



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

July 27, 2015

Retriev Technologies Incorporated  
265 quarry Road  
Lancaster, OH 43130

**Re:   Retriev Technologies Incorporated**  
**DFFO**  
**RCRA C - Hazardous Waste**  
**Fairfield County**  
**OHD071654958**

**Subject: Final Findings and Orders of the Director**

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Retriev Technologies Incorporated

Enclosed are invoices for the penalty amount of \$12,000.00 required by the orders. The penalty payment(s) shall be made by official check(s) made payable to "Treasurer, State of Ohio."

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3037.

Sincerely,

A handwritten signature in black ink that reads "Greg Nichols". The signature is written in a cursive, slightly slanted style.

Greg Nichols, Administrative Professional 3  
Division of Materials & Waste Management

Enclosure

cc: Kelly Smith, DMWM, CO  
Kelly Jeter, DMWM, CO  
Andrea Smoktonowicz, Legal  
Carl Mussenden, DMWM, CO  
Melissa Storch, DMWM, CDO

OHIO E.P.A.

JUL 27 2015

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

**Retriev Technologies Incorporated**  
265 Quarry Road  
Lancaster, OH 43130

**Respondent**

**Director's Final  
Findings and Orders**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Retriev Technologies Incorporated (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. Respondent owns and operates a hazardous waste facility where it receives and recycles spent nickel cadmium and lead acid batteries. It is located at 265 Quarry Road, Lancaster, Fairfield County, Ohio (Facility). On December 21,

2005, Toxco, Inc. was issued a hazardous waste facility installation and operation permit for storage of hazardous waste at the Facility. The permit includes the requirement to implement Facility-wide corrective action. On August 18, 2013, the Director of Ohio EPA issued a Class 3 Modification to the permit which replaced Respondent as permittee. The Facility is assigned U.S. EPA identification number OHD 071 654 958.

3. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. In addition to operating in accordance with the requirements of its hazardous waste facility installation and operation permit, Respondent is a large quantity generator of hazardous waste subject to the requirements in OAC rule 3745-52-34(A). Hazardous wastes generated by Respondent include, but are not limited to, lead plates which are hazardous due to the toxicity characteristic for lead (D008) and collector oxide which is a by-product of recycling nickel cadmium batteries and is hazardous due to the toxicity characteristic for cadmium (D006) and benzene (D018), as defined in OAC rule 3745-51-24. Respondent is also a universal waste destination facility and a large quantity universal waste handler as those terms are defined in OAC rule 3745-273-09 and is subject to the requirements in OAC rules 3745-273-30 through 3745-273-40.
4. On September 11, 2014, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined that Respondent, *inter alia*:
  - a. Stored seven containers of lead plates and forty-two containers of collector oxide for greater than 90 days in an unpermitted storage area at the Facility, in violation of ORC § 3734.02(E) and (F). The lead plates were stored for a maximum of 24 days over the time allowed, and the collector oxide was stored for a maximum of 226 days over the time allowed. There were no visible signs of leaks or releases to the environment from the containers that were unlawfully stored. During the inspection, Respondent moved the seven containers of lead plates to a container storage area at the Facility where storage of hazardous waste is authorized for up to one year by the Facility's hazardous waste permit; and
  - b. Failed to conduct inspections of the hazardous waste generator accumulation area where the collector oxide was stored, in violation of OAC rule 3745-66-74.

5. By electronic mail on November 6, 2014, Respondent submitted a manifest showing the collector oxide had been shipped offsite to an authorized facility on October 22, 2014, which addressed the violation referenced in Finding No. 4.a. of these Orders.
6. By letter dated November 17, 2014, Ohio EPA notified Respondent of the violations referenced in Finding No. 4. of these Orders.
7. By electronic mail on January 20, 2015, Respondent submitted inspection records to address the violation referenced in Finding No. 4.b. of these Orders.
8. By letter dated January 28, 2015, Ohio EPA notified Respondent it had abated the violation set forth in Finding No. 4.b. of these Orders.
9. The Director has determined no further action is required by Respondent to address the violation in Finding No. 4.a. of these Orders because there were no visible signs of releases from the containers of hazardous waste that were unlawfully stored, Respondent moved the lead plates to a permitted area, and Respondent made arrangements to have the collector oxide properly disposed. Also, the hazardous waste was stored in Respondent's generator accumulation areas at the Facility, which, while unpermitted storage areas, are areas Respondent is authorized by rule to store hazardous waste for up to 90 days, making closure of these areas in accordance with OAC rules 3745-55-10 through 3745-55-20 unnecessary at this time.

