

**FILE**

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12-1156-TR-CVF

August 9, 2012 August 8, 2012

**SENT VIA FEDERAL EXPRESS**

Ohio Public Utilities Commission  
Att: Docketing Division  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

Re: Neier, Inc.  
Case No.: 0191006873C

RECEIVED-DOCKETING DIV  
2012 AUG 10 AM 11:47  
PUCO

Dear Sir/Madam:

I enclose Petitioner's Post-Hearing Brief for filing in the above-referenced matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Timothy W. Wiseman

TWW/kkc

Enclosure

cc: Werner L. Margard, III  
Richard Neier

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician DR Date Processed AUG 10 2012

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Neier, Inc., Notice of     ) Case No. 12-1156-TR-CVF  
Apparent Violation and Intent to Assess ) (0191006873C)  
Forfeiture.                                     )

**POST-HEARING BRIEF OF PETITIONER**

Petitioner, Neier, Inc. ("Neier"), hereby submits its Post-Hearing Brief for consideration by the Hearing Officer of the Public Utilities Commission of Ohio (the "Commission").

**I.**  
**STATEMENT OF CASE**

This case arises from a roadside vehicle inspection conducted by Trooper Kevin Fleming ("Trooper Fleming") of the Ohio State Highway Patrol, Motor Carrier Enforcement Division, on December 28, 2011 in Lorain, Ohio (the "Roadside Inspection"). After the Roadside Inspection, Trooper Fleming issued Neier's driver, Kasey Kadinger ("Kadinger"), a Driver/Vehicle Examination Report (*see Staff Exhibit 1*) listing two violations, including a speeding violation by Kadinger and a violation of 49 C.F.R. § 172.502(a)(1) for including a Class 3 Flammable Placard on Neier's 53' box van trailer despite the lack of any Class 3 materials on the vehicle.

Subsequent to the Roadside Inspection, the Commission, on January 5, 2012, issued Neier a Notice of Apparent Violation and Intent to Assess

Forfeiture (the "Notice"), which assessed a civil monetary penalty of \$900.00 for the alleged violation of 49 C.F.R. § 172.502(a)(1). (*See Staff Exhibit 4*).

Neier timely appealed the Commission's Notice, and a hearing was held on July 10, 2012. At the hearing, Trooper Fleming, Kadinger, and Jonathan Frye, Chief of the Commission's Compliance Division, testified before the Hearing Officer.

## **II.**

### **STATEMENT OF ISSUE**

The single issue in dispute in this case is whether Neier and its driver, Kadinger, violated 49 C.F.R. § 172.502(a)(1) on December 28, 2011. § 172.502(a)(1) states as follows:

***Prohibited Placarding.*** Except as provided in Paragraph (b) of this section, no person may affix or display on a packaging, freight container, unit load device, motor vehicle or rail car (1) any placard described in this subpart unless (i) the material being offered or transported is a hazardous material; (ii) the placard represents a hazard of the hazardous material being offered or transported; and (iii) any placarding conforms to the requirements of this subpart.

## **III.**

### **NEIER'S ARGUMENT ON APPEAL**

This case is very simple from Neier's standpoint. If the 53' foot box van trailer being transported by Kadinger and Neier on December 28, 2011 contained a Class 3 flammable material, then no violation of § 172.502(a)(1) occurred. While the Commission may see this as a very minor infraction with a minimal monetary penalty, it is a very important issue to Neier since any hazardous material violation has a significant negative impact on Neier's Safety Measurement System ("SMS") scores with the U.S. Department of

Transportation, Federal Motor Carrier Safety Administration ("FMCSA"). High SMS scores can subject an interstate motor carrier such as Neier to increased enforcement by the FMCSA, loss of business as many shippers do not want to contract with carriers that have high SMS scores, and increased liability insurance costs. Because Neier does not transport a significant amount of hazardous material, even a single hazardous material violation has a significant negative impact on its SMS score with the FMCSA.

