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

SEP 29 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Benjamin Zacks
Zacks Law Group LLC
Counselors and Practitioners at Law
The eBuilding at Broad and James
3rd Floor
33 South James Road
Columbus, Ohio 43213

Re: In the Matter of: Buckeye Recycling Corp.
Docket No. CAA-05-2015-0051

Dear Mr. Zacks:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves your client's liability for the violations alleged in the Complaint filed by the U.S. Environmental Protection Agency. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on September 29, 2015.

Pursuant to paragraph 10 of the CAFO, Buckeye must pay the first installment of the civil penalty within 30 days of the CAFO filing date. Your check must display the case name and case docket number.

Please direct any questions regarding this case to Erik Olson, Associate Regional Counsel, (312) 886-6829.

Sincerely,

Nathan A. Frank
Air Enforcement and Compliance Assurance Branch, IL/IN

Enclosure

cc: Regional Hearing Clerk/E-19J
Regional Judicial Officer/C-14J
Erik Olson/C-14J
Robert Hodanbosi, Ohio EPA

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

REGIONAL HEARING CLERK
RECEIVED
SEP 29 2015
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:	)	**Docket No. CAA-05-2015-0051**
Buckeye Recycling Corp.,	)	**Proceeding to Assess a Civil Penalty**
Columbus, Ohio,	)	**Under Section 113(d) of the Clean Air Act,**
	)	**42 U.S.C. § 7413(d)**
Respondent.	)	
	)	

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. §7413(d).

2. On August 14, 2015, EPA filed the Complaint in this action against Respondent Buckeye Recycling Corp. The Complaint alleges that Respondent violated Section 608 of the CAA, 42 U.S.C. § 7671g, and the Regulations for the Protection of Stratospheric Ozone, Recycling and Emissions Reduction, 40 C.F.R. Part 82, Subpart F, at its facility in Columbus, Ohio.

3. On August 27, 2015 the parties reached settlement in principle.

Stipulations

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.

5. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondent certifies that it is complying fully with the Regulations for the Protection of Stratospheric Ozone, Recycling and Emissions Reduction in 40 C.F.R. Part 40, Subpart F.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

8. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

9. In consideration of Respondent's ability to pay a penalty, Complainant agrees to mitigate the proposed penalty of $80,000 to $9,000.

10. Respondent must pay the $9,000 civil penalty in two installments with interest as follows:

Installment	Due By	Payment	Principal	Interest (1%)
Payment #1	Within 30 days of effective date of CAFO	$4,507.50	$4,500.00	$7.50
Payment #2	Within 180 days of effective date of CAFO	$4,522.50	$4,500. 00	$22.50

Respondent must pay the installments by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

For checks sent by express mail (a non-U.S. Postal Service will not deliver mail to P.O. Boxes), send a casher's or certified check, payable to "Treasurer, United States of America," to:

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 note Respondent's name and docket number of this CAFO.

11. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it pays each installment of the penalty:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Erik Olson (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

12. This civil penalty is not deductible for federal tax purposes.

13. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

14. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury Pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

15. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

16. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

17. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 15, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

18. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Source Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

19. The terms of this CAFO bind Respondent, its successors and assigns.

20. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own costs and attorneys' fees in this action.

22. This CAFO constitutes that entire agreement between the parties.

Buckeye Recycling Corp., Respondent

9/17/15
Date

Mitch Schwartz
President

United States Environmental Protection Agency, Complainant

9/24/15
Date

George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Buckeye Recycling Corp.
Docket No. CAA-05-2015-0051

Final Order

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

24 September 2015
Date

Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

In the matter of: Buckeye Recycling Corp
Docket Number: CAA-05-2015-0051

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, which was filed on September 29, 2015, this day in the following manner to the addressees:

Copy by certified mail
return-receipt requested:

Mitch Schwartz, President
Buckeye Recycling Corp
3483 East Fulton Avenue
Columbus, Ohio 43227

Copy by e-mail to
Complainant:

Erik Olson
olson.erik@epa.gov

Copy by e-mail to
Respondent's counsel:

Benjamin Zacks
bszacks@zlglaw.com

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: September 29, 2015

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

CERTIFIED MAIL RECEIPT NUMBER(S): 7011 1150 0000 2640 4536