



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Via Electronic Mail

June 7, 2021

Ms. Kathryn Guest, Plant Manager
Baxter Water Treatment Plant
City of Philadelphia
9001 State Rd
Philadelphia, PA 19136
kate.guest@phila.gov

Re: Request for 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 by Baxter Water Treatment Plant
EPA ID No. PAD981733058
Reference Number: C21-025

Dear Ms. Guest:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting to supplement information obtained through its records review of Baxter Water Treatment Plant located in Philadelphia, PA ("BWTP" or "the Facility"). As a generator of hazardous waste, BWTP is subject to Sections 3002 and 3010 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 *et seq.*, the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270-273 and the authorized Pennsylvania Hazardous Waste Management Regulations ("PaHWR"), 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a.

Based on information obtained during EPA's records review of the Facility, BWTP is identified as a RCRA "Small Quantity Generator." However, according to e-Manifest data listed in Attachment 1, at least once within the last five calendar years, BWTP generated hazardous waste in quantities greater than 1,000 kilograms per calendar month, which indicates BWTP may be a "Large Quantity Generator" as established under the authorized regulations.

EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.



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 of your 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 (electronic or hard copy, handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll 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 or 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 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:

Requested Information

1. Regarding the Facility’s process and waste generation, please describe in detail the Facility’s manufacturing and waste generation processes, including a description of raw materials, all waste streams (hazardous and nonhazardous), and finished products.
 - a. Does the Facility track the amount of each waste stream it generates over time? If so, (1) please explain how the Facility measures that amount and (2) state how often such measurements are taken, for example daily, weekly, monthly, or for some other predetermined period time.
 - b. Please state, as precisely as possible, how much of each waste stream has been generated by the Facility in each calendar month for the time period of July 1, 2018 to the present and provide the basis of your knowledge. If you cannot state the amounts on a monthly basis, please state how much of each waste stream has been generated during the smallest intervals (e.g., daily, weekly) for which you are capable of providing such information.

- c. Please provide records documenting monthly hazardous waste generation rates at the Facility.
2. Regarding a Facility contingency plan that describes the actions Facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste, including the requirements set forth at 40 C.F.R. 265.50, please provide the following information:
 - a. Please state “yes” or “no”: Did the Facility have a documented contingency plan in effect during the times of July 2018, February 2020 and January 2021?
 - i. If “yes”, please submit a copy of the contingency plan that was in effect during the times of July 2018, February 2020 and January 2021 and state the date(s) that it was completed and in effect.
 - ii. If “no”, please submit a copy of the contingency plan currently in effect at the Facility and indicate the date it was completed and in effect.
3. Regarding conducting and documenting inspections of hazardous waste accumulation areas (“HWAAs”) located at the Facility, as required by 40 C.F.R. 265.174, please provide the following information:
 - a. Describe each HWWA used to accumulate hazardous waste at the Facility. Include a description of how the waste is stored (e.g., metal 55-gallon drums, polypropylene 250-gallon totes, etc.) and a site plan depicting the location(s) of each HWWA.
 - b. With respect to each of the HWAAs located at the Facility, does the Facility inspect containers being stored in the HWAAs for leaking containers and deterioration of the containers caused by corrosion or other factors?
 - c. If you answered “yes” to Question 3.b., above, please state how often the inspections are conducted.
 - d. If you answered “yes” to Question 3.b., above, provide the first and last name of each person at the Facility who is or was responsible for conducting the inspections of the Facility’s HWAAs for the time period of July 1, 2018 to the present.
 - e. Submit a copy of any and all inspection logs maintained by the Facility for the HWAAs for the time period of July 1, 2018 to the present.
4. Regarding the Facility’s hazardous waste training program for which requirements are described in 40 C.F.R. § 265.16, please provide the following information:
 - a. Provide the first and last name of each employee at the Facility who is or has been responsible for the handling and/or management of hazardous waste for the time period of July 1, 2018 to the present. This would include, but not be limited to, persons responsible for the labeling, dating, inspecting, and transporting containers of hazardous waste, in addition to the signing of manifests and Land Disposal Restriction notices, waste determinations, emergency coordinators, and hazardous waste training instructors.