## **V. ORDERS**

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent shall pay to Ohio EPA the amount of \$13,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. In accordance with the following provisions:
  - a. Within 30 days after the effective date of these Orders, Respondent shall pay \$12,000.00 of the total amount which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$12,000.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent and the

Facility. A copy of this check shall be sent to Ohio EPA Division of Materials and Waste Management, Supervisor, Administrative Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

2. In lieu of paying the remaining \$1,000.00 of civil penalty identified in Order No. 1. above, Respondent shall perform the following Supplemental Environmental Project (SEP). Respondent shall provide a presentation to three schools (preferably high schools) in counties in the CFLP (Coshocton Fairfield Licking Perry) Solid Waste Management District. This presentation shall outline the importance of battery recycling and battery safety.
  - a. Within 30 days of the effective date of these Orders, Respondent shall provide a proposal for review and approval to Ohio EPA for the battery recycling presentation. The proposal shall include visual aids, handouts and/or a powerpoint program presentation. Upon approval by Ohio EPA, Respondent shall conduct the presentation in accordance with the requirements in Order 2.b. of these Orders.
  - b. By October 16, 2015, Respondent shall present the program approved by Ohio EPA in Order 2.a. of these Orders. For each school where Respondent conducts a presentation, Respondent shall provide a "Big Green Box," which is described in Attachment A to these Orders, at no charge to the school. On or before October 30, 2015, Respondent shall provide documentation to Ohio EPA such as photographs demonstrating that Respondent has provided these presentations. This documentation shall be provided in accordance with Section X. of these Orders.
  - c. Should Respondent fail to perform the SEP in Order No. 2.b. within the required time frame, Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 2.b., the amount of \$1,000.00 in accordance with the procedures in Order No. 1.a.

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in

which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a [e.g., corporate officer] who is in charge of a principal business function of Respondent.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

#### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

#### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

#### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Central District Office  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Materials and Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049

For deliveries to the building:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Materials and Waste Management  
50 West Town Street  
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure of the unpermitted hazardous waste storage units where the seven containers of lead plates and forty-two containers of collector oxide were stored at the Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal, or equitable claim or defense with respect to any final action of the Director regarding closure. Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

#### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek closure of the unpermitted hazardous waste storage units where the seven containers of lead plates and forty-two

containers of collector oxide were stored at the Facility, which rights Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

### **XIII. EFFECTIVE DATE**

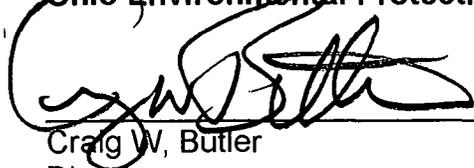
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

### **XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

A handwritten signature in black ink, appearing to read 'Craig W. Butler', is written over a horizontal line.

Craig W. Butler  
Director

**IT IS SO AGREED:**

**Retriev Technologies Incorporated**

  
\_\_\_\_\_  
Signature

7/10/2015  
\_\_\_\_\_  
Date

Joseph Acker Jr  
\_\_\_\_\_  
Printed or Typed Name

President  
\_\_\_\_\_  
Title



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### EASY BATTERY RECYCLING WITH THE BIG GREEN BOX!

The Big Green Box is an international program that offers to companies, consumers, municipalities and other generators a low cost and easy way to provide electronics and battery recycling for themselves as well as their customers. Once The Big Green Box is purchased all shipping, handling and disposal fees are included. The Big Green Box includes a United Nations approved transportation container, pre-paid shipping to our recycling facility and all battery recycling fees. With The Big Green Box it is no longer necessary to pay large fees to waste management companies, nor fill out complicated paperwork, just to manage your hazardous materials.

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### RECYCLE BATTERIES

- Alkaline
- NiCd
- NiMh
- Lead
- Silver
- Mercury
- Lithium

### RECYCLE ELECTRONICS

- Cell Phones
- Power Tools
- Calculators
- Cameras
- PDA's
- Laptops

### CONTACT US

For information, pricing or to place an order please call:  
United States: (877) 461-2345  
Direct: (740) 862-5802

Canadian Customers Please Call:  
(877) 468-6926



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