The overwhelming weight of evidence presented at last month's hearing establishes that Neier's trailer did contain one pallet of Class 3 flammable paint thinner at the time of the Roadside Inspection on December 28, 2011. The undisputed evidence supportive of Neier includes:

1. One of the multiple bills of lading/shipping documents provided to Kadinger by the shipper, Safety-Kleen Systems, Inc., (BOL #846238) clearly showed that the shipment contained thirty-two pails of Class 3 paint-related materials with a total weight of 1,152 pounds. (*See attached Bills of Lading as Exhibit 1*). Kadinger testified that he had this particular bill of lading in his possession at the time of the Roadside Inspection, but neither him nor Trooper Fleming recognized it since it looked substantially different than the other bills for the other product contained on Neier's trailer.

2. Bill of Lading #846238 was signed by Angela French of Safety-Kleen's facility in Kent, Ohio on December 28, 2011, where she acknowledged receipt of all the materials contained in Neier's trailer, including the pallet of Class 3 flammable materials.

3. Both Kadinger and Trooper Fleming testified that they were not able to inspect the entire contents of Neier's 53' trailer during the Roadside Inspection because it was packed full of Safety-Kleen product.

4. Within two hours after the Roadside Inspection, Kadinger testified that he delivered the full trailer load to Safety-Kleen's facility in Kent, Ohio. At that time, Tom Mathers, the Safety-Kleen's facility manager, unloaded the trailer and showed Kadinger the pallet of Class 3 flammable paint thinner that had been towards the front of the trailer. Mr. Mathers also showed Kadinger Bill of Lading #846238 that had been in Kadinger's possession listing the Class 3 materials in Neier's trailer.

5. Kadinger testified that he picked up all of the products on his trailer at Safety-Kleen's facility in Dalton, Illinois on December 27, 2011 and did not add any additional products to his trailers between this loading time, the Roadside Inspection and the delivery of the product to Safety-Kleen's facility in Kent, Ohio on December 28, 2011. Thus, Kadinger testified that the Class 3 flammable product was in his trailer at all times in transit.

It is important to point out the consistency between the testimony of both Trooper Fleming and Kadinger at last month's hearing. Both agreed that they could not locate a bill of lading showing the Class 3 material during the Roadside Inspection, nor could they identify the Class 3 product within the trailer. However, both also testified that the only way they could inspect all of the pallets on the trailers was to empty the trailer, which is impossible on the side of the road. Based upon the information available to Trooper Fleming at


the time of the Roadside Inspection, it was entirely proper for him to cite a violation of § 172.502(a)(1) against Neier. However, subsequent to the Roadside Inspection, additional evidence not available to Trooper Fleming at the time, confirmed that the Class 3 material was contained in the inspected trailer. As such, no violation of § 172.502(a)(1) existed at the time of the Roadside Inspection and therefore the Notice should be dismissed in its entirety.

It is also important to point out that the monetary assessment made by the Commission in connection with the Roadside Inspection was clearly incorrect based upon the testimony of Mr. Frye. In his testimony, Mr. Frye indicated that the \$900.00 monetary assessment was based upon the Commission's Civil Forfeiture Violations Chart. According to his testimony, Mr. Frye calculated the fine, not based upon Neier's improper use of a Class 3 flammable placard on the trailer, but for Neier's failure to include a Class 4.1 placard on the trailer. Subsequent to Mr. Frye's testimony, however, both Kadinger and Trooper Fleming confirmed that Neier's trailer did properly include both Class 3 and Class 4.1 hazardous material placards as required by the federal regulations. As such, it was clear from the testimony of Mr. Frye that the Commission incorrectly calculated the monetary penalty in this case based on a violation that did not occur (e.g. failing to display a Class 4.1 placard). Nevertheless, it is Neier's position, which is well documented by the undisputed evidence, that its trailer was properly placarded at the time of the Roadside Inspection and thus no violation of the hazardous material regulations occurred.

