



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

25 JUL 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7451 0461

Mr. Cris January Sr.
President
January Environmental Services, Inc.
2701 S. Prospect
Oklahoma City, OK 73129

Re: Request for Information Pursuant to Section 3007 of RCRA regarding operations at
January Environmental Services, Inc. location in Oklahoma City, Oklahoma;
EPA ID No. OKD042146324.

Dear Mr. January:

Enclosed is an Information Request Letter ("Request") issued to January Environmental Services Inc., for its location at 4300 SW 36th Street, Oklahoma City, Oklahoma. This request is being made pursuant to the authority set forth in Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927. Pursuant to this authority, the United States Environmental Protection Agency ("EPA"), Region 6 may require persons with information relevant to the generation, storage, treatment, transportation, disposal, and/or otherwise handling of hazardous wastes to submit information to EPA to determine compliance with RCRA 42 U.S.C. §§ 6921 – 6992k.

The January 2013 compliance evaluation inspection conducted by the Oklahoma Department of Environmental Quality (ODEQ) revealed potential violations of the Oklahoma Hazardous Waste Management Act, the Oklahoma Solid Waste Management Act, the Oklahoma Hazardous Waste and Solid Waste Regulations (OAC 22:205 and 252:515), and the Federal Hazardous Waste Management Regulations (Title 40 of the Code of Federal Regulations [40 CFR], Parts 260-270), as authorized under the federal Resource Conservation and Recovery Act.

In consultation with the ODEQ, those potential violations may persist. EPA, is therefore collecting information to assist in evaluating the current operational status of the facility, identifying outstanding violations, and in securing compliance with applicable RCRA regulations at January Environmental Services Inc.

Please respond to this Request within thirty (30) calendar days of receipt of this letter. Compliance with this Request is mandatory. Failure to respond fully and truthfully to the Request or to adequately justify such failure to respond can result in enforcement action by EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

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Request or to adequately justify such failure to respond can result in enforcement action by EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

This Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq. Your response to this Request should be sent to Ms. Debra Pandak at the United States Environmental Protection Agency, Region 6, Waste Compliance II Section (6EN-H2), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

Please direct technical questions to Ms. Debra Pandak at (214) 665-7565, and legal questions to Ms. Angela Hodges of the Office of Regional Counsel at (214) 665-2796. Thank you for your attention to this matter.

Sincerely,



Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

EC:

Mike J. Edwards, Manager
Land Protection Division
OK Department of Environmental Quality
P. O. Box 1677
Oklahoma City, OK 73101-1677
Mike.Edwards@deq.ok.gov

ENCLOSURE A

INFORMATION REQUEST

The Environmental Protection Agency ("EPA"), Region 6 is investigating compliance with the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6921 – 6992k. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, you are hereby required to follow the instructions and provide responses and information required by the questions in this Information Request ("Request"). You are required to submit the requested information to EPA within thirty (30) calendar days of receipt of this Request. If you anticipate that you will be unable to fully respond to this Request within thirty (30) calendar days, you must submit a sworn affidavit or declaration by a responsible corporate official within twenty (20) calendar days of receipt of this Request specifying what information will be provided within the specified 30 calendar day time period, describing what efforts have been/are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based on such affidavit or declaration, EPA, Region 6 may extend the time in which January Environmental Services Inc. must provide the responsive information. Furthermore, EPA, Region 6 retains its right to obtain additional information beyond what is sought in this Request.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of January Environmental Services Inc. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001, and 42 U.S.C. § 6928(d). Furthermore, failure to fully comply with this Request may subject January Environmental Services Inc. to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

In accordance with Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), the records, reports, and information requested in this Request must be submitted, whether or not you regard part or all of it as a trade secret or confidential. You may, if you desire, assert a business confidentiality claim for all or part of the information submitted in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. If you do assert a business confidentiality claim, you must follow the procedures set forth in Section I - Instructions.

