



Mike Dewine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

November 25, 2019

Vickery Environmental, Inc.
3956 State Route 412
Vickery, OH 43464

**Re: Vickery Environmental, Inc.
Director's Final Findings and Orders
(DFFO)
DFFO
RCRA C - Hazardous Waste
Sandusky County
OHD020273819**

Subject: Final Findings and Orders of the Director

To Whom It May Concern:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Vickery Environmental, Inc.

Enclosed is the invoice for the total penalty amount of \$11,200.00 required by the orders. The penalty payment(s) shall be made by official check(s) made payable to "Treasurer, State of Ohio."

If you have any questions, please contact Sarah Miles at (614) 644-3037.

Sincerely,

A handwritten signature in black ink that reads "Tonya Andrews". The signature is written in a cursive, flowing style.

Tonya Andrews, Administrative Professional 3
Division of Environmental Response & Revitalization

Enclosure

cc: Tammy Heffelfinger, DERR, CO
Mitch Mathews, DERR, CO
Kristie Shipley, DERR, CO
Colleen Weaver, DERR, NWDO
Sarah Miles, Legal

Ohio EPA Invoice/Receipt

Date Printed: November 22, 2019

Revenue ID: 1333996

Please include this Revenue ID with all correspondence.

Place ID: 559413
Information: Vickery Environmental, Inc.
3956 State Route 412
Vickery, OH 43464-

Due Date:
Amount Due:

Effective Date: November 22, 2019

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup
Program Name: RCRA C - Hazardous Waste
Reason: Fund 541 (3734.281) RCRA C-Hazardous Waste Program. Settlement for past hazardous was

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice

Detach Here - Please Return This Portion With Your Payment

Place ID: 559413
Information: Vickery Environmental, Inc.
3956 State Route 412
Vickery, OH 43464-

Due Date:
Amount Due:

Secondary Type/Id: SNGEN / 2GC05606

Revenue Type: FFOHW

Amount Enclosed: \$ _____

Many Ohio EPA fee invoices are payable online. For online credit card or ACH payment, go to <https://eBiz.epa.ohio.gov>, login or create an account and from the "Available Services" window choose "Pay Ohio EPA Fees Online".

Please write this number on your check. Revenue ID: 1333996
Make check or money order payable to "Treasurer, State of Ohio"

Remit to: Ohio Environmental Protection Agency - OFA
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____
Check Date: _____
Check Number: _____
Check Amount: \$ _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

Ohio EPA NOV 25 '19
Entered Directors Journal

In the Matter of:

Vickery Environmental, Inc.
3956 State Route 412
Vickery, Ohio 43464

**Director's Final
Findings and Orders**

Respondent

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By Joseph Cassider Date: 11-25-19

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Vickery Environmental, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings. Respondent does not admit to any of Ohio EPA's factual or legal findings and nothing in these Orders shall be considered as an admission by Respondent of any matter of fact or law.

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent operates a hazardous waste treatment storage and deep well injection facility located at 3956 State Route 412, Vickery, Sandusky County, Ohio (Facility), which receives hazardous waste from off-site. On March 5, 2012, Respondent was issued a hazardous waste facility installation and operation renewal permit (Permit) for storage and treatment of hazardous waste at the Facility. Respondent is permitted to treat and store hazardous waste (specified quantities) in designated tanks and miscellaneous units at the Facility and is permitted through Ohio EPA's Underground Injection Control (IUC) program to inject hazardous waste into four (4) Class 1 underground injection wells. The Facility is assigned U.S. EPA identification number OHD020273819.
3. Listed and characteristic hazardous waste is received by Respondent in an unloading building and is transferred from tanker trucks by below ground piping. Piping passes through either the North or South Sand Interceptor vault and further drains into V-Tank storage tanks. The transfer pipes are enclosed in secondary containment shield piping except for the sections that pass through the sand interceptor vaults. The concrete floor of the unloading building is sloped towards either the North or South Unloading Sump. After unloading bulk tanker trucks, Respondent routinely washes down the truck unloading fittings and floor of the building. In accordance with OAC rule 3745-51-03(C)(2)(a), the rinse water derived from the treatment, storage, and disposal activities of hazardous waste is also a hazardous waste. The hazardous waste rinse water flows to an unloading sump which drains via below ground piping through one of the sand interceptor vaults and into the V-Tank storage tanks.
4. The North and South Sand Interceptor vaults serve as a secondary containment system for the piping in between the unloading building and V-Tank storage tanks. The purpose of these structures is to prevent a release of hazardous waste to the environment. Respondent is required by its Permit to inspect the secondary containment system daily to detect erosion or signs of releases of hazardous waste.
5. On November 8, 2018, Ohio EPA conducted a compliance evaluation inspection at the Facility. During this inspection, Respondent informed Ohio EPA that it identified a breach in the concrete of the South Sand Interceptor Vault on November 2, 2018. Respondent later determined a boot around the South Unloading Sump failed and allowed, at a minimum, listed hazardous waste to enter a secondary containment pipe which opened into the concrete vault. Because Respondent did not conduct adequate inspections of the secondary containment (the vault), the corrosive nature of the hazardous waste was able to erode the concrete and cause a subsequent failure of the secondary containment, allowing for hazardous waste to be discharged to the surrounding

