

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Battery Recycling, Inc.,)	Case No. 14-607-TR-CVF
Notice of Apparent Violation and Intent)	(OH3255010466S2)
to Assess Forfeiture.)	

FINDING AND ORDER

The Commission finds:

- (1) On October 30, 2013, a commercial motor vehicle operated by Dedicated Fleet Logistics Inc. and containing hazardous materials offered by Battery Recycling, Inc. (Respondent) was inspected by Staff. The inspection resulted in the discovery of the following violations: 49 C.F.R. 172.203K (hazardous waste code not in association with the basic description, \$0.00), 49 C.F.R. 172.332 (hazardous materials identification number markings not displayed, \$780.00), and 49 C.F.R. 173.30 (improper loading: no rear securement for one bulk package, \$520.00).
- (2) Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-12, which contained a total assessment of \$1,300.00 for the violations.
- (3) On April 11, 2014, Respondent requested an administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13.
- (4) On May 28, 2014, Staff and Respondent filed a settlement agreement which, in the parties' opinion, resolves all of the issues raised in the notice of preliminary determination.
- (5) The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the settlement agreement.
 - (a) For purposes of settlement only, and not as an admission that the violations occurred as alleged, Respondent agrees that the violations may be included in its history of violations, insofar as may be relevant for purposes of determining future penalty actions.

- (b) Staff agrees, for purposes of settlement only, to a reduced civil forfeiture amount of \$910.00, which reflects a 30 percent reduction in the original assessment. This reduction is premised upon the recognition that Respondent has undertaken corrective actions that include altering the language it uses on shipping labels, instituting new shipping procedures, and providing updated employee training, among other actions.
 - (c) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission order adopting the settlement agreement shall be considered as the effective date of the settlement agreement.
 - (d) The settlement agreement is made in settlement of all factual and legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding.
 - (e) Respondent shall pay \$910.00 within 30 days of the Commission order approving this Settlement Agreement. The payment shall be made by certified check or money order payable to "Treasurer of State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. Inspection number OH3255010466S2 should be written on the face of the check.
- (6) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety.

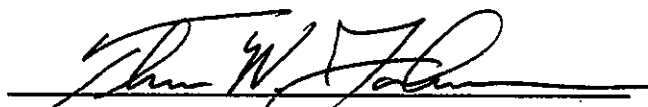
It is, therefore,

ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,


ORDERED, That Respondent pay a civil forfeiture of \$910.00 in accordance with the settlement agreement. Payment shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write the inspection number (OH3255010466S2) on the face of the check or money order. It is, further,

ORDERED, That a copy of this Finding and Order be served upon Respondent and all other interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser


Lynn Slaby

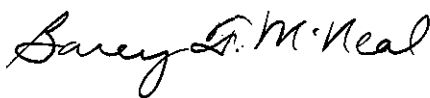

M. Beth Trombold


Asim Z. Haque

JML/sc

Entered in the Journal

JUL 09 2014


Barcy F. McNeal

Barcy F. McNeal
Secretary