



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

March 3, 2016

Retriev Technologies, Inc.
265 Quarry Road
Lancaster, Ohio 43130

**Re: Retriev Technologies Inc.
Director's Final Findings and Orders (DFFO)
DFFO
RCRA C - Hazardous Waste
Fairfield County
OHD 071 654 958**

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, Inc.

Enclosed are invoices for the total penalty amount of \$4,000 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) 644-3180.

Sincerely,

A handwritten signature in black ink that reads "D. J. Crumiell-Hagens". The signature is written in a cursive style.

Demitria Crumiell-Hagens, Administrative Professional II
Division of Materials & Waste Management

Enclosure

cc: Kelly Smith, DMWM, CO
Mitch Mathews, DMWM, CO
Melissa Storch, DMWM, CDO
Peter Maneff, DMWM, CDO
Andrea Smoktonowicz, Legal

OHIO E.P.A.

MAR -3 2016

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 storage facility and is a universal waste destination facility (OAC rule 3745-273-09) which 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. On August 18, 2013, the Director of Ohio EPA issued a Class 3 Modification to the permit which replaced Respondent as permittee. The permit includes the requirement to implement Facility-wide corrective action. The Facility is assigned U.S. EPA identification number OHD071654958.
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 waste generated by Respondent includes, but is not limited to, polycarbonate plastic from battery cases, which is hazardous due to the toxicity characteristic for lead (D008), as defined in OAC rule 3745-51-24.
4. On July 17, 2015, Ohio EPA and Respondent entered into Director's Final Findings and Orders (2015 Orders) to resolve Respondent's storage of seven containers of hazardous waste lead plates and forty-two containers of hazardous waste collector oxide for greater than 90 days in unpermitted storage areas, in violation of ORC § 3734.02(E) and (F). The 2015 Orders required payment of a \$13,000.00 civil penalty. Respondent paid \$12,000.00 on August 21, 2015 and completed a supplemental environmental project valued at \$1,000.00 on October 2, 2015.
5. On September 23, 2015, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined that Respondent stored one container of hazardous waste polycarbonate plastic (D008) in an unpermitted storage area for greater than 90 days, in violation of ORC § 3734.02(E) and (F). The hazardous waste polycarbonate plastic (D008) was generated by Respondent on May 18, 2015 from processing submarine and aircraft batteries and at the time of the inspection had been unlawfully stored in a generator accumulation area for 38 days past the 90 days allowed by OAC rule 3745-52-34(B).
6. In a notice of violation (NOV) letter dated October 21, 2015, Ohio EPA notified Respondent of the violation cited in Finding No. 5. of these Orders. Ohio EPA

also recommended Respondent identify each individual generator accumulation area for purposes of conducting inspections.

7. Via e-mail on November 3, 2015, Respondent responded to the NOV described in Finding No. 6. of these Orders and informed Ohio EPA that following the September 23, 2015 inspection, the container of hazardous waste polycarbonate plastic (D008) was emptied into a roll-off box located in the generator accumulation area where Respondent's waste is staged prior to being picked up to be transported offsite. Respondent also provided a copy of a hazardous waste manifest documenting the October 19, 2015 shipment of the roll-off box containing the hazardous waste polycarbonate plastic (D008) to an authorized facility. Based on the October 19, 2015 date of this shipment, Respondent unlawfully stored the hazardous waste polycarbonate plastic (D008) an additional 25 days.
8. Via e-mail on November 30, 2015, Respondent provided information to Ohio EPA in the form of sample inspection checklists identifying each individual generator accumulation area which Respondent will use when it conducts inspections of hazardous waste stored at the Facility.
9. The Director has determined no further action is required by Respondent to address the violation in Finding No. 5 of these Orders because there were no visible signs of releases from the container, Respondent emptied the container into a roll-off box destined for disposal and subsequent to the inspection, Respondent manifested the hazardous waste polycarbonate plastic (D008) offsite to an authorized facility on October 19, 2015. Also, the hazardous waste polycarbonate plastic (D008) was stored in a generator accumulation area at the Facility, which, while an unpermitted storage area, is an area Respondent is authorized by rule to store hazardous waste for up to 90 days, making closure of this area 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:

Respondent shall pay to Ohio EPA the amount of \$4,000.00 in settlement of Ohio EPA's claims for civil penalties. Within 30 days after the effective date of these Orders, Respondent shall pay the amount of \$4,000.00 which will be deposited into the environmental protection remediation fund established pursuant to ORC

§ 3734.281. Payment shall be made by official check made payable to "Treasurer, State of Ohio" for \$4,000.00. 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, the Facility, and the EPA ID Number referenced in Finding No. 2. of these Orders. 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.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V. of these Orders.

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:

Manager, Hazardous Waste Compliance Assurance Section
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:

Manager, Hazardous Waste Compliance Assurance Section
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 unit where the container of hazardous waste plastic was 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 unit where the one container of hazardous waste plastic was stored at the Facility, which right 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:

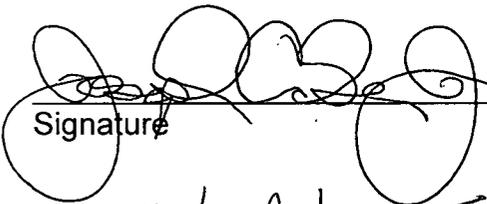
Ohio Environmental Protection Agency



Craig W. Butler
Director

IT IS SO AGREED:

Retriev Technologies Incorporated



Signature

2/17/2016

Date

Joseph Acker Jr.

Printed or Typed Name

President

Title