ground. Based upon this information Ohio EPA determined that Respondent, *inter alia*, disposed of hazardous waste in a location at the Facility that is not permitted for disposal of hazardous waste, in violation of ORC § 3734.02(E) and (F), OAC rules 3745-50-41(A), 3745-50-45(A), and Permit Condition A.1(b). Specifically, the failure of secondary containment (the South Sand Interceptor vault) caused the South Sand Interceptor vault to become a hazardous waste management unit. The North and South Sand Interceptor vaults are identified as Waste Management Units (WMU 22) subject to closure and Corrective Action under Vickery's permit.

6. On November 14, 2018, Respondent was notified of the violations referenced in Finding No. 5. of these Orders and was provided a notice of violation.
7. On November 14, 2018, Respondent collected water samples from two locations outside the vault. One sample was collected from the V-Tank backfill sump located on the northeast side of the V-tank building. The other sample was collected just north of the area where the breach occurred at a location where water from the backfilled area drains into the V-tank building.
8. On November 15, 2018, Ohio EPA conducted a follow-up inspection at the Facility. During the inspection, Ohio EPA requested to view the secondary containment known as the North Sand Interceptor vault and observed significant damage to the concrete. Prior to the inspection, Respondent identified a crack in one of the hazardous waste transfer lines and took the pipe out of service for repairs.
9. On November 16, 2018, Ohio EPA returned to the Facility to observe the repairs to the North Sand Interceptor vault hazardous waste transfer line which were made on November 15, 2018.
10. On November 16, 2018, Respondent submitted to Ohio EPA a Certification of Repair for the North Sand Interceptor vault hazardous waste transfer line.
11. Based upon the inspections referenced in Findings Nos. 5. and 8. of these Orders, Ohio EPA determined Respondent, *inter alia*:
 - a. Failed to conduct adequate inspections of the secondary containment systems to detect erosion or signs of a release of hazardous waste, in violation of OAC rule 3745-55-95(C)(2) and Permit Condition D.5(c)(iii);
 - b. Failed to operate a secondary containment system to prevent migration of wastes to the environment, in violation of OAC rule 3745-55-93(B)(1) and Permit Condition D.3;