**IV.**  
**SUMMARY**

In sum, based upon the evidence available to the Commission at last month's hearing, Neier, by its counsel, respectfully requests that the Notice and subsequent monetary assessment be dismissed in its entirety and that the Ohio State Highway Patrol amend its records with the FMCSA to remove this particular violation from Neier's SMS Report.

Respectfully submitted,

  
\_\_\_\_\_  
Timothy W. Wiseman, Attorney for  
Petitioner, Neier, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served, via U.S. First Class Mail, postage prepaid, to the following counsel of record, this 9<sup>th</sup> day of August, 2012.

Werner L. Margard, III  
Assistant Attorney General  
Public Utilities  
180 East Broad Street  
Columbus, Ohio 43215

  
\_\_\_\_\_  
Timothy W. Wiseman

SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY  
10 West Market Street, Suite 1500  
Indianapolis, Indiana 46204  
(317) 637-1777

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0002/011

EXHIBIT  
1

Please print or type. (Form designed for use on 12-pitch typewriter.)

Form Approved OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number 18RGG0001768	2. Page 1 of 1	3. Emergency Response Phone 1-800-466-1760	4. Manifest Tracking Number 003002574 SKS
5. Generator's Name and Mailing Address NEW MODERN CONCEPTS 824 BROOKS ROAD LOMA PALIS LA 50126-8008		Generator's Site Address (if different than mailing address) COUNTY LINE ENGINEERING 108 HIGHWAY 65 TACKLEY			
Generator's Phone: 501-648-5377		U.S. EPA ID Number LA 50601-6563		U.S. EPA ID Number TXR000050930	
6. Transporter 1 Company Name SAFETY-KLEEN SYSTEMS, INC.		U.S. EPA ID Number TXR000050930		U.S. EPA ID Number 7400	
7. Transporter 2 Company Name SAFETY-KLEEN SYSTEMS, INC.		U.S. EPA ID Number 7400		U.S. EPA ID Number 7400	
8. Designated Facility Name and Site Address SAFETY-KLEEN SYSTEMS, INC. 1700 LAGRANGE ROAD SMITHFIELD KY 40068		Facility's Phone: 502-845-2453		KYDQ53346108	
9a. HMA	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	Type	11. Total Quantity	12. Unit Wt/Vol
K	1. RO UN1325 WASTE FLAMMABLE SOLIDS; ORGANIC, N.O.S. (PAINT RELATED MATERIALS) 4.1 PG 11 (D001)	2	DM	1000	P
	2.				
	3.				
	4.				
13. Waste Codes F003 F005 D001 D035 D005 D006					
14. Special Handling Instructions and Additional Information SK SHIP#205680102- 3365418 CSO: 17ERG#133; 24 HR EMERGENCY #1-800-466-1760 (SAFETY-KLEEN - CONTRACT #94138) 15. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (i) (I am a large quantity generator) or (b) (I am a small quantity generator) is true.					
Generator's/Owner's Printed/Typed Name		Signature		Month Day Year 12/14/11	
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Transporter signature (for exports only): Date leaving U.S.:					
17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name Signature Month Day Year Mike West 12/14/11 Transporter 2 Printed/Typed Name Signature Month Day Year 12/14/11					
18. Discrepancy 18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Manifest Reference Number:					
18b. Alternate Facility (or Generator)		U.S. EPA ID Number			
Facility's Phone:					
18c. Signature of Alternate Facility (or Generator)		Month Day Year			
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)					
1.	2.	3.	4.		
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a Printed/Typed Name Signature Month Day Year					

EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete.

