



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Notice of Violation
Vickery Environmental, Inc. (VEI)
OHD 020 273 819
Sandusky County
Hazardous Waste

April 6, 2011

Mr. Steve Lonneman
Vickery Environmental, Inc.
3956 State Route 412
Vickery, Ohio 43464

Dear Mr. Lonneman:

On December 23, 2010, Vickery Environmental, Inc. (VEI) received a waste shipment imported from Canada identified by profile #K18332-1. The transporter was Harold Marcus Limited and the waste was accompanied by a Uniform Hazardous Waste Manifest identified by tracking number 005595615JJK. According to facility records, the load was rejected due to incompatibility with the other waste in the facility storage tanks. In accordance with Ohio Administrative Code (OAC) Rule 3745-54-72(D)(1), Harold Marcus Limited dropped the tanker at VEI which stored the tanker on site until arrangements could be made to return the waste shipment to the generator in Canada.

On January 26, 2011, the transporter, Harold Marcus Limited, returned to VEI to take the tanker back to the generator. The load left VEI with the original manifest dated December 23, 2010. VEI indicated in section 18a. of the original manifest that the load was a full rejection and was being returned to the generator. The discrepancy section was also dated December 23, 2010. VEI also wrote a notation on VEI's receipt control form that the load left the site on January 26, 2011, to be returned to the generator. On January 26, 2011, I made copies of the paperwork after the load was returned to the generator to determine VEI's compliance with applicable rules found in Chapter 3745 of the Ohio Administrative Code (OAC).

As a result of my paperwork review on January 26, 2011, VEI is in violation of OAC Rule 3745-54-72(F) for not properly preparing a new manifest for the rejected load that left VEI on January 26, 2011, on manifest 005595615JJK.

OAC Rule 3745-54-72(F) states in part, *"Except as provided in paragraph (F)(7) of this rule, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with paragraph (A) of rule 3745-52-20 of the Administrative Code..."*

OAC Rule 3745-54-72(F)(7) states in part, *"For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing item 18a and item 18b of the manifest..."* Because the transporter did not remain on-site with the load from December 23, 2010, until January 26, 2011, VEI was required to prepare a new manifest to ship the load back to the generator.

To abate this violation, VEI must train facility personnel responsible for receipt control on the proper preparation of manifests for rejected loads. VEI must submit documentation to me demonstrating that facility personnel have been trained.

Mr. Steve Lonneman
April 6, 2011
Page Two

If you have any questions, please feel free to contact me at (419)547-6033 or via e-mail at maryann.miller@epa.state.oh.us.

Sincerely,



Mary Ann Miller
Environmental Specialist
Division of Hazardous Waste Management

/cs

pc: Dave Pollick, Sandusky County Health Commissioner
Cindy Lohrbach, DHWM-NWDO
~~DHWM-NWDO File Sandusky County Vicker Environmental Inc., Inspections~~

ec: Colleen Weaver, DHWM-NWDO
Gary Deutschman, DHWM-NWDO
Mary Ann Miller, DHWM-NWDO
Chuck Lowe, DDAGW-CO
Deborah Mersereau, Sandusky County Health Department