- c. Failed to construct a secondary containment system capable of preventing failure, in violation of OAC rule 3745-55-93(C) and Permit Condition D.3;
 - d. Failed to provide secondary containment for tank ancillary equipment, in violation of OAC rule 3745-55-93(F) and Permit Condition D.3; and
 - e. Failed to report to the Director a leak from a tank system or secondary containment system within 24 hours, in violation of OAC rule 3745-55-96(D)(1) and Permit Condition D.7(a).
12. By letter dated November 16, 2018, Ohio EPA notified Respondent of the violations referenced in Findings Nos. 5. and 11. of these Orders.
 13. On November 19, 2018, Respondent collected a water sample from a third location. The sample was collected of water that continued to flow into the vault at the point of the breach.
 14. On November 19, 2018, Respondent submitted to Ohio EPA a tank release report for the breach referenced in Finding No. 5. of these Orders.
 15. On November 28, 2018, Respondent submitted to Ohio EPA a report documenting repair of the concrete and application of a chemical resistant coating in the South Sand Interceptor vault. At this time the South Unloading Sump, which was the source of the corrosive leak, had not been successfully repaired.
 16. On November 30, 2018, Respondent submitted to Ohio EPA a response to the November 16, 2018, NOV letter, including results for samples referenced in Findings Nos. 7. and 13. of these Orders. Respondent maintains no hazardous waste was disposed to the environment from the vault. Respondent explained that repairs were made to the South Sand Interceptor vault. Respondent stated it will continue to perform daily inspections of the above ground, below grade piping located in the vault, utilizing a portable light to illuminate the area.
 17. On January 17, 2019, Respondent submitted to Ohio EPA a certification of repair for the South Unloading Sump and South Sand Interceptor vault.
 18. By letter dated January 18, 2019, Ohio EPA notified Respondent that based upon the tank release report submitted by Respondent, as referenced in Finding No. 14. of these Orders, the violation referenced in Finding No. 11.e. of these Orders was resolved.
 19. On February 13, 2019, Respondent submitted to Ohio EPA an additional

response to violations referenced in Findings No. 5. and 11. of these Orders. Respondent stated it is working with a contractor to develop a plan to investigate the area around the South Sand Interceptor vault. Respondent also explained it is working on a long-term solution to improve inspections of the sand interceptor vaults and will complete any associated construction activities by the end of 2019.

20. On March 5, 2019, Respondent submitted to Ohio EPA a sampling plan to investigate the area around the South Sand Interceptor vault to determine if further action was needed.
21. On March 15, 2019, Ohio EPA provided comments to Respondent. Specifically, Ohio EPA stated analytical results should be reported at both the method detection limit (MDL) and practical quantitation limit (PQL), stated results should be compared to background level information, stated samples should be taken at a depth at or below the vault, and questioned the constituents of concern.
22. On March 15 and 20, 2019, Respondent provided follow up responses to Ohio EPA and an updated sampling plan. On April 3, 2019, Ohio EPA verbally notified Respondent that the revised sampling plan was acceptable.
23. By letter dated March 18, 2019, Ohio EPA notified Respondent that the violations referenced in Findings Nos. 11.a., 11.b., 11.c., and 11.d. of these Orders were resolved.
24. On May 15, 2019, Respondent provided soil sample results for the area surrounding the South Sand Interceptor vault. Results were compared against site-specific background limits that were established and approved by Ohio EPA during the RCRA Facility Investigation (RFI), as well as the most recent U.S. EPA Regional Screening Levels (RSLs) for industrial soil. Contaminants were not detected above background limits or RSLs; therefore, no further action is required at this time.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$11,200.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the environmental protection remediation fund established

pursuant to ORC § 3734.281. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$11,200.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying the Respondent. A copy of the check shall be sent to the Financial Program Manager, Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V. of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Environmental Response and Revitalization

Director's Final Findings and Orders
Vickery Environmental, Inc.
Page 7 of 9

347 N. Dunbridge Road
Bowling Green, Ohio 43402
Attn: Hazardous Waste Program Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Environmental Response and Revitalization
50 West Town Street
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violation specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and

service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

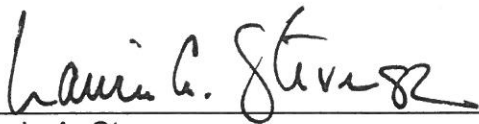
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

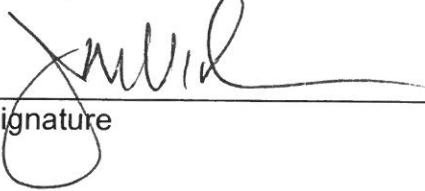
Ohio Environmental Protection Agency



Laurie A. Stevenson
Director

IT IS SO AGREED:

Vickery Environmental, Inc.



Signature

11-13-19

Date

Jeffrey M. Viola

Printed or Typed Name

Assistant Secretary

Title