



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 10 2020

REPLY TO THE ATTENTION OF

Dear Sir or Madam:

Re: Notification Concerning Federal RCRA Permit Appeal
Vickery Environmental, Inc., OHD 020 273 819
Dismissal of the Permit Appeal by Environmental Appeals Board

Vickery Environmental, Inc. (Vickery) operates a hazardous waste treatment, storage and deep well injection disposal facility at Vickery, Ohio. Vickery receives liquid industrial waste and liquid hazardous waste for treatment, storage and disposal.

On September 12, 2014, Vickery applied for a Hazardous Waste Management Permit under the Resource Conservation and Recovery Act (RCRA). On October 5, 2018, U.S. Environmental Protection Agency (EPA) issued a draft RCRA permit to Vickery and provided an opportunity for 45 days of public comment. EPA responded to the public comments and issued the final RCRA permit on September 6, 2019¹.

The effective and expiration dates of the EPA's RCRA permit are October 10, 2019 and October 10, 2029, respectively.

On October 7, 2019, prior to the effective date, Vickery petitioned EPA's Environmental Appeals Board (EAB) to review the following permit conditions:

1. Permit Conditions III.C.8, III.C.8.a and III.C.8.b;
2. Permit Conditions III.C.9 and III.C.9.a through III.C.9.i;
3. Permit Condition III.C.10;
4. Permit Condition III.C.11;
5. Permit Conditions III.D.3 and III.D.3.(a), III.D.3.(b), III.D.3.(c) and III.D.3.(e);
6. Permit Condition III.E.2; and
7. Permit Condition III.E.3.

On March 5, 2020, EPA submitted an unopposed motion to the EAB to remand the permit, together with a joint motion with Vickery to dismiss Vickery's October 7, 2019 petition to review the permit.

¹The final federal RCRA permit and fact sheet are available at Clyde Public Library, 222 West Buckeye Street, Clyde, Ohio 43410 and <https://www.epa.gov/hwpermitting/vickery-environmental-inc-vickery-ohio-permit-documents-hazardous-waste-management>

On March 6, 2020, in response to the joint motion, the EAB issued an order dismissing Vickery's October 7, 2019 petition.

This letter is to notify you that as indicated in EPA's unopposed motion, EPA has remanded the RCRA permit issued to Vickery on September 6, 2019.

Until the remanded permit is re-proposed, finalized and effective, Vickery must comply with the previous federal RCRA issued on April 14, 2005.

When EPA re-proposes a draft permit to Vickery, EPA will proceed through the same process of public involvements (i.e., 45 days of public comment period and an opportunity for a public hearing, if requested by the public) as would apply to proposal of any other draft permit.

If you have any questions, please contact Mr. Jae Lee of my staff at (800) 621-8431 ext. 63781 or Lee.Jae@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Mary Setnicar". The signature is written in black ink and is positioned above the typed name and title.

Mary Setnicar
Acting Chief
Land and Chemicals Branch
Land, Chemicals and Redevelopment Division