TRANSPORTER'S COPY

11400291/12373

<b>BILL OF LADING/MANIFEST</b>		1. Shipper's US EPA ID No. (If Applicable) WI 0000033576	Document No. 44566	2. Page 1 of 1
3. Shipper's Name and Mailing Address NORTHERN LABS PO BOX 850 ATTN: KURT BOOMEY MANITOWOC WI 54221				
4. Shipper's Phone (502-684-7133)		5. Transporter 1 Company Name SAFETY-KLEEN SYSTEMS, INC.	6. US EPA ID Number WI 0000033576	A. Transporter's Phone 502-755-4268
7. Transporter 2 Company Name SAFETY-KLEEN SYSTEMS, INC.		8. US EPA ID Number TXP000050930	B. Transporter's Phone 408-225-8100	
9. Designated Facility Name and Site Address SAFETY-KLEEN SYSTEMS, INC. 3700 LAGRANGE ROAD SMITHFIELD KY 40068		10. US EPA ID Number KYD053348108	C. Facility's Phone 502-845-2453	
11. Shipping Name and Description a. <input type="checkbox"/> HM NON-RCRA/NON-DOT REGULATED LIQUID MATERIAL			12. Containers No. 01 Type DM	13. Total Quantity 5.5
b. <input type="checkbox"/>				14. Unit G
c. <input type="checkbox"/>				
d. <input type="checkbox"/>				
15. Special Handling Instruction and Additional Information NORTHERN LABS INC 3800 WEST DR MANITOWOC WI 54220-8367 24 HR EMERGENCY #1-800-468-1760 (SAFETY-KLEEN - CONTRACT #94138) SK AUTHORIZED TO RETAIN LICENSED SUBSEQUENT CARRIERS AS NECESSARY DOT/PRFL A. 202863/40521904 B. C. D. A) NONE B) C) D)				
16a. US DOT HAZARDOUS MATERIALS SHIPPER'S CERTIFICATION: <small>This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.</small>				
Printed/Typed Name		Signature	Month Day Year	
			12 19 11	
16b. NON-REGULATED SHIPPER'S CERTIFICATION: I certify the materials described above on this form are not subject to federal regulations for transportation or disposal.				
Printed/Typed Name		Signature	Month Day Year	
David L. Niece			12 19 11	
17. Transporter 1 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature	Month Day Year	
T. L. Brown			12 19 11	
18. Transporter 2 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature	Month Day Year	
K. L. Brown			12 19 11	
19. Discrepancy Indication Space				
20. Facility Owner or Operator: Certification of receipt of materials covered by this form except as noted in Item 19.				
Printed/Typed Name		Signature	Month Day Year	

24 HR EMERGENCY #

800-468-1760 (SAFETY-KLEEN-04138)

TRANSPORTER # 1

FORM NO. 01-90291 (11/09)

<b>BILL OF LADING/MANIFEST</b>		1. Shipper's US EPA ID No. (If Applicable) WID006125375	Document No. 38732	2. Page 1 of 1
3. Shipper's Name and Mailing Address MILLER ELECTRIC MFG COMPANY 1635 W Spencer St Appleton WI 54914-4911				
4. Shipper's Phone 920-735-4590		5. Transporter 1 Company Name SAFETY-KLEEN SYSTEMS, INC.	6. US EPA ID Number TXD000050430	A. Transporter's Phone 920-766-4266
7. Transporter 2 Company Name SAFETY-KLEEN SYSTEMS, INC.		8. Designated Facility Name and Site Address SAFETY-KLEEN SYSTEMS, INC. 3700 LAGRANGE ROAD SMITHFIELD KY 40068	9. US EPA ID Number KYD053348108	B. Transporter's Phone 708-225-8100
				C. Facility's Phone 502-845-2453
11. Shipping Name and Description a. <input type="checkbox"/> HM ANTIFREEZE-FOR RECYCLE (NOT USDOT OR USEPA HAZARDOUS MATERIAL)			12. Containers No. Type 01 DM	13. Total Quantity 055
b.				14. Unit Vol
c.				
d.				
15. Special Handling Instruction and Additional Information 24 HR EMERGENCY #1-800-468-1760 (SAFETY-KLEEN CONTRACT #94138) SK AUTHORIZED TO RETAIN LICENSED SUBSEQUENT CARRIERS AS NECESSARY DOT/PRFL A. 400164/12362 B. C. D. A) NONE B) C) D)				
16a. US DOT HAZARDOUS MATERIALS SHIPPER'S CERTIFICATION: This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. Printed/Typed Name _____ Month _____ Day _____ Year _____				
16b. NON-REGULATED SHIPPER'S CERTIFICATION: I certify the materials described above on this form are not subject to federal regulations for Transportation or Disposal. Printed/Typed Name <i>Tim Dwyer</i> Month <i>12</i> Day <i>16</i> Year <i>11</i>				
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name <i>Tim Dwyer</i> Signature <i>[Signature]</i> Month <i>12</i> Day <i>16</i> Year <i>11</i>				
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name <i>[Signature]</i> Signature <i>[Signature]</i> Month <i>12</i> Day <i>16</i> Year <i>11</i>				
19. Discrepancy Indication Space <i>[Signature]</i>				
20. Facility Owner or Operator: Certification of receipt of materials covered by this form except as noted in item 19. Printed/Typed Name _____ Signature _____ Month _____ Day _____ Year _____				

