



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 24 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7015 1520 0002 4890 2156
RETURN RECEIPT REQUESTED

Mr. Mark Clark
Director of Environmental Health and Safety
Republic Steel Cold Finished Plant
401 Rose Avenue Southeast
Massillon, Ohio 44646

Re: Expedited Settlement Agreement
Republic Steel Cold Finished Plant, Massillon, Ohio
Docket No: RCRA-05-2017-0020

Dear Mr. Clark:

Enclosed please find an original signed fully-executed Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on July 24, 2017, with the Regional Hearing Clerk.

EPA has received notice that Republic Steel Cold Finished Plant has paid the civil penalty of \$5,000, as required, per the instructions in paragraph 12 of the ESA. The payment was made on July 7, 2017. 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 Republic Steel Cold Finished Plant. 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,

A handwritten signature in cursive script that reads "Gary J. Victorine".

Gary J. Victorine, Chief
RCRA Branch

Enclosures

cc: Mitch Matthews, Ohio EPA
mitchell.matthews@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:

REPUBLIC STEEL COLD FINISHED PLANT
MASSILLON, OHIO

EPA ID Number: OHD004227708,

Respondent.

) Docket No.

) **RCRA-05-2017-0020**

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Republic Steel Cold Finished Plant (“Respondent”), owner or operator of the facility at 401 Rose Avenue Southeast, Massillon, Ohio (the “Facility”), is a large quantity generator of hazardous waste that failed to provide annual hazardous waste management training to its employees and maintain associated records; failed to make a proper hazardous waste determination; failed to maintain required hazardous waste manifest records; failed to maintain required land disposal restriction notification records; and failed to properly label containers of used oil as “Used Oil” all 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 23, 2016 (the “inspection”).
3. Under Ohio Admin. Code §§ 3745-52-34(A)(4); 3745-65-16(C) and (E) [40 C.F.R. § 262.34(a)(4); 265.16(c) and (e)], a large quantity generator of hazardous waste must provide its personnel refresher training on hazardous waste management procedures on an annual basis and no longer than 15 months since the previous training session. Additionally, all training records of current employees must be kept until facility closure, or for three years from the date an employee last worked for the facility. During the inspection, Respondent could not provide any records that documented that a 2015 training session had occurred. Respondent’s January 3, 2017 response to the EPA NOV letter stated that future training sessions have been electronically scheduled.
4. Under Ohio Admin. Code § 3745-52-11 [40 C.F.R. § 262.11], a generator of a solid waste, as defined in Ohio Admin. Code § 3745-51-02 [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste by the methods prescribed in that section. At the time of the inspection, Respondent could not identify the contents of an open, one-quarter full 55-gallon drum in the pickling area. Analytical results submitted by Respondent on January 24, 2017 in response to the EPA NOV letter indicated the

material was not a hazardous waste.

5. Under Ohio Admin. Code § 3745-52-40 [40 C.F.R. § 262.40(a)], a large quantity generator shall keep a copy of each hazardous waste manifest signed in accordance with paragraph (A) of rule 3745-52-23 [40 C.F.R. § 262.23] for three years, or until it receives a signed copy from the designated treatment, storage, or disposal (TSD) facility that received the waste. The signed TSD copy shall be retained as a record for not less than three years from the date the waste was accepted by the initial transporter. During the inspection, Respondent did not maintain the signed TSD copies of two hazardous waste manifests from 2015. Respondent was able to provide copies of the two signed TSD copies on February 22, 2017 in response to the EPA NOV letter.
6. Under Ohio Admin. Code § 3745-270-07(A)(8) [40 C.F.R. § 268.7(a)(8)], a generator of a hazardous waste restricted from land disposal without further treatment must retain on-site copies of all notices, certifications, waste analysis data, and other documentation related to land disposal restrictions for at least three years from the date that the waste that is subject to such documentation was last sent to an off-site treatment, storage, or disposal facility. During the inspection, Respondent did not maintain land disposal restriction notification forms on site for its hazardous waste streams. On August 24, 2016, Respondent provided copies of land disposal restriction notification forms for its hazardous waste streams. Respondent's January 3, 2017 response to the EPA NOV letter also stated that new recordkeeping procedures were being instituted.
7. Under OAC Rule 3745-279-22(C)(1) [40 C.F.R. §279.22(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 inspector observed an unlabeled container of used oil. Respondent's January 3, 2017 response to the EPA NOV letter stated the container had been labeled "Used Oil."
8. EPA and Respondent agree that settlement of this matter for a penalty of \$5,000 is in the public interest.
9. 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).
10. 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.
11. 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.
12. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil

penalty of \$5,000 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: Republic Steel Cold Finished Plant*") 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: Republic Steel Cold Finished Plant*" 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.

13. 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

Jeffrey A. Cahn
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604

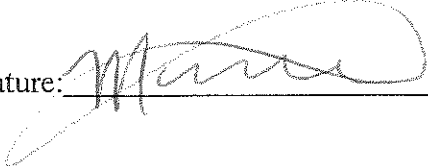
14. The civil penalty is not deductible for federal tax purposes.
15. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
16. 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.
17. This Agreement resolves Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
18. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged in this Agreement.

19. 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.
20. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
21. Each party shall bear its own costs and fees, if any.
22. 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): MARK CLARK

Title (print): DIR EHS

Signature: 

Date 7/7/17

APPROVED BY EPA:


Ignacio L. Arrázola *Brigit Lavey*
Acting Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

Date 7/20/17

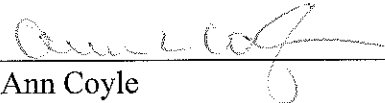
In the Matter of:
Republic Steel Cold Finished Plant
Docket Number RCRA-05-2017-0020

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:

July 21, 2017
Date



Ann Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

In the matter of: Republic Steel Cold Finished Plant
Docket Number: **RCRA-05-2017-0020**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, docket number **RCRA-05-2017-0020**, which was filed on - July 24, 2017, in the following manner to the following addressees:

Copy by Certified Mail to
Respondent:

Mr. Mark Clark
Republic Steel Cold Finished Plant
401 Rose Avenue Southeast
Massillon, Ohio 44646

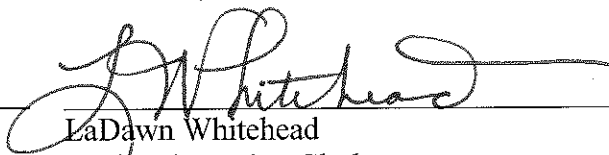
Copy by E-mail to
Attorney for Complainant:

Jeffrey A. Cahn
cahn.jeff@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: July 24, 2017



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

CERTIFIED MAIL RECEIPT NUMBER(S): 7015 1520 0002 4890 2156