Tank Systems Regulations.
4. Provide copies of all manifests, invoices, and other disposal records for all universal waste shipments from the Facility from January 1, 2024, through the present.

As noted above, EPA acknowledges that most, if not all, of the cited violations have been corrected since the time of the inspection and that documentation of those corrections have, in some cases, already been provided to EPA. In your responses, if applicable, please reference any past email communication regarding actions taken by Optimax Systems, Inc.

NOTICE OF VIOLATION / RCRA 3007 INFORMATION REQUEST
OPTIMAX SYSTEMS, INC.

Enclosure III
Instructions and Definitions

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of Optimax Systems, Inc. The signatory must sign the attached Certification of Answers (Enclosure IV) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Information Request. Identify each answer with the corresponding question number in Enclosure II.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number or letter of the question in Attachment III to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The facility, for the purposes of this Request for Information, is Optimax Systems, Inc., located at 6367 Dean Parkway, Ontario, NY 14519-8939.
11. A hazardous waste generator is defined, for the purposes of this Request for Information, as any person (which includes this facility) whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

NOTICE OF VIOLATION / RCRA 3007 INFORMATION REQUEST
OPTIMAX SYSTEMS, INC.

- 12.** *Hazardous waste* is defined, for the purposes of this Request for Information, as it is defined in Section 1004(5) of RCRA, as amended, 42 USC Part 6903(5).
- 13.** *Manage* is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.
- 14.** *Battery and Lamp* are defined, for the purposes of this Request for Information, as defined in 40 C.F.R. § 273.9.
- 15.** *Universal Waste* and *Universal Waste Handler* are defined, for the purposes of this Request for Information, as defined in 40 C.F.R. § 273.9.
- 16.** *Used Oil* is defined, for the purposes of this Request for Information, as defined in 40 C.F.R. § 279.1.

NOTICE OF VIOLATION / RCRA 3007 INFORMATION REQUEST
OPTIMAX SYSTEMS, INC.

Enclosure IV
Certification of Answers to Request for Information

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

SIGNATURE

DATE

TITLE

Enclosure V
Substantiation of Confidential Business Information Claim

1. For what period of time do you request that 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, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to Question 1, immediately above?
3. What measures have you taken to protect the information claimed as confidential and to guard against 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 so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available 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?
5. Has EPA or any other governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to result in substantial harmful effects on the business or to its 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?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.