24 HR EMERGENCY #

800-468-1760; SAFETY-KLEEN 94138

TRANSPORTER # 1

FORM NO. 01-90291 (11/09)

<b>BILL OF LADING/MANIFEST</b>		1. Shipper's US EPA ID No. (If Applicable) WIR000127696	Document No. 88604	2. Page 1 of 1
3. Shipper's Name and Mailing Address BROADWIND TOWERS 101 S 16th St Manitowoc WI 54220-3873				
4. Shipper's Phone ( 920) 684-5531				
5. Transporter 1 Company Name SAFETY-KLEEN SYSTEMS, INC.		8. US EPA ID Number WIR000127697	A. Transporter's Phone 920-786-4256	
7. Transporter 2 Company Name SAFETY-KLEEN SYSTEMS, INC.		9. US EPA ID Number TXR000050930	B. Transporter's Phone 708-225-8100	
8. Designated Facility Name and Site Address SAFETY-KLEEN SYSTEMS, INC. 3700 LABRANGE ROAD SMITHFIELD KY 40068		10. US EPA ID Number KYD053348108	C. Facility's Phone 502-845-2453	
11. Shipping Name and Description HM a. ANTIFREEZE-FOR RECYCLE (NOT USDOT OR USEPA HAZARDOUS MATERIAL)			12. Containers No. Type 02 DM	13. Total Quantity 11.0
b.				
c.				
d.				
15. Special Handling Instruction and Additional Information 24 HR EMERGENCY #1-800-468-1760 (SAFETY-KLEEN - CONTRACT #94138) SK AUTHORIZED TO RETAIN LICENSED SUBSEQUENT CARRIERS AS NECESSARY DOT/PRFL A. 400164/12362 B. C. D. A) NONE B) C) D)				
15a. US DOT HAZARDOUS MATERIALS SHIPPER'S CERTIFICATION: This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.				
Printed/Typed Name		Month Day Year		
15b. NON-REGULATED SHIPPER'S CERTIFICATION: I certify the materials described above on this form are not subject to federal regulations for Transportation or Disposal.		Month Day Year		
Printed/Typed Name Chris Scider		12 16 11		
17. Transporter 1 Acknowledgement of Receipt of Materials		Month Day Year		
Printed/Typed Name Tom Zippner		12 16 11		
18. Transporter 2 Acknowledgement of Receipt of Materials		Month Day Year		
Printed/Typed Name		12 16 11		
19. Discrepancy Indication Space				
20. Facility Owner or Operator: Certification of receipt of materials covered by this form except as noted in Item 19.				
Printed/Typed Name		Month Day Year		
Signature				

