



February 6, 2024

Cirba Solutions US, Inc.
265 Quarry Road, SE
Lancaster, OH 43130

**Re: Cirba Solutions US, Inc.
Director's Final Findings and Orders (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 Cirba Solutions US, Inc.

Enclosed is the invoice for the total penalty amount of \$10,000.00 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 Sarah Miles at (614) 644-3037.

Sincerely,

Mitchell Mathews

Mitchell Mathews, Environmental Manager
Division of Environmental Response and Revitalization

Enclosure

Ec. Bill Narotski, DERR, CO
 Mitchell Mathews, DERR, CO
 Tammy Heffelfinger, DERR, CO
 Peter Maneff, DERR, CO
 Martin Smith, DERR, CO
 Sarah Miles, Legal
 Ali Alavi, Cirba Solutions US, Inc.
 Scott Combis, Cirba Solutions US, Inc.
 John Kelly, Cirba Solutions US, Inc.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Cirba Solutions US, Inc.
265 Quarry Road
Lancaster, Ohio 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 Cirba Solutions US, Inc. (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. Respondent does not admit to any of Ohio EPA's factual or legal findings and nothing in these Orders shall be considered as an admission by Respondent of any matter of fact or law.

1. Respondent is a "person" as defined in Ohio Revised Code (ORC) § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(P).
2. Respondent owns and operates a battery reclamation facility located at 265 Quarry Road, Lancaster, Fairfield County, Ohio 43130 (Facility). The Facility has

been assigned U.S. EPA identification number OHD071654958 and has a Hazardous Waste Facility Installation and Operation Permit, issued by Ohio EPA on December 21, 2005, with a permit renewal issued on November 14, 2017, to store hazardous waste for up to one year in the 265 storage and 295 storage units.

3. At the Facility, Respondent receives various battery types including, nickel cadmium and lithium-ion. The batteries are stored, recycled, and/or passed through to downstream recyclers. Respondent is a large quantity generator (LQG) of hazardous waste as defined in OAC rule 3745-50-10(L)(6).
4. Prior to or during October 2022, Respondent believes it processed a container of nickel cadmium batteries in Respondent's lithium-ion processing line causing the cobalt cake/black mass waste (black mass) to exhibit the characteristic of toxicity for cadmium (D006), as defined in OAC rule 3745-51-24. The black mass generated from this process was placed into supersacks (containers) for transport off-site. Since the black mass is residue from the reclamation process that requires further reclamation, the black mass is a waste and a in this case a hazardous waste. On October 31, 2022, Respondent transported five (5) supersacks containing cobalt cake/black mass waste (black mass) referenced in Finding No. 4. of these Orders, to an out of state facility not authorized to receive hazardous waste using a non-hazardous bill of lading to transport the hazardous waste.
5. On January 13, 2023, Ohio EPA was informed by the Nevada Department of Conservation and Natural Resources of the information referenced in Finding No. 5. of these Orders.
6. On January 24, 2023, Ohio EPA requested Respondent to provide analytical data of the black mass waste from its lithium-ion line.
7. On or about January 26, 2023, Respondent caused additional supersack(s) of hazardous waste black mass described in Finding No. 4. of these Orders to be transported/exported to a facility in a foreign country that is not known to be a facility authorized to receive hazardous waste. The shipment was not accompanied by a hazardous waste manifest.
8. On February 8, 2023, Respondent provided Ohio EPA the results of the analysis of the black mass waste generated by the lithium-ion line; results indicated the waste exhibited the characteristic of toxicity for cadmium (D006).
9. On February 13, 2023, Respondent decontaminated the lithium-ion line.

