



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 10 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7677 9456
RETURN RECEIPT REQUESTED

Mr. Elwood R. Hannold, Jr.
Director of Operations
Aleris Rolled Products, Incorporated
7319 Newport Road Southeast
Uhrichsville, Ohio 44683

Re: Expedited Settlement Agreement
Aleris Rolled Products, Incorporated, Uhrichsville, Ohio
Docket No: **RCRA-05-2016-0005**

Dear Mr. Hannold:

Enclosed please find an original signed fully-executed Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on February 16, 2016, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$3,000 in the manner prescribed in paragraph 10 of the ESA, and reference all checks with the docket number **RCRA-05-2016-0005**. Your payment is due within 30 calendar days of the effective date of the ESA. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*.

The ESA is binding on the U.S. Environmental Protection Agency and Aleris Rolled Products, Incorporated. EPA will take no further action against the Respondent for the violations cited in the ESA. Thank you for your cooperation in resolving this matter.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosures

cc: Teri Finfrock, Ohio EPA – (teri.finfrock@epa.ohio.gov)

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5



IN THE MATTER OF:) Docket No. RCRA-05-2016-0005
)
)
ALERIS ROLLED PRODUCTS, INC.)
UHRICHSVILLE, OHIO) EXPEDITED SETTLEMENT
EPA ID Number: OHD987052222,) AGREEMENT AND
) FINAL ORDER
Respondent.)
_____)

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Aleris Rolled Products, Inc. (“Respondent”), owner or operator of the facility at 7335 Newport Road Southeast, Uhrichsville, Ohio (the “Facility”), failed to maintain a hazardous waste contingency plan with current emergency coordinator contact information, to label containers of used oil with the words “Used Oil,” and stored hazardous waste on-site without a permit for more than 90 days in violation of the Resource Conservation and Recovery Act (“RCRA”) and the EPA-approved and authorized Ohio hazardous waste management program.
2. EPA and Ohio EPA inspected Respondent’s Facility on August 5, 2015 (the “inspection”).
3. OAC Rules 3745-52-34(A) and (B) [40 C.F.R. § 262.34(a) and (b)] prohibit an owner or operator from accumulating and storing hazardous waste for more than 90 days without becoming an operator of a hazardous waste storage and/or treatment facility subject to the permitting and other requirements of OAC Rules 3745-50-40 to 3745-50-62 and Chapters 3745-54 to 3745-57 and 3745-65 to 3745-69, unless the facility has been granted an extension to the 90-day period. Hazardous waste storage area inspection records prepared by Respondent and reviewed during the inspection indicated that at least one supersack container of hazardous waste had been stored on site for longer than 90 days in 2013. The November 6, 2015 Aleris response to the EPA NOV letter stated that the supersack container of hazardous waste, once discovered, was immediately shipped off-site.
4. Under OAC Rule 3745-52-34(A)(4) and 3745-65-52(D) [40 C.F.R. §§ 262.34(a)(4) and 265.52(d)], large quantity generators of hazardous waste must have a contingency plan that contains a current list of names, addresses, and telephone numbers (office and home) of all persons qualified to act as emergency coordinator. During the inspection, a hazardous waste contingency plan prepared by Respondent was reviewed. The plan listed the contact information for its designated emergency coordinators. However, the emergency coordinators listed in the plan no longer worked on site. The November 6, 2015 Aleris response to the EPA NOV letter stated that the contingency plan had been

revised to incorporate current emergency coordinator contact information.

5. Under OAC Rule 3745-279-22(C)(1) [40 C.F.R. §2 79.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." During the inspection, the inspectors observed two unlabeled containers of used oil. The November 6, 2015 Aleris response to the EPA NOV letter stated the containers had been labeled "Used Oil."
6. EPA and Respondent agree that settlement of this matter for a penalty of \$3,000 is in the public interest.
7. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
8. In signing this Agreement, Respondent: (1) admits that Respondent is subject to OAC Rule 3745-52-34(B); (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged in this Agreement, (3) neither admits nor denies the factual allegations contained in this Agreement; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained in this Agreement.
9. By its signature below, Respondent certifies that the alleged violation has been corrected. Respondent shall be subject to civil and criminal penalties for making any false statement and/or submission to the United States Government.
10. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$3,000 for the RCRA violations identified in this Agreement. There are four options for paying this civil penalty:
 - a. By sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

- i. For checks sent by regular U.S. Postal Service mail:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

- ii. For checks sent by express mail:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must state the case title (“*In the Matter of: Aleris Rolled Products, Inc.*”) and the docket number of this Agreement.

- b. Or by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message is
“D68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state “*In the Matter of: Aleris Rolled Products, Inc.*” and the docket number of this Agreement.

- c. Or by ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

- d. Or by paying online and following the instructions found here:

WWW.PAY.GOV

Use the Search Public Forms option and enter ‘sfo 1.1’ in the search field.
Open form and complete required fields.

11. Respondent must send a notice of payment that states Respondent’s name, complete address, and the case docket number (along with a photocopy of the check, if applicable) to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard (E-19J)
Chicago, IL 60604

Brian Kennedy
U.S. EPA, Region 5
77 West Jackson Boulevard (LR-8J)
Chicago, IL 60604

Stuart P. Hersh
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604

12. The civil penalty is not deductible for federal tax purposes.
13. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
14. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
15. This Agreement resolves Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
16. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged in this Agreement.
17. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
18. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
19. Each party shall bear its own costs and fees, if any.
20. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): Elwood R. Harold

Title (print): Director, Operations

Signature: 

Date 01-12-16

APPROVED BY EPA:



Margaret Guerriero, Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

Date 2/5/2016

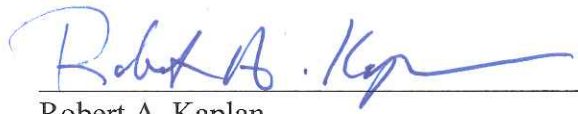
In the Matter of:
Aleris Rolled Products, Inc.
Docket Number RCRA-05-2016-0005

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

2/11/16
Date



Robert A. Kaplan
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

In the matter of: Aleris Rolled Products, Inc.
Docket Number: **RCRA-05-2016-0005**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, which was filed on February 16, 2016 this day in the following manner to the addressees:

Copy by certified mail
return-receipt requested:

Mr. Elwood R. Hannold, Jr.
Aleris Rolled Products, Inc.
7319 Newport Road, S.E.
Uhrichsville, Ohio 44683

Copy by e-mail to
Attorney for Complainant:


Stuart P. Hersh
hersh.stuart@epa.gov

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

February 16, 2016



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5