



REGION 2

NEW YORK, N.Y. 10007

July 2, 2024

SENT VIA EMAIL – REQUEST DELIVERY RECEIPT

Pedro.Reyes@rsm.com

Pedro Reyes, Lead Technician
RSM Electron Power Inc.
219 W Industry Ct
Deer Park, NY 11729

**Re: Notice of Violation
RCRA 3007 Information Request
RSM Electron Power Inc.
EPA ID #: NYD052786001**

Dear Mr. Reyes:

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 and Information Request, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

On or about April 24, 2024, a duly authorized representative of EPA conducted an inspection of RSM Electron Power Inc. (hereafter referred to as the facility) located at 219 W Industry Ct, New York 11729. This inspection was performed pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to evaluate your compliance with RCRA.

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.

Enclosed you will find a copy of the inspection report prepared by the authorized EPA representative (Enclosure I). 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 Regulatory Concerns section of the inspection report. Please submit within thirty (30) calendar days of receipt of this Notice of Violation, a response which includes for each regulatory concern either:

- a detailed rebuttal explaining why the violation did not exist at the time of the inspection, or
- a description of the actions you have taken to correct the violation.

In either case, please provide supporting documentation (e.g., photographs, inspection records, operating records) demonstrating that each violation either did not exist or was corrected.

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 II 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 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.

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

Areeba Khan, Compliance Officer
Hazardous Waste Compliance Section
RCRA Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st floor
New York, New York 10007-1866

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 Ms. Areeba Khan (212) 637-3580 or khan.areeba@epa.gov.

Sincerely,

LEONARD VOO

Digitally signed by LEONARD
VOO
Date: 2024.07.02 15:56:19
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Leonard Voo
Manager
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures: Enclosure I - Inspection Report
 Enclosure II - Information Request
 Enclosure III - Instructions & Definitions
 Enclosure IV - Certification of Answers

Enclosure I
Inspection Report
RSM Electron Power Inc.

The inspection report is enclosed to the email correspondence sent to the facility.

Enclosure II
Request for Information

On or about April 24, 2024, a duly authorized representative of the EPA conducted an inspection of RSM Electron Power Inc. (hereafter referred to as the facility) located at 219 W Industry Ct, New York 11729. This inspection was performed pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to evaluate your compliance with RCRA. Based on a review of the information obtained during this RCRA inspection (the "Inspection"), we have determined that the following information is required to evaluate RSM Electron Power Inc's compliance with RCRA.

1. Regarding the violations cited in Section III of the inspection report (Enclosure I) and incorporated in the above Notice of Violation, please provide (1) a description of the actions taken to correct the violations cited and provide documentation, including photographs (where applicable), verifying that each violation has been corrected; or (2) a rebuttal of the violations including any supporting documentation.
2. How are hazardous wastes from the satellite accumulation areas stored in the central accumulation area. Do you combine different hazardous waste acids in same container?
3. There was a one-gallon container in the central accumulation area. Please provide a waste profile of this one-gallon container.
4. At the time of the inspection, what hazardous wastes were stored inside each of the drums located in the central storage area; drums were identified as acid waste and solvent waste at the time of the inspection.
5. With regards to the pipes connected to the hazardous waste drums in the central storage area, what is the purpose of the piping system?
6. Where do the pipes in the central storage area in the system lead to? Please provide a photo of the pipe system in the central storage area.
7. Please provide documentation or photos showing the full pipe system and the end of the pipes.
8. With regards to the pipe system identified in the central storage area, does the solvent hazardous waste drum and acid hazardous waste drum join at any point?
9. Does the wastewater treatment plant generate hazardous waste? If so, what waste is generated and how is it managed?
10. Do you conduct weekly inspections of the central storage area? If so, please provide a copy of weekly logs for the month of April.
11. Provide a list of emergency coordinators' names and telephone numbers located in the central storage area.
12. Please provide a picture of the fire extinguisher in the central storage area.

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 RSM Electron Power 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 number listed 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 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 RSM Electron Power Inc.
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.

12. A large quantity generator of hazardous waste is a hazardous waste generator which generates 1000 kilograms or greater of non-acute hazardous waste, or more than one quart of acute hazardous waste listed in 261.33(e), in a calendar month.
13. A small quantity generator is a hazardous waste generator which generates greater than 100 kilograms but less than 1000 kilograms of non-acute hazardous waste in a calendar month in accordance with 40 C.F.R. § 262.34(d).
14. A conditionally exempt generator is a hazardous waste generator which generates no more than 100 kilograms and never accumulates 1000 kilograms or more of non-acute hazardous waste at any time in accordance with 40 C.F.R. § 261.5 (2015).
15. *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).
16. *Manage* is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.
17. *Hazardous Constituents* is defined, for the purposes of this Request for Information, as those substances listed in 40 CFR Part 261 Appendix VIII. 17. The term *Solid Waste Management Unit (SWMU)* is defined, for the purposes of this Request for Information, as any landfill, surface impoundment, land application area, waste pile, incinerator, tank, injection well, transfer station, waste recycling operation, tank, or container storage area that currently or formerly was used to manage a solid waste.

ENCLOSURE IV
Certification of Answers

RSM Electron Power Inc.
219 W Industry Ct
Deer Park, NY 11729

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