- Respondent has demonstrated that black mass generated after decontamination has not exhibited a characteristic of a hazardous waste.
10. On March 17, 2023, Ohio EPA received analytical TCLP results from the out of state facility that received the five (5) supersacks containing black mass referenced in Finding No. 5. of these Orders. The analysis confirmed the black mass exhibited the characteristic of toxicity for cadmium (D006).
 11. On April 25, 2023, Ohio EPA completed a compliance evaluation inspection at the Facility. During the inspection Ohio EPA reviewed the information described and referenced in Findings Nos. 4., 5., 9., and 10. of these Orders with Respondent. Ohio EPA explained to Respondent that it needed to ensure the hazardous waste sent to the Nevada facility referenced in Finding No. 5. of these Orders is transported to an authorized facility for proper management and that documentation of proper management be submitted to Ohio EPA.
 12. Based upon the inspection referenced in Finding No. 11. of these Orders and on the information described and referenced in Findings Nos. 5., 9., and 10. of these Orders, Ohio EPA determined Respondent, *inter alia*, caused hazardous waste to be transported to a facility not authorized to receive it in violation of ORC § 3734.02(F).
 13. By letter dated June 9, 2023, Ohio EPA notified Respondent of the violation referenced in Finding No. 12. of these Orders.
 14. Based on the information described in Finding No. 8. of these Orders, the Director has determined that Respondent, *inter alia*:
 - a. Failed to evaluate the waste described in Finding No. 4. at the point of generation in violation of OAC rule 3745-52-11.
 - b. Failed to use a manifest for a shipment of hazardous waste which was transported to an unauthorized facility, in violation of OAC rules 3745-52-20 to 3745-52-27.
 - c. Failed to transport hazardous waste to an authorized facility in violation of OAC rule 3745-52-10(A)(3); and
 - d. Caused hazardous waste to be transported to an unauthorized facility in violation of ORC § 3734.02(F).
 15. On October 24, 2023, Ohio EPA completed a compliance evaluation inspection at the Facility. During the inspection Ohio EPA observed one 55-gallon container

holding hazardous waste nickel-cadmium batteries, which exhibits the characteristic of toxicity for cadmium (D006), that had been stored for 508 days at the time of the inspection - longer than the one year allowed for pursuant to Respondent's permit and Ohio hazardous waste rules. Additionally, Ohio EPA observed a hazardous waste accumulation tank in Building 265 holding retort wastewater containing cadmium (D006) that had been stored for 91 days at the time of the inspection, which is longer than the 90-day accumulation period allowed by the large quantity generator standards. Respondent processed the container of hazardous waste nickel-cadmium batteries on October 24, 2023.

16. As a result of the inspection referenced in Finding No. 15. of these Orders, Ohio EPA determined Respondent, *inter alia*:
 - a. Stored hazardous waste in a permitted storage area for longer than the permitted one-year storage time, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). Specifically, Respondent stored one drum of D006 hazardous nickel-cadmium battery waste for 508 days in Phase 3 of the permitted storage area in Building 265.
 - b. Stored hazardous waste in an unpermitted area for longer than 90-days in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). Respondent stored hazardous retort wastewater containing cadmium (D006) in a hazardous waste tank, located in the retort area of Building 265, for 91 days, at the time of the inspection.
 - c. Failed to meet the prohibition on storage of restricted wastes beyond the one-year time period defined in the permit in violation of OAC rule 3745-270-50(C) and Permit Condition B.40. Respondent as an operator of a permitted treatment, storage, or disposal facility stored one drum of D006 hazardous nickel-cadmium battery waste for 508 days, longer than the one-year storage permitted to facilitate proper recovery, treatment, or disposal.
 - d. Failed to meet large quantity generator tank system requirements in violation of OAC rule 3745-52-17(A)(5)(b)(iii). Respondent did not adequately use inventory logs or records to ensure the hazardous waste tank located in the retort area of Building 265, and containing hazardous retort wastewater was emptied within 90-days of its initial accumulation date.
17. By letter dated November 1, 2023, transmitted electronically, Ohio EPA notified

Respondent of the violations referenced in Finding No. 16. of these Orders. This letter also notified Respondent that since the Respondent processed the nickel-cadmium battery waste referenced in Finding No. 15. of these Orders, the violation referenced in Finding No. 16.c. of these Orders has been resolved.

