UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 15 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Edward Poro
American Battery
2800 SW 4th Avenue, Unit 20
Fort Lauderdale, FL 33315

Re: Information Request Pursuant to Section 3007 of the Resource Conservation and Recovery Act

Dear Mr. Poro:

EPA is seeking information pursuant to Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927, to determine your compliance with RCRA hazardous waste storage, transport, and disposal requirements. EPA hereby requires that you furnish to EPA the information requested below, including all documents responsive to such request.

You are hereby directed to respond to the information requested using the instructions and definitions provided in Attachment 1. Attachment 2 of this letter requires you to provide information concerning the export of Spent Lead Acid Batteries ("SLABs") from your facility located in Fort Lauderdale, Florida. The statements submitted pursuant to this Information Request must be notarized and returned under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief, as provided in Attachment 3.

Your response to the information requested is due within thirty (30) calendar days of receipt of this letter, unless otherwise specified by EPA in the Information Request. A request for additional time must be provided in writing within five (5) calendar days of receipt of this letter, and must state a justification for the delay.

Compliance with this Information Request is required by law. Failure to respond fully and truthfully to this Information Request within thirty (30) calendar days of your receipt of this letter, or to adequately justify such failure to respond, can result in an enforcement action by EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. EPA will consider incomplete, ambiguous, or evasive responses as a failure to respond to this Information Request. False, fictitious, and fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d). The information you provide may be used in EPA administrative, civil, or criminal proceedings.

All other terms used in this Information Request that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R Parts 260-266 and 268 shall have the meanings set forth therein.

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This Information Request is not intended to broaden or to modify any other interactions that you may have with states or EPA Regions with respect to environmental obligations. You should continue to interact with states and EPA Regions on all other site-specific issues and obligations.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, as amended, 44 U.S.C. § 3501, *et seq*.

Please send your response to this Information Request in portable document format ("pdf") via e-mail to Ann Stephanos at stephanos.ann@epa.gov. Please also mail a copy of your response to:

Ann Stephanos
Waste and Chemical Enforcement Division
U.S. Environmental Protection Agency, MC 2249-A
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Any inquiry should be directed to Ann Stephanos at stephanos.ann@epa.gov

Please be advised that EPA may disclose the information requested to one or more of its private contractors for the purpose of organizing and assistance in technical review, analysis, and evaluation. Pursuant to 40 C.F.R. § 2.305, EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. This letter serves as notice to you, pursuant to 40 C.F.R. § 2.305, of this contemplated disclosure. Instructions concerning confidential business information are included in Attachment 1.

Thank you for your attention to this matter.

Sincerely,

Diana Saenz
Chief, Waste Enforcement Branch

Enclosures

Attachment 1

INFORMATION REQUEST
AMERICAN BATTERY

I. INSTRUCTIONS

1. Provide Response Within 30 Days. Your response to the information requested is due within thirty (30) calendar days of receipt of this letter, unless otherwise specified by EPA in this document.

2. Answer Every Question Completely. You are required to provide a separate answer to each question and subpart of a question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to penalties as discussed in the cover letter.

3. Number Each Answer. Number each answer with the corresponding number of the question.

4. Provide Information for the Last Three Years. Answer each question with respect to the last three (3) years (January 2011 – December 2014), unless the question specifies a different time period. A response that fails to address this time period is a failure to comply with this Information Request.

5. Provide the Best Information Available. You must provide responses to the best of your ability, even if the information sought was never reduced to writing or if the written documents are no longer available. If necessary, you should seek responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available will be considered non-compliance with this Information Request. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.

6. Unavailability of Information. If you are unable to answer a question in a detailed and complete manner, or if you are unable to provide any of the information or documentation requested, indicate the reason for your inability to do so. If you have reason to believe there is an individual who is not a current employee or agent who may be able to provide a response to any question, state that person's name, last known address, and telephone number. Also include the reasons for your belief. If a document is unavailable, please state the reason. In addition, please provide any identifying information you have, for example, author, date, and subject matter.

7. Submit Documents with Labels Keyed to the Question. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the question to which it responds. If anything is deleted from a document produced in response to this Information Request, state the reason for and the subject matter of the deletion.

8. Continuing Obligation to Provide and/or to Correct Information. If additional information or documents responsive to this Information Request become known or available to you after you respond to this Information Request, EPA hereby requests pursuant to Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927, that you supplement your response to EPA. Failure to supplement your response within thirty (30) days of discovering such responsive information may subject you to an enforcement action. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.

9. Complete the Enclosed Declaration. The information provided to EPA must be accompanied by a certification from Interstate Battery signed by a responsible corporate official, that the information being provided is true, accurate, and complete. (See Attachment 3)

10. Confidential Information. The information requested herein must be provided even though Interstate Battery may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." EPA will disclose information covered by such a claim only to the extent, and only by means, of the procedures set forth in the statutes and regulations named above. If no such claim accompanies the information when EPA receives it, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

11. Personal Privacy Information. Personnel, medical, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on a separate sheet(s), and marked as "Personal Privacy Information." You should note however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you.

