June 21, 2016

Hannibal Development, LLC
43840 Ohio State Route 7
Hannibal, Ohio 43931

Re: Hannibal Development, LLC
Non-permit Related Exemptions
Approval
RCRA C - Hazardous Waste
Monroe County
OHD 004 379 970

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 Hannibal Development, LLC.

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3180.

Sincerely,

Demitria Crumiell-Hagens
Division of Materials & Waste Management

Enclosure

cc: Jeff Mayhugh, DMWM, CO
Scott Bergreen, DMWM, SEDO
Andrea Smoktonowicz, Legal
In the Matter of:

Hannibal Development, LLC
dba Hannibal Development Partners, LLC
43840 Ohio State Route 7
Hannibal, Ohio 43931

Respondent

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Hannibal Development, LLC dba Hannibal Development Partners (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 the Respondent and successors in interest liable under Ohio law. No change in ownership of the 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, by order, may exempt any person generating, storing, treating, disposing of, or transporting hazardous waste, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Such an 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. ORC § 3734.02(E)(2) requires all persons engaged in the storage, treatment, or disposal of any hazardous waste to have a hazardous waste installation and operation permit issued in accordance with ORC § 3734.05, except at a facility that is not subject to permit requirements under rules adopted by the Director pursuant to ORC § 3734.02(E)(3)(b).

3. Ohio EPA and Respondent agreed to Director's Final Findings and Orders (2015 Orders), which were entered into the Director's journal on June 23, 2015. All Findings made in the 2015 Orders are hereby incorporated by reference. The 2015 Orders exempted Respondent from the requirement to obtain a hazardous waste storage permit for management of spent potliners from primary aluminum reduction, which are K088 hazardous waste, in a containment building outlined in Respondent's April 17, 2015 application.

4. Respondent and Ohio EPA, subsequent to the 2015 Orders, have had discussions about Respondent's desire to stage and store K088 hazardous waste in an additional building, Furnace Room 2, which is not covered by the 2015 Orders.

5. Respondent has demonstrated to Ohio EPA that Respondent has complied with the 2015 Orders to date.

6. On January 14, 2016, Respondent submitted an application (January 14, 2016 Application) to Ohio EPA pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31 for an exemption from ORC § 3734.02(E)(2) and specific requirements of OAC Chapter 3745-52. The January 14, 2016 Application is attached and incorporated herein. The January 14, 2016 Application included information justifying the request and documentation that the storage of K088 hazardous waste until December 24, 2016 (or 550 days from June 23, 2015, the effective date of the 2015 Orders) in piles or containers in Furnace Room 2 as a containment building at the Facility without a hazardous waste installation and operation permit and complying with specific requirements in OAC Chapter 3745-52 is unlikely to adversely affect public health or safety or the environment.

7. In the January 14, 2016 Application, Respondent describes how Respondent will utilize Furnace Room 2 to store K088 hazardous waste which have been processed in Furnace Room 1. In the January 14, 2016 Application, Respondent explains Respondent will comply with all applicable standards found in the 2015 Orders, except that Respondent will not conduct any dismantling in Furnace Room 2. Additionally, Respondent explains Respondent will only use Furnace Room 2 to store K088 hazardous waste in piles prior to containerizing and containers prior to shipping offsite for proper management. Respondent described will move K088 hazardous waste between Furnace Room 1 and Furnace Room 2 through the use of a dedicated building standard material loader. Furthermore, the January 14, 2016 Application included a copy of the certification by a qualified registered professional engineer that Furnace Room 2 meets the requirements of paragraphs (A) to (C)(4) of OAC rule 3745-256-101 for hazardous waste containment buildings.
of OAC Chapter 3745-52 requesting additional time (9 months) from the deadline of December 24, 2016 under the 2015 Orders, or until September 24, 2017, to remove all K088 hazardous waste. The May 16, 2016 Revised Application is attached and incorporated herein. The May 16, 2016 Revised Application included information justifying that an additional 9 months from the initial deadline is unlikely to adversely affect public health or safety or the environment.

9. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, the Director has determined that Respondent’s management of K088 hazardous waste in piles or containers in Furnace Room 2 described in the January 14, 2016 Application from the effective date of these Orders until September 24, 2017 is unlikely to adversely affect public health and safety or the environment so long as it is managed in accordance with these Orders, the January 14, 2016 Application, and the May 16, 2016 Revised Application.

V. ORDERS

All terms and conditions contained in the 2015 Orders remain valid and in effect, except termination of the exemption provided in Order 4.a. will be upon September 24, 2017.

1. Respondent is hereby exempted from the requirement to obtain a hazardous waste installation and operation permit issued in accordance with ORC § 3734.05, as required by ORC § 3734.02(E)(2) and the requirements for generators accumulating hazardous waste onsite without a permit as set forth in OAC rule 3745-52-34, provided Respondent complies with the January 14, 2016 Application, the May 16, 2016 Revised Application, the April 17, 2015 application, the 2015 Orders, and the conditions herein.

