



OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

CERTIFIED

September 26, 2013

Mr. Ed Green
Toxco, Inc.
265 Quarry Road
Lancaster, OH 43130

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.

Re: **Grant of Temporary Authorization
Toxco Inc.
U.S. EPA ID# OHD 071 654 958**

By: Don Cassler Date: 9-26-13

Dear Mr. Green:

On August 29, 2013, the Ohio Environmental Protection Agency (Ohio EPA) received a request for temporary authorization to change the permittee, owner, and operator in order to continue operation of the hazardous waste facility (Facility), located at 265 Quarry Road, Lancaster, Ohio, while a Class 3 permit modification is pending. The Class 3 permit modification is necessary to address the restructuring of Toxco, Incorporated's (Toxco) operations, resulting in establishment of a new corporation – Retrie Technologies Incorporated (Retrie). This temporary authorization is necessary to prevent the disruption of current RCRA-permitted waste management activities at the Facility.

Pursuant to Ohio Revised Code (ORC) 3734.05(I) and Ohio Administrative Code (OAC) Rule 3745-50-51, a modification that changes the owner or operator of a facility, provided the procedures of paragraph (C) of rule 3745-50-52 of the Administrative Code are followed, constitutes a Class 3 permit modification.

Ohio EPA received a Class 3 permit modification on August 29, 2013, to transfer ownership of the off-site facility from Toxco to Retrie.

Pursuant to OAC Rule 3745-50-51(F), the Director of Ohio EPA may, without prior public notice and comment, grant a permittee a temporary authorization to conduct activities which would otherwise require a Class 2 or Class 3 permit modification. The temporary authorization request must include a description of why the temporary authorization is needed and must provide sufficient information to ensure compliance with the applicable requirements of OAC Chapters 3745-54 to 3745-57, 3745-205, and

3745-266. A temporary authorization may be granted for a term not to exceed 180 days.

In accordance with OAC Rule 3745-50-51(F), it has been determined that the temporary authorization request includes a description of the activities to be conducted under the temporary authorization, an explanation of why the temporary authorization is necessary, and sufficient information to ensure compliance with the standards of OAC Chapters 3745-54 to 3745-57, 3745-205, and 3745-266. Furthermore, it has been determined that the temporary authorization is necessary to prevent disruption of ongoing waste management activities. Toxco has provided notice of the temporary authorization request as required by OAC Rule 3745-50-51(F)(2)(c).

Pursuant to OAC Rule 3745-50-51(F), the request for a temporary authorization to change the permittee, owner, and operator of the Facility, in order to allow continued operation prior to the issuance of a Class 3 permit modification, is granted. The transfer of ownership must be conducted as described in the temporary authorization request and in compliance with ORC Chapter 3734 and the rules promulgated thereunder. This temporary authorization is effective upon journalization and expires 180 days thereafter, or on the date that the Class 3 modification request is approved or disapproved, whichever occurs first.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney Generals Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High St.
17th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Peter Maneff of Ohio EPA, DMWM, CDO at (614) 728-3884.

Sincerely,



Scott J. Nally
Director

cc: Jeremy Carroll, Manager, ERAS, DMWM, CO
Peter Maneff, DMWM, CDO
Melissa Storch, Manager, DMWM, CDO