12. Objections to Questions. While you may indicate that you object to certain questions in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties discussed in the cover letter.

13. Claims of Privilege. If you claim that an entire document responsive to this Information Request is a communication for which you assert that a privilege exists, identify the document and provide the basis for asserting the privilege. If you assert that a privilege exists for a portion of a document, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the

basis for the assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

II. DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-271, or in an applicable authorized state regulation, in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this enclosure.

1. The terms "DOCUMENT" and "DOCUMENTS" shall mean any method of recording, storing, or transmitting information. "Document" shall include but not be limited to:

    (a) writing of any kind, including electronic correspondence, formal or informal, whether or not wholly or partially in handwriting; and

    (b) attachments or enclosures to any document as well as any document referred to in any other document.

2. The term "CONSIGNEE" shall mean the ultimate treatment, storage, or disposal facility in a receiving country to which the hazardous waste is sent.

3. The term "NOTIFICATION OF INTENT TO EXPORT" shall mean the primary exporters' notification that must be sent to EPA sixty (60) days before the initial shipment of hazardous waste is intended to be shipped off site.

4. The term "EPA ACKNOWLEDGMENT OF CONSENT" shall mean the cable sent to EPA from the U.S. Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

5. The term "ANNUAL REPORT" shall mean the report due to be submitted to EPA by primary exporters no later than March 1 of each year, summarizing the types, quantities, frequency and ultimate destination of all hazardous waste exported during the previous calendar year.

6. The term "IDENTIFY" or "PROIVDE THE IDENTITY OF" means, with respect to an individual, to set forth: (a) the person's full name; (b) the present or last known addresses and telephone numbers; and (c) the present or last known employer (including the full name and address), with job title, position, or business.

7. The term "IDENTIFY" or "PROVIDE THE IDENTITY OF" means, with respect to a trust, firm, corporation, partnership, business trust, government office or division, sole proprietorship, or other entity, to set forth: (a) the entity's full name; (b) the complete street address; (c) the legal

form (e.g., corporation, partnership); (d) the state under whose laws the entity is organized; and (e) a brief description of its business.

8. The term "IDENTIFY" or "PROVIDE THE IDENTITY OF" means, with respect to a document, to provide: (a) the document's customary business description (e.g., letter, invoice); (b) its date; (c) its number, if any (e.g., invoice or purchase order number); (d) the identity of the author, the address, and the addressee and/or recipient; and (e) a summary of the substance or the subject matter.

9. The term "PERSON" includes, in the plural as well as the singular, any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, business trust, association, state, municipality, commission, political subdivision of a state, or an interstate body.

10. The term "RECEIVING COUNTRY" shall mean a foreign country to which a hazardous waste is sent for the purpose of treatment, storage, or disposal.

11. The term "YOU" or "RESPONDENT" shall mean the addressee of this Information Request, any and all of its subsidiaries and affiliates, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor corporations or companies.

Attachment 2

INFORMATION REQUEST
AMERICAN BATTERY

Requests

Please provide the requested information below about the export of Spent Lead Acid Batteries ("SLABs")

1. Please identify the person preparing and all of the persons consulted in preparing the answers to this Information Request. Please provide the full name and title for each person identified.

2. Please describe the business purpose of American Battery.

3. Please state whether American Battery has ever played a role in the export of SLABs, for any purpose, outside the United States. If so, please describe American Battery's role in the export of SLABs.

4. Since January 1, 2011, please identify, by date, the intended destination, freight container number, or other identifying reference, for every shipment of SLABs that was exported by American Battery.

5. For every shipment identified, please provide copies of all contracts, invoices, bills of lading, etc. detailing the export of SLABs, including the total amount of SLABs exported and the names of the receiving countries.

6. For every shipment identified, please identify every consignee or intended consignee.

7. For every shipment identified, please provide copies of shipping papers associated with each shipment. These papers may include invoices, shipping documents, bills of lading, or e-mails.

8. For every shipment identified, please provide copies of all Notification(s) of Intent to Export," required under 40 C.F.R. 262.53(a), "Notification of Intent to Export," that identifies the SLABs that American Battery intended to export.

9. Please provide copies of all re-notifications, required under 40 C.F.R. 262.53(c), if the conditions specified on the original notification(s) changed.

10. Please provide copies of any additional information, required under C.F.R. 262.53(d), which a receiving country may have requested in order to respond to the notification(s).

11. For every shipment identified, please provide copies of all Acknowledgment(s) of Consent, required under 40 C.F.R. 262.53(f), received from EPA by American Battery to allow the export of SLABs.

12. Please provide copies of all annual reports submitted to EPA, required under 40 C.F.R. 262.56(a)(1) through (4), (6), "Annual Reports," submitted by American Battery.

Attachment 3

INFORMATION REQUEST
AMERICAN BATTERY

The following form of certification must accompany all information submitted by American Battery in response to the Information Request.

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (Response to EPA Information Request) and all documents submitted herewith; that, to the best of my knowledge and belief, the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

Executed on _____, 20__ Signature

_____