2. Within 90 days of the last shipment of K088 hazardous waste, Respondent shall remove all hazardous waste and remove or decontaminate equipment contaminated with hazardous waste in Furnace Room 2 (described in the January 14, 2016 Application) where K088 hazardous waste is stored in accordance with the January 14, 2016 Application and the May 16, 2016 Revised Application.

3. The Director may revoke the exemption granted in Order No.1 of these Orders for any reason including, but not limited to, a determination that Respondent’s activities at the Facility adversely affect public health or safety or the environment and/or the activities are not being conducted in accordance with these Orders, the 2015 Orders, the April 17, 2015 application, the January 14, 2016 Application, and/or the May 16, 2016 Revised Application.

4. Respondent shall provide Vicky German, Ohio EPA, Southeast District Office, Division of Materials and Waste Management, by electronic correspondence at Vicky.German@epa.ohio.gov a monthly summary of the total amount of spent potliners stored onsite in Furnace Room 1 (i.e., the building referenced in the April 17, 2015 application) and Furnace Room 2. This can be in conjunction with Order No.3 of the 2015 Orders.

5. The exemption provided by Order No.1 shall terminate when any of the following occurs:
a. Upon September 24, 2017;
b. 90 days after Respondent causes the removal of the last shipment of K088 hazardous waste from the Facility; or
c. The Director revokes the exemption granted under these Orders.

6. Respondent may request an extension to the time allowed in Order No.5 due to temporary, unforeseen, and uncontrollable circumstances. The request shall be in writing to the Director and include a description of the circumstances for which the extension is requested. An exemption may be granted at the discretion of the Director on a case-by-case basis.

7. Respondent shall retain copies of all records, including all manifests required by OAC rule 3745-52-40 and the inspection log required by OAC rule 3745-66-74.

8. The issuance of these Orders by the Director does not release Respondent of any liability it may have incurred for any violations which may have occurred at the Facility prior to the effective date of these Orders. The issuance of these Orders does not release Respondent from any obligation it has to comply with the State of Ohio's environmental laws, or any variance, except as otherwise specifically provided herein.

9. These Orders do not exempt Respondent from any other local, state, or federal laws or regulations which are otherwise applicable.

VI. 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.

VII. 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.

VIII. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section IX. of these orders.

IX. WAIVER

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.

X. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director’s Journal.

XI. 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 ORDERED AND AGREED:

Ohio Environmental Protection Agency

Craig W. Butler
Director

IT IS SO AGREED:

Hannibal Development, LLC dba Hannibal Development Partners, LLC

Signature

Date

Printed or Typed Name

Title
ATTACHMENTS
To: Vicky German  
Environmental Specialist – Division of Materials and Waste Management  
Ohio EPA Southeast District Office  
2195 Front Street  
Logan, Ohio 43138

Re: AMENDMENT 1 COVER LETTER  
POTLINER MATERIALS MANAGEMENT PLAN  
HANNIBAL DEVELOPMENT PARTNERS, LLC  
Managed by: Niagara Worldwide LLC

Original Submittal date: April 17, 2015
Original Ohio EPA Approval date: June 23, 1015
Amendment 1 Submittal date: January 12, 2016

Site Location
43840 Ohio State Route 7
Hannibal Ohio 43931

Dear Vicky:

Per our recent discussions, we have expanded the K088 staging area on the project to include both Furnace Rooms 1 & 2, instead of using Furnace Room 1 only per the original plan as submitted. We are doing so while issuing the following clarifications:

- There are connecting corridors on the east and west ends of both Furnace Rooms 1 & 2, they are not free standing. All K088 will remain indoors from the time that the pots are brought into containment until the containers are loaded and covered.
- The only area where pots will be dismantled will remain Furnace Room 1 only. Furnace Room 2 is only being added to the containment area in order to facilitate the potential for on-site testing if needed to streamline the handling of the K088 at the landfill along with allowing the potential to place containers, which have been previously loaded within containment, on to rail cars.
• The conveyor between the Furnace Rooms did not work well, so a standard material loader will be used to transfer the K088 from one basin to the other into Furnace Room 2. The loader will also generate less dust than the conveyor did based on comparisons to date.
• Though the concrete floors and superstructures in Furnace Rooms 1 & 2 are identical, the heaviest equipment will still remain in Furnace Room 1.
• Filter cloths at the exhaust fans will continue to be monitored and replaced as needed. Additional exhaust fans were added at the top of basin level within Furnace Room 2. All fans still exhaust into the interior courtyard between both Furnace Rooms. No fans exhaust to any outer perimeter walls.

REVISION 1 OF ATTACHMENT 4 IN THE ORIGINAL WORKPLAN SHOWING THE SKETCH OF THE LAYOUT OF THE EXPANDED CONTAINMENT AREA INTO FURNACE ROOM 2 HAS BEEN SUBMITTED.