24 HR EMERGENCY #  
800-468-1760 (SAFETY-KLEEN-24138)

TRANSPORTER # 1

FORM NO. 01-80291 (11/09)

<b>BILL OF LADING/MANIFEST</b>		1. Shipper's US EPA ID No. (If Applicable) 65000	Document No. 735.21	2. Page 1 of 1
3. Shipper's Name and Mailing Address C B RICHARD ELLIS 95 W ALGONQUIN ARLINGTON HEIGHTS IL 60005				
4. Shipper's Phone ( 847-871-3083		5. Transporter 1 Company Name SAFETY-KLEEN SYSTEMS, INC.		6. US EPA ID Number TXR000050930
7. Transporter 2 Company Name NORTH INC		8. US EPA ID Number 110 984868406		A. Transporter's Phone 972-265-2000
9. Designated Facility Name and Site Address SAFETY-KLEEN SYSTEMS, INC. 3700 LAGRANGE ROAD SMITHFIELD KY 40068		10. US EPA ID Number KYD053348108		B. Transporter's Phone C. Facility's Phone 502-845-2453
11. Shipping Name and Description			12. Containers No. Type	13. Total Quantity
a. <input type="checkbox"/> HM ANTIFREEZE--FOR RECYCLE (NOT USDOT OR USEPA HAZARDOUS MATERIAL)			02 DM	110 B
b. <input type="checkbox"/>				
c. <input type="checkbox"/>				
d. <input type="checkbox"/>				
15. Special Handling Instruction and Additional Information BK SHIP# 205952039 10102878 24 HR EMERGENCY #1-800-468-1760 (SAFETY-KLEEN - CONTRACT #94138) BK AUTHORIZED TO RETAIN LICENSED SUBSEQUENT CARRIERS AS NECESSARY DOT/PRFL A. 400164/12362 B. C. D. A) NONE B) C) D)				
16a. US DOT HAZARDOUS MATERIALS SHIPPER'S CERTIFICATION: <small>This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.</small>				
Printed/Typed Name		Signature		Month Day Year
				12 21 11
16b. NON-REGULATED SHIPPER'S CERTIFICATION: I certify the materials described above on this form are not subject to federal regulations for Transportation or Disposal.				
Printed/Typed Name		Signature		Month Day Year
Charles Benson				12 21 11
17. Transporter 1 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature		Month Day Year
Cody Fleener				12 21 11
18. Transporter 2 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature		Month Day Year
Charles Benson Kasvay/11/2/11				12 21 11
19. Discrepancy Indication Space				
20. Facility Owner or Operator: Certification of receipt of materials covered by this form except as noted in Item 19.				
Printed/Typed Name		Signature		Month Day Year

24 HR EMERGENCY #

800 468 1760 (SAFETY-KLEEN 94138)

TRANSPORTER # 2

FORM NO. 01-90281 (11/09)

