

**RESPONSE TO COMMENTS  
REGARDING THE FEDERAL  
RESOURCE CONSERVATION AND RECOVERY ACT PERMIT  
TO BE ISSUED TO VICKERY ENVIRONMENTAL, INC.,  
VICKERY, OHIO  
OHD 020 273 819**

**INTRODUCTION**

In accordance with 40 Code of Federal Regulations (CFR) § 124.17, the United States Environmental Protection Agency (U.S. EPA or the Agency) requested comments on its tentative determination to issue a new RCRA permit to Vickery Environmental, Inc., (Vickery), located in Vickery, Ohio, and on the draft terms of the proposed federal permit. The 45-day comment period commenced on February 3, 2005, with a public notice in the Fremont, Ohio newspaper, The News - Messenger. Pertinent information and materials were available at the Birchard Public Library of Sandusky County in Fremont, Ohio. The public comment period terminated on March 21, 2005. Only Vickery submitted written comments to the U.S. EPA.

The Agency issues this written response to Vickery's comments pursuant to 40 CFR § 124.17. This section requires the Agency to: (1) specify in writing any modifications it has made to the provisions of a proposed RCRA permit, along with the reason(s) for any such change; (2) describe and respond to all significant comments on the draft federal permit; and (3) include any documents cited in the Agency's response in the administrative record.

As a result of written comments received from Vickery, the following changes are being made to the final permit in addition to minor administrative and typographical changes. Vickery's comments requesting changes to the permit and the Agency's responses are itemized below.

**RESPONSE TO COMMENTS**

1. Correction to Section I.E.3 Permit Expiration

**Comment:** The date listed in the draft permit needs to be changed to a 10 year permit date.

**Response:** Upon review of the relevant data, the U.S. EPA will accept this comment and will modify the draft permit pursuant to 40 CFR § 270.50.

2. Correction to the Attachment - Additional Hazardous Wastes

**Comment:** Include K-174, K-175, K-176, and K-177, in our permit. These codes were approved on our previous permit, however, due to an oversight on my part I failed to include them in the submittal.

**Response:** Regulatory language confusion on the part of Vickery led to their omission of four K-waste codes, K-174, K-175, K-176, and K-177, in their RCRA permit application to U.S. EPA dated August 21, 2003, and in subsequent modifications to that application. The State of Ohio

adopted the above-mentioned waste codes as part of the December 7, 2004 rule package. On 2-3-05, Ohio EPA acknowledged Vickery's two Class 1 permit modification requests to incorporate the above-mentioned waste codes into their Ohio permit. Therefore, those four "K" codes are now listed in Vickery's Ohio permit. There are no changes to any of Vickery's processes or tanks due to their handling of the above-mentioned waste codes. Upon review of the relevant data, the U.S. EPA will accept this comment and will modify the draft permit accordingly.

### 3. Correction to the Attachment - Additional Hazardous Wastes

**Comment:** The waste codes listed at the end of the permit do not correspond with the waste codes that are listed in the expired permit. The waste codes that need to be listed are the codes that we are allowed to accept but OEPA does not recognize.

**Response:** A rulemaking by U.S. EPA on January 24, 2003 authorized the Ohio EPA to implement 49 waste numbers listed in Vickery's U.S. EPA RCRA draft permit. These waste numbers were included in the draft permit by mistake. Because the Ohio EPA RCRA program is authorized for those waste numbers, they are covered by the Ohio EPA RCRA permit issued August 17, 2001. Upon review of the relevant data, the U.S. EPA will accept this comment and will modify the draft permit accordingly.

### 4. Correction to Section IV.A Tanks - Tank List

**Comment:** The site has a lab waste tank that needs to be listed in the permit.

**Response:** The laboratory waste tank is one of sixteen tanks that Vickery included in their RCRA permit application to U.S. EPA dated August 21, 2003, and in the Ohio EPA RCRA permit effective August 17, 2001 that manage hazardous wastes or will manage hazardous wastes on their site. The laboratory waste tank complies with all of the applicable requirements of 40 CFR § 264.1080 through 40 CFR § 264.1090 regarding air emission standards for tanks handling hazardous waste. Upon review of the relevant data, the U.S. EPA will accept this comment and will modify the permit accordingly.

### 5. Correction to Section IV.A Tanks - Level 1 emission control language

**Comment:** On page 11 and 12 it states that all the tanks are vented to the caustic scrubber. The T-Tanks and the V-Tanks are vented to the caustic scrubber however, the FAT-Tanks are not vented through the scrubber. The FAT-Tanks are fixed roof systems with a conservation vent and meet Level 1 controls. The lab waste tank is a closed roof system with a conservation vent that meets Level 1 controls. It also is not vent to the scrubber system.

**Response:** Upon review of the relevant data, the U.S. EPA will accept this comment and will modify the permit accordingly.

## **CHANGES TO THE DRAFT PERMIT**

1. Page 3, Section I.E.3 Permit Expiration: The expiration date has been changed from “August 17, 2006” as listed in the draft permit, to April 13, 2015, to reflect a 10-year duration.
2. Attachment Pages 1 and 2: The permit is revised to show the addition of the K-174, K-175, K-176, and K-177 waste codes.
3. Attachment Pages 1 and 2: The permit is revised to show the removal of those waste codes covered by the Ohio EPA RCRA program, leaving the following waste codes to be covered by the U.S. EPA permit: F032, K169 through K172, and K174 through K177.
4. Page 11, Section IV.A Tanks: The permit is revised to show the addition of the laboratory waste tank.
5. Page 11 Section IV.A Tanks: The draft permit language “The tanks shall be covered by a fixed roof and vented directly through the closed-vent system to the caustic scrubber in accordance with the following requirements in 40 CFR § 264.1084(g)” has been revised with the following language:

The FAT-tanks and the Laboratory Waste Tank are fixed roof systems with a conservation vent and meet Level 1 controls in accordance with the requirements in 40 CFR § 264.1084(c).

The T-tanks and the V-tanks shall be covered by a fixed roof and vented directly through the closed-vent system to the caustic scrubber in accordance with the following requirements in 40 CFR § 264.1084(g):

6. Attachment Page 1: Due to typographical errors within description of waste code F032, the following changes were made: “precesses” changed to “processes” and “form” changed to “from”.
7. Reference to draft permit date has been deleted because it is no longer needed in the final permit.

### **DETERMINATION**

Based on a full review of all relevant data provided to the U.S. EPA, the U.S. EPA has determined that the final RCRA permit to be issued to Vickery contains such terms and conditions as are necessary to protect human health and the environment.