



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

May 17, 2013

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

Dear Mr. Lonneman:

On March 19, 2013, Vickery Environmental, Inc. (VEI) received a waste shipment from a generator in Georgia with waste profile #OH617283. The manifest tracking number is #004625223FLE. Upon arrival, the shipment was processed and analyzed in the lab and held until 3:52 a.m. on March 20, 2013, when the waste shipment was unloaded by a VEI employee. Ohio EPA's on-site inspector Mary Ann Miller noticed the situation while reviewing daily waste shipments and manifests on March 22, 2013.

Waste handling procedures and operating hours are described in Appendix I of VEI's March 5, 2012, Ohio Hazardous Waste Facility Installation and Operations Permit. The General Facility Conditions in Module B state in part, "*The Facility's normal operating hours are 7:00 a.m. to 11:00 p.m. while "Off hours are the hours of 11:00 p.m. to 7:00 a.m."*

Permit Condition B.1(c)(iii) states, "*The Permittee may receive and accept waste, but not unload waste during "off-hours" as long as such receipts are recorded in the facility's operating record.*"

Permit Condition B.1(c)(v) states, "*The Permittee may begin waste unloading during "off-hours" in those instances when, through no fault of the Permittee, the generator and/or transporter experiences some unforeseen circumstance and/or emergency which would not allow the waste to be unloaded during normal operating hours. All permit requirements must be followed for waste unloading during "off-hours" and the Permittee must provide the Northwest District with prior notification. If no one is present at the district office or at the on-site inspector office at the time the notification is made, the notification may be made by e-mail or voicemail.*

VEI is in violation of Permit Condition B.1(c) and OAC Rule 3745-54-31. VEI failed to follow the general facility conditions and found in Permit Condition B.1(c) by unloading an incoming waste shipment during the facility's off hours without unforeseen circumstances and/or an emergency that would not allow the waste to have been unloaded during normal operating hours. Furthermore, VEI failed to provide prior notification to Ohio EPA, Northwest District office to off-load the waste during off-hours. According to facility records, a waste shipment was received at 8:23 a.m. on March 19, 2013, and was unloaded beginning at 3:52 a.m. on March 20, 2013, which is during the facility's off-hours.

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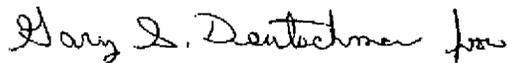
On April 3, 2013, Mary Ann Miller notified VEI's Environmental Health and Safety Manager, Brett Miller, of the violation. Additionally, on April 3, 2013, VEI notified Ohio EPA of their intentions to unload a waste shipment due to filtration issues during off-hours on April 4, 2013. I sent an e-mail to you and Brett Miller on April 3, 2013, that informed you that the shipment could not be unloaded during off-hours as requested. The waste shipment did not meet the requirements (there were no unforeseen circumstances and/or an emergency that would not allow the waste to have been unloaded during normal operating hours) of the General Facility Conditions Permit Condition B.1(c)(v) to be unloading during off-hours, therefore, the waste shipment was unloaded during normal operating hours on April 4, 2013.

On April 18, 2013, VEI submitted a report to Ohio EPA in accordance with Permit Condition A.22 documenting the March 20, 2013, incident. VEI has reviewed the permit condition with site management to prevent future violations.

Therefore this violation was abated on April 18, 2013, by reviewing the permit condition with site management.

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

/ltr

Enclosure

pc: Dave Pollick, Sandusky County Health Commissioner
Lisa Gifford, DHWM-NWDO
Colleen Weaver, DHWM-NWDO

ec: Colleen Weaver, DHWM-NWDO
Gary Deutschman, DHWM-NWDO
Mary Ann Miller, DHWM-NWDO
Chuck Lowe, DDAGW-CO