



REGION 6

DALLAS, TX 75270

February 13, 2024

VIA Electronic Mail:

grovner@foley.com;

bpino.dlubak@gmail.com;

mpino@dlubak.com

Dlubak Glass Company

ATTN: Gary Rovner

On behalf of Brian Pino

EHS Manager

1018 W. 14th St.

Okmulgee, Oklahoma 74447

Re: Notice of Potential Violation and Opportunity to Confer
Resource Conservation and Recovery Act
Dlubak Glass Company

Dear Mr. Rovner and Mr. Pino:

Hazardous waste that is improperly managed poses a serious threat to human health and the environment. Through implementation of the authorities in the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 – 6992k, the United States Environmental Protection Agency regulates the control of hazardous waste from the “cradle-to-grave.” This includes the generation, transportation, treatment, storage and disposal of hazardous waste.

On September 23, 2022, the EPA, Region 6 received information from the Oklahoma Department of Environmental Quality (“ODEQ”) of a stockpile of cathode ray tube glass being stored at the Dlubak Glass Company (“Dlubak”) facility located at 1018 W. 14th St., in Okmulgee, Oklahoma. After reviewing the documentation provided by ODEQ, EPA conducted an inspection on March 22, 2023, at the Dlubak facility located in Okmulgee, OK. The purpose of the inspection was to determine Dlubak’s compliance with the requirements of RCRA and the implementing regulations. The information currently available to the EPA, collected as a result of the inspection and subsequent submissions by Dlubak to EPA’s request for information, suggests that Dlubak may be in violation of RCRA. By this letter, the EPA is extending Dlubak the opportunity to advise the Agency via a conference call, or in writing, of any further information the EPA should consider with respect to the following potential violations of the RCRA and the implementing regulations:

- Section 3010 of RCRA – Failure to comply with notification requirements as a large quantity generator of hazardous waste pursuant to Section 3010 of RCRA.

- 40 C.F.R. § 262.17 – Failure to comply with notification requirements of Section 3010 of RCRA for treatment, storage, and disposal facilities.
- Failure to comply with the EPA Administered Permit Programs; 40 C.F.R. § 270.1(c) – The Hazardous Waste Permit Program pursuant to Part 270 for the storage of hazardous waste.

Dlubak failed to meet the conditional exclusion for used, broken cathode ray tubes (CRT) and processed CRT glass undergoing recycling, 40 C.F.R. § 261.39(a)(4), by speculatively accumulating the CRT glass, as defined in 40 C.F.R. § 261.1(c)(8). Speculatively accumulating the CRT glass resulted in the CRT glass being classified as a solid waste, thus Dlubak generated a solid waste. This solid waste contained the toxicity characteristic for lead, therefore meeting the definition of hazardous waste and making Dlubak a generator of hazardous waste. Dlubak accumulated the hazardous waste beyond the ninety (90) day time period permitted for large quantity generators without a permit, resulting in storage of a hazardous waste. Thereby Dlubak failed to notify under section 3010 of RCRA and failed to obtain a permit to store hazardous waste pursuant to 40 C.F.R. § 262.17 [40 C.F.R. Part 270].

If Dlubak Glass Company is interested in participating in an opportunity to confer with the Agency with respect to the above listed potential violations, please contact Lawrence Pittman, with the Office of Regional Counsel, within seven calendar days of receipt of this letter at pittman.lawrence@epa.gov or 214-665-8381.

Thank you for your attention to this matter. If you have any questions, please contact Lawrence Pittman, at pittman.lawrence@epa.gov or 214-665-8381, or Gabriel Salinas, of my staff, at salinas.gabriel@epa.gov or 214-665-8483.

Sincerely,

Jeff Yurk
Manager
Waste Enforcement Branch

Enclosure: Additional Sources of Information

cc: Christopher.Robinson@deq.ok.gov
Mike.Edwards@deq.ok.gov
Alicia.Chen@deq.ok.gov

ADDITIONAL SOURCES OF INFORMATION

- Information on RCRA and hazardous waste regulations
<https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-regulations>
- RCRA Civil Penalty Policy
<https://www.epa.gov/enforcement/resource-conservation-and-recovery-act-rcra-civil-penalty-policy>
- Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22
https://www.epa.gov/sites/production/files/2013-10/documents/final-crop-fr_1.pdf
- Small Business Fact Sheet
www.epa.gov/compliance/small-business-resources-information-sheet