18. On November 7, 2023, Respondent provided documentation to Ohio EPA demonstrating that the hazardous waste retort wastewater containing cadmium (D006) referenced in Finding No. 15. of these Orders was transported to an authorized hazardous waste facility for proper management. This resolves the violations referenced in Finding Nos. 16.b. and d. of these Orders.
19. On December 29, 2023, Respondent submitted correspondence to Ohio EPA noting Respondent's position as to the regulatory status of the black mass, but nonetheless are agreeable to complying with these Orders.
20. On January 8, 2024, Respondent submitted to Ohio EPA documentation demonstrating that the hazardous waste referenced in Finding No. 5. Of these Orders was transported back to Respondent's Facility for proper management. The hazardous waste was received back at Respondent's Facility on November 20, 2023.
21. Because Respondent evaluated their wastes and provided results to Ohio EPA as described in Finding No. 8. of these Orders; and Respondent decontaminated the lithium-ion line as referenced Finding No. 9. of these Orders; and Respondent processed the hazardous waste nickel-cadmium batteries as referenced in Finding No. 15. of these Orders, the Director has determined that there is no further action required of Respondent at this time regarding the violations referenced in Findings Nos. 14.a., b., c., and d. and 16.a. of these Orders.

V. ORDERS

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

1. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$10,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the environmental protection remediation fund established pursuant to ORC § 3734.281. The official payment shall be submitted to Ohio EPA according to the instructions on the invoice. Notification of penalty payment shall be sent to the Hazardous Waste Program Compliance Assurance Manager,

Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, Ohio 43216-1049 or via electronic mail at Mitchell.mathews@epa.ohio.gov.

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 (except penalty payment checks) required to be submitted by Respondent pursuant to these Orders shall be addressed to: Mitchell Mathews, Compliance Assurance Manager, Hazardous Waste Program.

For electronic mail delivery, submit documents to the following email address:

Mitchell.Mathews@epa.ohio.gov

XI. RESERVATION OF RIGHTS

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. 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

Anne M Vogel

Anne M. Vogel
Director

IT IS SO AGREED:

Cirba Solutions US, Inc.

[Signature]

Signature

2/5/2024

Date

John Kelly

Printed or Typed Name

COO

Title



Ohio EPA Invoice

Date Printed: February 6, 2024

Cirba Solutions US, Inc.
265 Quarry Rd
Lancaster, OH 43130

Receivable ID: 1622482
*Please include this Receivable ID with
all correspondence*

Due Date:
Amount Due:
Effective Date: February 6, 2024

Revenue Description: DERR - Findings and Orders - Hazardous Waste Cleanup (FFOHW)

Program Name: RCRA C - Hazardous Waste

Reason: Settlement of Ohio EPA's claims for civil penalties from Cirba Solutions US, Inc., per Director's Final Findings and Orders dated 2/6/2024.

How to Pay Fee Online:

1. Go to Ohio EPA's homepage: <https://epa.ohio.gov/>
2. In the "Featured Content" section locate the tile for the eBusiness Center and click.
3. On the right side of the screen click the blue "Launch" tile to enter the eBusiness Center.
4. To use the eBusiness center you will need an account. If you have an account, click the OH|ID icon in the light blue section on the left of the screen to log in.
5. If you do not have an account, the light blue section on the right of the screen has eBiz Help Wizard to assist with creating an account.
6. If you are paying your receivable with a credit card no PIN is required. If you plan to pay using a bank account and routing information you will need to request a PIN.

CUT OFF THIS STUB AND MAIL IT WITH YOUR CHECK. DO NOT MAIL TOP PORTION.

Pay to: Treasurer, State of Ohio. Please write the Revenue ID on your check. Please send this stub with your check. DO NOT SEND LETTERS OR OTHER FORMS.

Ohio EPA
PO Box 77005
Cleveland, OH 44194-7005

Due Date:	3/7/2024
Revenue ID:	1622482
Amount Due	\$10,000.00
Type Code:	FFOHW
Transaction ID:	