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All information responsive to this Request should be sent to the following:

Ms. Debra Pandak
Hazardous Waste Enforcement Branch (6EN-H2)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

I. INSTRUCTIONS

1. The enclosed Statement of Certification (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to this Request.
2. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA, Region 6. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
3. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. Please submit all information for each question in one logically sequenced electronic format (i.e., electronic copy) and/or one logically sequenced bound format (i.e., paper copy).
4. All terms used in the Request will have their ordinary meaning unless such terms are defined in RCRA, 40 C.F.R. Parts 260 - 280, and the federally-authorized Oklahoma hazardous waste program.
5. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret," "proprietary," or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document in which you assert a claim of business confidentiality, please answer the following questions:
 - a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

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- b. 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, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
- c. What measures have you taken to protect the information claimed as confidential from 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 yes, why is the information still considered confidential?
- d. Is the information contained in any publicly accessible forums or materials such as the Internet, 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?
- e. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your 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?
- g. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish answers to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely answers as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

II. INFORMATION REQUESTED

1. Please identify the person(s) answering these questions on behalf of JES.
2. Please provide the name and address of the Facility owner's current registered agent for service of process.

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3. Please provide a process diagram(s) for each service provided at the Oklahoma facility located at 4300 SW 36th St., Oklahoma City, OK. Identify the point(s) within each service/process where materials are received and solid wastes or products are generated. The diagram(s) should include the following information:
 - a. Identify each step or unit (e.g., heating units, mixing, treatment, other physical or chemical management of the material or waste), and other decision points in the service/process. Each unit should also be described by size and type (e.g., 2,000-gallon poly tank, 55-gallon metal drum etc.).
 - b. Identify the entry point of all materials, including solid or hazardous waste, into the service/process(s). Each material should be identified by its name, code or category and the quantity of materials entering at each point.
 - c. Identify all waste and product output points for each service/process, including the name, code or category and quantity at each point.
4. Provide a narrative description of each service/ process identified in the above diagrams that includes the following:
 - a. A description of each step of the process, including disposition of waste or product from each point in the process diagram(s) provided above.
 - b. A description of how all materials, wastes and products are managed onsite (i.e., accumulated, stored, treated, and/or recycled) prior to entering each process and prior to shipment off site.
5. Please provide the following documentation regarding hazardous waste determinations conducted on each solid waste generated or managed at the referenced Oklahoma facility:
 - a. Provide analytical data and/or knowledge of process documentation kept as support, pursuant to 40 C.F.R. § 262.40, for your hazardous waste determination in accordance with 40 C.F.R. § 262.11 and 40 C.F.R. § 268.7; and
 - b. Identify the point(s) of generation at which you collected your samples for hazardous waste determination for laboratory analysis; and, if applicable, the point(s) of generation at which you performed your hazardous waste determination based on knowledge of process.
6. Please provide Safety Data Sheets for materials used in the process(es) described in 3 and 4 above. Provide the following information on “drying agents” used in processing used oil.
 - a. What “drying agents” are used?
 - b. Why are the “drying agents” used?
 - c. What chemical do the “drying agents” replace?
 - d. What standard do “drying agents” need to meet in order to be useful as a “drying agent”?
 - e. Do the “drying agents” have any constituents not found in the chemical it is replacing?
 - f. How do you determine how much of the “drying agents” to use in the process?
 - g. Have you ever purchased a makeup chemical to perform the function of the “drying agents”? If so, provide all instances in the last 3 years and include

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purchase orders.

7. Please provide copies organized by date (in an electronic format, if available, such as Adobe Acrobat) of the current month and previous two months of bills of lading, manifests or other documents used to pick up or ship out products, solid or hazardous waste.

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ENCLOSURE B

STATEMENT OF CERTIFICATION

January Environmental Services Inc. – Oklahoma City, Oklahoma

I certify that I am authorized to respond to this information request on behalf of January Environmental Services Inc. and I certify under penalty of perjury that the foregoing is true and correct. Executed on _____, 2017.

(Signature)

(Name)

(Title)