7022

Please print as type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved: OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number MID98099061B	2. Page 1 of 1	3. Emergency Response Phone 1-800-468-1760	4. Manifest Tracking Number 002657177 SKS
5. Generator's Name and Mailing Address ANCHOR COUPLING INC 5520 13TH ST MEMPHIS		Generator's Site Address (if different than mailing address) ATTN: TERRY DUNCAN MI 49858-1014			
Generator's Phone: 506-863-2671		U.S. EPA ID Number WID981187297			
6. Transporter 1 Company Name SAFETY-KLEEN SYSTEMS, INC.		U.S. EPA ID Number TXR000050930			
7. Transporter 2 Company Name Safety-Kleen Systems Inc		U.S. EPA ID Number 7408			
8. Designated Facility Name and Site Address SAFETY-KLEEN SYSTEMS, INC. 3700 LAGRANGE ROAD SMITHFIELD, KY 40068		Facility's Phone: 502-845-2453			
9a. HM		9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers No. Type	11. Total Quantity
1. ANTIFREEZE-FOR RECYCLE (NOT USED OR USEPA HAZARDOUS MATERIAL)		001 DM		300	12. Unit Wt./Vol. P
2.					
3.					
4.					
13. Waste Codes		030L			
14. Special Handling Instructions and Additional Information SK SHIP#205838491 56580085 254888 C58:					
24 HR EMERGENCY #1-800-468-1760 (SAFETY-KLEEN - CONTRACT #94138)					
15. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.					
Generator's Officer's Printed/Typed Name Anthony Harrison		Signature 		Month Day Year 12/14/11	
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.		Port of entry/exit: Date leaving U.S.:			
Transporter signature (for exports only):					
17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name JAY JESSUP		Signature 		Month Day Year 12/14/11	
Transporter 2 Printed/Typed Name J. Kestner		Signature 		Month Day Year 12/14/11	
18. Discrepancy					
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection					
18b. Alternate Facility (or Generator)		Manifest Reference Number: U.S. EPA ID Number			
Facility's Phone:					
18c. Signature of Alternate Facility (or Generator)		Month Day Year			
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)					
1.		2.		3.	
4.					
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a					
Printed/Typed Name		Signature		Month Day Year	

7155

Please print or type. (Form designed for use on 8 1/2 (12-pitch) typewriter.)

Form Approved, OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>1AR000501585</b>	2. Page 1 of <b>1</b>	3. Emergency Response Phone <b>1-800-468-1760</b>	4. Manifest Tracking Number <b>003002440 SKS</b>	
5. Generator's Name and Mailing Address <b>PENGO 500 E HWY 10 LAURENS</b>		Generator's Site Address (if different than mailing address) <b>ATTN: DAN SUIMON 1A 50554</b>				
Generator's Phone: <b>712-845-2540</b>						
6. Transporter 1 Company Name <b>SAFETY-KLEEN SYSTEMS, INC.</b>		U.S. EPA ID Number <b>TXRD00050930</b>				
7. Transporter 2 Company Name <b>NEIK INC</b>		U.S. EPA ID Number <b>1ND 984868406</b>				
8. Designated Facility Name and Site Address <b>SAFETY-KLEEN SYSTEMS, INC. 3700 LAGRANGE ROAD SMITHFIELD</b>		U.S. EPA ID Number <b>7408</b>				
Facility's Phone: <b>502-845-2453</b>		<b>KY 40068</b> <b>KYD053346108</b>				
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	Type	11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
1.	<b>USED OIL (NOT USDOT HAZARDOUS MATERIAL)</b>	<b>1</b>	<b>DM</b>	<b>40</b>	<b>G</b>	<b>NONE</b>
2.						
3.						
4.						
14. Special Handling Instructions and Additional Information <b>SK SHIP#205768167</b> <b>2596593</b> <b>CSG</b>						
24 HR EMERGENCY #1-800-468-1760 (SAFETY-KLEEN - CONTRACT #94138) <del>SK AUTHORIZED TO DETAIN LICENSED SUBSEQUENT CARRIERS AS NECESSARY</del>						
15. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Owner's Printed/Typed Name <b>Cory French</b>		Signature <b>Cory French</b>		Month Day Year <b>12/14/11</b>		
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.      Port of export: Transporter signature (for exports only):      Date leaving U.S.:						
17. Transporter Acknowledgment of Receipt of Materials						
Transporter 1 Printed/Typed Name <b>Seth Morris</b>		Signature <b>Seth Morris</b>		Month Day Year <b>12/14/11</b>		
Transporter 2 Printed/Typed Name <b>Kasey Kadinger</b>		Signature <b>Kasey Kadinger</b>		Month Day Year <b>12/27/11</b>		
18. Discrepancy						
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
18b. Alternate Facility (or Generator) Manifest Reference Number:      U.S. EPA ID Number:						
Facility's Phone:						
18c. Signature of Alternate Facility (or Generator) Month Day Year						
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1.	2.	3.	4.			
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
Printed/Typed Name		Signature		Month Day Year		

EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete.

