

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.

By: Donna Cassler Date: 6-16-14 BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Closed Loop Refining and Recovery, Inc.	:	<u>Expedited Settlement</u>
1675 Watkins Road	:	<u>Agreement and</u>
Columbus, Ohio 43207	:	<u>Director's Order</u>
	:	
	:	
	:	
	:	
Respondent	:	

I. JURISDICTION

This Expedited Settlement Agreement and Director's Order (ESA) is issued to Closed Loop Refining and Recovery, 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. FINDINGS

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A). Respondent was licensed to conduct business in Ohio on August 13, 2012.
2. Respondent is a "CRT (cathode ray tube) collector" and does "CRT processing" as those terms are defined in OAC rule 3745-50-10(A). Respondent processes CRTs by receiving intact and/or broken CRTs, intentionally breaking intact CRTs or further breaking or separating broken CRTs, and sorting or otherwise managing glass removed from CRT monitors at 1675 Watkins Road, Columbus, Franklin County, Ohio (Facility). Generally, CRT glass contains concentrations of lead such that the glass exhibits the toxicity characteristic of a hazardous waste for lead, D008, as described in OAC rule 3745-51-24.
3. Respondent has been assigned EPA ID number OHR000167718.
4. CRTs managed in accordance with OAC rule 3745-51-39 are conditionally excluded from the hazardous waste requirements, including having to obtain a hazardous waste installation and operation permit. In order to achieve this

conditional exclusion, CRTs must be stored in a building or placed in a container that is constructed, filled, and closed to minimize releases to the environment and each container must be properly labeled in accordance with OAC rule 3745-51-39(A)(1) and (2).

5. On September 30, 2013, Ohio EPA conducted a complaint investigation and compliance evaluation inspection at the Facility. As a result of the investigation and inspection, Ohio EPA determined Respondent had approximately 300 pallets of used, broken CRTs stored outside in four cubic foot cardboard containers. The containers were not properly labeled and many of the containers were not closed and had deteriorated such that the CRTs had been released to the parking lot and the ground. In addition, Respondent had approximately 450 pallets of televisions stored outside, and many of which contained CRTs that were broken and also had been released to the parking lot and the ground.
6. Based on the information in Finding No. 5. of this ESA, Respondent failed to meet the conditions for the exclusion from the hazardous waste requirements for CRTs set forth in OAC rule 3745-51-39 and described in Finding No. 4. of this ESA. Therefore, Ohio EPA determined Respondent had, *inter alia*, unlawfully established and operated a hazardous waste facility without a hazardous waste installation and operation permit in violation of ORC § 3734.02(E) and (F) by storing CRTs at the Facility improperly. The CRTs contained lead in quantities such that the CRTs were characteristic hazardous waste (D008) as defined in OAC rule 3745-51-24.
7. On October 10, 2013, Ohio EPA conducted a follow-up inspection. During this inspection, Ohio EPA observed that approximately 90 percent of the CRTs that were being stored outside at the time of Ohio EPA's inspection during the September 30, 2013 investigation had been moved inside, but the pallets of televisions, including those with broken CRTs, were still being stored outside.
8. By letter dated October 17, 2013, Ohio EPA notified Respondent of the violations set forth in Finding No. 6. of this ESA. In this notice of violation letter, Ohio EPA informed Respondent it must immediately clean up all broken CRTs and submit documentation verifying cleanup of all contamination.
9. In correspondence dated November 1, 2013, Ohio EPA received documentation from Respondent addressing the violations referenced in Finding Nos. 5. and 6. of this ESA. This documentation included photographs showing all CRTs, televisions and CRT waste that was observed on the parking lot and on the ground during the inspections had been removed from the outside storage area and was being stored inside a building onsite. Respondent also provided an example of the label that was applied to containers storing used CRTs at the Facility.

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10. In consideration of Respondent's good faith effort to comply in this matter, the benefits of prompt compliance to the public, and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in these Findings.

III. ORDER

Within sixty (60) days from the date of the Director's letter inviting Respondent to sign this ESA, Respondent shall pay to the Ohio EPA the amount of \$2,200.00 in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 3734.13 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the full amount, and shall be deposited in the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be mailed to the following address: Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent and the location of the noncompliance detailed in the Findings of this ESA.

A photocopy of this check shall be sent to Ohio EPA at the addresses listed below:

Ohio Environmental Protection Agency
Division of Materials and Waste Management
P.O. Box 1049, Columbus, Ohio 43216-1049.
Attn: Supervisor, Processing Records Management Unit

And

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

IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon both Ohio EPA's entry of this ESA in the Ohio EPA Director's journal and Ohio EPA's receipt of the civil penalty payment required by this ESA.

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V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure of the area where the CRTs were stored as well as corrective action 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 such closure or corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived herein.

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 this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

VI. EFFECTIVE DATE

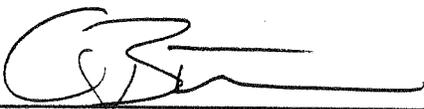
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Craig W. Butler, Director

JUN 10 2014

Date

Handwritten initials

IT IS SO AGREED:

Closed Loop Refining and Recovery, Inc.



Signature

5/13/14
Date

BRENT BENHAM

Printed or Typed Name

CFO

Title

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