BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

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

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.

By: Date: 9-28-17

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
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 KO88 hazardous waste, in a containment building, outlined in Respondent's April 17, 2015 application, located at the 43840 Ohio State Route 7, Hannibal, Ohio 43931 (Facility).

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

5. Ohio EPA and Respondent agreed to Director's Final Findings and Orders (2016 Orders), which were entered into the Director's journal on June 27, 2016. All Findings made in the 2016 Orders are hereby incorporated by reference. The 2016 Orders request that Respondent will comply with all applicable standards found in the 2015 Orders, except that Respondent will not conduct any dismantling in Furnace Room 2.

6. Respondent has demonstrated to Ohio EPA that Respondent has complied with the 2016 Orders to date.

7. On May 18, 2017, Respondent submitted a revised application (May 18, 2017 Revised 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 requesting an extension of 9 months to complete the removal and proper disposal of KO88 hazardous waste from the deadline of September 24, 2017 under the 2016 Orders, or until June 24, 2018. The May 18, 2017 Application is attached and incorporated herein. The May 18, 2017 Application included information justifying the request that the storage of KO88 hazardous waste until June 24, 2018 in piles or containers in Furnace Room 2 as a containment building at the Facility is unlikely to adversely affect public health or safety or the environment.

8. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, the Director has determined that Respondent's management of KO88 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 June 24, 2018 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, the May 16, 2016 Revised Application and the May 18, 2017 Revised Application.
V. ORDERS

All terms and conditions contained in the 2015 Orders and 2016 Orders remain valid and in effect.

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 April 17, 2015 application, the January 14, 2016 Application, the May 16, 2016 Revised Application, the May 18, 2017 Revised Application, the 2015 Orders, the 2016 Orders, and the conditions herein.

2. Within 90 days of the last shipment of K088 hazardous waste, Respondent shall remove all hazardous waste and decontaminate Furnace Rooms 1 and 2 and decontaminate equipment contaminated with hazardous waste in Furnace Rooms 1 and 2 (described in the April 17, 2015 and January 14, 2016 Applications) in accordance with the January 14, 2016 Application, the May 16, 2016 Revised Application, and the May 18, 2017 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 the 2015 Orders, the 2016 Orders, the April 17, 2015 application, the January 14, 2016 Application, the May 16, 2016 Revised Application, and/or the May 18, 2017 Revised Application.

4. Respondent shall provide Scott Bergreen, Ohio EPA, Southeast District Office, Department of Environmental Resource and Revitalization, by electronic correspondence at Scott.Bergreen@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 June 24, 2018;
   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. The 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 the 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 the 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 their 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

9/15/2017
Date

Eric Spirtas
Printed or Typed Name

President
Title