DESIGNATED FACILITY TO GENERATOR STATE (IF REQUIRED)

1/400628/12007



<b>BILL OF LADING/MANIFEST</b>		1. Shipper's US EPA ID No. (If Applicable) JAD981718000	Document No. 47606	2. Page 1 of 1
3. Shipper's Name and Mailing Address SAFETY-KLEEN SYSTEMS, INC. 4704 NE 22ND STREET DES MOINES IA 50313				
4. Shipper's Phone ( 515-262-2949				
5. Transporter 1 Company Name SAFETY-KLEEN SYSTEMS, INC.	6. US EPA ID Number TXR000050930	A. Transporter's Phone 972-265-2000		
7. Transporter 2 Company Name NEXA INC	8. US EPA ID Number 120984568506	B. Transporter's Phone		
9. Designated Facility Name and Site Address SAFETY-KLEEN SYSTEMS, INC. 3700 LAGRANGE ROAD SMITHFIELD KY 40068	10. US EPA ID Number KYD053348108	C. Facility's Phone 502-845-2453		
11. Shipping Name and Description		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol
a. <b>USED ANTIFREEZE (NOT USEPA OR USDOT REGULATED)</b>		1	DM	54.00 G
b.				
c.				
d.				
15. Special Handling Instruction and Additional Information SK SHIP# 205947606 V155 24 HR EMERGENCY #1-800-468-1760 (SAFETY-KLEEN - CONTRACT #94138) SK AUTHORIZED TO RETAIN LICENSED SUBSEQUENT CARRIERS AS NECESSARY  DOT/PRFL A. 13176/150513 B. C. D. A) NONE B) C) D)				
16a. US DOT HAZARDOUS MATERIALS SHIPPER'S CERTIFICATION: This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transport in accordance with the applicable regulations of the Department of Transportation.				
Printed/Typed Name		Month Day Year		
16b. NON-REGULATED SHIPPER'S CERTIFICATION: I certify the materials described above on this form are not subject to federal regulations for Transportation or Disposal.		Month Day Year		
Printed/Typed Name		Month Day Year		
17. Transporter 1 Acknowledgement of Receipt of Materials		Month Day Year		
Printed/Typed Name		Month Day Year		
18. Transporter 2 Acknowledgement of Receipt of Materials		Month Day Year		
Printed/Typed Name		Month Day Year		
19. Discrepancy Indication Space				
20. Facility Owner or Operator: Certification of receipt of materials covered by this form except as noted in item 19.				
Printed/Typed Name		Month Day Year		

24 HR EMERGENCY # 800 468 1760  
SAFETY-KLEEN CONTRACT #94138

TRANSPORTER # 2

FORM NO. 01-90291 (04/11)



811925895 / 12/22/2011

Replenishment Div.	4501069816	DC Dolton SP	1 of 1	12/22/2011
SAFETY-KLEEN CORP 1169 INDUSTRIAL PKWY B/u 0885 Sap Plant 7040 Brunswick OH 44212		DC Dolton SP 13925 Center Avenue Dolton IL 60419		
ORDER AUTHORIZATION:		DATE 12-27-11	WEIGHT 1280	SKIDS 1
SHIP DATE		VEH NUM		
RECEIVED BY:	DATE	DELIVERY DATE		
SPECIAL INSTRUCTIONS:				

5825 THINNER, RVY DTY LAQ 5 GL 32 EA 32 1,280 LB

Totals:

1,280 LB

Shipping conditions standard

- 1) IMMEDIATELY UPON RECEIPT OF MATERIALS, A GOODS RECEIPT MUST BE PROCESSED
- 2) ANY EXCEPTIONS TO THIS TRANSFER MUST BE ACKNOWLEDGED BY PHONE IMMEDIATELY