



October 18, 2024

Cirba Solutions US, Inc.  
2115 Rexford Rd. Suite 550  
Charlotte, NC 28211

**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 \$12,320.00 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.   Zak Kabelen, DERR, CO  
      Mitchell Mathews, DERR, CO  
      Mason Harris, DERR, CO  
      Peter Maneff, DERR, CO  
      Martin Smith, DERR, CO  
      Sarah Miles, Legal  
      Walt Sopp, [wsopp@cirbasolutions.com](mailto:wsopp@cirbasolutions.com)  
      Jake Wilson, [jawilson@cirbasolutions.com](mailto:jawilson@cirbasolutions.com)  
      Michelle LaRocco, [mlarocco@cirbasolutions.com](mailto:mlarocco@cirbasolutions.com)

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

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

**Respondent**

**Director's Final  
Findings and Orders**

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

**PREAMBLE**

By:  Date: 10/17/2024

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 for 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 (Permit), to store hazardous waste for up to one year in Building 265 and Building 295. The permit specifies that Respondent may conduct hazardous waste storage in three permitted storage areas designated as Phase I, II, and III in Building 265 for up to one year.

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. On April 10, 2024, Ohio EPA conducted an inspection at the Facility. During the inspection, Ohio EPA observed five (5) 55-gallon containers of hazardous waste condenser oxide which exhibited the characteristic of toxicity (D006 – cadmium, as described in OAC rule 3745-51-24), located in Phase III of the permitted storage area in Building 265. Three of the five containers were observed with a storage start date of March 30, 2023, and had been stored for 377 days; one container was observed with a storage start date of January 24, 2023, and had been stored for 442 days; and another container was observed with a storage start date of December 19, 2022, and had been stored for 478 days. All of these are longer than the one year allowed pursuant to Respondent's Permit and Ohio hazardous waste rules. Additionally, Ohio EPA observed one container (hopper) of hazardous waste plastic and PPE which exhibited the characteristic of toxicity (D006 – cadmium and D008 – lead, as described in OAC rule 3745-51-24) being stored in a generator accumulation area in the wet nickel battery breaking/brine bath area of Building 265. This hopper had an accumulation start date of October 24, 2023, and had been stored for 169 days, which is longer than the 90-day accumulation period allowed by the LQG standards.
5. On April 18, 2024, Respondent provided Ohio EPA with a hazardous waste manifest dated April 18, 2024, demonstrating that the contents of the hopper containing D006/D008 hazardous plastic and PPE waste referenced in Finding No. 4. of these Orders was transported to an authorized facility.
6. As a result of the inspection referenced in Finding No. 4. of these Orders, Ohio EPA determined that Respondent, *inter alia*:
  - a. Established and operated the Facility as a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). Additionally, Respondent violated the prohibition on storage of restricted wastes beyond the one-year period defined in the Permit and in OAC rule 3745-270-50(C). Specifically, Respondent stored five (5), 55-gallon containers of D006 hazardous condenser oxide waste in Phase III of

the permitted storage area in Building 265 beyond the one-year permitted storage limit.

- b. Established and operated the Facility as a hazardous waste storage facility without a hazardous waste installation and operation permit, 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 hopper containing D006 and D008 hazardous plastic and PPE waste for 177 days in a generator accumulation area of the wet nickel battery breaking/brine bath area of Building 265, which is beyond the 90-day storage limit for LQGs.
7. By letter dated May 7, 2024, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders.
  8. On May 10, 2024, Respondent provided a response to the Notice of Violation letter referenced in Finding No. 7. of these Orders. In the response, Respondent provided Ohio EPA with a hazardous waste manifest dated May 10, 2024, demonstrating that the five (5), 55-gallon containers of D006 hazardous condenser oxide waste referenced in Finding No. 4. of these Orders were transported to an authorized facility.
  9. By letter dated May 15, 2024, Ohio EPA notified Respondent that based upon the information referenced in Findings No. 5. and 8. of these Orders, the violations referenced in Finding No. 6. of these Orders are resolved.
  10. Because the unlawfully stored hazardous wastes referenced in Finding No. 4. of these Orders were transported to an authorized facility on April 18, and May 10, 2024, and the hazardous waste containers were in good condition with no evidence of releases observed in either the less than 90-day hazardous waste accumulation area, or the permitted Phase III area of Building 265, and both areas will continue to be used for accumulation and storage of hazardous waste, the Director has determined that there is no further action required of Respondent at this time regarding the violations referenced in Findings Nos. 6. of these Orders. However, as an LQG, Respondent will be required to meet the closure performance standard pursuant to OAC rule 3745-52-17(A)(8)(c) for the less than 90-day generator accumulation area of the wet nickel battery breaking/brine bath area at some time in the future, such as when use of the less than 90-day hazardous waste accumulation area ceases. Additionally, the permitted Phase III area of Building 265 is subject to closure pursuant to Respondent's Permit.

## **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 forty-five (45) days of the effective date of these Orders, Respondent shall:
  - a. Contract with a third-party auditor to conduct a focused environmental audit of the Facility for compliance with Ohio's Hazardous Waste Laws and Respondent's hazardous waste permit;
  - b. Identify Facility standard operating procedures for review and revision, including, but not limited to Respondent's container tracking procedures, as identified by the audit as material and related to Finding No.6;
  - c. Prepare additional standard operating procedures, as identified by the audit as material and related to Finding No.6; and
  - d. Plan and schedule employee training of standard operating procedures that are revised and/or created as part of the work as identified by the audit as material and related to Finding No.6.
  
2. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$12,320.00 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](mailto:Mitchell.mathews@epa.ohio.gov).

## **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 Environmental Response and Revitalization 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 (except penalty payment checks) required to be submitted by Respondent pursuant to these Orders shall be addressed to [Mitchell.Mathews@epa.ohio.gov](mailto:Mitchell.Mathews@epa.ohio.gov).

## **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure 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 or corrective action. 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**

E-SIGNED by Anne Vogel  
on 2024-10-17 09:48:14 EST

2024-10-17 09:48:14 UTC

\_\_\_\_\_  
Anne M. Vogel  
Director

**IT IS SO AGREED:**

**Cirba Solutions US, Inc.**

  
\_\_\_\_\_  
Signature

08 OCT 2024  
Date

WALTER C. SOPP JR.  
Printed or Typed Name

CHIEF OPERATING OFFICER  
Title

# Ohio EPA Invoice

Date Printed: October 18, 2024

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

Receivable ID: 1663323  
*Please include this Receivable ID with  
all correspondence*

Due Date: 

November 17, 2024
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Amount Due: 

\$12,320.00
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Effective Date: October 17, 2024

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

Program Name: RCRA C - Hazardous Waste

Reason: Cirba Solutions US, Inc settlement of Ohio EPA's claims for civil penalties.

## 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.

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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:	11/17/2024
Revenue ID:	1663323
Amount Due	\$12,320.00
Type Code:	FFOHW
Transaction ID:	

1663323 0001232000 FFOHW 000000000 3