THE REGISTERED ENGINEER INSPECTION APPROVAL LETTER DATED 1/4/16 HAS ALSO BEEN SUBMITTED PER YOUR REQUEST.

Please contact me anytime at the jobsite if there are questions regarding this submittal.

Regards,

James Moriarity

Project Manager

Hannibal Development Partners LLC

314-795-7933 cell
SUBJECT: Hannibal Development Partners – Potliner Materials Management Plan
     Hazardous Waste Containment Building Certification – Furnace Room #2

Dear Mr. Fargo:

In accordance with an agreement between the Geo Resource Group and KTA-Tator, Inc. (KTA), KTA has completed the field verification of the Furnace Room #2 building located in the former Ormet Corporation aluminum reduction plant in Hannibal, Ohio. The Furnace Room #2 is going to be used for staging and load-out of spent potliners, and therefore was retro-fitted as a containment building. The purpose of the site evaluation was to field verify that the modifications to the room were completed similar to the requirements for Furnace Room #1 set forth in the Hannibal Development Partners, LLC Potliner Materials Management Plan – Attachment 7, “Containment Building Compliance Certification”.

The field verification of the retro-fitted Furnace Room #2 was conducted by KTA Senior Engineer, Michael P. Reina, P.E. on December 23, 2015. KTA visually inspected the retro-fitting done to the furnace room. The retro-fitting of Furnace Room #2 was completed in accordance with the plan requirements for Furnace Room #1, and in some cases exceeded the requirements of the plan. For example, the plan only required that passageways be closed with heavy-duty plastic sheeting or tarpaulins (weighted at the bottom); however more durable steel framed doors with fitted and sealed plywood with rubber sweeps were used.

Based upon the field verification, KTA-Tator, Inc. certifies that the retro-fitted Furnace Room #2 qualifies as a Containment Building in accordance with the requirements of OAC 3745-256-101 Sections (A) to (C)(4).

We appreciate the opportunity to be of continued assistance to Geo Resource Group. If you have any questions, please feel free to contact me at 412.788.1300, extension 305.

Sincerely,

KTA-TATOR, INC.

Michael P. Reina, P.E.
State of Ohio Registered Professional Engineer
E-79289

MPR/RNR:mr
ATTACHMENT 4 REVISION 1
JANUARY 11, 2016

SPENT POTLINER MATERIALS MANAGEMENT PLAN
HANNIBAL DEVELOPMENT PARTNERS, LLC
MANAGED BY: NIAGARA WORLDWIDE LLC

ORIGINAL APPROVAL VERSION
WAS ISSUED:
APRIL 17, 2015

SITE LOCATION
43840 OHIO STATE ROUTE 7
HANNIBAL OHIO 43931
16 May 2016

Mr. Craig Butler
Director, Ohio Environmental Protection Agency
Lazarus Government Center
50 West Town Street Suite 700
Columbus, Ohio 43215

Re: Amendment 2 Letter
Pot-liner Materials Management Plan (Request for Additional Work Time)
Hannibal Development Partners, LLC (“Managed By: Niagara Worldwide LLC”)
Site Location - 43840 Ohio State Route 7 - Hannibal Ohio 43931

Original Work Plan Submittal date: April 17, 2015
Original Ohio EPA Approval date of Directors Final Finding and Orders: June 23, 2015
Amendment 1 Submittal date: January 14, 2016
Amendment 2 Submittal date: May 16, 2016

Dear Mr. Butler:

Hannibal Development Partners LLC (“Hannibal”) requests to amend the work plan approved in the June 23, 2015 – (“Directors Final Finding and Orders”) that provides an exemption from complying with certain requirements of Ohio’s hazardous waste regulations. With this amendment we are simply requesting an additional 9 months (270 calendar days) be added to the current completion date. Monthly reports to the Ohio EPA will still be submitted despite the additional time requested, and all other requirements under the current Order will still be met.

STATUS
A summary of the monthly reports to date:
- Equipment was mobilized the week of 9/21/15.
- To date approximately 397 (38%) of the total 1,032 pots have been dismantled.
- Approximately 3,798 tons of K088 hazardous waste has been shipped off site.

DETAIL
Hannibal is extremely confident in the processes that it has designed and implemented to both handle and abate the K088 on site to date as agreed to between Hannibal and the State. As for the schedule, the work is tied to lender funding, therefore, Hannibal is asking for a 9-month time...
extension to the current 550-day exemption from the Ohio EPA Director. [Per the original Directors Order #5 on Page 7 of the current Directors Final Findings and Orders dated 6/23/15, Hannibal Development was granted the option to request more time]. Our lender would like the EPA commitment to this requested extension prior to its funding schedule delivery.

Please contact me anytime at the jobsite if there are questions regarding this submittal.

Regards,
Hannibal Development Partners LLC

James Moriarity - Project Manager
314-795-7933 cell

cc via email
Jeff Mayhugh - OEPA
Vicky German - OEPA
Scott Bergreen - OEPA
Eric J Spirtas - Hannibal Development
Bob Fargo - Geo Resources