- b. Provide the exact dates of employment for each of the employee names provided in your response to Question 4.a. above.
- c. Please state “yes” or “no” to the following question: Does the Facility maintain documentation specifying the job title and job description for each employee listed in response to Question 4.a. above? If “yes”, please answer the following:
 - i. Submit the Facility’s documented job titles and written job descriptions for each employee listed in response to Question 4.a.
 - ii. For each document submitted in response to Question 4.c.i, above, provide the date each document was first created by the Facility.
- d. Please state “yes” or “no” to the following question: Has the Facility provided initial hazardous waste training to each employee listed in response to Question 4.a.? If “yes”, please answer the following:
 - i. Provide the dates on which initial hazardous waste training was conducted for each of the employees listed in response to Question 4.a. and state the basis of your knowledge.
 - ii. Submit any and all records the Facility has maintained to document initial hazardous waste training has been conducted for each employee named in response to Question 4.a. for the time period of July 1, 2018 to the present.
- e. Please state “yes” or “no” to the following question: Has the Facility provided annual refresher hazardous waste training to each employee listed in response to Question 4.a.? If “yes”, please answer the following:
 - i. Provide the dates on which annual refresher hazardous waste training was conducted for each of the employees listed in response to Question 4.a. for the time period of July 1, 2018 to the present and state the basis of your knowledge.
 - ii. Submit any and all records the Facility has maintained to document annual fresher hazardous waste training has been conducted for each employee named in response to Question 4.a. for the time period of July 1, 2018 to the present.
- 5. Submit copies of any and all hazardous waste manifests generated by the Facility for the off-site shipments of hazardous waste that occurred from July 1, 2018 to present.
- 6. Regarding copies of Land Disposal Restriction Notification (“LDR”) forms for the off-site shipments of hazardous waste:
 - a. Please state “yes” or “no”: has the Facility provided LDR forms for each hazardous waste stream shipped offsite to each treatment, storage, and disposal facility (“TSDF”) it has shipped to? If yes, provide a copy of all LDR forms.

- b. If the Facility generated or retrieved copies of any of the LDR forms from the TSDF (or other off-site provided) subsequent to the receipt of this letter, please also indicate which LDR forms for which this the case and the date(s) when such forms were generated or obtained.
7. Has there been or were any of the hazardous wastes generated as a result of an episodic event where larger than normal quantities of wastes were generated and shipped off-site?
- a. If “yes,” were they planned or unplanned events resulting in larger than normal generation of hazardous waste?
 - b. If “yes,” did the Facility notify the Pennsylvania Department of Environmental Protection (PADEP) of the episodic hazardous waste generation event? If so, please submit any and all documentation to support your claim.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or 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:

Martin Matlin (3ED22)
matlin.martin@epa.gov
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Matlin at 215-814-5789 or matlin.martin@epa.gov.

Sincerely,

Carol Amend, Chief
Air, RCRA & Toxics Branch
Enforcement and Compliance Assurance Division

Attachment

cc: Martin Matlin (3ED22)
Melissa Gross, PADEP, melgross@pa.gov
Pauline Belgiovane (3ED20)

ATTACHMENT 1

Manifest Number	Shipped Date	Waste Codes	Quantity
006539742 SKS	7/13/18	D039	20 G
018901245 JJK	7/25/18	D002	3743 G
006560639 SKS	8/7/18	D039	20 G
006550206 SKS	9/4/18	D039	20 G
006789102 SKS	10/1/18	D039	20 G
006888601 SKS	10/29/18	D039	20 G
006810104 SKS	12/6/18	D039	20 G
006816966 SKS	1/7/19	D039	20 G
006888778 SKS	1/31/19	D039	20 G
006850855 SKS	3/7/19	D039	23 G
006858587 SKS	4/3/19	D039	20 G
006871152 SKS	4/29/19	D039	20 G
007072981 SKS	5/28/19	D039	20 G
007078002 SKS	6/21/19	D039	20 G
007234684 SKS	12/5/19	D039	20G
007362832 SKS	12/31/19	D039	20 G
007377758 SKS	1/27/20	D039	20 G
007389096 SKS	2/24/20	D039	20 G
020391472 JJK	2/25/20	D002	1680 G
020391492 JJK	2/26/20	D002	3150 G
015632634 JJK	2/29/20	D002	175 G
007397199 SKS	3/24/20	D039	20 G
007635221 SKS	4/21/20	D039	20 G
007672010 SKS	6/24/20	D039	20 G
007692017 SKS	7/29/20	D039	15 G
007651066 SKS	8/17/20	D039	20 G
007660923 SKS	9/16/20	D039	20 G
007714958 SKS	10/13/20	D039	3 G
022254727 JJK	1/21/21	D002	17,400 P
007838248 SKS	2/19/21	D039	20 G