



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

Certified Mail

June 17, 2014

Remuriate LLC dba Remuriate
Technologies LLC
654 1st Street, Suite 202
LaSalle, IL 61301

Re: Remuriate Technologies LLC
Director's Final Findings & Orders
DFF&O
Hazardous Waste
Fulton County
OHR000040931

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Dearth".

Brian Dearth
Administrative Processing Unit
Division of Materials and Waste Management

Enclosure:

ec: Todd Anderson, Legal
John Pasquarette, DMWM, NWDO
Ed Lim, DERR, CO

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
JUN 17 2014

REVISED DIRECTOR'S JOURNAL

In the Matter of:

Remuriate LLC dba Remuriate
Technologies LLC
654 1st Street, Suite 202
LaSalle, IL 61301

Director's Final
Findings and Orders

Respondent

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

It is agreed by the parties hereto as follows:

By: Dan Cassler Date: 6-17-14

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Remuriate LLC dba Remuriate Technologies LLC (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 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. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director may, by order, exempt any person generating, storing, treating, or disposing of hazardous waste in such quantities or under such circumstances that, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.
2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. On April 12, 2006, Ohio EPA conducted a compliance evaluation inspection at the facility located at 6191 County Road 10, Fulton County, Delta, Ohio (Facility). At the time of the inspection, the Facility was owned and operated by Bailey-PVS Oxides, LLC (Bailey). Bailey owned and operated a spent pickle liquor acid regeneration plant. Bailey received listed hazardous waste, K062, as described in OAC rule 3745-51-32, from off-site for purposes of reclaiming hydrochloric acid for reuse and producing iron oxide for various manufacturing uses. Bailey was issued a Variance from Waste Classification through a Director's final action to conduct such operations, provided certain management standards were met with regard to the spent pickle liquor and the iron oxide. The inspection revealed, *inter alia*, Bailey had disposed of hazardous waste, K062, in violation of ORC §3734.02(E) and (F), by failing to respond to the releases of K062 iron oxide and spent pickle liquor.
4. In July 2008, Ohio EPA referred Bailey to the Ohio Attorney General (AGO) for establishing and operating a hazardous waste facility without a hazardous waste installation and operation permit in violation of ORC §3734.02(E) and (F). On May 27, 2011, a signed consent order between the State of Ohio and Bailey (Consent Order) was entered in the Fulton County Court of Common Pleas. The Consent Order required Bailey to pay a civil penalty and submit a closure plan in accordance with OAC Chapter 3745-55 for areas impacted at the Facility where K062 spent pickle liquor and iron oxide were disposed.
5. Bailey failed to submit an approvable closure plan to Ohio EPA.
6. In early 2013, Bailey began ceasing operations at the Facility. During this time, Bailey sought potential buyers for the Facility.

7. In 2013, Respondent began a dialogue with Ohio EPA regarding Respondent's potential liabilities with the purchase, resumption of operations and cleanup of the Facility. Generally, Ohio EPA provided information to Respondent that Respondent would need to seek authorization from the Director to conduct similar operations as Bailey as described in Finding No. 3. of these Orders (e.g., Variance from Waste Classification) and enter into administrative orders with Ohio EPA to conduct closure of the Facility of those areas which Bailey did not complete closure on as well as any new areas where Bailey had stored hazardous waste after ceasing operations.
8. Since at least on or about August 27, 2013, to the present, in various meetings and other forms of communications, Ohio EPA and Respondent have communicated regarding how to achieve the closure performance standard for all areas of the Facility where hazardous waste was or is currently being managed. These discussions included, but were not limited to, strategies to treat hazardous waste on-site prior to managing the waste off-site and the potential to seek contained in determinations from Ohio EPA for soils which contained the listed hazardous waste, K062.
9. On or about January 17, 2014, Respondent purchased the Facility from Bailey. Respondent is an "owner" as defined in OAC rule 3745-50-10(A).
10. As the owner of an unpermitted hazardous waste facility, as described in Findings Nos. 3., 7., and 9. of these Orders, Respondent is required to have a hazardous waste facility installation and operation permit and is subject to all general facility standards found in OAC Chapters 3745-54 and 55, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC rules 3745-55-42 through 3745-55-51 and corrective action for waste management units in accordance with OAC rule 3745-54-101. To obtain a hazardous waste facility installation and operation permit, Respondent is required to submit "Parts A and B" of the application in accordance with OAC Chapter 3745-50.
11. The submittal of a Closure Plan which complies with the administrative requirements of OAC Chapters 3745-65 and 66 and the substantive requirements of OAC Chapters 3745-54 and 55, including but not limited to the groundwater protection program in accordance with OAC rules 3745-54-90 through 3745-54-100, in lieu of the submittal of an application for a hazardous waste facility installation and operation permit is unlikely to adversely affect the public health or safety or the environment. Therefore, the Director finds that the issuance to Respondent of an exemption from the requirement to submit an

application for a hazardous waste facility installation and operation permit for the Facility is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G).

12. On February 25, 2014, Ohio EPA received, via electronic mail, a draft closure plan for the Facility for consideration. This draft closure plan included a draft waste analysis plan for the treatment of hazardous waste during the closure process.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated there under and is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility, *provided that* Respondent complies with the following:

1. Within 30 days after the effective date of these Orders, Respondent shall submit to Ohio EPA for review and approval a Closure Plan for the Facility where hazardous waste disposed and stored referenced in Findings Nos. 3. and 7. of these Orders. The Closure Plan shall be submitted to the attention of Ed Lim, Manager, Engineering Section, Division of Environmental Response and Revitalization at the Ohio EPA Central Office address specified in Section X. of these Orders.
2. This Closure Plan shall comply with the administrative requirements of OAC Chapters 3745-65 and 3745-66 and the substantive requirements of OAC Chapters 3745-54 and 3745-55, including but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 54-100.
3. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan and provides Respondent with a written statement of deficiencies, Respondent shall submit a revised Closure Plan for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan, the modified Closure Plan becomes the approved plan.
4. Upon Ohio EPA's written approval of the Closure Plan, Respondent shall implement the approved Closure Plan in the manner and pursuant to the time frames set forth in the approved Closure Plan and OAC rules 3745-55-13/3745-66-13.

5. Within 60 days after the approval of the Closure Plan pursuant to Order No. 4., above, Respondent shall submit to Ohio EPA for review, comment and approval, a closure cost estimate. Within 30 days after approval of the closure cost estimate, Respondent shall establish financial assurance and liability coverage for the areas of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47; and
6. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rules 3745-55-15. Closure certification of the area described in Order No. 1.a. will abate the violations referenced in Finding No. 4. of these Orders.

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 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
Northwest District Office
Division of Materials and Waste Management
347 North Dunbridge Road
Bowling Green, Ohio 43402
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 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 corrective action. Ohio EPA and Respondent each reserve all other 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek corrective action at the Facility by Respondent, 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

JUN 17 2014

Date

IT IS SO AGREED:

**Remuriate LLC dba Remuriate
Technologies LLC**



Signature

May 5, 2014

Date

Paul Carus

Printed or Typed Name

President & CEO

Title