



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 February 23, 2011, Vickery Environmental, Inc. (VEI) received a waste shipment from a generator in West Virginia with waste profile #OH616667. The manifest tracking number is #002776795. Upon arrival, the load was checked in at receipt control as profile #OH616829 which is for a generator with the same name but at a different location. The shipment was processed and analyzed in the lab under the wrong profile #OH616829. On March 2, 2011, Marilyn Binsack alerted receipt control of an error for this load because the Ohio customer received a bill for a load they did not ship to VEI. The load was scheduled under the wrong profile, and the mistake was not noticed prior to disposal.

Ohio EPA is concerned that VEI's internal procedures did not detect these errors during arrival, acceptance, analysis, processing or disposal. The manifest that accompanied the waste shipment was correct. However, internal procedures and waste analysis were followed for the wrong profile. After VEI was notified of the error by the billed party, VEI receipt control and laboratory employees attempted to correct the recorded errors by changing the receipt control form and moving the analytical from the fingerprint analysis associated with waste profile #OH616829 to the fingerprint analysis associated with waste profile #OH6166667 sometime on or after March 2, 2011. The changes to the receipt control form were initialed. However, the changes to the fingerprint forms were not. None of the changes to either of the forms were dated. Copies of the paperwork from the waste shipment and the laboratory fingerprints are enclosed for your reference.

Shipment and pre-acceptance procedures are described in Appendix I of VEI's Ohio Hazardous Waste Facility Installation and Operations Permit. The Incoming Waste Shipment Procedure in Section 5.0 of the Waste Analysis Plan states in part, *"Each shipment of waste is inspected, sampled and analyzed herein before the initiation of any further activity. This serves two purposes. First, it compares the results of incoming waste shipment mandatory analyses with the pre-acceptance phase waste profile and the waste identity listed on the manifest or shipping papers. Secondly, it further ensures the proper disposition of waste."*

Permit Condition B.3 states in part, *"The Permittee shall follow the procedures described in the approved waste analysis plan found in Appendix I of the approved part B permit application and the terms and conditions of this permit. Ohio Administrative Code Rule 3745-54-13(B) states in part, "The owner or operator must develop and follow a written waste analysis plan which describes the procedures to be implemented in order to comply with paragraph (A) of this rule..."*

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Therefore, VEI is in violation of Permit Condition B.3 and OAC Rule 3745-54-13(B). VEI did not follow the facility's approved waste analysis plan. VEI accepted, fingerprinted, and processed an incoming waste shipment under an incorrect company name and incorrect profile.

To abate this violation, VEI must submit to me a description of what procedures the facility will undertake (including modifying the facility waste analysis plan or employee training) to reduce the possibility of the above errors from occurring again. VEI must also develop acceptable procedures for documenting changes made to the facility's operating record as required by your permit. At a minimum, the person making the changes must initial the corrections and put a date next to the changes that are made. An explanation for the changes may also be helpful in many situations.

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

Enclosure

pc: Dave Pollick, Sandusky County Health Commissioner
Cindy Lohrbach, DHWM-NWDO
~~DHWM-NWDO-File-Sandusky-County-Vickery-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