



REGION 4

ATLANTA, GA 30303

March 5, 2024

ELECTRONIC MAIL

CONFIRMATION OF RECEIPT EMAIL REQUESTED

Eric Moser
Environmental Manager
RJ Reynold's Tobacco Company
4040 Reynold's Court
Winston-Salem, NC 27105
Mosere1@rjrt.com

SUBJ: Request for Information
RJ Reynold's Tobacco Company EPA ID# NC0991302664

Dear Eric Moser:

On December 5, 2023, the U.S. Environmental Protection Agency, along with the North Carolina Department of Environmental Quality (DEQ) conducted a RCRA compliance evaluation inspection (CEI) at RJ Reynold's Tobacco Company located in Winston-Salem, North Carolina to determine the facility's compliance status with the Resource Conservation and Recovery Act (RCRA) and North Carolina Solid Waste Management Law, N.C.G.S. §§ 130A-17 to 28 and 130A-290 to 310.22 and applicable regulations.

Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, RJ Reynold's Tobacco Company management is hereby directed to respond, fully and truthfully, within thirty (30) calendar days of receipt of this letter, to the Information Request enclosed herein as Enclosure C (subject to the Instructions in Enclosure A, and the Definitions in Enclosure B). With your response, please include a signed copy of Enclosure D.

Compliance with this Request for Information is mandatory, and information provided by RJ Reynold's Tobacco Company may be used by the EPA in future enforcement actions. Failure to respond fully and truthfully to each and every question or information request within thirty (30) calendar days of receipt of this letter, or to adequately justify such failure to respond, may result in further enforcement action against RJ Reynold's Tobacco Company by the EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

Your response to this Request for Information should be emailed to:

Araceli B. Chavez
Chief, RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
Chavez.Araceli@epa.gov

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. RJ Reynold's Tobacco Company may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information, at the time it is submitted, a suitable notice employing language such as trade secret or proprietary or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the Public by the EPA without further notice to RJ Reynold's Tobacco Company. The EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. RJ Reynold's Tobacco Company should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

This Request of Information is not subject to the approval requirement of the Paper Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Should you have any questions on this matter, please contact Tarin Tischler, of my staff, by phone at (404) 562-9702 or by email at tischler.tarin@epa.gov.

Sincerely,

**FORREST
COVINGTON**

Digitally signed by
FORREST COVINGTON
Date: 2024.03.05
11:34:44 -05'00'

F. Bryce Covington
Acting Chief
Chemical Safety and Land Enforcement Branch

Enclosure

cc: Laurie Digaetano, EPA, digaetano.Laurie@epa.gov
Ernest Lawrence, NCDEQ, ernest.lawrence@deq.nc.gov
Sean Morris, NCDEQ, sean.morris@deq.nc.gov

ENCLOSURE A

Instructions:

1. Identify the person(s) responding to these Information Requests on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request question, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth; you must notify the EPA thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to the Request, you must respond to the question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a detailed or complete response to any Information Request question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
10. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b), by attaching to such 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, or proprietary, or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before

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asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

ENCLOSURE B

Definitions:

The following definitions shall apply to the following words as they appear in this Enclosure.

1. The terms AND and OR shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.
2. The term DISPOSAL shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.
3. The term DOCUMENT and DOCUMENTS shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory) including; (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like of it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
4. The term FACILITY shall mean RJ Reynold's Tobacco Company located at 4040 Reynold's Court Winston-Salem, NC 27105.
5. The term GENERATION shall mean any act or process which produces hazardous waste as identified or listed in 40 C.F.R. Part 261 or an act which first causes a hazardous waste to become subject to regulation.
6. The term HAZARDOUS SUBSTANCE means: (a) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act; (b) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of CERCLA; (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of RCRA (but not including any waste the regulation of which under RCRA has been suspended by Act of Congress); (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act; (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act; and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator of the EPA has taken action pursuant to Section 7 of the Toxic Substances Control Act. The term does not include

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petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). HAZARDOUS SUBSTANCE shall include any mixtures of such hazardous substances with any other substances including petroleum products.

7. The term HAZARDOUS WASTE means a hazardous waste as defined in 40 C.F.R. § 261.3.
8. The term IDENTIFY means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
9. The term IDENTIFY means, with respect to a corporation, partnership, business trust or other associate of a business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
10. The term IDENTIFY means, with respect to a document, to provide its customary business description, date, number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The term PERSON includes, in the plural as well as the singular, any natural person, firm, unincorporated associate partnership, corporation, trust or other entity.
12. The term POLLUTANT or CONTAMINANT shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including a malfunction in reproduction) or physical deformation in such organisms or their offspring; except that the term POLLUTANT or CONTAMINANT shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of Definition 5 above, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). POLLUTANT or CONTAMINANT shall include any mixtures of such pollutant and contaminants with other substances, including petroleum products.
13. The term RELEASE shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

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14. The term TRANSACTION or ARRANGEMENT shall mean every separate agreement, act, deal, instance or occurrence.
15. The term YOU or RESPONDENT shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

ENCLOSURE D

INFORMATION REQUEST

On December 5, 2023, the EPA Region 4 conducted an inspection at RJ Reynold's Tobacco Company located at 4040 Reynold's Court, Winston-Salem, North Carolina, to determine the facility's compliance status with the RCRA. During the inspection, the EPA was informed that RJ Reynold's receives shipments of unsold nicotine-containing products from customer bulk sale warehouses across the country. These products include snuff pouches, nicotine replacement lozenges, e-cigarettes, and cigarettes (Products.)

Please provide a response to each Information Request below, including supporting documentation when necessary. Please note, if the same document(s) or record(s) are responsive to multiple requests, please provide the document or record only once and reference the document in your response to each subsequent request. Additionally, for documents or records that contain data, please submit the responsive information in a file format that may be sorted and/or searched, such as Microsoft Excel or Access.

1. Please provide a detailed written description of RJ Reynold's Tobacco Company's process for receiving unsold nicotine or tobacco containing Products. This description should include a start to finish outline of the onboarding process and a description of how individual Products are evaluated to determine if they can be resold or must be disposed of as waste. The description should include all possible destinations for each Product received.
2. Please provide a spreadsheet summarizing the material received at the facility in a given calendar year, for the past three years. This should include all material that may eventually be managed by RJ Reynold's as P075 hazardous waste. This spreadsheet should include the name and address of each customer shipping material, if they are an in-network or out-of-network customer, the company's EPAID (if applicable), the amount and type of each Product accepted, the quantity from each customer shipped for disposal, and the quantity from the shipped for reuse.
3. Please provide an estimated percentage of the material accepted by RJ Reynold's Tobacco Company that is resold versus the percentage of material that is disposed of as a waste in the last three years. This estimate should include supporting documentation that demonstrates the quantity received over a certain timeframe and information on how these shipments were managed.
4. Please provide a description that includes the definition of a cigarette rod and a written description of how these are managed once they are shipped to the RJ facility in Tobaccoville, North Carolina.

ENCLOSURE D

5. Please provide a description of the shelf life of a cigarette. This may be an estimate on the expiration dates of cigarettes and/or a description of the scenarios in which an unsold cigarette cannot be used by the warehouse and is sent back to the RJ Reynold's facility for recycling.
6. Please provide documentation that demonstrates the chemical composition of the menthol capsules in menthol cigarettes.

STATEMENT OF CERTIFICATION

I certify that I am authorized to respond to this Information Request on behalf of RJ Reynold's Tobacco Company, and I certify under penalty of perjury that the foregoing is true and correct. Executed on _____, 2024.

(Signature)

(Printed Name)

(Title)